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GEORGE DRUMMOND, LORD PROVOST OF EDINBURGH.

After the Portrait by J. Alexander (1752) in the Royal Infirmary, Edinburgh

THE BOOK OF THE
OLD EDINBURGH
CLUB

FOURTH VOLUME



EDINBURGH

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CONTENTS

	PAGE
GEORGE DRUMMOND: AN EIGHTEENTH CENTURY LORD PROVOST	1
<i>With a portrait.</i>	
THE SCULPTURED STONES OF EDINBURGH: IV. WRYCHTIS-HOUSIS	55
<i>With illustrations.</i>	
THE OLD TOLBOOTH: WITH EXTRACTS FROM THE ORIGINAL RECORDS	75
<i>With illustrations.</i>	
AN OLD EDINBURGH MONUMENT NOW IN PERTHSHIRE	145
<i>With illustrations.</i>	
THE SOCIETY OF FRIENDLY CONTRIBUTORS OF RESTALRIG	153
<i>With an illustration.</i>	
RECENT EXCAVATIONS AND RESEARCHES AT HOLYROOD	191
<i>With plans.</i>	
INDEX	195
APPENDIX—	
FOURTH ANNUAL REPORT, LIST OF MEMBERS, ETC.	

P L A T E S

GEORGE DRUMMOND, LORD PROVOST, after J. Alexander, 1752 <i>Frontispiece</i> <i>From the Portrait in the Royal Infirmary, Edinburgh.</i>	AT PAGE 75
THE OLD TOLBOOTH, EDINBURGH, after D. Somerville, 1817 . <i>View from the South.</i>	75
THE OLD TOLBOOTH, EDINBURGH, after D. Somerville, 1817 . <i>View from the West.</i>	77
JEAN LIVINGSTON ON THE SCAFFOLD <i>After an Original Drawing by Charles Kirkpatrick Sharpe.</i>	104
FACSIMILE of a Page of the Minutes of the Restalrig Friendly Society	164
HOLYROOD ABBEY: Plan showing existing Building, with foundations of choir, etc., as exposed, 1911, by W. T. Oldrieve, F.R.I.B.A.	192
HOLYROOD ABBEY: Sections showing existing Building, with foundations of choir, etc., as exposed, 1911, by W. T. Oldrieve, F.R.I.B.A.	193

ILLUSTRATIONS IN THE TEXT

	PAGE
Napier Monument, St. Giles' Church	59
Pediments at Gillespie's School	61
Heraldic Panel at Gillespie's School	62
Sundial from Wrychtis-housis at Woodhouselee	63
Pediment from Wrychtis-housis at Woodhouselee	64
Heraldic Pediment from Wrychtis-housis at Woodhouselee	65
Heraldic Pediment from Wrychtis-housis at Woodhouselee	66
Heraldic Pediment from Wrychtis-housis at Woodhouselee	67
Heraldic Pediment at St. Margaret's, N. Queensferry	68
Heraldic Pediment at St. Margaret's, N. Queensferry	69
Heraldic Panel at Woodhouselee	70
Heraldic Panel at Woodhouselee	71
Panel at Comiston Lodge	71
Heraldic Pediment at Dalry Cemetery	72
Monument to Bartholomew Somervell, now at Craighall	147
An Inscribed Stone from Edinburgh, now at Craighall	151

GEORGE DRUMMOND: AN EIGHTEENTH CENTURY LORD PROVOST

OUR interest in Old Edinburgh cannot be limited to a survey of its closes, streets, walls, and public buildings ; for while these speak eloquently of the ancient social, religious, and civil character of its people, it is well we should know something of the men who, in their day, moulded the city's fortunes, and were responsible for the changes that have taken place in its outward appearance.

There is, perhaps, no one of all these who has more distinguished himself, whose efforts on its behalf have been so conspicuous, and whose memory is more deserving of permanent record, than George Drummond, six times Lord Provost of Edinburgh.

Extending over a period of eighty years, his life during the greater part of that time is linked in the closest manner with the civil history of the town, and identified in a remarkable manner with some of the most stirring epochs of its romantic past and its modern development.

As a pioneer in the remarkable extension of the city's bounds in the middle of the eighteenth century, his influence predominated. He was the leading spirit in much that was done to raise it from being a squalid, unhealthy, and altogether old-world place to the rank and standing of a modern city. Endowed with ability of no ordinary kind, persuasive eloquence, and a statesmanlike power to control, he at an early age took a prominent place not only in the guidance of the city's affairs, but in the wider field of national politics.

That he should have been elected no less than six times

to be Lord Provost of Edinburgh is evidence enough that, in the opinion of his contemporaries, he was a man well qualified to be a leader of men.

George Drummond, born on 27th June 1687, in Newton Castle, near Blairgowrie, was descended from an old and illustrious Scottish family, whose history is traced back to 1068, in which year the traditional founder—a Hungarian nobleman—came to Scotland with Edgar Atheling, to avoid the hostility of William the Conqueror. Though the family story reveals many vicissitudes, its various branches have risen to distinction in Midlothian and Perthshire.

In the time of James II., Walter Drummond of Cargill and Stobhall, the thirteenth chief of the house of Drummond, was knighted by that monarch. He succeeded to the estates in 1428, and died, or more probably was killed, in 1445.

His grandson, George Drummond, purchased the lands of Newton of Blair about 1550, but it is a sad evidence of the disturbed state of the country and the local feuds then existing, that he and his son William, as they were 'playand at the rowbowlis in the hie marcate gait,' near the Kirk of Blair, were on the 3rd June 1554 attacked and 'slaughtered' by a party of armed men led by the neighbouring laird of Drumlochy.

In 1634 Charles I. granted to his descendant, George Drummond of Blair, a charter in which, among other privileges, he erected Blairgowrie into a Burgh of Barony. (See *History of Blairgowrie*, Macdonald.) George Drummond's more immediate ancestors were James Drummond, youngest son of George, the first laird of Newton of Blair, who purchased the lands of Forden and Boghall. He left three sons and two daughters:—1. James, 2. ROBERT, 3. Daniel. Robert, the second son, had four sons:—1. James, 2. JOHN, 3. Gavin, and 4. George. John, the second son, was the father of George Drummond, he being his eldest son.

John is frequently referred to as the Laird of Newton of

Blair, and sometimes as a 'Factor' in Edinburgh, from which it may be gathered that his lairdship not being a wealthy one, he found it necessary to carry on a business in the capital.

His son George appears to have been brought up at old Newton Castle till about the fourteenth year of his age, when he was sent to Edinburgh to complete his education. At an early age he appears to have shown a remarkable aptitude in arithmetic and mathematics, and his talent in this respect was the means of bringing him into prominence when only eighteen years old, when he was entrusted with an important series of calculations for the Committee of the Scottish Parliament, bearing upon the rating and valuation of the country, during the negotiations with England for the union of the two kingdoms. The examination of the national finances was a work of great responsibility, and was carried through with much ability. Sir John Clerk of Penicuik, a leading Whig, and one of the Commissioners appointed to arrange the terms of Union, mentions in his *Memoirs*, under date 1704, that he framed two Reports to the Scottish Parliament, and that in the drawing up of these—'One George Drummond was my amanuensis. He was then about eighteen years of age, and wrote a good hand.'

So well and carefully was this work executed, that in recognition of his ability, on the passing of the Act of Union, Drummond, on 16th July 1707, received the important appointment of Accountant-General of Excise, a new branch of revenue. In consequence of the introduction of the English system, and the unpopularity of the Union, much tact and skill were required in the management, but in working it out Drummond proved himself quite equal to the situation.

The Excise Office in Edinburgh at the time was situated close to the Nether Bow Port, on the north side of the High Street.

From the time of George Drummond's birth till his entry

upon public life was a period eventful in Scottish history. The repressive measures of Charles II. in his efforts to restore Episcopacy, with the resulting risings of Drumclog, Bothwell Bridge, the Pentlands, and the Sanquhar Declaration, and the relentless persecution which followed—sometimes called the ‘killing times’—had at last culminated in the Revolution, the overthrow of James II., and the advent of William and Mary. Drummond as a boy had doubtless heard sufficient of the severity with which the Covenanters had been treated for a quarter of a century, and the struggle for freedom which successfully resulted in the Revolution of 1688, to cause him to form a strong antipathy to the Stuarts. As a matter of fact, he became a warm adherent of the Protestant cause, and throughout his after life was known as a staunch Whig in politics and a man of deep religious convictions.

In 1736 he mentions in his Diary, ‘It is 32 years since the Lord engaged me in his Service.’

While the Revolution doubtless yielded the blessings of freedom and settled laws, there were other grievances, chiefly of a commercial nature, which kept alive a strong popular antipathy against England and English rule. During the first years of Queen Anne’s reign the ill-feeling between the two nations rose to a perfect fury, which the proposal for an incorporating union in 1706 did nothing to allay, but rather aggravated.

These were troublous times in Scotland. The Union with England was regarded among a large part of the population with much indignation as a surrender of Scottish nationality and independence. Charges of bribery and corruption were freely made against the promoters, and frequent riots in the streets of the capital, and especially in the vicinity of the Parliament House, occurred in 1706 and 1707, chiefly directed against the thirty Commissioners who represented the Scottish Parliament. Though the Union eventually proved to be a blessing, the immediate effect upon the prosperity of the

country confirmed the worst fears of opponents as to the ruin it would cause. We are told that desolation fell upon Scotland: 'In the towns the grass grew round the market crosses; the east coast trade was destroyed, and the west was undeveloped; the arsenals were emptied, the fortresses disarmed, and two Royal palaces fell into ruin.' In the capital an air of gloom and depression ensued such as never distinguished its history before. Stagnation marked its trade, and want of spirit its people. Frequent fires laid many of the houses in ruins, but no attempt was made at restoration; and no improvements of any kind were initiated. The first half of the eighteenth century has appropriately been called the Dark Age of Edinburgh, and we find Allan Ramsay lamenting its desolate condition in these lines:—

O Canongate, poor eldrich hole,
 What loss, what crosses thou dost thole;
 London and death gar thee look droll,
 And hing thy head.

In 1707 the Stuart influence was still strong. 'The King over the water' had many ardent sympathisers who longed for the return of the exiled house; and to be a Jacobite was the glory of most of the old aristocratic families both of England and Scotland.

Drummond was a staunch Protestant and an ardent Whig, his high official position in Edinburgh, representing the Government of Queen Anne, no doubt lending force to his convictions. Though only then twenty years of age, the business of his department was conducted with such consummate ability as to command the confidence of the Government, and in 1715 he was promoted to be one of the Commissioners of Customs, with a salary of £1000 a year—a large income in those days for a man of his age.

It was on receiving this appointment that Allan Ramsay, then carrying on the business of wig-maker and bookseller at

the sign of the 'Mercury' in the High Street, wrote these lines in honour of his friend and patron:—

The good are glad when merit meets reward,
 And thus they share the pleasure of another ;
 While little minds, who only self regard,
 Will sicken at the success of a brother.
 Hence I am pleas'd to find myself right class'd,
 Even by this mark, that 's worthy of observing ;
 It gives me joy, the patent lately pass'd
 In favour of dear Drummond, most deserving.

The death of Queen Anne in 1714 and the accession of George I. for a time increased a spirit of hopefulness in Scotland. The Union with England was as distasteful as before, and the legislation of the past eight years had done nothing to mitigate the hatred of what was called English rule. Unfortunately, George I., by his tactless treatment of the Jacobites, very soon alienated a large portion of his subjects. Many of the Jacobite lords retired to their country seats disgusted by the treatment they received at Court. Many of the Highland chiefs in the north of Scotland, of whom probably the most prominent was Simon Fraser, Lord Lovat, an old friend of Drummond, carried on an active correspondence with the exiled house. Among others the Earl of Mar, who had been Secretary for Scotland under Queen Anne, finding himself deprived of office and favour, put himself in touch with the discontented chiefs, and at length, in August 1715, hastened northward, and mustering the clans, raised 'the Standard on the Braes o' Mar.'

Commissioner Drummond evidently had the means for gathering information as to the Jacobite movement, for he was the first to acquaint the Government of Mar's arrival in Scotland, and measures were at once taken to counteract his influence. The Duke of Argyle—immortalised in the *Heart of Midlothian* as the friend of Jeanie Deans—was immediately sent north with troops, and after a short campaign the

rebellion was extinguished at Sheriffmuir, near Dunblane, on 13th November 1715. Drummond at this juncture proved himself to be as well qualified in military matters as in civil, for when Edinburgh was threatened by the rebels, he with much energy raised a company of volunteers, with whom he afterwards marched north, in time to take a part in the battle of Sheriffmuir, and at its close dispatched to the magistrates of Edinburgh the earliest notice of Argyle's victory, in a letter which he dated from the field, and which is said to have been written by him in the saddle.

In the affairs of the city, Drummond was deeply interested, and early evinced a desire to improve its outward aspect and its social economy. In the year following the battle of Sheriffmuir he came forward as a candidate for the Council, and was duly chosen, though for some time his name does not appear in the *Records* as taking any leading position. He was, in October 1717, elected to be City Treasurer, an office for which his business capacity eminently qualified him. As Treasurer, and at the same time occupying an important Government appointment, Drummond's influence was strong, but he was not without detractors and opponents, chiefly on the Jacobite side of politics. This comes out very strongly in the Minutes of Town Council of the following year, when his re-election as Treasurer was proposed or 'leted.'

At that time the Council, which consisted of thirty-three members, was practically self-elected. The general body of the people had no say in the election of their representatives, save through the various Trades and Incorporations. Politics counted for much; and so, on the 26th September 1718, when the various 'letes' or nominations to office were made, and Drummond was again proposed or 'leted' as Treasurer, a determined effort was made by the Jacobite section of the Trades to defeat him, and at the next meeting of Council their protest was tabled. It is a document of considerable length, and not altogether coherent. After quoting the

various Acts of the Scottish Parliament of 1583-4, 1673, and 1678, 'where care is taken to extinguish all hopes of perpetuating power in the hands of a particular set of men in the Council,' they urge objections to Drummond's appointment 'because he was notoriously known to all Menn of Council that he is a Syder and in Company Joined with a faction or Sett of Menn who are endeavouring to perpetuate the power of governing the City of Edinburgh in their own hands, expressly contrair to the above mentioned well Digested Acts made by our Wise Predecessors.' This, they proceed to say, 'must be dangerous to the Common Good of the City, for supposing Mr. Drummond as Treasurer should make use of his own name and that of the copartnery in signing Receipts or Discharges for the Town money, yet those for whom this gentleman Deals reckon what is in the hands of any one of them in fund of Credite, which is one advantage they Cannot be supposed to let slip out of their hands if they can by any means keep the same' ! The argument is not very intelligible, and the motive imputed is somewhat discreditable.

The Council by a majority overruled the protest, and Drummond was again elected Treasurer.

These protests appear to have been of common occurrence. One was made in September 1719, against the admission of a Mr. Livingston as Deacon of the Trades, and it was given to Drummond to answer, which he did in the following terms :—'The Protestor and his six adherents by this last protest seem rather to make merry with the Council than act the part of grave Citizens; they talk of real and hearty inclinations to promote and support the True Interests of the Good Town, and yet by this their protest they pretend to reserve for themselves a Liberty to Quarrell and impugne every step of the Elections (or in other words) To do all the Mischief they Can' !

But beside the political division, there existed also what might be called a class distinction in the composition of the

Council. According to what is called the 'Set' of the Council, there was a certain proportion of merchants and representatives from the various Trade Incorporations, and any infringement on the part of either one or the other party was looked upon with jealousy, and the frequent differences between them led to many of the street tumults for which the city was then notorious. Nor was the dignity of the Council neglected in those days. Thus we find a somewhat interesting resolution was passed by the Council at a meeting on 17th September 1718 as to the dress to be worn by the Magistrates; and as Maitland in his *History* gives rather a garbled account of the matter, we quote the Minute in full:—

The Council taking to their Consideration that the fees payable to the Magistrats and Council ought to be henceforth the only money paid out of the Town's Revenue to Members of the Council, seeing now there is a Sallary settled on the Office of Lord Provost, and that the Burges Tickets Given to Each of the four Baillies and to the Dean of Gild and Treasurer were Probable granted in Consideration of their wearing Velvet Coats as a Garb of Distinction and a fund for the Extrordinary Expense thereof, and Considering how reasonable and Usefull it is to Revive the Antient Custom of Distinguishing the Magistrates by their Garb Do therefor recommend to the Lord Provost Four Baillies, Dean of Gild and Treasurer that shall happen to be chosen at Michaelmes next and to their Successors in Office in all time cuming That they wear Coats of Black Velvet During their Office, and Statutes and Ordain's that the sune of Ten pounds Sterling be paid to each of the Four Baillies and Dean of Gild and Treasurer before their going out of Office, In place of the Burgis Tickets formerly given them, and of the One hundred pounds Scots which has latley been paid them in lieu of these Tickets Upon Condition that they have Worn Velvet Coats according to the tenour of this Act during their Office, And in caise any of the saids Magistrats shall happen not to Wear a Velvet Coat according to the duration of this Act Then and in that caise, The Ten pounds Sterling payable to the s^{de} Magistrats shall be paid to the Treasurer of the Merchants and Trads Maiden Hospitalls in equall portions and they are hereby Impowered to sue for the Saime in Law.—*T. C. Records*, vol. xlvi. p. 61.

Maitland, writing many years afterwards, viz. in 1753, at a time when the city finances were at a low ebb, and referring to this resolution, makes the following reflections :—

But the said Velvet Coats being now but little used (as if they were ashamed of them) at present, it were Justice in the Magistrates to lay them aside, and apply the money towards discharging the Town debts, than to employ so considerable a sum as £60 Sterling yearly in that way, seeing the dress of distinction of Magistrates on Private occasion is unknown in Edinburgh and other Countries, for the Habit granted them by their Sovereigns to distinguish them when on Duty and in the Administration of their respective Offices are Stately Robes and Gowns much preferable in Dignity to a plain Velvet Coat, which every one may wear. Whereas the other being a Garment of Honour and Respect, none will, nay, dare not, presume to wear, as is manifest by those worn by Officers of State, of Justice, and all Civil and Ecclesiastical Dignitaries whatever without Imitation.—*Hist. of Edinburgh*, p. 121.

In October 1718 Drummond was re-elected Treasurer for his second year, and is thereafter in the *Records* designated as 'old Treasurer.' But he was not merely a leading member of the Corporation, taking a prominent part in civic business, he was taken largely into the confidence of the Government of the day in regard to the administration of Scottish affairs. He carried on an active correspondence with the celebrated Joseph Addison, then one of the Secretaries of State, to whom he regularly transmitted accounts of the condition of the kingdom, rendering the Ministry much assistance in the solution of questions affecting the internal industry, commerce, and manufactures of Scotland. His efforts were put forth in the encouragement of various sources of domestic wealth, particularly the fishing industry, which was almost entirely neglected. In the arrangement of the revenue, especially that arising from the Excise, he laboured successfully to introduce the English system. In many ways he sought as a true patriot to rouse the spirit of his country to a sense of its opportunities, and to advance its interests.

As a prominent citizen of the capital he thus exercised a wide and powerful influence. The affairs of Scotland were at the time in the hands of Archibald, Earl of Ilay, the friend of Walpole, and afterwards Duke of Argyle; Lord Milton (a descendant of Andrew Fletcher of Saltoun) and the Marquis of Tweeddale were his assistants. Duncan Forbes of Culloden, the Lord President, narrowly watched the north, 'while Mr. Drummond,' we are told, 'and several other gentlemen of established reputation, attended to the business of the metropolis' (*Scots Magazine*, 1802).

In consequence, no doubt, of the many duties thrust upon him, George Drummond withdrew in October 1719 from the Treasurership and from active participation in Council work. In November 1721 he again returned to the Council, when he was elected to be Second Bailie, and in 1722 he was made Lord Dean of Guild, an office which he held for the next two years. On 5th October 1725 he attained to the highest position the municipality could confer, being unanimously elected to be Lord Provost 'for the ensuing year.' At that time the Lord Provost and Bailies were elected only for one year, but with an honourable understanding that the offices should be held for two years. The Lord Provost's allowance for expenses was £300 per annum.

Drummond early realised the necessity for improved house accommodation for the citizens. Crowded and huddled together as they were within the city walls, the sanitary condition was deplorable. There was undoubtedly great picturesqueness in the piles of buildings with their wooden-faced gables and high-pitched roofs, but the beauty was terribly marred by filthy streets and closes, whose pavement, rugged and broken, was odorous and slippery, and down whose gutters ran the refuse of a crowded population, among which the pigs poked their snouts in grunting satisfaction for garbage!

Even the houses of the better class were small, and often

so crowded with furniture that beds were sometimes to be found in handsome drawing-rooms, while servants slept under the dresser in the kitchen, or even in a drawer which was made to shut up during the day !

If not commodious, they were cheap enough, for we are seriously told that the common rent of a gentleman's dwelling in a flat, up to the first half of the eighteenth century, was £8 or £10 a year ! The long steep stairs leading to the different flats were crowded all day long with men, women, and children going and coming to their homes ; besides the stream of porters carrying coals, Musselburgh fishwives hawking their fish, sweeps, water-carriers, and barbers, all jostling unceremoniously as they pressed past each other in the close or stairway.

The scarcity of water was the chief obstacle to cleanliness, and the stone stairs were as a rule filthy to tread on ; and it might happen, on reaching a flat where lodged an advocate or an earl, eyes and nose encountered at the door the dirty luggies in which were deposited the contents which, as St. Giles' bells rang out the hour of ten, were to be precipitated from the windows after the not too timely warning of ' Gardy-loo ' ! For hundreds of years Edinburgh was entirely dependent upon public and private pump-wells for its water supply, until 1674, when it was brought by pipes from Comiston and neighbouring springs on the Pentland Hills. The water was led to a tank on the Castlehill, and distributed by taps throughout the town, where at the public street wells the people came with their stoups and pitchers for their daily supply. A water famine was a not infrequent occurrence. The cleaning of the street and alleys was consequently a matter of considerable difficulty. Now and again attempts were made to get rid of the filth, notably by Sir James Dick, Lord Provost in 1686, who undertook at his own expense to remove the fulzie, and had it transported on the backs of horses (carts not being then common) to

his estate of Prestonfield, where it was laid on the fields, to their great advantage. Since that time, however, little had been done in the way of municipal sanitation. In such circumstances disease and death did frightful havoc, while even the decencies of life as now understood did not exist.

This jumbling together of all ranks and classes had probably one redeeming feature in the social life of the city, in that it created a certain neighbourliness among the citizens. The distress of the poor neighbour on the stair became the concern of all, and poverty in the close was helped by the rich; the very beggars, we are told, were old friends and exchanged greetings with his lordship on his way to the Parliament House!

It was seen by the Provost that not only was the sanitary condition of the city defective, but the medical appliances then in vogue were of the most primitive nature, and while the rich might have the benefit of what skill could be found, the poor were at the mercy of barbers and quacks. There was no public hospital. Any assistance given to those in destitution, or laid down by sickness, was taken from the city revenues, and physicians in extreme cases were appointed to visit them in their houses. The result was that infectious troubles and the deadliest diseases were treated in overcrowded dwellings to an alarming extent.

Medical science in Edinburgh previous to this was in its infancy, and with the exception of a few skilled doctors who had studied abroad, and who attempted to diagnose the causes of disease and its remedies, the bulk of its professors were simply quacks.

As for surgery, surgeons and barbers were included in one corporation from the year 1505. Blood-letting was a common and apparently a favourite remedy for most troubles, and the barbers combined this with hair-cutting and wig-making!

But by 1722 the barbers had ceased to be a part of the Corporation of Surgeons, and a new era was at hand.

Dr. Alexander Monro—a name ever famous in the founding of the Edinburgh School of Medicine—had been in 1720 called to fill the Chair of Anatomy and Surgery, largely through the influence of Drummond. He had studied in London, Paris, and Leyden, with such good results that his fame reached Edinburgh, and Bower, in his *History of the University*, states that his appointment to the chair, which was then occupied by Professor Drummond, was suggested by his kinsman the city Treasurer, ‘afterwards,’ he says, ‘the greatest of the Lord Provosts of Edinburgh.’ Monro opened his class in Surgeons’ Hall in the presence of the Lord Provost and other dignitaries with a class of fifty-seven students, and his appointment was in 1722, on the advice of George Drummond, extended to a life appointment.

Monro’s fame drew crowds of students to the city, and his anatomical achievements were the beginning of the world-wide celebrity of Edinburgh University. He and Drummond were associated very closely in the establishment of its medical faculty, and in the great work of founding the Royal Infirmary. Sir Alexander Grant and Bower in their histories both acknowledge Drummond’s services. Bower says of George Drummond, that ‘from the year 1715 to the time of his death in 1766 nothing was done in regard to the College without his advice and discretion.’ . . . ‘It seems not too much to say that but for him the Medical School of the University might have had a far less auspicious start, and it is even possible that the leading medical school of Scotland might have been located in Glasgow instead of the metropolis.’

But in spite of the impetus which medical science received from Monro, it took many years to get rid of the host of ignorant doctors who professed to prescribe remedies for disease by ingredients of the most disgusting nature. We can afford to smile at the marvellous concoctions then made up in the name of medicine, among which were included ‘spiders’ webs, and vipers’ body, Spanish flies, and pigeons’

blood, hoofs of elks, bodies and eggs of ants, fat and grizzard of hen, and spawn of frogs, excrement of horse, pig, peacock, and goat ; human blood, fat, snails, and claws of crabs, bodies of frogs, and juice of woodlice.' Truly remarkable compounds ! Then there was a vast list of vegetable extracts, probably not so deleterious, but, all the same, utterly useless as remedies. It was no wonder that in such circumstances plagues and fevers frequently devastated the city.

Influenced, no doubt, largely by the teaching of Alexander Monro, Drummond set himself to the task in good earnest to remedy such a state of affairs. His high ideals as to more healthy conditions he urged with persevering eloquence upon the citizens, and, along with the College of Physicians, aimed at establishing a public hospital to which patients could be removed, and so prevent the spread of disease.

This was so far successful that in 1721, as Maitland tells us in his *History*, 'divers well disposed persons having with great concern observed the necessity for relief to the poor in populous cities, destitute of places for their relief, and they perish for want of assistance, resolved to attempt to remedy this defect, and published a proposal for raising a fund to accomplish so good a work.' This effort did not, however, meet with the support it deserved, and it was only when Drummond had, in 1725, attained to the Provostship that the project took concrete form. Largely on the initiative of Dr. A. Monro and the College of Physicians, a public subscription for an infirmary or house for the reception of the sick and poor was started, and an appeal made.

The immediate result was the raising of £2000, with which sum, after a good deal of correspondence and difficulty, a beginning was made in a very humble way in 1729, a little low house being rented, and fitted up with two or three beds and some medical appliances. It was situated near the old University, close to the grounds occupied for three hundred years by the old Dominican monastery of the Black Friars,

and was pulled down in 1785, when the South Bridge was built. It was a small beginning, and it came far short of the city's requirements. Public interest had yet to be quickened to a greater sense of its necessity, for even the clergy evinced amazing indifference to the project, few of them taking the trouble to lay the matter before their congregations when asked to make an appeal to them for funds. Like many wise schemes, it took years to mature. Christian charity, however, was then in its infancy.

Drummond's voice was long and earnestly raised in its favour ; he left no stone unturned in pressing the necessity for an institution on a larger scale.

The medical faculty supported it loyally, and so far were the promoters successful in securing support, that in 1736 a Royal Charter was granted by George II., and with the money which now came flowing in, a large piece of ground was secured and the foundation stone laid on 2nd August 1738 in Infirmary Street of an edifice which for a hundred and thirty-five years was occupied as the Royal Infirmary. During its erection, George Drummond and Dr. Monro were the acting Building Committee, supervising all the work, and actually paying the workmen's wages with their own hands. Drummond's idea of a great hospital where rich and poor alike could be skilfully attended to has grown to such proportions in these latter days that after the original building in Infirmary Street had with many additions been found to be too small, the present spacious edifice in Lauriston Place was erected in 1873.

Drummond spent ten of probably the best years of his life in this great work, and the institution stands at the present day a splendid monument to his enlightened and philanthropic energy.

In recognition of his efforts on its behalf in those early days of its existence, the entrance hall is adorned with his bust in marble by Nollekins, while an admirable portrait in

oil hangs in the Directors' room. His services to the infant institution were indeed herculean.

In the *History of the Royal Infirmary* this is freely acknowledged. 'None can claim,' says the writer, 'our grateful remembrance more' than he. 'His indefatigable labours in procuring bounties, whether money or material, to set the work agoing, and his ardent efforts in forwarding it when begun, were amply compensated, as his solicitous wishes were happily gratified in seeing it completed many years before his death.'

Drummond's philanthropic efforts were not, however, limited to this work. He was a strong upholder of the Church, and took an active part in its government as a ruling elder in Presbytery, Synod, and General Assembly; especially as a Commissioner to the Assembly we find him a prominent figure in its discussions. Few of the laity at that time interfered in the Kirk's affairs, these being largely left to the ministers; and on more than one occasion we find that Drummond, with that active zeal for religion which was a prominent feature of his character, is even charged with undue interference by members of the cloth.

Wodrow in his *Analecta* (Maitland Club, vol. iii.) has the following, written in 1725:—'Since the Revolution till within these two or three years or thereby, our Generall Assemblys wer intirely in the managment of Ministers; the matters to be handled wer concerted amicably before hand, and things were jointly carried on; but nou, particularly in the last Assembly, the Moderator and the matters of the Assembly wer intirely managed by such as wer of one side, and one person. Commissioner Drummond in a particular manner set up for Dictator, and the town of Edinburgh kepted intertainments in toun and had persons waiting at Leith and other places to pick up and inform all upon one side. That nothing can be more hazardous than State partys coming in and wresting out of Ministers hands the Management of Assemblys. Each

side endeavours to draw to their side, and to recommend themselves at Court by their interest in directing Assemblys ; and no doubt if this came in among us, we will both lose our reputation, and run headlong into dangers, and be despised and undervalued.'

But not only in the affairs of the Church did the Provost assert his position ; we learn from the same source that in June 1725 he came into collision with the Magistrates of Glasgow over a disturbance or ' Rable ' that had taken place at Shawfield over the imposition of the Customs and Excise duties on malt. The Glasgow Magistrates were blamed for not acting with sufficient vigour in its suppression, and were made to appear in Edinburgh to answer for their conduct. On the 7th July a strong military force proceeded to and took in hand the government of the city, the Provost and Magistrates being afterwards arrested and sent through to the capital in chains. On the 20th July they were, however, liberated on bail of 6000 merks. In course of the inquiry it appeared that two different accounts of the riot had been written, one in favour of, and the other against the Magistrates. One M'Euan seems to have printed the first or signed account, which was produced in court, but refused to print the other, though requested to do so by Drummond, as he said ' the Magistrates and soldiers had done their best to quash the Rable,' and ' he was a Burges of Glasgow, and obliged to many there.'

The second account, which reflected violently on the Glasgow Magistrates, and is described as ' a lying and partial account,' was printed in the *Caledonian Mercury*, a Jacobite paper. And in order to counteract it the Glasgow Magistrates printed and sent in their signed account, but, says Wodrow, ' some say the letter was opened in the Post House, others deny that, but it is certain that Mr. Drummond, in the name of the Magistrates [of Edinburgh], did discharge [*i.e.* prohibit] M'Euan to print it, threatning to tear his burges

ticket and imprison him if he did.' Here Wodrow indulges in some comments on the conduct of Drummond, for whom he does not appear to have had any liking:—'This,' he says, 'was an odd step in the Magistrates of Edinburgh, first to cause print a lybell and then to stop the liberty of the press and the toun of Glasgow's necessary vindication of themselves; and matters are strangely changed nou when the toun of Edinburgh nou treats the toun of Glasgow, their great creatures and servants in all causes these many years in Church and State, so unfriendly. But nou the tables are turned, and nothing is stuck at by warm party men. Indeed, matters are oddly falen out. It was given out that Shawfield had the greatest power with Mr. Walpool of any Scots man, at least Commoner; That his brother and Mr. Drummond was to manage the toun of Edinburgh, and he Glasgow and the Western Burghs. And indeed the same people have taken on them to manage our Assemblys these two or three years, and being able to manage the Burrows and Kirk as they pretend, it followes the Scots administration ought to be in their hands; and the tax on Malt calculated at twenty thousand pounds, is really fifty thousand pounds' (Wodrow's *Analecta*, Maitland Club, vol. iii.).

Other reflections of a like nature go to show the deep-seated hatred entertained of the new Excise duties by all classes; and Drummond, as one of the Commissioners of Customs, came in for a share of the obloquy hurled against those who had brought about the Union of the kingdoms—'the mother of all our taxes,' if Wodrow may be believed.

All over the country there were 'hububs with the guagers.' The people were indignant, as the tax already on the malt was 4s. per boll, and the new tax of 1s. 6d. raised it to 5s. 6d., or as Wodrow puts it, 'more than half the intrinsic worth of the barley.' Addresses and petitions were sent up from most of the counties against the malt tax, and one from the burghs was sent up with Provost Drummond to London in January

1726. No relief, however, was granted, and Wodrow remarks with indignation, 'The malt tax is now come on, and nailed down on us, I fear, for ever' (p. 301).

In June following, at the Convention of Royal Burghs held in Edinburgh, a strenuous effort was made to 'shake off the yoke the toun of Edinburgh had wreathed about them, and to oust Provost Drummond and the Magistrates of Edinburgh from having the whole management of the affairs of the Royal Burghs,' but it did not succeed, Drummond being elected Preses by twenty-five votes against twenty-three recorded for the Provost of Glasgow (p. 314).

That Drummond's position as Provost at this time was no sinecure, but that he was surrounded with many difficulties, is evident from a remark which Wodrow makes: 'The present managers of the toun of Edinburgh, Provost Drummond, etc., are in extraordinary straits for money to pay the ordinary charges of the toun. All the ministers are considerably behind in their stipends, and yet to gain a vote among the Trades, they will lay out £500 on causing where ther is no great need of it. One of the pipes and conduits hath given way, which will be a vast charge; their debts are grouing, and litle or no interest payed, and if matters go on this way, ther will be some suddain turn or other' (p. 339).

Drummond, at the close of his second year of office as Lord Provost, in November 1727 withdrew from active participation in the municipal affairs of the city. As Commissioner of Customs, and taking a prominent part in the prosecution of his great scheme, the founding of the Royal Infirmary, he doubtless felt he had sufficient work on his hands.

He had been married twice, first in 1707 to Mary Campbell of Burnbank, who had presented him with five children, and died in 1718; and again to Catherine Campbell, daughter of Sir James Campbell of Arbreuchill, his colleague in the Customs, in 1721, by whom he had a family of nine.

He was a man of a warm, hospitable nature, and, living as he did in a prominent social position, he began to find the upkeep of so large a family, and the public calls upon his generosity, greater than his income could bear. To add to his troubles, his second wife died in 1732.

About this time he appears to have taken up his abode in Liberton, going out and in daily to his duties at the Custom-house, which was then situated close to the Nether Bow Port.

Here he formed the acquaintance of a lady, which ripened into a platonic friendship of a remarkable nature. Like himself, filled with a deep sense of the importance of religion, she professed to have a knowledge of spiritualism, and exercised over him a wonderful influence. They had almost daily communings, and mutual interchange of spiritual thoughts, with prayer to God for enlightenment and help.

These they expressed to one another in writing, and the outcome of this correspondence is a Diary written in full by Drummond, extending to 523 pages of closely written matter, in two large folio volumes, covering a period from 24th June 1736 to 25th October 1738. It is now preserved in the University Library of Edinburgh,—an altogether remarkable document.

It is impossible here to convey anything but the merest outline of its contents. They reveal a man of admirable business capacity, of genial disposition, and practical resource, with a morbid depression, under family and monetary difficulties, and a religious introspection and fear as to the motives of his heart, altogether at variance with a healthy state of mind. The lady's name does not emerge. She is always spoken of merely as 'R. B.'; but she displays on her side a remarkable knowledge of Scripture, which is quoted to an unlimited extent, and with frequent repetition, of the same texts from the Prophets or the Psalms.

In one passage Drummond expresses his privilege in recording 'the Lord's way with R. B.' and in giving him so

valuable a friend with whom he is able to converse, 'with the same innocence I do with any of my fellow creatures.'

Here and there throughout these long pages we find local and historical references, and some of these, as bearing upon Drummond's life, we shall quote in order to some understanding of his character and career.

In September of 1736 an event occurred in the history of old Edinburgh which must here be referred to, and which is frequently mentioned in the Diary.

Edinburgh in the early part of the eighteenth century had an unenviable notoriety for its street riots. These were frequently of a formidable nature, ending in bloodshed, and the overthrow for the time being of all constituted authority.

Of all the old Edinburgh riots, none, however, created so much interest or is so well remembered as the one which took place on the night of 7th September 1736, which ended in the storming of the Tolbooth and the death by hanging of John Porteous, the Captain of the City Guard. Around this tragedy Sir Walter Scott has woven with graphic power the romance of the *Heart of Midlothian*, and its details are well known to all. As Lord Rosebery remarked at a recent meeting of the Old Edinburgh Club, 'I do not know of any mob in history which seems to me so formidable in its silence, in its discipline, in its unexpectedness, and in its ruthlessness, as that Porteous mob which dragged Porteous to his death.'

From the fact that Porteous, after conviction and sentence of death passed upon him by the High Court of Justiciary, had been reprieved by Queen Caroline, great indignation was roused in Court circles in London over what was considered a direct affront to the Royal clemency. Measures were promptly taken against the civic authorities. Lord Provost Wilson was arrested and put on his trial before the House of Lords for neglect of duty, and an attempt was made to punish the city for its disloyalty. The Government actually

passed a measure through the House of Lords to abolish the Town's Guard, to demolish the Nether Bow Port, and 'by laying the city open, prevent all such wicked, illegal, and dangerous practices in time coming.' The Commons, however, under the influence of the Duke of Argyle, Duncan Forbes of Culloden, and others, threw the Bill out, and eventually the city escaped with a fine of £2000, to be paid to the widow of Captain Porteous, while Provost Wilson was disqualified from again acting as Provost.

But what is known as the Porteous Mob arose from a disturbance or riot which took place at the execution of a notorious smuggler named Wilson, in the Grassmarket, on the 14th of April previous. There Captain Porteous, in the discharge of his duty and in command of the City Guard, attempted to keep order, but failed. The mob, irritated by the conduct of the hangman, or of the Captain of the Guard, began to pelt them with stones and mud, and several were seriously injured.

Some of the soldiers retaliated by firing among their assailants, and this was kept up during their withdrawal by way of the Bow to their quarters in the High Street, no fewer than nine of the populace being killed, and double that number wounded.

Porteous was arrested and tried for murder, 20th July 1736, and the charge having been proved before Andrew Fletcher, then Lord Justice-Clerk (Lord Milton), and a jury of what Sir Walter Scott calls 'incensed citizens, who took the worst view of the case,' Porteous was condemned to be executed in the Grassmarket on 8th September following. Among the witnesses who gave evidence at his trial was Drummond, who, along with a relative named James Drummond, were present at the execution of Wilson, and gave a most circumstantial statement of what he saw. In his evidence given in favour of Porteous he stated that he was at the time in the house of Bailie Halyburton, on the right hand on the north side

of the corner of the 'Strait Bow,' the third story. There, from one of the windows, he saw Wilson hanging from the gibbet for fifteen or sixteen minutes. On the hangman going up the ladder to cut the body down, several stones were thrown at him, and the throwing of stones and mud continuing, one of the Guard fired off his musket, and this was followed by others of the Guard a few minutes afterwards firing off their pieces, with the result stated. He did not, however, he said, see Porteous himself firing on the people.

In the subsequent proceedings following the trial and conviction of Captain Porteous, and his reprieve by the authorities in London, much indignation was felt among the lower classes of the city of Edinburgh at the possibility of his escaping the punishment they thought he deserved; and threats were freely made that he would suffer the extreme penalty of the law in spite of the Royal clemency being extended to him.

That the Magistrates were remiss in their duty there is little doubt. Porteous was under their protection, a prisoner in the Tolbooth; but in spite of warnings of popular insubordination, no precautions were taken to avert the attack made upon the jail. Giving themselves over to the easy-going convivial habits of the times, the business of the town was neglected, or transacted in one or other of the many taverns they habitually frequented. Drummond's own feelings in regard to the event are pretty fully expressed in his Diary:—

8 September 1736. At dinner I got the account that last night the mob had broken open the prison, taken out Captain Porteous and hanged him. It stunned me. I was much concerned at the consequences which I apprehend may follow upon it. I went to town, slept there, and came to Libberton late at night.

16 Septem. A messenger arrived here last night with orders to enquire into the Porteous murder. Meeting the Lord Justice-Clerk accidentally he talked to me, in a sort asking my advice about the management of it, and the ensuing election of Magistrates. All the

blood that has been shed and the mischief done is owing to the infatuation or unaccountable stupidity of the present Magistrates. . . . Porteous affair was a deliberate murder, a direct contempt of the King. It is with reluctance I offer my advice in any public matter, but I dare not decline it when I am called upon in this matter. The administration of this country is supported by fear not love, and the tools who are employed are hated and contemned, by almost all people high and low. My Lord Ilay [afterwards Archibald, Duke of Argyle] has thrown the town's affairs into the hands of men void of religion, and little respected. I am looked upon as an enemy to their measures and have carefully avoided meddling with them. . . . 'I dwell among lions and among them that are set on fire.'

That he was imbued with a deep religious feeling is evident all through his Diary, where we find it curiously combined with confession of worldly motives, as to matrimonial, monetary, and domestic matters, church affairs, and city business.

22 September 1736. I was obliged to make one to-day at an entertainment we are giving as a Board to the captains of the men of war stationed here. I excused my dining with them, but I sat with them from 4 till 12. There was none of the company the worse of liquor, but too much of the conversation was not at all to my taste; and yet there was no place for me to testify against it.

23 Sepr. I had no pleasure in my company last night. I am unwilling to pass for a sour, unconversable, ill-mannered man, and to have this charged to the score of Religion. To avoid this I put a force on myself sometimes, and make one with my brethren at their meetings. While I am there I do endeavour carefully to guard my lips and watch over my thoughts.

26 Sept. The Lord's interest in Scotland lyes nearer my heart than any one thing in the world.

And though at this time his own family affairs were causing him much anxiety, the condition of the city and the affairs of the church were much on his mind. Thus, 6th October, we find him writing:—

All day along with the Solicitor on occasion of taking up some of

the people concerned in the Porteous affair. Bustling and hurry are not my elements now.

20 October. I began to go over in my mind what had passed between my Lord Ilay and me this morning on public matters. I found my mind much affected by it. He is set upon allowing no minister to come to Edinburgh who is of the warm stamp. Were the Presbytery once all of a piece, I am afraid we shall not then be able to discern Christianity in our pulpit performances.

13 Novem. Engaged in closet work in the morning in order to go to the Levee. I left Mr. Thomson to call the family together, after calling on R. B., who is still in the deeps. I returned home at 11, and spent the whole day alone.

22 Decemr. On my going to the Custom House, I heard that Lord Ilay has brought Sir Robert [Walpole] to resolve the salary of the Commissioners residing here shall be reduced to £500 per annum.

25 Decemr. My soul trusts to what the Lord has said to R. B. about our salaries. I am trusting the Lord, too, with all my other straits, though I am not able to see any way of escape.

29 Decemr. A crowd of relations kept me from retiring to-day. Some of them stayed supper too. It was friendship, but a friendship that hindered me from conversing with my Best Friend.

30 Decemr. I was called upon early to see my mother; I prayed by her with liberty, and was about her the most of the day. I look upon her as one just entering into Glory.

I lookt in to the Custom house for a few moments and found my brethren looking upon our affair as desperate.

16 Jany. Mr. Smith of Newburn preached the preparation sermon from 29 Ex. 43, well. I lost some part of it with drowsiness. It afflicted me. I spent the evening in examination and prayer, but both were but heavy work, not having the Lord sensibly with me. . . .

23 Jany. I employed the day till 6 at night wholly writing here from R. B.'s book. I can solidly believe everything else she has from the Lord, but what relates to myself.

25 Jany. 1737. Had word to-day of brother Sandie being in trouble.

30 Jany. Engaged in Secret duties of the morning. . . . I went to Libberton after dinner and employed some hours writing R. B.'s book from her loose papers, with my heart fixed.

2 Feby. My sister broke in on my morning's time to tell me of

some very unaccountable behaviour of my Aunt's last night; her fury kept her from Church yesterday. . . . I went into town weighted. I returned to Libberton at night and found my Aunt had bred no disturbance to-day.

6 March 1737. R. B. was with the utmost difficulty prevailed on to put a token in her pocket. These 14 days past she has not been able to speak plainly to me, but I see her in extreme anguish of soul.

13 March, Sunday. On my way home called to see R. B. who has been greatly distressed both in body and mind to-day and yesterday, and talkt to her an hour and a half. I hope it was not altogether lost.

20 March. R. B. came in at 7. The Lord has met with her at the W. K. [West Kirk] to-day, and knockt off her fetters. Blessed be His name.

7 April. The post coming in this morning brings us the act of the Provosts being taken into custody, and the copy of the resolutions of the House of Lords upon receiving the Report of their Committee of Examiners on Porteous's affair, one of which loads the character of the inhabitants as not having done their duty. This put the Magistrates on calling a meeting of the most respected Magistrates and Inhabitants on a pretence of asking their advice in this juncture, but really to screen themselves from resentment. The conduct of our Magistrates for some years past has been very grievous to all good men in the city. They have been named [*i.e.* nominated] by the Justice-Clerk, and have prostrated their powers to his will in every instance. The morals of the city has been criminally neglected by them; some of themselves are openly wicked. They have endeavoured to bear down serious religion not only here by a bad choice of Ministers, Councillors, Constables, etc., but as far as their influence reaches, in the Kingdom. I see all this in a very strong light, and I am convinced all that has happened from Wilson's execution to Porteous's murder is justly chargeable on their bad conduct. Yet in the meeting where I was first called on as the first old Magistrate present I was not at liberty to throw any oil into the flame, nor could I say much to the purpose, so much am I in fetters. The town is without a head either within or without the Council. The probable way to bring good out of this extraordinary providence to the town is to make it evident to the House of Lords that all in the town's conduct which their Lordships censure is chargeable on the Magistrates only. That these Magistrates were the Justice-Clerk's nomination, and by no means the choice of the Inhabitants, and there-

fore their misconduct is not to be charged to the city ; and lastly, that a new Constitution to the Town is the only method to make it prosper. But I do not see it my duty to appear in bringing these sentiments to bear.

14 April. Went to Leith to hear Mr. M'Vicar (minister of the West Church) preach in the afternoon—fast day. . . .

24 April. A letter from my cousin John Drummond, London, acquainting me that my Lord Ilay looks upon me as a friend to his enemies, an underhand opposer of his measures, both in church and state, and that I am in danger of being turned out. . . . It gave me no pain. My trust is in the Lord God, who has restrained the Remainder of the wrath of man for me often before. The Great Man thinks he can do what he will. But I know he can only do what he is suffered to do.

13 May 1737. Family troubles about money. I am distressed in my family about an Aunt who has been a burden on my father's family ever since I remember, and of whom I have had the sole burden these dozen years.

23 May. Preparing for a journey to attend the Presbytery of Jedburgh to prosecute a Call to Mr. Hugh Kennedy of Cavers to the Scots Church, Rotterdam, along with a Mr. Tho^s. Davidson— We came late to Gallowshiels and lodged there. Kennedy of Cavers very averse to going to Rotterdam. The Presbytery however voted his transportation.

25 May. Set out for Jedburgh to prosecute call before the Presbytery for Mr. Kennedy to go to the Church at Rotterdam. I learnt at Jedburgh that the Assembly ordered Mr. Blaikie's license to be returned to him. I think this the worst step any Assembly has made in my time. It is indeed outmaking of the Lord's work about this Assembly ; yet the swift pace with which Ruin advances to this poor Church affects me. To be among the mourners and wrestlers ! My fellow traveller and I returned to lodge in Gallowshiels and spent the night agreeably till one in the morning in conversation with our Landlord. Closed the day with God.

27 May. My Aunt's behaviour continues to be a disturbing element in the family.

30. In great trouble over the intelligence at the Custom-house of reduction of our Salaries. Lord Ilay has pressed it warmly.

27 June, Monday. Thanksgiving day. I dined with the ministers, to act a part to bring them to the reading of the act about the

murderers of Porteous, which I am afraid was contrived to be a trap to divide the church.

29 June. Have just got notice of reduction of salary as Commissioner of Customs from £1000 to £500.

18 July. I left my house before worship to go over to Stonnyhill to see my friend the late Advocate, now Lord President of the Session [Forbes of Culloden], who came home the 16th to tell me Sir Robert [Walpole] assured him that Sir James [Campbell] should not be turned out of the Commission. I dined with Lovat [Simon Fraser] in order to wind up fully the affair between me and him.

14 September. I left the town at 4 and spent the evening transcribing R. B.'s papers into my own book—my favourite employment.

Throughout the Diary it appears that Drummond contemplated leaving Liberton in 1737 to take up his abode at Colinton, where he owned the small estate and mansion of Easter Hailes. This he had purchased in 1726 from James Hogg of Cambo, but does not seem to have occupied until June 1738.

Several times 'R. B.,' in her portion of it, makes reference to the subject, as follows:—

4 Feby. 1737. In answer to my seeking direction to G. D. about the flitting out of the house he is dwelling in, I find that word—'In all thy ways acknowledge Him, and He shall direct thy paths.'

8 Feby. I was at G. D.'s last night. While he in prayer with his family were going through a deep sea of trial, putting questions about a variety of marks of grace, whether or not we had them or not, etc.

9 May. Crying for direction to G. D. with respect to what house he should remove to. The Lord said, 'Behold I send an Angel before thee, to keep thee in the way, and to bring thee into the place I have prepared,' etc.

20 May. The Lord was with me all the way in, and I was viewing with wonder what I had met with through the day when I was crying for deliverance to G. D. out of his distresses. The Lord answered.

26 June. I sought light to him as to whether to keep his aunt in his house or not, and he answered, 'Cast out this bondwoman,' 21 Gen. 10. There is an accursed thing in the midst of thee, O Israel!

28 August. I was weighted with desire to know whether G. D. should take any tickets in the [London] Bridge Lottery, and whether he should remove his family out of Libberton to Easter Hailes¹ or not, but the Lord was silent to me about them.

9 October. News of the new Commissioners of Customs from Hotham. The warrant was prepared at the Treasury with Colin [his son] and Summers, in Sir James Campbell's room and mine.

23 October, Sunday. Communicated at 3rd Table. I called on my way home to see R. B. She communicated at the third Table, and went straight home to her bed, where I found her in a high fever. She had just strength to tell me the Lord had made good His promise at this Communion, which eased my mind.

1 November. Greatly chaffed with my aunt, who I cannot get out of my house, unless I turn her to the streets.

4 November. Lodging in town is disagreeable to me. I met Lord Milntown [Milton] for the first time since he has got me turned out, in our meeting as Trustees of the Manufactures, and bless the Lord for it. I talked to him with the same calmness of mind I did to the other Trustees. The Lord bears me up.

10 Novem. Hyndford brought Lord Milton and I together at dinner, who professes innocence of what has happened to me, and strong desire to bring me into the Excise.

26 November. Aunt and Uncle go to Galloway on the 28th. I brought out all near relations to dine with me to-day. Wanted to part with decency ; but her proud temper made the company uneasy.

8 December. Letter from Lord Ilay telling me I am to come into the Excise.

6 January 1738. This evening the Directors of the Royal Bank had their anniversary entertainment. My cold got me the privilege of drinking sack and water only, and getting home early. May the Lord pardon me the guilt of others ! Closed the day with God.

17 January ,, . Opened the day with God. Sir James Campbell's, Johnie's, Sandie's, as well as my own situation all threaten me alike. I am somewhat discouraged, too, because there are no letters about the Excise [appointment]. I came home quite sick of troubles. Thinking my cup of affliction was brimfull. But a letter of Sandie's

¹ The estate of Easter Hailes was sold by Drummond in 1751 to James Carmichael, Clerk to the Signet, and ancestor of Sir Thomas Gibson Carmichael, Bart., of Hailes. It lies immediately to the west of the village of Slateford.

which lay on my table greatly increased it. The Inspectors must see his cash this week, which must blow him up. He therefore entreats me to send him a Scroll of the Disposition he should execute to do justice to his creditors, that when he has executed it he may get out of the country. It put me from my dinner.

26. . . . Commission signed by the King—salary to run from 15 October last—the day I was turned out of the Customs. This is what I did not expect, and it was not intended by my Lord Ilay. It's the Lord's doing remarkably. The Excise is much more agreeable to me than the Customs. The salary it is true is only one half, but that gives me no pain.

6 March. . . . Refers to his entry on office, and the hearty welcome he received from many old friends with much satisfaction. At my going into the Excise the undissembled joy I read in the faces of all the folks there, and the Commissioners as much as any, gave me very sensible pleasure.

9 March. I dined at Blairs with Baron Edling and sat all the afternoon, and exceeded in drinking, which unfitted me in a great measure for secret duty at night.

10 March. My intemperance last night weakened my confidence in coming to God to-day.

12 March. A letter from R. W. from London when I came home. . . . I got a letter from my cousin John Drummond too, who says: 'Ilay says, if I dont behave right now, he'll do with me as he has done with Sir James [his father-in-law], turn me out and put in my brother.' Poor man! God lives and rules! [This refers to political differences.]

15 March. My situation still lyes heavy upon my thoughts. The furnace I have been, I may say constantly in now the eighteenth year running threatning to unhinge all my affairs in life and expose me to want and disgrace. This has been uniformly tryal. I have been often months, yea, years, together that I could not reasonably count upon one day free of discredit. I have been more established in believing that discredit would not happen since Prestonpanns Communion, 1736, than in all the preceding Course of the Tryal. But it's still the same tryal in every new shape it appears. But hitherto the Lord hath helped me.

17 March. Royal Infirmary. I have given a great deal of my time to it this winter. We have got a plan for our house: it's to hold above 200 patients. We propose to build at present, so much of it as

will accommodate 66, and five cells for lunatics, and being restricted by our charter from encroaching on our capital we have no other fund for building (and would cost a private man £1600) but charitable contributions, in getting of which we go on with good success. I look to the Lord about it, to make it a blessing to the place and nation.

22 March. Entertained the Commissioners of Excise at my house and some other friends. I had ground to bless the Lord that there was no excess of riot. Closed the day with God.

25 March. I was scarce sensible of having exceeded in drinking last night. I find it to-day! I desire to be humbled for it.

15 May. The Infirmary affairs kept me abroad late.

29 ,, . Employed most of the day about the affairs of the Infirmary.

3 June. I dined with a number of farmers soliciting for carriages [carts] to the building the Infirmary, and they were very frank. . . . I am in constant hurry and bustle about one public thing or another.

At this time Drummond removed from Liberton to Colinton (the old name of which was Hailes), and a number of references occur to this in the Diary.

5 June. I went to Easter Halls¹ in the evening with the rest of my family; family worship was employed in dedicating this place of my residence to the Lord, and pleading with him to dwell with us in it.

17 June. This place has so many natural beauties, and sweet solitary retirements, that if I was disposed to take pleasure in anything in time, it would very much delight me. But although I was easy in my circumstances, I habitually view myself as not at home in this world.

28 June. I overlookt my birthday yesterday. I have now entered on my 52nd year.

16 July. Exceedingly weighted with the dismal prospect to the country from the Justice-Clerk Fletcher succeeding in the blowing up of the present Commission of the Trustees of the Manufactures. Lament the deadness of the preaching in the parish [of Colinton] and

¹ The name Hailes is applied to Colinton in the Church records till 1697, when it is written 'Hailes, *alias* Collingtoune.' This form is used down to 1747 (*Statistical Account*). At Colinton House are several cedars: the seed from which they were raised is said to have been sent here by the Provost's brother, Alexander Drummond, at that time British consul at Aleppo.

the fashionable way the young preachers take to screen themselves from being liable to be charged with Arminianism. I have deliberately considered of it, and in order to be in the way of being of more use in the interests of Religion in the parish, I have to-day accepted of the Sessions invitation to me to serve as an Elder in it.

The minister of the Parish of Colinton was the Rev. George Gibson, but Drummond's reflections upon him in this capacity are not flattering :—

18 June. To want a lively ministry is a distressing circumstance in my remove here.

9 July. The want of a solid lively ministry here is a great drawback on my stay here. Could I go without [attracting] notice I would attend worship elsewhere.

Of Drummond's family of fourteen which he had by his two first wives—Mary Campbell and Catherine Campbell, five by the first and nine by the second—there were at this time ten alive, at ages varying from six to twenty-nine. These were John, Archibald, George, Colin, James, Alexander, Duncan, Jean, Mary, and Catherine. Several of the lads appear from entries in the Diary to have been a source of great anxiety to their father, and are repeatedly referred to with distress.

13 August. Have to lament my son John's wicked irregularities this last winter. He has been long a son of sorrow to me. I have mourned over it before the Lord.

9th September. Spent the day at Duddingston, taking hold of its being the Duke of Argyle's birthday to induce his tenants there to give carriages to the Royal Infirmary. We had good success. Forwarding the building of the R. I. is my only amusement. The Lord gives remarkable success to all our applications. I am distinguished, and called the father of it, with which, alas, I have too much pride and vanity not to be pleased ; yea, I am afraid I am puft up. Woes me ! I can neither be humble under success, nor bear up under discouragements. Oh, what a poor worthless creature am I ! I am sure my eye was single when I set out in this undertaking. Oh, for grace to be so still.

The entries of the last six weeks of the Diary are largely taken up with references to financial difficulties arising from the large reduction in his income from the Excise, and his inability to curtail the growing, probably the extravagant, demands of his large family. Following upon this, there is forced upon him a proposal that, after being a widower for six years, he should take to himself a third wife. The suggestion came from a Mrs. Fenton, the widow of an Edinburgh Bailie, one of his intimate friends, who seems to have thought it would be better for him than to continue in his present depressed condition. At first he appears to have thought nothing of it, but at length her efforts as a match-maker on his behalf came to a successful issue.

13 October. Mrs. Fenton called and spoke of providing a wife for me—a widow with an estate large enough to relieve me out of my distresses. Forwarding the building of the Royal Infirmary is the only amusement I have allowed myself in of a great while. At first it was uphill work, but now it is the favourite undertaking among all ranks of people.

16 October. On my way to the Bank after dinner I lookt in on Mrs. Fenton. After sitting a while she told me she had been providing a wife for me—a widow with an estate large enough to relieve me out of all my distresses. It was a matter of thought with me. . . . But I dare not take one step until the Lord opens my way.

17 October. I communicated to R. B. what Mrs. Fenton had said, and told all I thought about it. It was a matter for prayer this morning to myself.

21 October. Thoughts thrown into my mind about the Infirmary, and this proposal of Mrs. Fenton's plagued me. I could not get quit of them, and yet had no desire to admit them. I wished to fix to self-examination, but could not with solidity.

22 October. It's true, an agreeable partner, bringing great relief to me in my present overwhelming distress, yea, it may be compleat deliverance out of them, is a thing much to be desired. But I am not my own master. . . . I know nothing about the woman at all, and how ridiculous it would be for me in this situation of the thing to give it a thought.

AN EIGHTEENTH CENTURY LORD PROVOST 35

5 November. I see no way of escape from ruin in a few days. Spent the evening heavily and in bonds. Weighted and engaged in family worship. Closed the day so.

11 November. At night R. B. called to tell me some encouraging things from the Lord, which will be inserted in her diary. O, it covers me with shame to think that the Lord condescends to send such messages to such a wretch as I am!

13 Novem. Fever in the house—Mary and Katie recovering, but Duncan in a high fever.

22 November. In the afternoon Mrs. Fenton told me that in prayer my marriage with the person she had named to me was brought before her, and when she was afraid to plead about it, it was said to her, 'What do you know if this woman's money is not given to her to be a blessing to him, and if he is not to be a blessing to her by being the means of her conversion.'

23 November. Much weighted all day. In the afternoon I saw the woman at Mrs Fenton's. There is nothing disagreeable either in her manner or person, but I can form no judgment about her yet.

25 November. Though this marriage would probably relieve me out of these distresses, yet however desirable that would be, upon looking into my heart I find I dare not take one step till I can see the Lord calling me to it. Still in doubts and trouble. I laid out this matter and my other distresses fully to the Lord in prayer!

Here the Diary abruptly closes. Mrs. Fenton had succeeded in her matchmaking. Drummond married 'the woman,' as his third wife, and we hear no more of the 'crying and prayers,' the 'seeking for marks of grace' and 'direction from the Lord' which 'R. B.' had been pouring into his ears for two years past! She disappears from the scene, and a happy marriage brought Drummond out of his 'distresses and difficulties' into a position of comparative affluence.

This third marriage of Drummond took place in January 1739, the lady being Mrs. Hannah Parson or Livingston, widow of a Major Livingston. She had no family, and died in February 1742.

In several references to George Drummond which we have seen, the statement is made that he had his town residence

in the Anchor Close. We have not been able to verify this from contemporary documents. In 1683 a former Lord Provost of Edinburgh—Sir George Drummond—did certainly occupy a house at the very foot of this long steep close, at the side of the North Loch, a fact which may have led to an error in their identity. There is, however, no improbability in the Anchor Close being also the quarter in which the later Provost dwelt. The adjoining wynds and closes were at that time occupied by people in the highest ranks in Society, and an adjoining close—now the Fleshmarket Close—used to be known as the ‘Provost’s Close,’ from a former Lord Provost, viz. Patrick Hepburn, Lord Hailes, living here in 1484. Situated in the very heart of old Edinburgh, the Anchor Close was famous in many ways. About fifty yards east of the Council Chambers, it saw much of the stirring life of the capital. How it got its name is uncertain, but in all probability it was from the celebrated Anchor Tavern at its head on the High Street, which was long employed by the Lord High Commissioner to the General Assembly in which to hold his levees and give his dinners.

Entering the close, on the left-hand side a few yards from the street may still be seen over the first doorway the pious inscription, ‘The Lord is only my support,’ and adjoining it is the entrance to ‘Queen Mary’s Council Room,’ over which another legend informs the visitor, ‘O Lord in The is al my Traist’; while a third doorway farther down has over it ‘Lord Be Merciful to Me.’ This doorway is a restoration of the one which gave entrance to Dannie Douglas’ famous tavern, but the tavern itself has been removed, and along with it various old buildings, such as the ‘Bill Chamber’ and a little Roman Catholic chapel. At this point the close is now intersected by Cockburn Street, the old *Scotsman* printing office being built on the site of a once famous printing office of the eighteenth century occupied by the Smellies.

Crossing Cockburn Street, and continuing the course of

the close northwards, a steep descent brings us to several flights of steps and terraced ground, the remains of the pleasure-grounds that at one time surrounded the old mansion-house of the Provost of 1685, which stood close to the margin of the North Loch, where we now have Market Street. At that time the neighbourhood was beautifully adorned with shrubbery and trees, and was laid out in terraced gardens down to the waterside, from which could be had an uninterrupted view of country beyond, terminating in the Lomonds of Fife.

Wilson in his *Memorials* says that 'the motto over the doorway of what was the Provost's house suggested that its original purpose was more dignified than its straitened dimensions might seem to imply':—

W.F.

B.G.

Angusta . ad . vsvm . Avgvsta

The initials are those of William Fowler, Merchant Burgess, the father, in all probability, of William Fowler the poet, who was Secretary to Queen Anne of Denmark, and whose sister was the mother of Drummond of Hawthornden. 'At a later period this mansion, which in the title-deeds is styled the Lord Provost's summer house, became the residence of Sir George Drummond, Lord Provost in 1683 and 1684, probably a descendant of Fowler the original owner.'

While the tavern at the head of the Anchor Close was famous in its day, under the name of 'Dannie Douglas' Tavern,' as the headquarters of the 'Chrochallan Fencibles,' where were to be frequently found of an evening such men of the latter part of the eighteenth century as Drs. Blair, Beattie, Black, Robertson, Adam Ferguson, Adam Smith, Lords Monboddo, Hales, and Kames, Henry Mackenzie, Hugh Arnot, Home, and David Hume, and other wits of the time. And here Robert Burns was in 1787 entertained when passing the Edinburgh edition of his poems through the press. The

printing office of the Smellies was just a few doors down, and Burns was in the habit of visiting it for days, correcting the proof-sheets as they came from the press, and he had many opportunities of meeting with Edinburgh's literary celebrities there.

The printing office was occupied by the Smellies, father and son, from 1760 till about 1843. In 1843 the younger Smellie published a *History of the Anchor Close*, of which a reprint in pamphlet form was issued in 1879. In this it is mentioned that 'immediately adjoining Mr. Smellie's printing office is an old house, now in ruins, which in the title-deeds is described as the Lord Provost's summer house, viz. the late George Drummond, who was born in the year 1695,¹ and was six times Lord Provost of Edinburgh.' Whether it be the case that Drummond, as stated by Smellie, was the occupant of this old mansion close to the North Loch is wrapped in uncertainty. If he did, it must have been prior to 1736, for in that year we gather from his Diary that he resided with his family at Liberton. And, as we have seen, he removed in June 1738 to Easter Hailes, where he had his abode until 1757.

In the midst of Drummond's efforts in carrying out the scheme of the Royal Infirmary and other measures of a philanthropic nature, a crisis in the affairs of the city and the country once more called him to the front in the administration of affairs.

The Rebellion of 1745 was an event of vital importance to the nation, and when Charles Edward—the son of him whom the Whigs called the 'Pretender,' but the Jacobites the 'King'—entered Scotland to recover the crown, he was received with mingled feelings, and the old political parties, Whig and Tory, took their respective sides in the struggle.

The unprotected condition of Edinburgh, which had not been threatened with an enemy at its gates since the days of

¹ The correct date should be 1687.

Flodden, made it quite incapable of defence. On the rapid approach of the Highland army, universal consternation prevailed, and it was not without a suspicion that the Magistrates—especially Provost Stewart—were in sympathy with the Prince that the Whig section of the citizens mustered themselves together in support of the government of King George.

Commissioner Drummond in this crisis stepped forward with alacrity, and in a few days six companies of volunteers were raised, consisting of the citizens and the students at the University, making in all 418 men. It was not a large force, nor was its career a brilliant one. Drummond was at the head of the first company, and did all he could to inspire a feeling of patriotic enthusiasm among his men; but the sudden appearance of the Highlanders, and the divided state of public opinion, rendered all his efforts abortive, and the so-called defence of the city ended in a fiasco. Drummond's share in it is narrated in the *Scots Magazine* of 1802 pretty fully, and it goes to show that in untoward circumstances he did his best on behalf of the Government. 'When Charles was within a few miles of the Capital, all the Volunteers were drawn up in the College Yards. Captain Drummond placed himself at the head of his own Company; and informed them of the approach of the rebels, and how it had been proposed to General Guest, who commanded in the Castle, to make a stand with two regiments of dragoons, against the enemy, if a body of foot could be obtained to act with them; that he had asked the General if 250 Volunteers would be sufficient, as he could answer for so many, if the Provost would allow 50 of the Town Guard to join them. The Volunteers instantly accepted the proposal. The Captain then went through the different companies and warned them of his resolution, to march with his party against the rebels, to conquer or die.' The Town Guard and the dragoons were called out, the fire bell was rung, and the volunteers joined them at the Lawnmarket. 'As soon as the Dragoons arrived they were received

with acclamation, and Mr. Drummond, putting himself at the head of that part of his company which was willing to follow him, marched down the Bow into the Grassmarket towards the West Port and Corstorphine.' The courage of Drummond's followers, however, had evaporated ere they reached the West Port. His own company loyally supported him, but we are told 'when he arrived at the West Port Gate he and his company found themselves alone.' One of the officers was sent back to the Lawnmarket to learn the cause, where he found the deserters in great confusion. 'Most of the private men and not a few of the officers were unwilling to march out; those officers who were willing, were deserted by their men, and a considerable number of the privates had no one to lead them. This confusion was increased by the consternation of a crowd of people; the panic had seized all ranks, old men dissuading their sons and relations from engaging in so mad a project, and the women with tears, expostulations, and complaints exhibiting every appearance of terror, affection, and apprehended destruction.' Forty-two privates of Captain Drummond's company had followed him into the Grassmarket, and these, with the addition of 141 selected volunteers from the other companies and the City Guard, made a total force of about 363 foot. But here another appeal was made to them to abandon resistance, or at least not to leave the city. Drummond was determined to march out against the enemy, but Provost Stewart, to whom he appealed for orders, made objections, and Captain Drummond, not in the best of humour, marched his volunteers back to the College Yards: the Town Guard and dragoons meanwhile getting orders to proceed to Corstorphine. Their defeat next day, and the flight of the dragoons under a panic, were witnessed by the citizens with consternation, but Drummond, still keeping his volunteers in hand, assembled them in the Lawnmarket, and waited the result of a conference of the Council with the leading citizens being held as to the course

to be taken. The meeting ended in great confusion, the majority inclining to the proposal that the city should be surrendered. Seeing no hope of resistance being successful, Captain Drummond marched his men up to the Castle, where they gave up their arms. This, we are told, 'was done with reluctance by a considerable number of the companies, and with no less disgust by Drummond himself.'

The story of the capture of the city is well known, and need not here be repeated. What has been said will show that Drummond was eager for defence, and did his utmost to prevent the city falling into the hands of the Prince. He was now obliged to leave the capital to the enemy. Sir John Cope and his troops having on the 18th September landed at Dunbar, were marching towards Edinburgh. Drummond, still keeping some of his volunteers around him, joined the army, and was present at the battle of Prestonpans, and after the defeat of the Royal forces he accompanied that General in his memorable retreat to Berwick, and remained with him during his stay in that place, procuring from time to time from his friends in Edinburgh intelligence as to the course of events in the capital, which he communicated regularly to the Secretaries of State in London.

He appears to have visited London at this time, and while there was introduced to a lady—a member of the Society of Friends—whom he courted, and afterwards brought to Edinburgh as his fourth wife.

He returned to Edinburgh on its evacuation by Prince Charles in October 1745.

The complicity of Provost Stewart in the surrender of the city was strongly suspected, and 'Jupiter' Carlyle, the minister of Inveresk, who was thoroughly conversant with the affairs of the time, speaks disparagingly of him as a 'traitor,' and says distinctly, 'We had no doubt that he and his party wished the city to fall into the Pretender's hands.'

He was apprehended, and after an imprisonment of

fourteen months, was only liberated on finding bail to the amount of £15,000. His trial took place in August 1747, and continued for three days before a jury on the charge of neglect of duty and misbehaviour in the execution of his office, and one of the principal witnesses against him was George Drummond. Eventually Stewart was acquitted, the feeling being strong that the Government were equally to blame for their inadequate military defence of the country.

During all this time there was no municipal government of the city. The occupation had prevented the usual election of Magistrates taking place, the Provost was in prison, and the Government took the administration into their own hands, with the assistance of Drummond and a few of the leading Whig citizens who could be trusted. This state of matters continued until November 1746.

The difficulty of the situation was considerably accentuated by the stringent measures the Government of George II. saw fit to impose upon the country—measures which tended to create a feeling of extreme bitterness, and nowhere was this feeling more apparent than in the capital. Notwithstanding, Drummond appears to have acted throughout this trying time with much skill and prudence.

On a petition being presented to the Crown, a Special Commission was appointed in October to attend and direct the election of a new Council and Magistrates, and on 24th November what is called a 'Poll Election' was made by the burgesses of twenty-five persons 'whom they named for Magistrates and other members of ordinary Council.' Drummond was returned at the head of the lists, and was elected to be Provost, the election being confirmed on 3rd December, and the new Council meeting for business for the first time on 3rd January 1747.

Arnot in his *History* gives a concise account of the proceedings connected with this eventful crisis in the city's affairs, but being a Jacobite, he is scarcely fair to Drummond for

his share in the matter. The Government were, however, quite satisfied with the result, as we learn from a recently published letter from the Duke of Newcastle to the Lord Justice-Clerk, dated Whitehall, London, 9th December 1746, in which he says : ' I have received the favour of your Lordship's letter of the 28th past, with an account of what had passed relating to the election of the Magistrates of Edinburgh, and a List of those chosen upon the Poll and laid before the King. His Majesty was glad to find that Mr. Drummond had been unanimously elected Provost, and hopes that the consequences of this election will be the fixing of the Magistracy of Edinburgh for the future in the hands of such persons as are truly and zealously attached to his Majesty's Person and Government ' (*Scottish History Society*, vol. xxvii., p. 462).

Drummond, not content with taking the oath of allegiance customary on assuming office, addressed a dutiful letter of submission to the Sovereign, which is recorded in the Minutes of Council of 17th December 1746, and the King's reply, dated 23rd June 1747, intimates his acceptance of it with satisfaction.

After two years' tenure of office Drummond retired into private life, though still taking an active share in the affairs of the city, especially in the guidance of the affairs of the Royal Infirmary ; but in November 1750 he was again persuaded to enter the Council, and for the third time was elected chief Magistrate.

It was at this time that a strong movement was made for the sanitary and architectural improvement of the city, which was still in a condition of deplorable neglect, with many gaunt ruins in its streets, and many of the public buildings quite inadequate for the purposes for which they had been built. Means of communication, postal facilities, the popularity of Freemasonry, the cultivation of music and the rise of the concert hall, the growth of a literary spirit in the capital,

and a general desire for better living, these were marked features of the new life of the second half of the century.

The pent-up life of the closes and wynds was beginning to be distasteful to many of the wealthier and more cultured of the community, and not a few, glad to get away from the stifling atmosphere of the city, had acquired country houses, and as a result much of the old club and tavern life, with all its roystering drunkenness, so distinguished a feature of the first half of the century, began to disappear, or at least became less fashionable.

With the increasing prosperity of the country, and the increasing populousness of Edinburgh, Drummond determined that the inconveniences which the people had so long suffered by want of space and adequate public buildings in which to carry on not only the business of the city, but of the country, should come to an end, and so successful was the movement initiated by him, that the matter, after being ventilated in the Town Council, was taken up by the Convention of Royal Burghs, who passed an Act, on 8th July 1752, for the carrying out of certain public works in the capital provided sufficient money could be raised by subscription throughout the country. These proposals, which were very comprehensive, were drafted by Gilbert Elliot (afterwards Lord Minto). They gave a sketch of the increasing prosperity of the country, and described in not too felicitous terms the neglected state of the public buildings and the miserable accommodation in the public offices of the capital.

On both sides of the High Street a great deal of old property was then actually in ruins, and it was proposed that upon the ruins on the north side, opposite St. Giles' Church, there should be erected an exchange or market-place for the merchants who were in the habit of meeting one another for business in the Parliament House Close. A further proposal was that, as the Parliament Close was also in ruins, and the accommodation for the Courts of Justice and the Town

Council was wretchedly poor—the latter body meeting in the old Tolbooth—the Parliament Close or Square should be rebuilt to accommodate the Courts of Justice, the Town Council, and the Advocates' Library.

It was a large scheme, involving an outlay considerably beyond the means available at the time, but it embraced, in addition, proposals to extend the Royalty, to enlarge and beautify the town by opening new streets to the north and south, removing the shambles and markets, turning the North Loch into a canal with walks and terraces on each side, and the building of the North Bridge. The scheme was circulated widely in town and country, accompanied by a letter from Provost Drummond strongly appealing for funds, by voluntary subscription, for carrying it out. It was responded to with considerable liberality, though not without experiencing a good deal of latent opposition from some who characterised the committee as 'castle builders,' and their work as 'chimerical.'

Nothing daunted by the indifference of many, the committee persevered in their efforts, and on the 3rd September 1753 Drummond had the satisfaction of beginning the works by laying the foundation stone of the Royal Exchange. He was not the Provost at the time, but he performed the ceremony in the capacity of Grand Master of the Society of Freemasons in Scotland, and the honour was doubtless conceded to him in recognition of the prominent share he had taken in the movement. 'The procession,' we are told, 'was a splendid one, and the day may be considered as the first of a series of active years, which entirely changed the appearance of the metropolis.' The work did not, however, at once proceed. Difficulties of one kind or another supervened, and it was not till June following (1754) that the work was really started. Though this was the case, and much of the scheme was delayed indefinitely, Drummond pushed the matter forward, and the contract agreement with the builders

was at length passed by the Town Council on 12th June 1754 ; and although he was not at the time a member of the Council, he was asked to sign it on their behalf—a remarkable instance of his personal influence in municipal affairs. The contract agreement bears to be ‘ between the Provost (Alexander) and Baillies, on the one hand, and Patrick Jamieson (mason), Alexander Pater, George Stevenson, John Mowbray, and John Fergus for the building of the Exchange,’ the boundaries of which are thus described—‘ On the east by the West Gable of the stone land commonly called Fairholm’s Land, and bounded on the west by the entry to tenement called Writers Court, the stone land immediately below Allan’s Close commonly called Fairholm’s Land on the east, the High Street on the south, and the Lake commonly called the North Loch on the north parts, being 150 feet from east to west on the south boundary.’

‘ George Drummond, one of His Majesty’s Commissioners of Excise, and late Lord Provost, to subscribe, with the said five undertakers, the said plans, estimates, and other writings, for and in name of the whole Town Council, which shall be held also sufficient as if signed by them all’ (*Town Council Records*).

The Exchange buildings, it may here be mentioned, were completed in 1761, at a cost of £31,457.

Thirteen years had elapsed since the death of Drummond’s third wife, and in 1755, at the age of sixty-eight, he again took to himself a fourth, in the person of Mrs. Green, widow of Joseph Green, Middlesex. She was a Quakeress, and brought with her a fortune of some £20,000.

His last two marriages doubtless relieved him of much of his anxiety as to money matters ; and having sold his estate of Easter Hailes, he was enabled in 1757 to purchase an attractive property on the north side of the city in the Parish of Broughton, on which stood a fine old country mansion. This old house—the name of which he changed to

Drummond Lodge—stood in the centre of what is now Drummond Place. It was beautifully situated northward of the old village of Broughton, the surrounding landscape being profusely covered with trees. A road led from it to Canonmills by Bellevue to Newhaven, while another road by the Water of Leith led westward. The mansion, with thirteen acres of the lands of Broughton, was purchased in the name of himself and his spouse, Elizabeth Green, from one George Davidson, residing in Rotterdam, who had previously acquired it from James Cumming, flesher, Edinburgh, third son of Robert Cumming.

In the following year an extension of the property was made by the purchase of other eleven adjoining acres, which was confirmed by the Heriot Trust as superiors on 17th April 1758, the charter deed being signed by the then Lord Provost—Robert Montgomery—as Preses of the Trust.

The feu-duty is set down for the first purchase, including the mansion-house and offices thereon, as '40 bolls good and sufficient barley,' and for the eleven acres, '34 bolls 8 pecks good and sufficient barley beer' (*Heriot Trust Register*).

The approach to this old Scottish mansion was by an avenue of fine old trees, the site of which is to be found in East London Street, and which entered from the north road to Canonmills.

With ample means at his disposal, Provost Drummond in his new country home exercised during the latter years of his life a generous hospitality. He had many visitors, and on certain days he kept open table, and there 'concerted with his friends of the Council the affairs of the city.'

The property on which Drummond Lodge stood was acquired after the Provost's death by General Scott of Balcomie, who subsequently demolished the old mansion, and upon its site erected for his own use the large square three-storied mansion of Bellevue, which after his death was converted into the Excise Office. It was removed from

Drummond Place on the construction of the Edinburgh, Perth, and Dundee Railway in 1844.

But to return from this digression. The auspicious beginning that had been made by the erection of the Exchange buildings stimulated public interest to further improvements, while city extension still engrossed the attention of the Council. The opposition of landowners outside the burgh limits had, however, to be overcome if the scheme was to succeed, and the one man needful for the work was felt to be Drummond, and so we find him in November 1758 again elected, and for the fifth time placed in the civic chair.

In the following year the Magistrates, under the Provost's guidance, prepared the draft of a Bill to be laid before Parliament for the extension of the city both north and south.

This measure unfortunately had no better success than previous efforts, and the Bill had to be dropped, the opposition of the landed proprietors, shortsighted as it was, being sufficient to defeat it in Parliament.

Nothing daunted by this disappointment, Drummond determined to go on with the extension scheme without an Act of Parliament, and, as Arnot says, 'the propriety or rather necessity of the measure being obvious, the gentlemen of the county dropped their opposition.' It was not, however, till 1767 that an Act was passed extending the Royalty over the fields on the north of the city.

On the 30th September 1763 Drummond was nominated for the usual second year of office, but when the Council met on the 4th October for the election of Magistrates, a strong protest was entered by several of the trades section of the Councillors to his election and that of other two who had been 'leted' for the Bailieship. It was not apparently from any personal antipathy so much as to their holding official positions under Government. The Protest runs thus:—
'We protest against the election of George Drummond, Esq., one of the Commissioners of Excise, David Flint, one

of the Trustees for Fisheries and Manufactures, and John Nisbet, General Supervisor of the Salt dues ; that they shall neither be allowed to vote in this election, nor be elected to the offices of Provost and Bailies of the City ; In respect none of them are at present, nor have been for many years past, of the estate or calling of Merchants within this city, as required by the established Sett of this Burgh (and particularly the said George Drummond), by the nature of the offices they hold.'

The Protest having been duly tabled, the Council thereupon proceeded with the election, and Drummond entered upon the twelfth year of his occupation of the civic chair, having been actually elected so many times according to the then forms of the Town Council.

Drummond was now in the seventy-seventh year of his age, but, notwithstanding an arduous life devoted to the public service, was still vigorous and full of enthusiasm, and once more we find him taking the initiative in promoting the northern extension of the city.

Thwarted in the effort to get an Act of Parliament for city extension, it was resolved, after four years' delay, to go on with the building of the North Bridge. As a preliminary, a portion of the North Loch was drained, and a proper foundation sought for. Plans for a bridge were prepared by Sir William Bruce of Kinross (but were afterwards abandoned—another plan being subsequently adopted as more suitable), and the foundation stone was laid with masonic honours on 1st October 1763, by Provost Drummond. The ceremony was performed, we are told, 'with great pomp and ceremony.' The various Masonic Lodges met in the Parliament House, thence, escorted by the City Guard and two companies of militia, marched by Leith Wynd along the north bank of the old loch to the place where the stone was laid.

Drummond, who acted on this occasion in the capacity of Past Grand Master, in the course of his speech declaring the stone 'well and truly laid,' referred to the improvements

effected in the city, and the further proposals for extension on the fields northward, and made the remarkable statement that 'he was only beginning to execute what the Duke of York (afterwards James II.) had suggested so far back as 1681 when residing at Holyrood'; 'but no one from the time of the Revolution had thought of putting in practice those plans which James had formed.'

So little, however, at that time was the necessity for the bridge as a connecting-link between the old town and the new thought of, that it was always spoken of simply as a new road to Leith, to obviate the necessity of going by the Nether Bow Port and the Low Calton.

Long before a single stone of the bridge or of the new town had been laid, however, it was a firm conviction in Provost Drummond's mind that the day was not far distant when the city would stretch itself over the country then dotted with farms and country houses to the north and south. This he had long foreseen, and did his utmost to bring about. The building of the North Bridge was the one step needful to make the new town possible.

Of course it was inevitable that, arising out of the many improvements being made by the extension of the city, the building of new edifices, and the clearing away of old and ruinous buildings, things were done which are to be regretted. Ancient structures, of perhaps no great utility but of much historic interest, it must be admitted, were treated with little respect, and disappeared for ever as cumberers of the ground. Among these may be mentioned the old city Cross, which in March 1756 was demolished, its shaft and other carved stones being, however, secured and preserved, till at a later period, their local interest being again recognised, they were restored to their original vicinity.

In 1764 that famous old feature of the High Street, viz. the Nether Bow Port, was also taken down. It had withstood the sentence by the House of Lords in 1873, but at

length, as Arnot says, 'Upon the increase of wheel carriages, the width of the passage was found unequal to the concourse of people who had occasion to pass that way, and as the building was so crazy that the gate could not admit of an enlargement, there was found to be a necessity for removing the whole.'

The Royal Porch at the entrance to the courtyard of Holyrood was similarly found to be an obstruction, and was pulled down in 1753.

That these and other regrettable destruction of picturesque objects in the streets appear not to have been carried out without manifestations of regret from some of the citizens is evident from what we find in the poems of James Wilson, a wit and satirist of the time, who wrote under the pseudonym of 'Claudero.' Among these, published in 1766, under the title of *Miscellanies in Prose and Verse by Claudero, son of Nimrod the Mighty Hunter*, the most noted, perhaps, are the 'Echo of the Royal Porch of the Palace of Holyroodhouse, which fell under military execution, anno 1753'; 'The last speech and dying words of the Cross, which was hanged, drawn, and quartered on Monday the 5th March 1756 for the horrid crime of being an encumbrance to the street'; 'A sermon on the Condemnation of the Netherbow,' etc. These are all stingingly satirical, and breathe a spirit of antiquarian reverence for the city's ancient edifices and monuments, and regret for their wanton destruction, 'under the reckless fiat of a Magistracy of the most tasteless age in British history.'

But in spite of all Claudero's just resentment at the mischief done, he has nothing but a good word for the Provost. Writing of the demolition in 1764 of the Nether Bow, he says: 'Your porch falls a sacrifice to luxury; let that be the butt of your just resentment. The Chief Magistrate is devoted to the service of the city, and its glory is his greatest aim. Disinterested are his views; his noble plans proclaim his merit, and his memory shall be dear to posterity.'

One cannot but sympathise with Claudero's despair over the frequent lack of taste exhibited in most of the new street architecture of those days. The bald Georgian period, with its primitive gropings after the classical, was responsible for many uncouth buildings both public and private. In too many cases the quaint but picturesque Scottish domestic style, with all its rugged massiveness and variety, was displaced to make room for straight lines and a dull monotony—where the same size of window was made to do duty throughout the whole length of a street; and where tasteless pillars and arches supported nothing but their own weight.

Public taste, unfortunately, was in the hands of architects, who until the days of Playfair and Adam had no other idea than that of utility and uniformity.

Drummond, to give him his due, was more alive to the social reforms necessary in his day than endowed with æsthetic tastes for the beautiful in the buildings he erected.

Shortly after his entry upon his last year of office as Lord Provost, great cause for anxiety arose as to the peace of the city through the scarcity of food. The crops for some years past had been wretchedly poor, and as oatmeal in Scotland was the chief staff of life, neither potatoes nor turnips being grown to any extent, the result was a famine. In some cases growers or dealers who had grain to sell kept it up in the expectation of still higher prices. The Meal Market, which was then situated eastward of the back stairs leading down to the Cowgate from the Parliament Close, was the scene of a serious riot in November 1763. The dealers were thought to be keeping up their supplies, and the people had no food. On the evening of the 21st November the mob proceeded to the girnals in the Meal Market, carried off all that was there, rifled the house of the keeper, and smashed all his furniture. At midnight the mob dispersed on the arrival of some companies of infantry from the Castle, only, however, to renew their riotous conduct next day, and they

were only dispersed by the presence on the scene of Lord Provost Drummond and the Magistrates, supported by the Train Band Constables, the City Guard, and part of the military from the Castle. Many of the rioters were captured at the point of the bayonet and lodged in the Castle, and as a precaution against further disturbance the Scots Greys Regiment was quartered in the Canongate and in Leith.

The scarcity of food was badly felt for a long time, but the Magistrates, we are told, after this, acting vigorously under Drummond's personal influence, used every means to have this market well supplied with meal.

Provost Drummond retired from the Council at the termination of his period of office in November 1764, and shortly afterwards withdrew from the Commissionership of Excise, which he had held since 1738, and after a short illness he died at Drummond Lodge on 4th November 1766, in the eightieth year of his age.

The funeral was the largest and most imposing that had been seen in Edinburgh for many years, and was attended by all ranks and classes. Places of business were closed, the crowd of spectators being immense. He was laid in the Canongate Churchyard, near to the tomb of Adam Smith, to the west of the entrance gate, where a plain slab, erected some thirty-one years afterwards by his eldest surviving son, Archibald Drummond of Rudgey, narrates the fact of his being One of the Honourable Commissioners of His Majesty's Revenue of Customs and Excise in Scotland, and six times Lord Provost of the City of Edinburgh.

In an appreciation of Drummond's character and work, written more than one hundred years ago,¹ it is said: 'No Magistrate of any city ever left behind him more lasting monuments of patriotic spirit, or held that dignity with more activity for the public good. . . . The Royal Infirmary, the Exchange, and the New Town of Edinburgh itself were either

¹ *Scots Magazine*, 1802.

executed or planned by him while in office. He changed the face of the metropolis, and from a mass of ruinous and neglected buildings brought it into rivalry with the first cities of Europe.' Though no monument to his memory adorns our streets, his name is perpetuated in Drummond Street and Drummond Place, and, it may well be said, Provost Drummond's monument is the New Town of Edinburgh.

Reference has been made to Sir Alexander Grant's estimate of the man, as 'the greatest of the many Lord Provosts who for 275 years had ruled the city.' But his influence was felt in many quarters in the making of the city. Edinburgh's great medical school owes its rise and much of its fame to his wise initiation and helping hand; while no less than five professorships in the University, those of Chemistry, Theory and Practice of Physic, Midwifery, and Belles-Lettres and Rhetoric owe to him their establishment.

During his long life his high abilities were given ungrudgingly to his country, and especially to the grand old city he loved so well, even at the sacrifice of his own personal comfort and fortune. He discharged the many different duties of his position with a care and zeal which few have possessed and none have equalled.

WILLIAM BAIRD.

THE SCULPTURED STONES OF EDINBURGH

IV. WRYCHTIS-HOUSIS ¹

WRYCHTIS-HOUSIS, the mansion of a branch of the old family of the Napiers, which stood on the skirts of the 'Burgh Muir,' has disappeared as completely as the House of Dean; the heraldic and other mural adornments that formerly encrusted it have been scattered even more widely than the Nisbet Stones. But it has been more fortunate in this respect, that fuller materials, in addition to these dispersed and mutilated fragments, are available for obtaining an idea of the original form and aspect of what has been described as 'by far the most striking example of an ancient baronial mansion that existed in the neighbourhood of Edinburgh.'

The demolition of Wrychtis-housis was an act of vandalism of more than a hundred years ago. It was taken down in 1800, to make place for the tasteless structure of James Gillespie's Hospital, which, in its turn, has recently been subjected to a reconstruction, as a school, that has not materially improved its architectural appearance. A correspondent of the *Edinburgh Magazine* of that year, signing himself 'Cadmon,' wrote protesting against the removal of the venerable mansion, and pleaded its age as a reason for sparing it.

¹ The first article on the Sculptured Stones of Edinburgh, 'The Dean Group,' is in the volume of *The Book of the Old Edinburgh Club* for 1908; the second article, 'The West-End and Dalry Groups,' is in the volume for 1909; the third article, 'Miscellaneous,' in the volume for 1910.

'Above one window,' he says, 'was the inscription "Sicut Oliva fructifera, 1376"; and above another, "In Domino Confido, 1400." There were several later dates, marking the periods, probably, of additions, embellishments, or repairs, or the succession of different proprietors. The arms over the principal door were those of Britain, after the Union of the Crowns. On triangular stones, above the windows, were five emblematical representations:—

"And in these five, such things their form express'd,
As we can touch, taste, feel, or hear, or see."

A variety of the Virtues also were strewed upon different parts of the building. In one place was a rude representation of our First Parents, and underneath the well-known old proverbial distich:—

"When Adam delved and Eve span,
Quhar war a' the gentles than?"

In another place was a head of Julius Cæsar, and elsewhere a head of Octavius Secundus, both in good preservation.'

Most of these pieces of sculpture seem to have entirely disappeared.¹ They were dispersed, and many of them were recklessly defaced and broken, according to Wilson, who notes, as must be apparent, that no dependence can be placed on the dates quoted by 'Cadmon.' These are, indeed, much earlier than the period when domestic buildings began to be decorated with dates and mottoes in Scotland; and the specimens of the sculptured stones of Wrychtis-housis that are still preserved obviously belong 'to the florid style that prevailed in the reign of James VI., and were no doubt cut as a durable memorial of the family tree.' The author of the *Memorials of Edinburgh* mentions, among those he had examined, 'one now built over the doorway of Gillespie's School, having a tree cut in it, bearing for fruit the stars and crescents of the family arms, and the inscription "Dominus est Illuminatio mea"; another, placed over the Hospital Well, has this legend below a boldly cut heraldic device,

¹ A moulded dormer-pediment, built into the back wall of an adjoining tenement, at 15 Leven Street, probably came from Wrychtis-housis. It contains no date, arms or lettering.

“Constantia et Labore, 1399.” On two others, now at Woodhouselee, are the following: “Beatis Virgin Sperat in Deo · 1450,”¹ and “Patriæ et Posteris · 1513.” The fortunes and present positions of these and other stones will be noted later.

An etching by Charles Kirkpatrick Sharpe, giving a view of the old house from the north-east, is shown in Wilson’s *Memorials*.² It presents two of the crow-stepped gables which were marked features of the building, with a range of sculptured dormers and panels, and behind these the square keep, with a taller round tower at its eastern corner. Another view of Wrychtis-housis, from the south-west—the principal front—and exhibiting a still more imposing array of gables, appears among Clerk of Eldin’s sketches, and is reproduced in the new illustrated edition of Cockburn’s *Memorials of his Time*, in which work there is a familiar passage relating to this historic mansion. Noting the completion of Gillespie’s Hospital in 1805, Cockburn says:—

‘A very curious edifice stood on the very spot where the modern building is erected. It was called Wryttes-Houses, and belonged anciently to the family of Napier. It was a keep presiding over a group of inferior buildings, most of it as old as the middle of the fourteenth century, all carved with heraldic and other devices, and all delightfully picturesque. Nothing could be more striking when seen against the evening sky. Many a feudal gathering did that tower see in the Borough Moor; and many a time did the Inventor of Logarithms, whose castle of Merchiston was near, enter it. Yet it was brutishly obliterated without one public murmur.’

After a reference to ‘Cadmon’s’ protest, it is added: ‘How severely has Edinburgh suffered by similar proceedings, adventured upon by barbarians, knowing the apathetic nature,

¹ This stone is no longer discoverable at Woodhouselee. It is figured in Napier’s *Partition of the Lennox*, p. 184. The arms are those of Napier, impaled with Rhind, and the initials, ‘W. N.’ and ‘J. R.’ stand for William Napier and Janet Rhind. The ‘Virgin’ is obviously a misprint for ‘Vir qui,’ as given by Napier.

² Vol. ii. p. 208.

in these matters, of the people they have had to deal with'— a remark not wholly inapplicable to the present day.

Wilson's account of the building and its history is more circumstantial :—

'The nucleus of this singularly picturesque group of irregular masonry appeared to have been an ancient keep, or Peel Tower, evidently of very early date, around which were clustered, in various styles of architecture, intricate ranges of building and irregular turrets, which had been added by successive owners to increase the accommodation afforded by the primitive tower. The general effect of this antique pile was greatly enhanced on approaching it by the numerous heraldic devices and inscriptions which adorned every window, doorway, and ornamental pinnacle ; the whole walls being crowded with armorial bearings, designed to perpetuate the memory of the noble alliances by which the family succession of the Napiers of Wrychtis-housis had been continued from early times.'

The historian of the Napiers, in *The History of the Partition of the Lennox*, shows by examination of the earliest records that, notwithstanding their common name and close neighbourhood, there is no evidence of a common origin of the two families of Wrychtis-housis and of Merchiston, and that their arms were apparently distinct in the Flodden year, when a daughter of Merchiston was married to the laird of the adjoining lands. As this authority and Wilson note, the arms of the two houses are, not impaled, but cut on two distinct although attached shields, and with the Merchiston crest placed above, on the tablet marking the family vault of the Wrychtis-housis Napiers on the north wall of the choir of St. Giles' Church, and now removed from the interior to the exterior of that building. (Fig. 1.)

The burgh records attest that the lairds of Wrychtis-housis took an active part in the town's affairs during the sixteenth and part of the seventeenth centuries. The lands were acquired in 1664 by charter under the great seal, by John Clerk of Penicuik, with reversion to William Napier of Wrychtis-

housis, on payment of a sum of ten thousand pounds Scots. Clerk was the founder of the Penicuik family, and according to his grandson and namesake, the writer of the *Memoirs*,¹ was the son of a Montrose merchant, and returned from France with a fortune of £10,000 sterling, which at that



FIG. 1.—Napier Monument, St. Giles' Church.

period enabled him to purchase several lands and baronies. He was 'an excellent oeconomist, tho he kept always a very hospitable house,' and provided well for all the sixteen children born to him by his wife, Mary Gray, daughter of Sir William Gray of Pittendrum, whose arms and initials are on

¹ See *John Clerk's Memoirs*, published by the Scottish History Society, p. 240.

the old house in Lady Stair's Close. The reversionary interest retained by Napier may account for the fact, recorded by Stair, 'that a claim to the estates of Wrychtis-housis was made by persons of that name so late as 1680.' Early in the eighteenth century the lands were conveyed to Robert Clerk, and they passed, in 1720, from James Clerk (probably Robert's heir) to the hands of Sir William Menzies of Gledstanes under a decree of sale. In 1754 they were the property of James Hamilton of Gilkerscleuch and Robert Ramsay of Blackcraig. They afterwards went to James Mitchelson, jeweller in Edinburgh, and in 1762 to the Governors of the Trades Maiden Hospital, who are still superiors of the larger part of the old lands.

The trustees of that 'benevolent tobacconist,' James Gillespie of Spylaw, acquired the mansion and the grounds around it at the close of the century. At that time Wrychtis-housis appears, from notices in contemporary magazines, to have been known as 'Barganie House' and 'Borough Muir Castle.' While in the occupation of General Robertson of Lude, the grisly apparition of 'a headless woman, carrying a child in her arms,' haunted one of the rooms on the ground-floor. As the story has been told, when the house was pulled down there was found, under the hearthstone of this room, 'a box containing the body of a female, and beside her the remains of an infant, wrapped in a pillow-case trimmed with lace.' The woman's 'scissors were yet hanging by a ribbon to her side, and her thimble was also in the box, having apparently fallen from her shrivelled fingers.'

The two stones, mentioned by Wilson as built over a doorway and a well respectively, are now placed in the east wall of the Gillespie School playground, under the shadow of the adjoining Bruntsfield Terrace tenements. That bearing the motto 'Dominus est Illuminatio mea' and the branched foliage carrying the crescents and mullets of the

family arms of Napier of Wrychtis-housis (Fig. 2), also contains, it will be seen, the initials W N. The shield

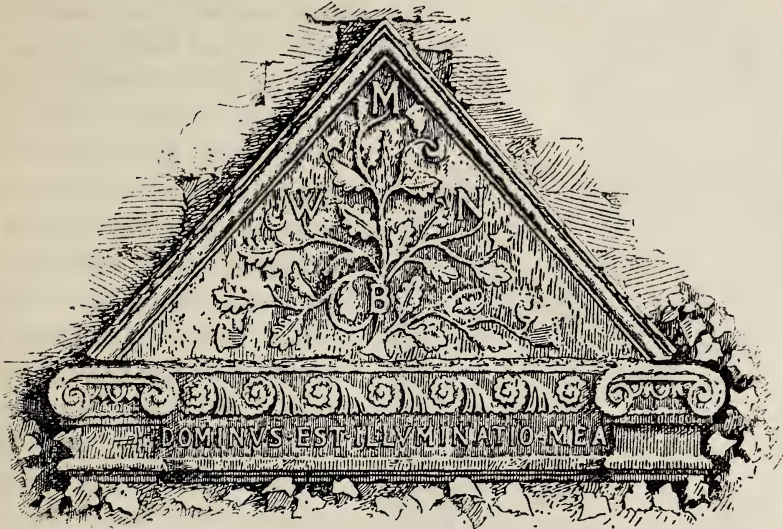


FIG. 2.—Heraldic Pediment at Gillespie's School



FIG. 3.—Heraldic Pediment at Gillespie's School.

on the other stone (Fig. 3) impales with the Napier arms —on a bend, a crescent between two mullets or spur-rowels

—another coat bearing, on a bend, what look like three buckles, with a unicorn's head in chief. The shield, the initials 'A N' and 'I S,' the motto 'Constantia et Labore,' and the date '1399'—obviously, as has been said, much earlier than the period of the stone and of the building to which it belonged—may perhaps refer to an early alliance of the family, which the impaled arms and the accompanying

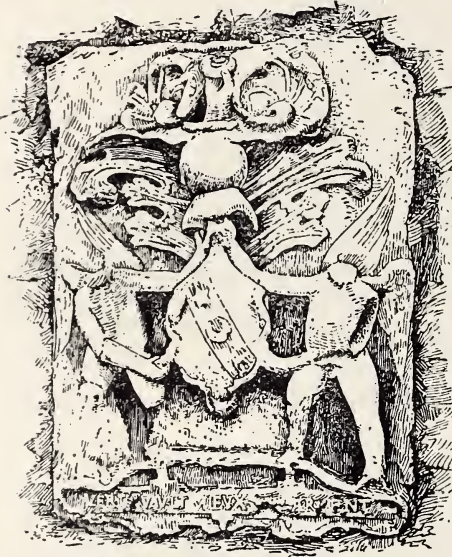


FIG. 4.—Heraldic Panel at Gillespie's School.

initials suggest may have been with a member of a branch of the Stirlings that bore a unicorn's head for difference, in addition to their device of the buckles on a bend. In 1390, according to the Chamberlain Rolls, William Napier of Wrychtis-housis was Constable of the Castle of Edinburgh; and he is thought to be the same William Napier who held the office in 1402—three years later than the date on the stone—and along with the ill-fated Duke of Rothesay and Archibald, Earl of Douglas,

maintained the fortress against the attack of Henry IV. of England, a service commemorated, it is conjectured by the chronicler of the Napier family, by the fact that the lands were held under the tenure of payment to the King of a silver penny on the Castle Hill.

A third panel (Fig. 4), placed alongside, contains an elaborate heraldic achievement cut in high relief, but much damaged by time and rough usage. The shield with the arms of Napier of Wrychtis-housis—which, as is noted in

The Scots Peerage,¹ resemble those of Napier of Kilmahew, and differ completely from the saltire and roses of the Napiers of Merchiston and of Ballikinrain—is surmounted by helmet and mantling, and the crest of a hand holding a crescent. The supporters are two naked winged figures, much mutilated. The motto is not easily decipherable. I read it —‘Vertu vault mievx que l’argent.’ There are no initials or date to help identification.

A square dial-stone, with gnomon broken off, is also preserved in the playground wall. A much more valuable and interesting memento of how the passage of time was once marked in the old gardens of Wrychtis-housis is now at Woodhouselee, five miles distant from its original site, but still on the border of the Old Biggar Road (Fig. 5). It is a ‘lectern-shaped dial,’ perhaps the finest of its type, and is described and figured in Mrs. Gatty’s *Book of Sundials*, and by Dr. Thomas Ross in his paper on ‘Ancient Sundials in Scotland,’ in the *Proceedings of the Scottish Society of Antiquaries*.² The characteristic elements of dials of this type, says Dr. Ross, ‘are a shaft (on which there are no dials) and a stone supported upon it, cut in a peculiar manner, so as to contain several sundials, the whole having a very decided resemblance to a music-stand or lectern. The dial-stone is cut, angled, bevelled, and

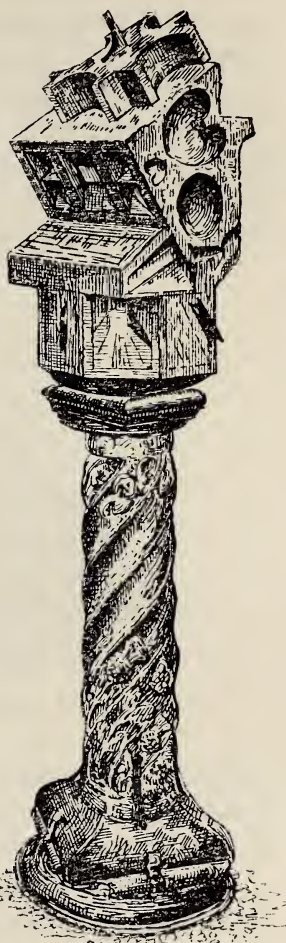


FIG. 5.—Sundial from Wrychtis-housis at Woodhouselee.

¹ Vol. vi. p. 403.

² Vol. xxiv. pp. 101-112.

hollowed into a multiplicity of parts not easily described.' The Wrychtis-housis sundial in the garden at Woodhouselee is 6 feet 3 inches high, including base and cap. It has eight vertical dials, besides the usual ones common to the lectern-shaped type. It is mounted on a twisted column, the flutings of which are ornamented with a row of rosettes at the base, and with alternate thistles and roses, and hearts and cupids' heads, towards the centre and at the crown of the shaft. Although the ground is on a sunny southern slope of the Pentlands, the shrubbery and walls by which, in its present



FIG. 6.—Heraldic Pediment from Wrychtis-housis at Woodhouselee.

position, it is hemmed in, interfere sadly with the performance of its appointed 'day's work' by this many-fingered monitor of the flight of time.

The stone is a 'wanderer,' having been purchased and brought hither, on the demolition of the old house beside the Borough Muir, by Alexander Fraser Tytler, Lord Woodhouselee, of whose taste and skill in dialling there is an interesting proof in the elaborate dial-plate, etched with aqua-fortis by the hands of the judge and scholar, that crowns another sundial at Woodhouselee.

Most of the other stones removed from Wrychtis-housis

to Woodhouselee have been built into a rustic archway, now heavily overgrown with ivy, near the mansion-house. Resting on the ground, and partly buried in the turf, is a dormer-pediment, noted by 'Cadmon,' bearing the effigy, in a crude style of art, of a crowned Roman Emperor (Fig. 6). The inscription below reads: 'Octavius Secundus Roman. Imperator.' Into the base of the arch is set—upside down—a massive dial-stone, dialled on four of its exposed surfaces, which

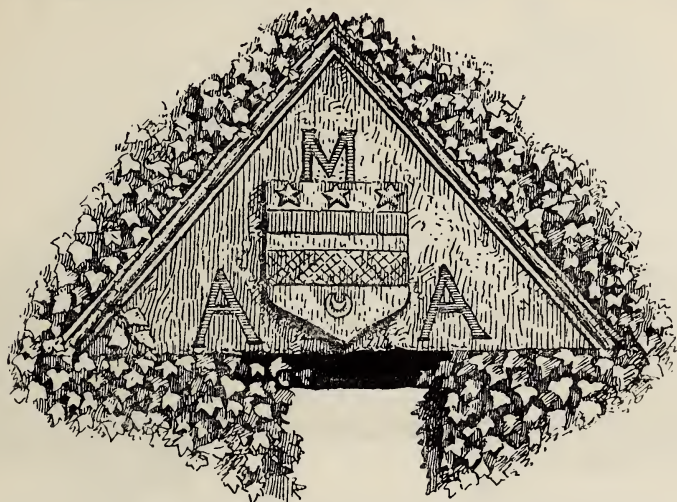


FIG. 7.—Heraldic Pediment from Wrychtis-housis at Woodhouselee.

may or may not have belonged to the Napiers. The same remark applies to two small pieces of sculpture, one of them containing, under an arched canopy, figures of the Virgin and Child, much injured by the ivy, and the other an incised inscription in Greek, signifying 'To the One God the Praise.'

Three of the heraldic stones in the archway are triangular pediments of dormers, with moulded edges, and are so overgrown with ivy as to be barely visible. One, on the west side of the arch (Fig. 7), has a shield bearing two bars, the lower lozenge, with three mullets in chief and a crescent in

base. The accompanying initials are $\begin{matrix} \text{M} \\ \text{A} \quad \text{A} \end{matrix}$, which would appear to denote some one who was learned in the arts. I have been unable to identify the coat or its owner.

On the other side of the arch is an escutcheon more easy to read (Fig. 8). It has already been referred to in an extract from Wilson. On it the arms of Napier of Wrychtis-housis are impaled with those of Napier of Merchiston. The initials 'R N' and 'M N' and the date '1513' denote Robert



FIG. 8.—Heraldic Pediment from Wrychtis-houses at Woodhouselee.

Napier, the head of the former of these families, and Margaret, third daughter of Archibald Napier of Merchiston, to whom he was married at the close of the year mentioned. The father of the lady was the Napier of Merchiston who in 1494 founded a chantry, at the altar of St. Salvator, within the Collegiate Church of St. Giles, and endowed it from the rents of tenements in the burgh of Leith belonging to him and to his first wife Catherine, daughter of Sir William Douglas of Whittinghame.

The shield on the third of these dormer-stones (Fig. 9) contains a fess-chequé with two bucks' heads in chief and one in base, impaled with a chevron having a boar's head at the

chief point, with two mullets in chief and a rose in base. The initials are 'A P' and 'E S.' The principal arms are apparently those of Park of Fulfordlees, which are given in Sir J. Balfour Paul's *Ordinary of Scottish Arms* as containing a fess-chequé between three bucks' heads cabossed. The impaled arms, taken in conjunction with the initials, suggest a branch of the family of Scott. An editorial note to 'Cadmon's' article, in the *Edinburgh Magazine* of 1800, states that the Park arms, along with those of Napier, 'occur most frequently' on the Wrychtis-housis stones. It is curious that one of these stones should have found its way to Woodhouselee, the original name of which was Fulford.

This is perhaps a convenient place for noticing two stones from Wrychtis-housis that have wandered so far afield as St. Margaret's, North Queensferry, one of which more directly connects the families of Park and Napier. My attention was called to them by Mr. F. C. Grant, Lyon Clerk, to whose kindness I am indebted for many heraldic and other hints in preparing these articles; and I find that they are noted, and that the second, or Napier-Forrester stone, is figured, in an article by Mr. T. Etherington Cooke in the second volume of *Scottish Art and Letters*, p. 63. They have been built, possibly in imitation of the disposal of the Woodhouselee stones, into an archway in the approach to the mansion-house, overlooking the upper Firth and the new Naval Base, which has been in possession for fifty years of the family of the present occupier, Mr. Elder, who is unable,



FIG. 9.—Heraldic Pediment from Wrychtis-housis at Woodhouselee.

however, to give me any information as to when, by whom, or under what circumstances they were placed in their present position. They rest upon the keystones of the arch, on the outer, or northern, and inner, or southern, side respectively. Both are in excellent preservation. The stone which bears the Park arms (Fig. 10) is a triangular dormer-pediment, with boldly moulded edges and surmounted by



FIG. 10.—Heraldic Pediment at St. Margaret's, N. Queensferry.

the Napier star. The shield, containing Napier impaled with Park, is of the ordinary form, and is supported on either side by an arm issuing from clouds. The initials, 'W N' and 'E P' (the lower portion of the 'P' has disappeared), stand for William Napier and Elizabeth Park. Underneath is the motto, 'Ditat Servata Fides'—it has been adopted by the Commercial Bank of Scotland, and may be freely rendered, 'Honesty is the best policy'—and the date '1570.'

The companion stone (Fig. 11) is that which 'Cadmon'

refers to as placed above one of the windows of Wrychtis-housis, and as bearing the oldest date, 1376, with the motto 'Sicut Oliva Fructifera.' It is segmental in shape, with moulded border, and bears an oval shield, with the impaled arms of Napier and Forrester, placed on an ornamental cartouche, flanked on either side by an olive branch and by the initials, as on the other stone, in high relief, 'W N' and 'I F'—William Napier and Janet Forrester. Sir Adam

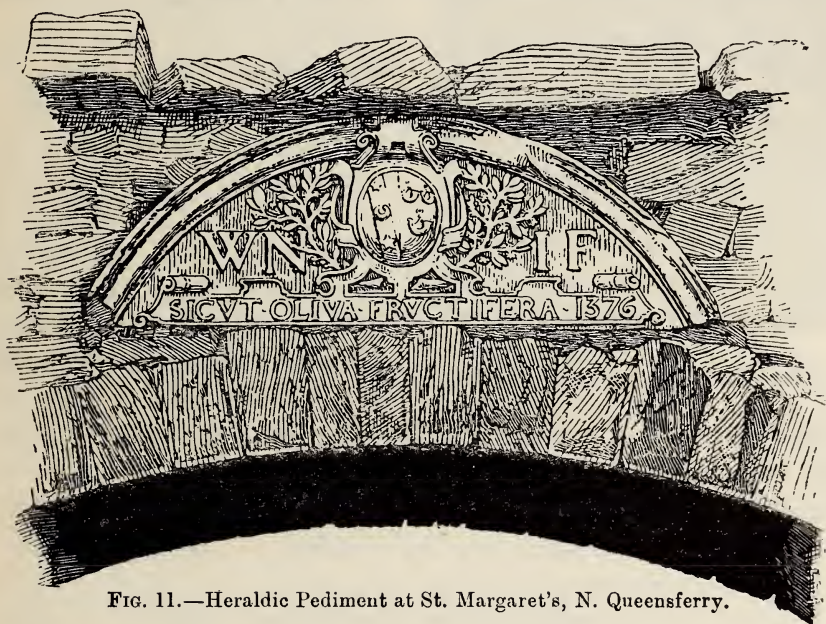


FIG. 11.—Heraldic Pediment at St. Margaret's, N. Queensferry.

Forrester of Corstorphine acquired Wrychtis-housis from Henry de Winton and Amy Brown in June 1382. Possibly the stone, now removed so far from its original place, affords a cue to the Napier succession to the lands and house.

A panel, which has found lodgment in the arch at Woodhouselee—to return to that group of sculptured stones—is obviously associated with a different group and family, the Tytlers, who still own the 'Pentland retreat' that has sheltered three generations of men of letters and learning,

and that holds memories of Robert Burns, Walter Scott, John Leyden, and Sydney Smith. The stone (Fig. 12), with its bearings and mottoes, illustrates the family legend, which is to the effect that a Seton, who had committed a homicide, and had thus fallen 'under a cloud,' and been forced to take refuge abroad, recovered in part his fortune



FIG. 12.—Heraldic Panel at Woodhouselee.

and standing, but on his return to his native country adopted the name of Tytler, and altered his arms, a lion's head erased being placed for difference between the three crescents of Seton, and the surrounding 'tressure flory-counterflory' giving place to a bordure, or. Above the shield with these arms (from which, however, the crescent in base appears to be either omitted or effaced by the

hand of time) is the crest of the sun's face, rayed and emerging from behind a cloud, with the appropriate motto, 'Post nubila Phœbus,' while at the bottom of the panel are lines which run—

' Vnto y^e rightiovs there
Ariseth light in y^e darknes.'

Comparison may be made with another Tytler panel (Fig. 13), removed, it is understood, from the old church of Glencorse, and now built into the southern front of 'haunted Woodhouselee.'¹ The bordure here is ermine, and on the crest the sun is entirely 'occulted' by the cloud, from behind

¹ The ghost has flitted, with the name, from the old house, now in ruins, in the valley of the Esk, to the modern mansion, which encases the ancient tower of Fulford, on the hillside, and is still, it is said, occasionally heard and seen.

which his beams emerge. The later motto—as shown on a modern Fraser-Tytler achievement close by—has also altered form, but not signification—‘Occultus non Extinctus.’

A richly-carved marble fireplace in the hall at Woodhouselee is said to have been brought from Wrychtis-housis.

Notice should perhaps be taken here of a sculptured stone (Fig. 14), easily visible to the passer-by on the highway, about halfway between Wrychtis-housis and Woodhouselee. It is incorporated in the back wall of the lodge at the entrance to Comiston, an estate which has numerous

associations with Edinburgh municipal honours and undertakings. It has evidently formed part of a dormer, and contains, cut in relief, the letters ‘A C’ and ‘M D,’ with the date ‘1610’ deeply incised. It terminates in a volute ornament with a rosette beneath and a lozenge above. The stone may be taken to belong, like the adjacent gate-pillars and the ruined dove-cote, to the old house of Comiston, demolished when the present house was built in the Waterloo year. The initials are those of Andrew Creich and Margaret Dick. There is a charter in the Great Seal Register—11th June 1608—to them



FIG. 14.—Panel at Comiston Lodge.



FIG. 13.—Heraldic Panel at Woodhouselee.

and to Andrew, their son, of the lands of Colmanstoun, on the resignation of John Fairlie of Colmanstoun and Margaret Oliphant, his spouse, and of Thomas Fairlie, younger of

Colmanstoun, and Elizabeth Carkettle, dated 25th May 1608. This enables us to conjecture that the Fairlies of Braid may have had their earlier residence at Comiston, formerly Colmanstoun.

My attention has been called by Mr. D. Barnett, of the Municipal Museum, to the fragment of a sculptured stone placed in a rockery close to the entrance lodge of the Dalry Cemetery, in Dalry Road. (Fig. 15.) It appears to have originally surmounted a dormer-window in the old House of Dean; and I learn from the superintendent of the ceme-

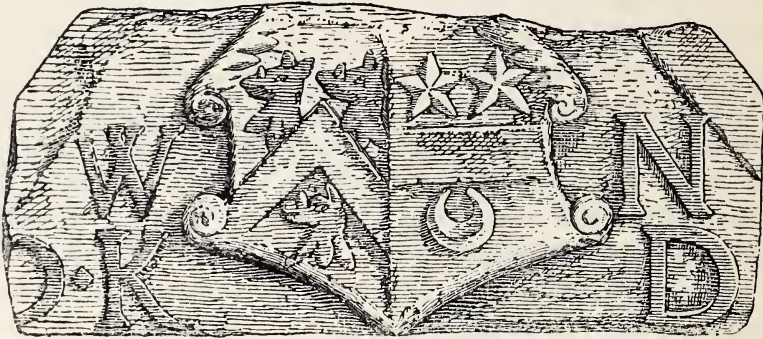


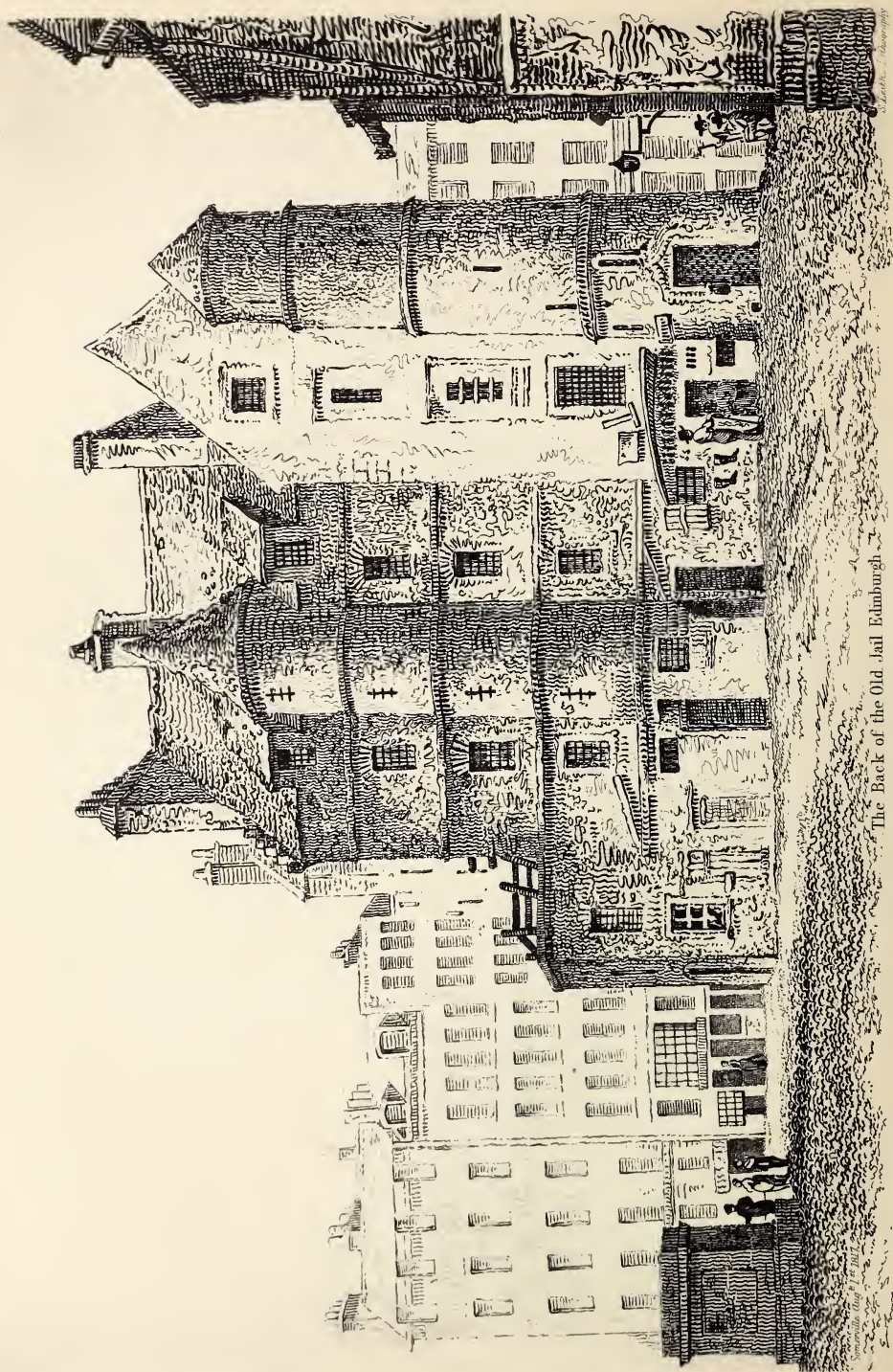
FIG. 15.—Heraldic Pediment at Dalry Cemetery.

tery, Mr. W. Moffat, that it was brought hither by his father and predecessor in charge of the cemetery, the late Mr. James Moffat, from the sculptor's yard of the late Mr. David Thomson. The principal ornament is a shield, the top of which is broken off, containing the boldly-cut impaled arms of Nisbet of Dean and of Dick of Braid. The shield is flanked by the letters 'W N' and 'D K D' in high relief (the first 'D' incomplete), and it may be presumed that the upper part of the stone, now missing, contained, like the corresponding stones of the Dean group described in the first article of this series, the letter 'S.' It records the arms and initials of Sir William Nisbet of Dean (died 1639), Provost of Edinburgh, and of his second wife, Katherine, daughter

of Sir William Dick, whose vicissitudes of fortune during the civil wars of the seventeenth century are made familiar to us in the *Heart of Midlothian*. She died in 1630, so that the stone presumably dates on later than that year. Comparison with the other three stones (figured on pages 102, 103, and 104 of Volume I.) on which the same impaled arms appear (dexter—a chevron between three boars' heads; sinister—a fess, between two mullets in chief and a crescent in base) shows that it differs from each as they differ from one another. It closely resembles in lettering that built into the wall of a mill at Coltbridge (Fig. 10 of Dean group). But the shield is of ornamental instead of plain design, and, to judge by the line of the moulding, there was no surmounting helmet and crest.

JOHN GEDDIE.

NOTE.—The full inscription on the ornamental panel to the memory of Bailie Thomas Douglas (now at Bloomsbury Laundry, Grange Loan, and described at p. 206 of the Third Volume of the Book of the Club) is given in Monteith's *Theater of Mortalitie*, and is copied, both the Latin and the translation, in the Appendix to Brown's *Epitaphs* (p. 316) containing the Greyfriars inscriptions supplied from Monteith, 'the monuments having been removed or destroyed.' The date of the death of this 'godly man and good citizen' is given as 9th August 1686, thus confirming the conjectured restoration of the erased part of the inscription given in the third article of this series. Brown quotes from the Greyfriars *Records*: 'Buried near the old tree (now removed) next the end of the church,' and adds, 'by some unfortunate accident, after the fire of 1845, this monument was destroyed.' Evidently the panel was not destroyed, but removed to Grange Loan, when and under what circumstances it would be interesting to know. It may be noted that the tomb of Alexander Bethune of Long Hermiston, mentioned at p. 183 of last volume, was also in the Greyfriars, in the section of the churchyard adjoining Candlemaker Row. The Latin epitaph recorded (Monteith's translation) that he died 9th November 1672; that he was 'a man of great prudence, piety, and industry,' and that the monument was erected by his wife, Marjory Kennedy, 'with whom he lived most lovingly thirty years, and begat a numerous issue, of whom seven sons, one daughter, and two grandchildren are all here buried together.'



The Back of the Old Jail Edinburgh.

THE OLD TOLBOOTH, EDINBURGH, FROM THE SOUTH (1817).

After a Drawing by D. Somerville.

THE OLD TOLBOOTH

WITH EXTRACTS FROM THE ORIGINAL RECORDS

THE Old Tolbooth, immortalised by Sir Walter Scott in *The Heart of Midlothian*, ranked second to none in point of interest among the historic buildings of Edinburgh. Its claim to distinction was earned while the Scottish nation was in the process of making, and during the last two centuries of its existence it afforded a last roof to some of Scotland's noblest sons as well as to many of her weak and erring offspring. Indeed, there was scarcely a family of note but had one representative or another who became acquainted with its discipline, if not as the victim of political or religious oppression, then as the result of debt or of crime.

Of the *Tolbooth Records* from 1657 onwards, a number of volumes in manuscript, some bound in vellum and some in calf, have escaped the destroying hand of time. The permission of the Secretary for Scotland and of the Prison Commissioners has been obtained to publish such extracts as throw light on the manners of the period or are of historical interest.¹

The Old Tolbooth served many purposes, but it was as a prison that it became famous, and in this capacity its interest centres. As an introduction, therefore, to the entries from the *Records* themselves, it may be of interest to recount

¹ Abbreviated notes from some of the volumes were printed in the *Scottish Journal of Topography, etc.*, Edinburgh, 1848, but they are very scrappy. A few of these notes appear in Grant's *Old and New Edinburgh*.

some of the outstanding incidents connected with the use of the Tolbooth as a prison during the period anterior to 1657, when the *Records* begin.

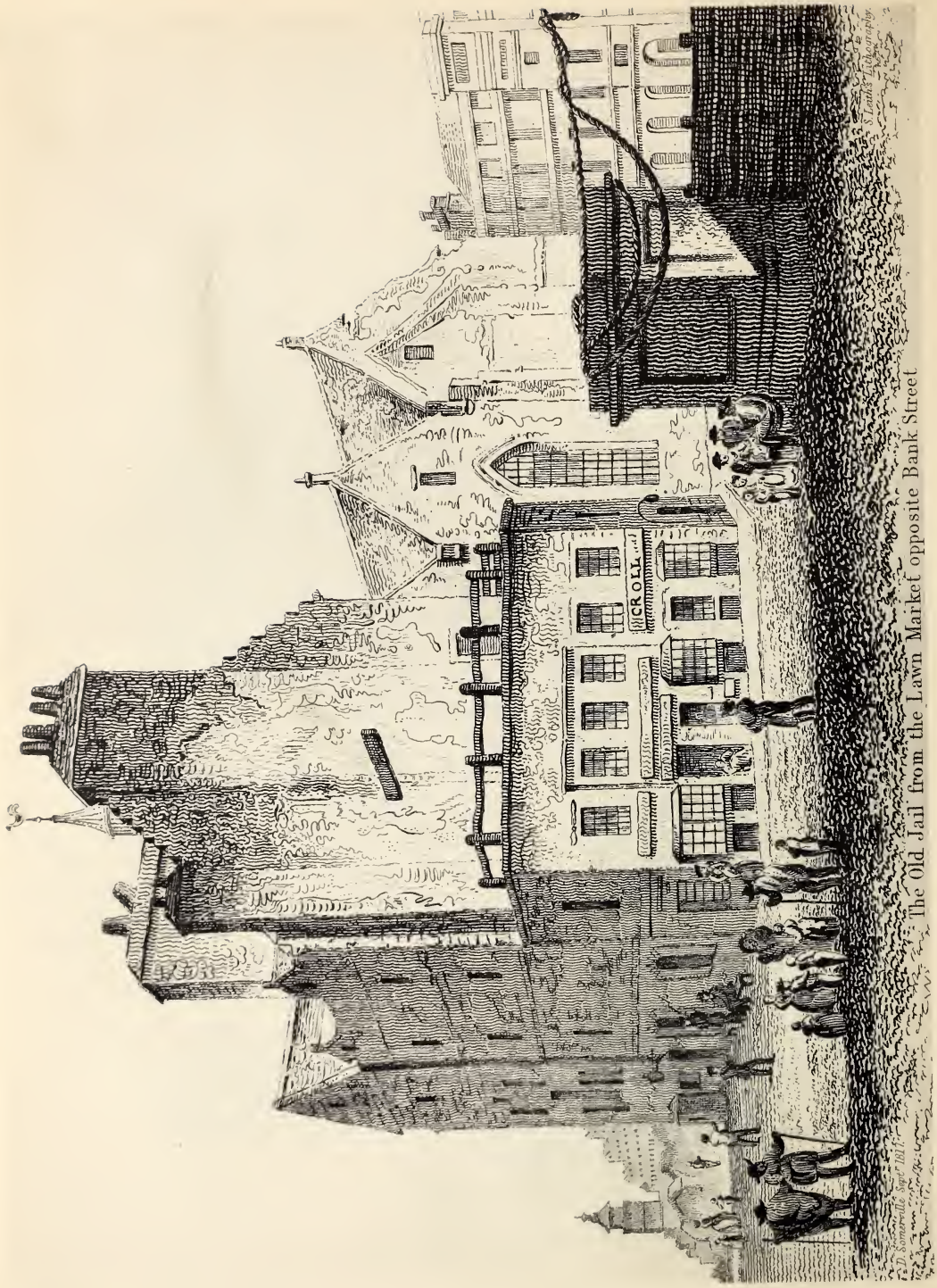
During the reign of King James the First, an Act, c. 51, was passed in the year 1425, to deal with cases of *Forethought fellonie, and Chaud-mella*.¹ Where guilt of forethought was established, 'the life and the gudes of the trespassoure [were] to be in the Kingis will, to quhais prison hee sall bee had incontinent.'

An Act, c. 63, was passed in the same year to regulate intercourse between Scotland and Ireland. It set forth that 'Ireland men cummand in Scottis Schippis' were to be examined as to their credentials, and 'gif onie prejudice of the deede be founden, they sal be arreisted, and presented to the Schireffis prison, quhill the King have done his will on them.'

It is thus clear that even at this date provision existed for holding in safe custody the persons of those who offended against the law of the country. But it is equally certain that there was no separate establishment of the nature of a prison. In the Acts quoted reference is made to the 'Kingis' prison, and also to the 'Schireffis' prison. There is little doubt but that the King's prison was the King's castle, while the Sheriff's prison meant that the transgressor was warded in the house of an officer of the Crown or of the burgh. The Act of 1487, c. 101 (reign of King James III.), intituled *Of the keiping of arreisted trespassoures*, is recognised as the earliest authentic notice of prisons in the records of the Scottish Parliament, and may therefore be quoted in full:

'It is thought expedient, statute and ordained, for the punitioun and iustifeing of sik trespassours as hes bene in times bygane, after that they were taken and arreisted be the Crowners, and in default that they could finde na borrowes, nor there was na Castell to receiue

¹ Sudden malice.



The Old Jail from the Lawn Market opposite Bank Street

THE OLD TOLBOOTH, EDINBURGH, FROM THE WEST (1817).

After a Drawing by D. Somerville.

and keepe them in, quhill the Justice Aire, and their-throw escaiped and was put fra the Law : That therefore in time to cum, quhair onie Crouner arreistis and takis sik trespassoures, he sall bring them to the Schireffe of the Schire, quhilk Schireffe sall receiue them, and keep them in suretie and firmance on OVR SOVERAINE LORDIS expenses quhair it failzeis of their awin gudes, quhill the nixt Justice Aire, and then presente them to the Justice. The quhilk Schireffe sall haue allowed to him in the Checker, for the expenses, that he makis in the keiping of thay persones, that beis delivered to him be the Crouner, for ilk person three pennies on the day, he bringand a testimoniall to the Checker fra the justice vnder his seale, of the persones, that he bringis to the justice aire, & how lang time, and quhat dayes he keiped them. Vpon the quhilk time and daies the justice sall take certification & prooffe in the aire, quhat time the Crouner delivered them, & how lang the Schireffe keiped them. And gif the Schireffe refusis to receiue the person or persones that salbe brocht to him be the Crouner, as said is, he sall vnderly the danger and vnlaw of the Justice aire to the fourt court, as ane borgh suld do, for fault of entrie of a person arreisted, the Crouner prievand, that he brocht sik persones to the Schireffe, and required him to receiue them, as said is.'¹

From the foregoing it would appear that the Crown undertook responsibility for the safe custody of prisoners *previous to trial*, either by incarcerating them in the King's castles, or by handing them over to the Sheriff to be maintained at the cost of the State.

Maitland refers to an 'old Tolbooth in the Bank Close in the *Land-Market* which was rebuilt in the Year 1562,' and 'is still standing on the Western Side of the said Close, with the Windows strongly stanchelled; the small Dimensions thereof occasioned its being laid aside.'² While it is true that some notable persons were confined in this house, known as Robert Gourlay's house, there is no reason to believe that it was ever used as a common prison. Gourlay was a messenger-at-arms,

¹ The functions of Justice Aires, and criminal procedure generally, are dealt with in Skene's *Exposition of the Termes and Difficill Wordes, contened in . . . Regiam Majestatem*, which see under *Iter*.

² *History of Edinburgh*, p. 181.

which probably explains the occasional presence of prisoners in his dwelling.

The earliest known prison of Edinburgh was undoubtedly the historic Old Tolbooth in the Lawnmarket, which stood a near neighbour to the Cathedral Church of St. Giles, and some picture of which is familiar to all lovers of the ancient architecture of the capital of Scotland. The frequent and precise references to its situation contained in the *Records of the Burgh* and in the *Register of the Privy Council* make this abundantly clear. But the late Mr. Peter Miller in *The Old Tolbuith*, a privately printed brochure, and more recently the late Mr. Robert Miller in *The Municipal Buildings of Edinburgh*, have said the last word on the subject.

The original charter for the erection of the building was granted by Robert II. to the burgesses and community of Edinburgh in 1386; but the Old Tolbooth was not used at first as a prison, for, as the name implies, it was originally the house or office where the tolls and customs of the burgh were collected. The particular date when part of its accommodation was first appropriated for a prison cannot be absolutely determined; yet a safe estimate may be arrived at. The *Burgh Records* do not go farther back than 1403, but they show that the Old Tolbooth was in existence then, and was used for all business and meetings in Edinburgh of a national or public character. The Town Council, Scottish Parliament, Privy Council, and Courts of Justice each in time met there, and there also were the Municipal Chambers. In the 'Tacks of the lands and annual rents of the Burgh' for the year 1457-58, the third, fifth, and sixth booths on the south side of the Tolbooth are described as 'in the hands of the town.'¹ For what purpose there is no evidence, and it is just possible that a place of detention for criminals may have formed part of the scheme of allotment in that year. In the lettings of the booths for the

¹ *Extracts from the Records of the Burgh of Edinburgh, 1403-1528, p. 17.*

year 1480-81, it is recorded that 'under the Tolbuith on the south syde . . . the sext buith is maid a presoun.'¹ Here we are on sure ground, and from this date it is known that Edinburgh was in possession of accommodation specially set apart for those that contravened the law. The provision of a single booth may seem inadequate for the end in view, but in the early days justice was swift, and the penalty inflicted mainly corporal, and usually of a rough and ready order. There was no such thing as imprisonment for a definite period: that came much later. The jougs, the branks, the stocks, the kuck-stool,² piercing the tongue of the culprit or nailing his ears to the tron, scourging, ducking, forfeiture of goods, banishment, mutilation; death by strangulation, burning, drowning, hanging, beheading, or breaking on the wheel, were the rewards of crime that found favour with those who administered the law in the good old days; and prisons at first were merely places of detention for prisoners during the hurried interval between capture and conviction, or until the prescribed penalty was inflicted, for punishment was made to tread on the heels of crime.³

On 1st February 1490-91, the Provost and the Council ordained the lokman, *i.e.* executioner,⁴ whenever he found any swine betwixt 'the Castell and the Netherbow vpoun the gaitt or commoun throw gangis owt of band, that he tak of every sow to his fie iiijd., and quha that will nocht pay this that he tak the said sow and nocht pairt thairwith quhill he haif viijd., and chairges that na man tak vpoun hand to stop or mak impediment to the said lokman heirvntill vnder the payne of pvnissing of thair persounis.'⁵ Chambers tells that even as late as the middle of the eighteenth century vagrant swine were as common on the streets of

¹ *Extracts from the Records of the Burgh of Edinburgh, 1403-1528*, p. 39.

² An early form of pillory in use in Scotland as far back as the time of David I.

³ It was customary to take the convict straight from the court to the scaffold.

⁴ He may have been jailer as well.

⁵ *Records of the Burgh, 1403-1528*, pp. 58-59.

Edinburgh as dogs are now, and that they were generally regarded as pets by the children of the time. Charles Kirkpatrick Sharpe had it from his father that the first time he saw Lady Maxwell of Monreith's beautiful daughters, who lived with their mother in a house in Hyndford's Close about the beginning of the reign of George III., Miss Jane, afterwards Duchess of Gordon, was riding astride upon a sow in the High Street, while Miss Eglintoune, afterwards Lady Wallace, was thumping it on with a stick.¹

In the year 1494 we first come across the term 'wairding.'² Wairding or warding varied in its significance. A man might be warded in the Castle, the Tolbooth, his own house, or private lodgings, and the confinement might be close, or within an area of two, three, or four miles, or otherwise as specified, and generally those in ward had to 'remayne upon thair awin expenses.' Full liberty in ordinary cases could be procured by getting some responsible person to become security for the reappearance of the individual in ward when required. Subordinate discipline officers in the Prison Service, now a Government department, are designated warders, but it is curious to note that about the latter half of the sixteenth century the prisoners had come to be called 'wardouris,' and are frequently so styled in the *Records of the Burgh* and in the *Register of the Privy Council*.

On 17th November 1498 the Provost, Bailies, and Council ordained 'that na maner of bairnis be seen vagand on the gaitt³ nor yitt in the kirkis, vnder the payne of xls. to be payit to the commoun werkis be the parents of the barnis within xiiij yeris of aige, and vtheris that hes na parents to pay that thai be putt in the nether holl,'⁴—the netherhole being the prison in the Tolbooth. Another class threatened with the netherhole on the same date were those who should

¹ *Letters of Scott and Sharpe to R. Chambers*, 1904, p. 31 n.

² Earlier references are to be found in the Acts of the Scottish Parliament.

³ Street.

⁴ *Records of the Burgh*, 1403-1528, p. 74.

be walking on the 'gaitt' after ten o'clock at night, with the exception of 'folkis of honesty passand thair leifull airands,' who were enjoined to carry 'bowetts or candillis'¹ in their hands that they might be known as such.

In 1513 the Scottish army under King James IV. made its way south on the disastrous expedition that culminated in the catastrophe of Flodden. On 19th August the Provost and Bailies intending to join the army appointed 'George of Towris, president, for the prouest, Robert Brus, William Lokkart, William Adamesoun and William Clerk, for the baillies, till haue full jurisdiction in thair absence til do justice, mak statutis neidfull for the commoun weil, and punis trespassouris as they think convenient for the quantitie of the trespas; and at ilk nycht thai cheis and gar mak ane sufficient wache for the keeping of the toun be the personis that happenis to remane at hame, the quarter of thame ilk nycht; and quhat persone hapinis till disobey till pas vpoun the said wache ilk ferd nycht that thai be put in presone thair till remane quhill the provestis hame cumming.'² James the Fourth's vigorous reign of a quarter of a century came to an abrupt end with the debacle of Flodden. He had initiated many reforms, and the country made substantial progress under his wise government. All classes shared in the general prosperity, and even at this early date legal procedure was conducted with strict regard to form and solemnity.

On 21st July 1521, certain craftsmen and others recorded their objections 'to the takin doun of the ii heidis of the chalmerlane and his brother of the Tolbuth end.'³ The

¹ *Records of the Burgh, 1403-1528*, p. 75.

² *Ibid.*, 1403-1528, p. 142. The provost, Sir Alexander Lauder of Blyth, never returned. He was slain at Flodden on 9th September 1513. The day following the battle all the inhabitants able to bear arms were ordered to be in readiness 'for the defens of the toun,' and twenty-four men were appointed as a standing watch. Thus the old town-guard was foreshadowed.

³ Lord Hume and his brother William, beheaded 16th October 1516.—Crawford's *Lives*.

prick of the Tolbooth was reserved for heads of distinguished sufferers. Heads of those of lesser degree and 'quarters' were exhibited at the ports or elsewhere.¹

During the years 1529-33 many persons were banished from the town either for a fixed period or for life, some being first scourged or burned. The offences were chiefly regrating, *i.e.* selling goods at a greater profit than was lawful, contravention of the bye-laws framed to prevent the spread of the plague then causing devastation in the city, and begging. The entries in the *Records of the Burgh* are quaintly expressed. On 13th November 1529, 'Irichman that singis with the las and beggis throu the toune is banist this toune becaus he is ane sterk young fallow and will nocht werk, under the pane of burning of his cheik.'² On 16th July 1530, David Duly, a tailor, having concealed his wife's sickness of the pest and attended mass in St. Giles among the 'cleyne pepill,' knowing it was 'in him till haif infekkit all the toune,' was adjudged by the Provost, Bailies, and Council to be hanged on a gibbet erected before his own door. The sentence was to be carried out the same day before noon, but 'because at the will of God he has eschapit, and the raip brokin and fallin of the gibbat, and is ane pure man with small barnis, and for pete of him, the prouest baillies and counsall bannasis the said Dauid this tovne for all the dais of his lyf, and nocht to cum tharintill in the meyntyne vnder the pain of deid.'³ From this it will be seen that the city fathers could temper justice with mercy, and that the blood-thirsty element was not always in the ascendant. In the month of October of the same year two women were sentenced to be drowned in the 'Quarell hollis at the Grayfrere port'⁴ for contravening the statutes anent the pest. In the case

¹ On 29th January 1583-84 the Treasurer was ordained 'to caus hing vp at the Nether Bow and vther patent pairts, the heid and certane of the legs and airmes of vmquhill James Mote and Jhonn Walker execut for murther.'

² *Records of the Burgh*, 1528-57, p. 14.

³ *Ibid.*, pp. 36-7.

⁴ *Ibid.*, pp. 42-3.

of females, drowning was reckoned to be a more delicate mode of punishment than hanging, which shows that ideas of refinement were not altogether wanting.

The College of Justice or Court of Session dates from the reign of King James the Fifth. It was established by Act of Parliament 27th May 1532, c. 36 *et seq.*, and was formed on the model of the parliament of Paris. The judges were endowed with many privileges, including immunity from certain taxes, fully set out in a rather scarce volume entitled *An Historical Account of the Privileges of the College of Justice*. The sovereign frequently sat in judgment, an exercise of which James the Sixth was fond, especially when the charge was witchcraft. The High Court of Justiciary was instituted in 1672,¹ and at first met every Monday during session at nine o'clock. The creation of these two tribunals did much to raise the standard of justice in Scotland.

The town was watched, or policed, in the early days by the citizens themselves taking the duty in rotation, or otherwise, as determined by the Magistrates and Town Council. The Tolbooth was a common place of meeting. On 12th October 1547 the following entry is to be found in the *Burgh Records* :

'It is statute and ordanit that their be xij abill men chosin to watche nychtlie weill airmitt with jak, steill bonet and halbert or Jedburgh staf, and thai to convene at the Croce and enter to the watches at 8 houris at evin and remayne quhill the oppining of the ports, and that thair be twa chairget thair nycht about to chek the said watches, and gif ony of the said watches beis fundin absent slepand or drinkand during the said tyme to be pvnist as the said prouest baillies and counsale thinks expedient; and that the said watches apprehend all misdoares, idill men or men that hes na maister, and putt thame in prisone quhill the counsale may avyse of thair pvnition, and that the saidis watches trubill nor cummer (disturb) na trew man or woman vnder the payne of deid.' ²

¹ There was a commission of justiciary initiated in 1550.

² *Burgh Records*, 1528-57, p. 131.

Apparently even in the sixteenth century the lot of the watchman was not a happy one.

On 13th March 1549-50 James Curle 'was decernit to haif tint his fredome . . . for frething of himself furth of the tolbuith after that he wes inpuitt at the provests command, lykeas he confest in jugement.'¹ This is the earliest recorded escape from the Tolbooth, which later on became notorious for the frequency of such events.

According to Pitcairn, editor of the *Criminal Trials of Scotland*, the first notice of exposing the body of a criminal in chains in Scotland occurs on 6th May 1551 in the *Books of Adjournal*, when John Davidson was convicted of piracy² and sentenced to be hanged in irons, within flood-mark on the sands near Leith. Arnot, in his *Criminal Trials*, mentions the case of Thomas Armstrong, who was tried before the Court of Justiciary on 14th November 1601 for the murder of Sir John Carmichael of that ilk, and sentenced to be taken to the Cross of Edinburgh, his right hand to be struck from his arm, then to be hanged on a gibbet till he be dead, and his body to be taken to the gallows on the Borough-muir, and hung in iron chains. Arnot adds, 'This is the first instance I know of in Scotland of the body of a malefactor being hung in chains.' In his interesting volume *Hanging in Chains*, Mr. Albert Hartshorne, quoting from Lord Dreghorn, says, 'The first instance of hanging in chains (in Scotland) is in March 1637, in the case of Macgregor, for theft, robbery, and slaughter; he was sentenced to be hanged in a chenzie on the gallow-lee (half way between Edinburgh and Leith) till his corpse rot.' Mr. Hartshorne would not appear to have been familiar with Arnot or Pitcairn, who successively followed Dreghorn, who wrote in 1774.

The *Treasurer's Accounts* for the year 1552-3 contain

¹ *Burgh Records*, 1528-57, p. 147.

² On 3rd July 1555 there was a remarkable trial for piracy, when twenty-seven persons were convicted and sentenced to be hanged. Seventeen were pardoned, but ten suffered the extreme penalty.—Pitcairn's *Criminal Trials*.

several entries of interest. There is an item of 'xxj¹¹ to the viij serjands and Thomas Hall, jevellor (jailer), for thair yule fee.' This is the first mention of a jailer I have been able to trace. Other items are, to Thomas Hall 'for the furnessing of the collis to the tolbuyth, mending the lorkkis of the tolbuyth, vs. for the scharping of the commone sweird ilk tyme it wes usit,' etc.

Pitcairn, referring to the case of William Fergusone and William Wrycht, of Restalrig, who for the murder of Jhone Borthwik, also in Restalrig, were sentenced, on 6th May 1562, to be taken to the Castle hill 'and thair thair heidis strikine fra their bodeis with ane sword,' remarks 'This is the first instance where the Editor has, in the earlier Records of this Court (Justiciary), met with the mention of a sword having been employed by the public executioner, by order of the Justiciar, for decapitation.' The entry in the *Treasurer's Accounts* would seem to indicate an earlier use of the sword for capital punishment.

By the year 1553-4 the Tolbooth was in need of considerable repairs. In March 1500-1 a contract had been entered into with 'Jhonne Marsar, massoun,' for 'the furnessing and completing of the towre of the Tolbuith,' and now the general condition of the entire fabric seems to have been the subject of much anxious consideration. The *Treasurer's Accounts* record that two lengthy consultations with 'masonis and wrychts' took place. The discussions must have been both dry and exhausting, for each concluded with refreshments of a substantial nature, and of course, 'the gude toun' tholed the lawing.

In the same year John Ahannay, smyth, was paid 'for making of vij stane and xiiij pund weyt of irne wark in bolts to the irne hous and theivis hoill.' Desperate characters, and prisoners sentenced to death, used to be confined in what was called the iron room, from its being furnished with chains and locks to which the criminal was secured. Nowadays

the 'condemned cell' exists only in the imagination of the writer of sensational stories of crime. The 'theivis hoill' was the name often bestowed upon the most wretched apartment in a prison. It was generally a veritable dungeon to which the meanest offenders were consigned. The thieves' hole in the Old Tolbooth was presumably the 'sext buith,' which was 'maid a presoun' in 1480-1, and which is occasionally referred to as the nether hole. At the time of the demolition of the Old Tolbooth in 1817 the thieves' hole was occupied as a shoe shop by one Michael Ketten, and it appears prominently in some old prints of the building.

On 24th December 1554 the provost, bailies, and council ordained the treasurer 'to begyn incontinent efter Yule to the bigging of the Tolbuith and steving of the geistis of the over hous thair of.' The work included a dwelling-house for the jailer, and the entire cost of the alterations and repairs was J^clxvⁱⁱ v^s vj^d. The prison now consisted of an iron room, a thieves' hole, a jailer's house, and possibly one or two other rooms besides. It was thus gradually but surely absorbing the surrounding accommodation.

The *Treasurer's Accounts* for the next two or three years make curious reading, and include some gruesome details.

There is an item of 'v^s for the expensis of the justefeing (executing) of Gospart Lauder, and the eirding (burying) of him eftir he wes heidit,' 'xxij^s for twa horss to cary the fals cunyers (false coiners) to the gallows, and hame bringing of their legs and heids, and eirding of thair bodeyis,' 'xxij^s for mending of fyve greit loks quhilks wer fylit and broken with presoneris,' 'xij^d for takin of ane greit gebet furth of the nether tolbuith and beiring of it to the hecht of the Dow Crag, to haif hangit hommil (beardless)¹ Jok on, and down bringing of it agane to Sanct Paullis wark,' etc. etc. The present Edinburgh Prison buildings occupy the site of the Dow Crag.

¹ Hommil is also interpreted as meaning misshapen, half-witted.

On 19th June 1560, the Town Council having under consideration 'the laik of rowme to minister justice and to do thair other effairs' (within the Tolbooth) . . . 'and allssua considdering the skant of prisoun houssis and incommoditie of thair clerkis chalmer,' etc., and 'haiffing mair commodious place and sic rowmes within thair kirk as may be ane fair tolbuith . . . ordanis the dean of guild to furnesche big and sett up all thingis necessar for the said schole, tolbuythe, prisoun hous, clerkis chalmer and all utheris necessaris within the samyn.'

The urgency for this work must have been great and the progress slow, for in February of the year 1561-62, 'the Quenis majestie, be avyse of the Lordis of hir Secretit Counsale, understanding that the Tolbuyth of Edinburgh is ruinous, charged the Provest, Baillies, and Counsale . . . to caus put warkmen to the taking doun of the said Tolbuyth with all possable diligence.' On the 24th of the same month the Town Council appointed David Somer, master of works, ordained him to begin to take down the Old Tolbooth on Monday next, and the bailies to deliver to him the sum of six hundred merks 'of the first and radeast of the taxt' for paying the workmen at the said tolbooth, and 'at the uther tolbutth to be maid in the west end of the kirk for the lordis of sessioun.' Notwithstanding this spurt other delays occurred. On 15th July 1562, the provost, etc., agreed 'that ane extent of ane thousand pundis sould be lyftit,' as the work of the new tolbooth 'wes ceissit and left of in default of money,' and on 21st June 1563 one thousand merks was borrowed on security of the common mills for the same purpose.¹

Much confusion has arisen as to what was done with

¹ In 1581 the Old Tolbooth is described as lying waste and altogether unprofitable. The Town Council proposed to repair it and let the booths 'on ilk syde thairof,' and accordingly they ordained the rentallers of the booths to 'compeir befor thame' that 'ordour might be tane for the work.' The deacons replied that 'it wes mair necessar to releif the commoun guid quhair it is thirlet,' and I cannot find that anything was done.

regard to the taking down of the old and the building of a new tolbooth. The actual facts would appear to be as follows. The new tolbooth was erected on a site partly now covered by a portion of the Signet Library, and provided accommodation for the Lords of Session and the Town Council. A section of St. Giles Cathedral was partitioned off and converted into a prison, municipal offices, etc., and also went by the name of tolbooth.¹ Communication was established between these two buildings by means of a covered way. There were thus at this time three distinct tolbooths in Edinburgh, two of which held prisoners. The Old Tolbooth was never wholly demolished. The eastern and first prison part, originally known as the Belhous, remained down to 1817 much as it existed previous to 1560, in which year it became wholly a prison, while the western portion was restored in 1610-11 and, undergoing repairs from time to time, also survived till 1817.² About the middle of the seventeenth century the word 'tolbooth' became synonymous with prison, and prisoners were sentenced to detention in the 'tolbooth' for many years after the Old Tolbooth had disappeared and the Calton Prison had taken its place.

In 1560 the Magistrates of Edinburgh, in an access of reforming zeal, passed certain stringent enactments against papists, fornicators, and adulterers. Giving effect to these, they ordered the deacon of the fleshers to be carted through the town for adultery. The trades incorporations resented the indignity, and assembling together they broke open the jail and liberated the prisoner who had been confined therein. This probably was the first occasion on which the Tolbooth was forced, but it was soon to be repeated. The year following a Robin Hood parade was held in Edinburgh in disregard of the law. For this offence a cordiner's servant named James Gillon was condemned to be hanged on the 21st of

¹ Parliament and the Lords of Session met here too when required.

² According to Arnot, the Lord Provost was captain of the jail.

July. When that day arrived the craftsmen again rose in arms, smashed the gibbet, and broke into the Tolbooth with forehammers, releasing not only Gillon, but 'also all the remanent persons being thereintill.' The provost, bailies, and others were witnesses to the proceedings, which ended in a general riot.

The *Burgh Records* show that on 30th May 1561 Maister Alexander Skyne, advocate, was put in ward within the tolbooth, 'thair to remane vpoun his awin expensis quhill farther ordour be taking,' for 'ressauing of the diabolicall idoll callit the preistis sacrament at Pasche last, in the contempt of the religioun and the glorie of God now establised.' Seventeen days later, on 16th June, appears the following entry showing that imprisonment in the Tolbooth had tempered the spirit of Alexander Skene:

'At the desyre and requeist of maister William Skene, the prouest baillies and counsale ordanis maister Alexander Skene, to be put to libertie furth of warde to the x day of Julii nixt, prouiding that in the mene tyme he behaif himself godlie and honestlie within this burgh and to all nychtbouris of the samyn, and resort and keip the sermonttis and prayerris, and to communicat with the minister and vtheris godlie lernyt men for resoluing of his douttis in relegioun, and in speciall tuiching his openioun of the idoll the preistis sacrament, and vpoun the said x day, gyf it sall pleis the Almychti betuix and than to gyf him forther knaulege in the treuth, to cum before the kirk to gyf his penitence and confessioun of his former inniquitie, failling heirof to remove him selfe and hale familie of this burgh and boundis thairof, and to hawe na enteris thairintill sa lang as they remane wikit, vnder the panyso cntenit in the actis of parliament statutis and proclamacionis of this burgh maid and proclamyt aganis papistis idolataris and mes mongaris; and that this present ordinance beand red to the said maister Alexander Skene that he sould pretend na ignorance gyf he war apprehendit within this burgh or boundis thairof efter the said x day, ordanis to gyf him the cople of the same vpone his expensis gif it be requyrit.'

Alexander's name appears no more in the *Records*, and

we can only surmise whether he conformed to the law or migrated with his family.

Reference has been made to ducking as a form of punishment, and on 22nd May 1562 the following order was passed by the city authorities :

‘ The provest baillies and counsale, haifing respect to the contempt of discipline presently execute within this burgh vpoun fornicatouris, for suppressing of the said vice, quhilk daylie for laik of pvnesing mair and mair increseis, ordanis maister Robert Glen, maister Jhonne Spens, Adame Fowlertoun, to pas incontinent sycht and consider ane place maist apt and abill thairto in the North Loch for dowkeing of the saidis fornicatouris thairin, being ane pillie (pool), and the same being fund ordanis the thesaurar, Luce Wilsoun, to repare red and dres the said hole with all diligence to the effect foirsaid.’¹

The prison accommodation must have been sorely taxed this year, for on 5th December the Dean of Guild was authorised ‘ to prepar the hous quhair the wobsteris wrocht in the steple with all necessaris to be ane pressoun hous for adulteraris and fornicatouris, and to mak the samyn sure and lokfast.’² This ‘ wobsteris hous ’ was situated within St. Giles Cathedral. In 1563 another room, also within St. Giles, was transformed into a prison, and later became known as Haddo’s Hole in consequence of Sir John Gordon of Haddo, ancestor of the Earls of Aberdeen, having been immured within its walls in 1644, prior to suffering decapitation at the Cross. Some time afterwards the ‘ steple ’ itself was appropriated for prison uses.

On 26th June 1563 ‘ Agnes Mullikine, *alias* Bessie Boswell, in Dunfermeling, wes Banist and exilit for Wichecraft.’ Chronicling this case, Pitcairn remarks that ‘ it is the earliest existing in the Records of the High Court of this nature, and that it is almost the only instance of so mild a sentence having been pronounced.’ Probably the leniency was due

¹ *Burgh Records.*

² *Ibid.*

to the fact that it was the first case under the Act *Anentis Witch-craftes*, which had been passed only twenty-two days before. As this Act was the first of its kind in Scotland, and as many lives were sacrificed under its baneful influence, it is given here in full.

‘ For-sa-meikle as the Queenis Majestie and three Estaites in this present Parliament, being informed that the heavie and abbominable superstition vsed be diverse of the lieges of this Realme, be vsing of Witch-craftes, Sorcerie and Necromancie, and credence given thereto in times by-gane, against the Law of God : And for avoyding and away-putting of all sik vaine superstition in times to cum : It is statute and ordained be the Queenis Majestie, and three Estaites foresaidis that na maner of person nor persones, of quhat-sum-euer Estate, degree, or condition they be of, take vpon hand in onie times hereafter, to vse onie maner of *Witch-craftes, Sorcerie or Necromancie*, nor give them selues forth to haue onie sik craft or knowlege theirow, their-throw abusand the people : Nor that na persoun seik onie helpe, response or consultation at onie sik vsers or abusers foresaidis of *Witch-craftes, Sorceries* or Necromancie, vnder the paine of death, alsweil to be execute against the vser, abuser, as the seiker of the response or consultation. And this to bee put to execution be the Justice, Schireffis, Stewards, Baillies, Lordes of Regalities and Royalties, their Deputes, and vthers ordinar Judges competent within this Realme, with all rigour, hauing power to execute the samin.’

There is a popular belief that all persons condemned to death for witchcraft were as a matter of course burned alive. This, however, is not in accordance with fact. By the usual sentence the victim was condemned to be ‘bund to ane staik and wirreit’ (strangled), and the body to be burned thereafter. Only in those cases considered to be more atrocious was the unfortunate being sentenced ‘to be brunt in assis, quick (alive) to the death.’ The Castle Hill was the ordinary scene of these tragedies.¹

The village of Broughton, originally spelled Bruchtoune

¹ Many of the accused, and latterly some of the professional witch-finders, passed through the Old Tolbooth. The period of greatest activity was between 1586 and 1660.

and Brughton, then a Barony and Burgh of Regality, had a tolbooth of its own. This tolbooth, which disappeared in 1829, was built somewhere about 1582, and was two stories in height, having a broad flight of stairs leading up to the entrance doorway. Brughton was long famous as a haunt of reputed witches, and numerous trials took place in the Tolbooth, where the Baron Bailie dispensed 'justice' with a liberal hand. A rare contemporary broadside gives an account of the 'Trial, Confession and Sentence of Mr. Robert Irvine, Chaplain to Baillie Gordon.' Mr. Robert was tried within the Brughton Tolbooth for murder on 30th April 1717, found guilty, and 'was Adjudged and Ordained to be taken to the piece of Ground, called the *Green-side* near the High way that leads from *Edinburgh* to *Leith* to Morrow, being the first Day of *May*, betwixt the Hours of Two and Four in the Afternoon, and then and there to have both his Hands struck off upon an Block, by the Hand of the Common Hangman, and thereafter to be Hanged upon an Gibbet by the Neck, till he be Dead; And ordain his Hands to be Affixed upon Pales, upon the Top of the Tolbooth of *Brughtoun*, and his Body to be interred in the Quarry hole, near to the Place called the *Tup-Well*.' The broadside concludes with a confession and the quaint remark, 'And this is all the Satisfaction they got of him.'

The Tolbooth of Leith appears to have been built in 1565. Whether it was so done at the expense of the town of Edinburgh I have been unable to discover, but for upwards of a hundred years previous to 1818 the expense of maintaining it in a fit state of repair had been defrayed out of the funds of the City of Edinburgh. It was erected by order of Queen Mary, and did not long survive the Old Tolbooth, which was taken down in 1817. Sir Walter Scott and Charles Kirkpatrick Sharpe interested themselves to secure the preservation of the Leith Tolbooth, but in vain. The local authorities were obdurate, and the quaint old building, like

so many others, was lost to posterity. Probably the most stirring event in its history occurred in 1715, when it was sacked by stout-hearted old Brigadier Mackintosh of Borlum, who burned down the doors and released forty of his men imprisoned within its walls.

In 1567 an Act of Parliament was passed to repress 'ane licentious abuse enterit laitlie and cum in practize within this Realme.' This was the posting of 'placardes billis and ticquettis of defamation . . . vnder silence of nyt in diuers publict places . . . to the sclander reproche and infamye of the quenis Majestie.' The door of the Tolbooth was one of the spots selected for publishing these seditious libels, and the punishment to the authors as 'defamearis of the quene' was 'the pane of Deid.' A number of fugitive pieces, reprinted in a volume under the title of *The Sempill Ballates*, shows how bitter was the feeling against Mary at this time.

During the latter years of Queen Mary's reign, and the Earl of Murray's regency, Edinburgh was the centre of endless disorders and feuds, and the keeper of the Tolbooth must have realised that his office was no sinecure. In 1570 Kirkaldy of Grange swooped down upon the Tolbooth from the castle, for the rescue of an imprisoned servant, and on 1st May of the next year he seized and manned the Tolbooth and Council House. Two years later, on 3rd August 1573, he and three others were hanged at the Cross 'for keeping of the castle against the King and his regent.'¹

In 1575 the town was so infested with beggars that the treasurer was ordained in the month of May 'to graith the briddal hous of Sanct Mary Wynde, put on lokis, durris, and wyndois upoun the samyn, for ane presoun hous to the saidis apprehendit beggarris vagaboundis, and sic utheris as sal be tane begand.' At the same time strict regulations dealing with beggars were framed and published from the market cross. The disease, however, was stronger than the

¹ *Reg. of Privy Council.*

remedy, and the regulations were partly withdrawn in April of the next year, when the 'bridal hous' probably ceased to be a prison, if, indeed, it ever was one.

The vagrancy question was again a burning one in 1578, and the treasurer was ordained, as the constant phrase is, 'to put on lokis and durris upoun the low voltis or Dingwallis hous in the college, to be pressoun hous for the outlandis strang beggaris and thay to be keipit thair upoun breed and watter quhill thay be actit and oblist to depairt of the toun.' The Dingwall house appears to have been retained as a prison for several years, as in September 1581 a woman named Christiane Falaw 'was put in dyngwall for fornication.' This 'Dyngwallis hous' is described in the *Burgh Records* in November 1583 as 'besyde the Kirk of Feild.'

In 1576 the hangman was a source of anxiety. On 19th October the 'baillies and counsale eftir tryell takin diuers tymes of the monyfald offenssis committit be [blank] hangman, in oppressing of the peple for commoun tulye and for greit dettis restand awin to diuers personis, ordanis Dustyefute to be put in his place during thair willis.' The deacons took exception to this action on the part of the 'baillies and counsale,' maintaining that no officer should be changed or chosen anew without their consent. The protest, however, was unsuccessful, and Dustyefute was confirmed in his high office. On 18th May 1585 he was required 'to slay all the swyne, dogs and cats, quhaireuir he may apprehend the sam.' Truly for him these were killing times.

On 9th December of the previous year, 1584, the treasurer was ordained to pay to the lokman (Dustyefute) 'ten schillings for his guid seruice done at the executioun of Edward Henrysoun, baxter, quha wes brunt qwik; als to by and delyvour to the said lokman ane bandet staf.'

In 1579 occurs the first instance I have found of the King intervening and ordering the release of a prisoner. The

fortunate individual rejoiced in the name of 'Jonye Troyfet, callit cok Jhonne.' After this date there are frequent cases of both incarceration and liberation by the royal command, indeed it came to be that James was continually interfering with the judicial proceedings of the country.

About this period the border Elliotts were never out of trouble, and for long the Tolbooth must have appeared almost in the light of a home to them.

On 12th September 1579 a new jailer was appointed, when he received certain injunctions for his guidance. These are particularly interesting as being the earliest prison regulations recorded in Scotland, and they are therefore given in full.

'Followis the injunccionis gevin be the provest, baillies, counsall, and dekynniss to Androw Lyndesay, new maid javelour¹ induring thair willis, quhilks he sall observe in all poyntis . . . quhilkis they ordane to be written on parchement, put on ane tabill, and hung in the Tolbuyth.

Imprimis, The catiounaris abovewritten ar severally acted and obleist, lyke as be thir presentis they bynd and obleis thame and thair forsaidis, that the said javelour sall answer for all sic as he the tyme of his office sall resave in warde for debtt or cryme, for thair sure remaning thairin, and in cais ony happin to eschaip in his defalt or negligence, his saidis catiounaris to be answerabill for the debtt and cryme for the quhilk the eschewar was incarceratt, and they to releve the provest, baillies, counsall, and dekynniss of this burgh thair of and of all uther inconvenientis they mycht incur thairby at the Kingis Majesties handis or utherwayes. Item, that the said javelour for his javelour fie resave and uplift of every prisoner entrand within waird within the said tolbuyth for ilk twenty four houris four penneis of friemen of this burgh alanerlie,² and aucht penneis of ilk strainger and unfrieman, and that of nane bot sic as may pay. Item, thatt quhatsumevir yrnes, lokis, schaiklis, fetterris, rodiss, keyes, or uther ingyndis and warklomes belonging to the office of javeloury beis delyverit to him be inventour, he and his catiounaris to be answerabill to the gude toun for redelyverance thair of quhen they list, command, or requyre thairfoir.

¹ Pitcairn records that on July 8, 1572, an 'Andro Lindsay, javelour of the Tolbuith of Edinburgh,' with two others, 'wer vnlawit as souerteis. . . .'

² Alone, or only.

Item, thatt all prisoneris entrand within waird be na farther astricted be the javelour, his wyfe, nor servandis, to mak ony maner of expenssis nor pleissis thame willinglie to mak, alsweill ordinarlie as extraordinarily, and that na extortiou be usit on thame quhairby they may have occatioun to complayne, and the baillies of this burgh present and to cum to take ordour anentis the ordinar (dietary) as prices sal happin to be for the tyme.

Item, that the said javelour in speciall have ane buke for inserting of the prisoneris names during the tyme of his office inputt in waird, the day, yeir, and moneth of thair entrie thairin, for quhat cause, at quhais instance, and at quhais command, and of thair putting to libertie in lykemaner.

Item, that the said javelour and his servandis keip the over, nether tolbuythis, lordis and tounis counsalhoussis, and all the uther houssis quhair of he resavis the keyis, in sic cleinnes, without filth, as na occasioun be of complaynt, and that fra the rysing of the jugis thair be na playing be the youth sufferit thairin.

Item, that at all tymes neidfull he and his servandis be rady to fens courtis quhensoevir the provest, baillies, and counsall, and uther ordinar juges sall have ordour.'¹

It will be observed that the Magistrates were responsible for the prisoners. In the case of debtors this rule held good until well into the nineteenth century. Not only so, but if a debtor was so much as allowed into an airing yard, such relaxation of the rigour of confinement was esteemed an escape, and the magistrates became liable to the creditor for the amount of the debt for which the prisoner was incarcerated. Relief from this responsibility was sometimes sought by making the jailer find caution for the safe custody of his prisoners.² As the salary of the office was small, this

¹ *Burgh Records*.

² The following extract from an official report, dated 1st May 1818, refers to Glasgow Prison, and shows the effect of this arrangement in more modern times:—'In the course of the last ten or twelve years, the jailer, it is believed, has had to pay about £100 in consequence of the escape of prisoners. His salary as lately augmented is £150 per annum, and he finds caution to the burgh to an unlimited extent.' On 20th November 1808 the City of Edinburgh paid £330, 17s. 2d. to the Earl of Haddington for allowing George Pringle to escape.

could not always be arranged, and consequently, when necessity arose, the civic purse was drawn upon to meet the liability.

Fees to jailers were not finally abolished until 1st July 1840, after which no such payments were required either from civil or criminal prisoners.

It may be safely assumed that the prison dietary was not an extravagant one for those whose pockets contained no money and whose friends were either poor or unwilling to provide for their maintenance. A modest ration of bread with water¹ was the common daily allowance. Prisoners wore their own clothes, and have been known to do so without change for a year on end—this even as late as the nineteenth century. They were not permitted to work, and overcrowding was notorious. The sanitary arrangements will not bear recital. Little wonder, therefore, that jail fever was frequent.

In framing the new rules a grave error was committed, by conferring on the jailer authority to supply the prisoners with provisions and liquors. This led to the establishment of a regular store and bar, or 'sutlary' as it was called, within the tolbooth. Gross abuses were bound to result, and the position of jailer soon became a lucrative one.² As evidence of this we find that in the *List of Enrolments for Shares in the Plantation of Ulster* in 1609, David Lindsay, the then keeper of the Tolbooth, appears as surety in £400 for a Mr. Jerome Lindsay in Leith, and also for a John Dunbar of Avach. Ten years later the *Register of the Privy Council*

¹ A pennyworth of small beer took the place of water in later years.

² There were complaints of inferior food and of the charges being in excess of outside rates. Prisoners were allowed to run into debt to the jailer, and when the day of release appeared, if sufficient money to extinguish the obligation was not forthcoming, the unfortunate individual found himself consigned to prison again at the instance of his late 'landlord.' The *Tolbooth Records* show that such cases were common. The profit to be derived from the sale of liquors led to the encouragement of drinking, and friends of the prisoners were allowed easy admission if they had money to spend.

shows that the King's Majesty was due the said David £3000 for jailer's fees.

The statute of 1579, c. 74, 'For punischment of strang and Idill Beggars, and reliefe of the pure and impotent,' ordered that 'nane sall be thoiled to beg betwixt 14 and 70 zeires. That sic as makes themselues Fules and ar Bairdes or vthers siklike runners about, sal be put in the Kingis Waird or irones, sa lang as they have ony gudes of their awin to liue on. And fra they haue not quhairvpon to liue of their awin, that their eares bee nayled to the Trone, or to an vther tree, & their eares cutted off, & banished the countrie, and gif there-after they be found againe, that they be hanged.' So much for the fool and the bard. Vagabonds and idle beggars were to 'be brocht befor the provest and baillies within the Burgh . . . and bee them to be committed in waird, in the commoun prison, stokkes or irones, within their jurisdiction, there to be keiped, vnlaten to libertie, or vpon bande or sovertie, quhill they be put to the knowlege of ane Assise, quhilk salbe done within sex dayes thereafter. And gif they happen to be convicted, to bee adjudged to be scourged and burnt throw the eare, with ane hote irone. . . . Quhilk punischment, being anis received, hee sall not suffer againe the like, for the space of three scoir dayes there-after bot gif at the ende of the saidis lx. dayes, hee be founden to be fallen againe in his idle and vagabound trade of life: Then being apprehended of new, he sall be adjudged, and suffer the paines of death as a thief.' (!) This Act provides for the expense of poor prisoners as follows: 'And seeing be reason this present act and ordour, the commoun prisones, irones & stokkes of everie head Burgh of the Schire, and vthers Townes, ar like to be filled, with ane greater number of prisoners, nor of befor hes bene accustomat, in sa far, as the saidis vagaboundes, and vthers offendours, ar to be committed to the commoun prison of the Schire or towne, quhair they were taken, the same

prisoners being in sik townes, quhair there is great number of pure peopill, mair nor they ar weil abill to susteine and reliefe, And sa the Prisoners ar like to perish in default of sustenance: Therefor the expenses of the prisoner, salbe payed be a pairt of the commoun distributions, & oukly almes of the Parochin, quhair he or sche was apprehended, allowand to ilk person daily ane punde of Ait breade, and water to drink. For payment quhair of, the presenter of him to prison, sal giue sovertie, or make present payment. And that the Schireffes, Stewardes and Baillies of Regalities, and their Baillies over all the Realme, and their deputes, see this present act, put to dew execution in all poyntes, within their jurisdictions *respectiue*, as they will answeere to God, and our Sovereine Lord thereupon.'

Whether before or after trial, prisoners were dependent on their own means for support. It is a remarkable fact that no direct provision was made by law for the aliment of destitute prisoners after conviction until well on in the nineteenth century. Before 1579 the burden of maintaining poor prisoners before trial had lain on the Crown, but now by implication the responsibility was thrown on the burghs. Heretofore the number of prisoners had been few, but the foregoing Act contemplated the confinement of criminals and others on a huge scale, and a prison became at once a necessity and an institution of importance. The year 1579 was thus a memorable one for prisons and prisoners.

On 30th March 1580 the prison was in need of a new door, and the treasurer, Andro Stevinsoun, was instructed 'to caus mak and sett vpoun the turnepyke of the tolbuith and javellour hous ane sufficient dur quhair ther wes ane of befor, and to furneis lok, key, bandis and bolts of yrne, and all vthor necessaris to the sam.'

In April of the same year the jailer who had been appointed only seven months previously was in trouble. Two bailies were ordained 'to pas to the javellour hous of this burgh

and thair caus putt Andro Lyndesay, thair javellour, in the irnes thair to remain quhill the morn at xj hours, and that for putting William Henrysoun, servand to Michael Gilbert, furth of the irne and to liberty by the townis command usurpand thairby thair authority upoun him.' Lyndesay's punishment seems to have ended there, at any rate he continued to hold office. This was not an isolated instance of the kind, for in 1584 the assistant keeper was placed in the irons for some misdemeanour or other, and for complicity in the same 'the boy to the javellour' was to be 'putt in the said irnes or coilhous.' The chastisement may have been wholesome so far as the jailer alone was concerned, but the spectacle of jailer and prisoner in confinement together was hardly conducive to good discipline.

A number of the scholars of the High School were placed in ward in the Tolbooth in 1580 for rioting and holding the school. They were afterwards liberated on finding caution. Another contingent of eight were confined in 1595 for a similar offence, aggravated however by one of their number, a lad named Sinclair, afterwards Sir William Sinclair of Mey, having shot Bailie Macmoran dead, as he was forcing the school door open at the head of a party of the town's officers. The incident gave rise to a great deal of excitement, but the youngsters had powerful friends and ultimately they got off scot-free.¹

The following quaint entry appears in the *Burgh Records* : '2 June 1581. The provest, baillies, and counsale understanding that James, Erle of Mortoun, is to be execut to the deid afternone for certane crymes of lese majesty, ordanis Androw Stevinsoun for honour of the towne to caus mak ane new garment and stand of claythis of the townis liveray to thair lokman with expeditioun.' The Earl passed through the Tolbooth and perished by the 'Maiden.'² His head

¹ Birrel's *Diary*.

² The Earl was sentenced to be 'hangit quhill he wer dead ; and thairefter drawin,

was affixed to the prick outside the prison, where it remained until December 1582, when the King commanded that it should be taken down and buried. Calderwood tells that the Laird of Carmichael carried it, 'shedding tears abundantly by the way.'

In August 1584 the Maiden was lent to Lord Borthwick and his 'tutor' (guardian) for the execution of a man who had committed murder within his lordship's bounds. The Scottish Maiden, or beheading machine, was built to the order of the Magistrates and Town Council in 1564. The first notice of its use is on 3rd April 1565, and it is supposed to have done duty when required down to 1710. There is a popular tradition, for which Birrel is probably responsible in part, that it was the Earl of Morton who had the Maiden constructed, and that he was the first to die by its agency, but in face of the facts just stated the story fails in both counts. Besides the Earl of Morton the Maiden claimed many notable victims, the most illustrious of whom was the Marquis of Argyll, who suffered in 1661. The Maiden still exists in the collection of the Society of Antiquaries, housed in the buildings of the National Portrait Gallery in Queen Street, but only as an object of interest to the student or the curious, and the onlooker as he gazes at its rude framework may well reflect on the penalties that were exacted in the past from those who struggled for the freedom of the present.

In September 1584, Jhonn Leyes, merchant, was warded and fined for saying in audience of Henry Nesbet, bailie, 'that he wald the devills of hell wer bailyeis and the mekill horne devill provest.' Evidently the bailies had been touching 'Jhonn' on some tender spot.

A sensible punishment was inflicted, 16th October 1584, on Gilbert Quhyte, tailyeour, who for an unrecorded offence quartarit, and demanit as ane tratour, etc.'; but this was mitigated to beheading, by order of the King.

was ordained 'for his vnlaw to by and lay in to the hospitall sex laid of coillis to be delyuerit to the maisteris thairof.'

Escheat, *i.e.* forfeiture to the Crown of an offender's movables following upon judgment of death, in the sixteenth century was partly in the gift of the Magistrates and Town Council,¹ who might award it to a private or public person or apply it to some purpose for the public advantage. The *Burgh Records* show that it was also assigned to children of the deceased when in necessitous circumstances.

Much was required of the magistrates in the early days, and the bailie's chair was not an easy one compared with that of his modern representative. The city used to be divided into districts for watching, each being under the care of a bailie, who had to take his turn of patrolling the streets during the night with 'the watche' under him, or, when occasion required, to mount guard within the Tolbooth for the greater security of the prisoners. We have seen that Bailie Macmoran lost his life in an attempt to quell a school-boy's riot, and on 6th January 1584-85 'William Harvie, bailye,' was ordained 'to pas to Leyth serche, seik and apprehend those who were in the tumult in Leyth yisterday.'

In April 1585 the pest had again broken out in the city. The muir was set apart for infected persons, a gibbet was erected there; 'ane pair of irnis with thair schaikills' were borrowed from the Tolbooth 'for keiping and punessing of the transgressoures,' and an extra executioner was appointed to deal with pest cases. The Tolbooth did not escape the scourge, and the liberation of the prisoners was under consideration, for a deputation from the Town Council was sent to the King, among other matters, 'to speik anent ane Myltoun in waird and the rest of the wairdours in respect of the present plaig.'²

¹ James VI., who usually had an eye to the main chance, had this altered, and the Crown secured the reversion in all cases.

² Birrel states that 'ther dyed of peipell wich ver not abill to flee, 14 hundreth and some odd.'

It is an ill wind that blows nobody good. In May 1587 King James, after endeavouring, with some outward show of success, to reconcile those of the nobility who were at enmity with each other, made a triumphal procession to the Cross from Holyrood, where he had held a reception. When he came to the Tolbooth he ordered all the prisoners for debt to be released.

By the Act 1587, c. 57, the Sovereign was empowered to appoint Justices of the Peace, and on 10th November 1609 James, by Royal Charter, appointed the Provost, Bailies, Treasurer, and Dean of Guild of Edinburgh, during their magistracy, to have the power, authority, and jurisdiction of Justices of the Peace within the bounds of these liberties.

The Canongate Tolbooth is believed to date from 1591. Although far from an ideal establishment of the kind, it was always in advance of the Edinburgh Tolbooth. It was discontinued on 10th July 1840 and directed to be sold. Owing to the insufficient accommodation of Edinburgh Prison (the Calton) it was reopened on 19th January 1842 as part of that prison. It was finally dispensed with on 1st January 1848, on the completion of additions to Edinburgh Prison. This quaint old building is a familiar landmark on the way to Holyrood. The interior has been largely altered, but one can still see the narrow winding stairs, and trace where the cells have been. The old prison door, several inches in thickness and closely studded with iron nails, remains on duty, but the ponderous lock and key have been removed to the City Museum in the Municipal Buildings. At night the Canongate Tolbooth was locked and the officials departed to sleep in their own homes, leaving those entrusted to their care to be watched by themselves, and Providence, until the next morning.¹

The following Act of Parliament, passed on 19th December

¹ The keys were taken to the governor's house, some five hundred yards distant.

induced her to seek his death. She was imprisoned in the Tolbooth, and on Saturday the 5th was taken to the Canon-gate, where at the 'girth crosse'¹ she was beheaded by the Maiden.² According to Birrel, her nurse 'wes brunt at the same tyme, at 4 houres in the morneing, the 5 of July,' while Calderwood has it that 'the nurse and ane hyred woman, her complices, were burnt in the Castle hill.' The lad Robert Weir fled, but was subsequently apprehended, and being put on trial was convicted and sentenced, on 26th June 1604, 'to be tane to ane skaffold to be fixt besyd ye croce of Ed^r, and yair to be brokin vpoune ane Row quhill he be deid, and to ly yairat during the space of xxiiij houris. And yairefter his body to be tane vpone the said Row and set vp in ane publict place betuix the place of Warestoun and ye town of Ley^t (Leith), and to remane yaireupoune ay and quhill command be gevin for the buriall yairof.' The sentence was duly carried out, Birrel affording the additional particulars that Weir was 'broken on ane cart wheel wt ane coulter of ane pleuche in the hand of the hangman.' This was a rare form of punishment in Scotland.³ Charles Kirkpatrick Sharpe published in 1827 fifty copies of a tract which tells of the wonderful conversion of Jean Livingston between her conviction and execution. The MS. is now in my possession, along with a drawing by Sharpe which he had intended for a frontispiece, but which he did not use. This drawing, showing 'the fair penitent' on the scaffold with a clergyman before her, pointing upward as he makes his exhortation, is here reproduced for the first time.

In 1603, by Royal warrant signed at 'Halyrudhouse' on 31st January, the Court of Justiciary was required to pronounce doom over the dead body of Francis Mowbray,

¹ The Girth Cross formed the ancient boundary of the Abbey sanctuary.

² The ballad of Lady Wariston owes its origin to this tragedy.

³ On 30th April 1591 Johnne Dicksoun was found guilty of parricide and sentenced 'to be broken vpoun the row, at the mercat croce of Edinburgh.'

‘son of the Laird of Barnbougall,’ who was killed in an attempt to escape from Edinburgh Castle. Calderwood says: ‘Upon Mounday the last of Januar, his body was drawn backward to the Tolbooth where the doome was pronounced.’ The offence was high treason and the sentence ‘delivered be the mouth of Walter Peirie, dempstar,’ was in the following terms: ‘To be hangit be the craig vppone ane gibbet, besyde the mercat-croce of Edinburgh, and his body to be quarterit; and his heid, ane leg and ane airme to be put vp aboue the Nether-boll, an elne aboue the rest; and ane vther leg to be hung on the West-poir of Edinburgh, and ane vther airme to be hungin vpoun the Potter-raw-poir: And all his landis, heritageis, takis, steidingis, rowmes, possessiones, coirnes, cattell, guides and geir to be ffoirfalt and inbrocht to our souerane lordis vse.’ In the Gowrie conspiracy case, the dead bodies of the Earl of Gowrie and Mr. Alexander Ruthven were produced in court and sentence pronounced upon them.

On 17th May 1606 the Lords of Session by an Act of Sederunt ordained ‘the Provest, Bailleis and Counsale of Edinburgh, to cause big ane pillery of hewn stane, neir to the mercat croce of Edinburgh, upon the heid thereof, ane sait and place to be maid, quhairupon, in tyme cuming, sall be sett all dyvoris,¹ wha sall sit thairon ane mercat day, from 10 hours in the morning, quhill ane hour efter dinner; and the saidis dyvoris, before thair libertie, and cuming furth of the tolbuith of Edinburgh, upon thair awn chairges, to caus mak and buy ane hat or bonnet of yellow colour, to be worn be thame all the tyme of thair sitting on the said pillery, and in all tyme thairefter, swa lang as thay remane and abide dyvoris; with speciall provisioun and ordinance, if at any tyme or place efter the publicatioun of the said dyvoris at the said mercat croce, ony person or personis declarit dyvoris beis fund wantand the foresaid hat or bonnet

¹ Insolvent debtors.

of yellow colour, toties it sall be lawful to the baileis of Edinburgh or ony of his creditors, to tak and apprehend the said dyvor, and put him in the tolbuith of Edinburgh, thairin to remane in sure custody, the space of ane quarter of ane yeir for ilk fault and faille foresaid.' By a later Act (26th February 1669), the Lords declared that 'the habite [of bankrupts] is to be a coat and upper garment, which is to cover their cloaths, body and arms, whereof the one half is to be of yellow and the other half of a brown colour, and a cap or hood, which they are to wear on their head, partly coloured, as said is.' Four years later, on 23rd January 1673, in respect that the Act of 1669 had proved ineffectual, the Lords ordered that the bankrupts should not be put to liberty, 'until first they put on the habite, and come out of the tolbooth betwixt nyne and twelve a-clock in the forenoon, with the habite on them.' This, too, appears to have been unavailing, for on 18th July 1688, a still further Act was passed by which the magistrates were to be held liable for the debt of the bankrupt if the provisions of the Act were not enforced.¹

On 24th February 1610, Dame Margaret (? Agnes) Maxwell, Lady Amisfield, was examined before the Lords of the Privy Council 'anent the forme and maner of the eschaiping of Thomas Kirpatrik, applicand of Closburne, hir sone-in-law, furthe of his warde within the tolbuith of Edinburgh.' The 'maner' was simple and by no means original. The prisoner and his relative obtained permission to have a private interview during which they exchanged clothes. For this the lady was herself confined in the

¹ The officers of the burgh were given power on 11th December 1579 'to open the doors of the dwelling-houses of such as are debtors and to apprehend them provided that a bailie and a clerk are present.' Previous to this debtors frequently remained fast in their own houses and defied the orders of Court. Special application had to be made and an order issued by bailies and council in each case before a house could be entered and the occupant apprehended. In October 1583 it was made 'lesum to enter in the saidis housis, seise thair persounis and bring thame to the house of justice.'

Tolbooth, but was afterwards transferred to the Castle, while an assistant keeper, Andro Quhyte, was ordained 'to be layed in the irnis.' Andro was not dismissed, for his name appears later as keeper of the Tolbooth. The story of the escape is told in detail in the *Register of the Privy Council*, and is exceedingly curious.¹

The ordeal of touching the corpse of a murdered person for the discovery of the innocence or guilt of the individual suspected was mentioned in the case of the trial of the Mures of Auchindrane, father and son, for 'the tressonabill Murthour of vmq^{le} Sir Thomas Kinnydie of Culzeane,'² 17th July 1611. According to this test guilt was established if blood issued from the mouth, nostrils, or wound of the corpse on the approach of the suspect or when touched by him. In the case of Philip Stanfield (executed 15th February 1688 for parricide), the circumstance of the body of Sir James Stanfield having bled on the touch of his son Philip was accepted as evidence at the trial. Sir George Mackenzie, one of the public prosecutors, in his charge to the jury asserts that 'God Almighty himself was pleased to bear a share in the testimonies which we produce; that Divine power which makes the blood circulate during life, has ofttimes, in all Nations, opened a passage to it, after death upon such occasions,—but most in this case.'³

Acting under instructions issued by the Privy Council, the Town Council, on 6th September 1611, elected twelve officers and twenty-six men to be constables in charge of

¹ In August 1679 Mrs. Nimmo, wife of a merchant in Edinburgh, who was condemned to die for shooting her paramour, Lord Forrester, at Corstorphine, escaped from the Tolbooth in a similar fashion, but was found next day at Fala Mill. She was beheaded at the Cross in November of the same year. Other well-known cases of escape from the Tolbooth by impersonation are those of the Master of Burleigh in 1709, and Catherine Nairne or Ogilvie in 1766.

² Gave rise to *Auchindrane, or the Ayrshire Tragedy* by Sir Walter Scott. Auchindrane elder was confined in the Tolbooth while his son was warded in the Castle.

³ See ballad of *Young Huntin or Earl Richard*. W. S. Crockett in *Little Anna Mark* makes use of the Stanfield case.

districts, with power to apprehend, etc. The present-day High Constables of Edinburgh are the modern representatives of this force.

Prisoners in the Tolbooth were allowed a great deal of liberty and of course there were frequent squabbles. These occasionally assumed a serious aspect. The following is taken from the *Register of the Privy Council*, 8th November 1610: 'The Lords of Council having been informed of the grite misreule daylie committit be the wardouris within the tolbuith of Edinburgh,' not only 'be making of commotioun and trouble amangis thameselffis,' but also by resisting the officers of the said tolbooth and 'persewing of thame some-tymes of thair lyves,' it is ordained that any prisoner hereafter committing such offence shall be 'immediately layed in the yrnis,' and shall be detained therein while he remains in the tolbooth; further, none of the prisoners in the tolbooth shall be allowed hereafter to have any weapons or armour, except a knife wanting the joint; and if any prisoner shall refuse to put away his weapons, the jailers shall not allow any meat or drink to be given to him till he conform to this Act. Intimation hereof to be made to all the prisoners in the Tolbooth.¹

On 25th September 1612, Thomas Johnstoun, servant to Lady Auldbar, having escaped from the tolbooth of Brechin, two of the bailies, seven councillors of the said 'city,' and five of the keepers of the tolbooth were brought before the Privy Council for their inattention. The Lords found the two bailies and four of the keepers 'to have been very careless in the keeping of Johnstoun,' and ordained them to be committed to ward in the tolbooth of Edinburgh, while the councillors were to remain in Edinburgh till relieved.²

¹ In May 1692 the prisoners of the Canongate Tolbooth forced the key from the jailer and took possession of the prison, which they held against the magistrates for a brief space. It has been suggested that this was a rebellion of the stomach.—*Domestic Annals*.

² *Register of the Privy Council*.

In 1623, Lord Berriedale, son of George, Earl of Caithness, known as the 'wicked Earl,' had lain five years in the Tolbooth. The good young man was there voluntarily as security for his father's liabilities.

During the earlier half of the seventeenth century strict measures were taken against the gypsies, who became a hunted race. On 23rd January 1624, 'Capitane Johnne Faa, Robert Faa, Samuell Faa, Johnne Faa younger, Andro Faa, Williame Faa, Robert Broun, Gawin Trotter; Egiptians, vagaboundis, soirneris,' etc., were sentenced to be hanged at the Burrow Mure.

In 1624 the Sheriff of Edinburgh complained to the Privy Council that Andrew Quhite, keeper of the Tolbooth, refused to receive prisoners committed to his charge on Sheriff's warrant. Andrew defended himself by stating that 'he wes the toun of Edinburghis servant . . . and that all warrandis for the ressett in waird or releiff of any personis out of waird aucht and sould be direct to the proveist and bailleis . . . and not to him, who is bot ane servand; and he forder declairit that for tymes to come he haid warrand from them to ressave in waird . . . all such personis as sould be direct and sent unto him be the said schireff and his deputtis and that accordinglie he wald obey the said warrand.' The sheriff 'restit satisfeit' with this assurance.

In the same year (1624), John Hamilton was relieved from the Tolbooth, to attend on his wife who was in a state of pregnancy and also sick of the pest. There are other instances on record of a prisoner being allowed liberty for a space to attend to urgent affairs of his own. The fact is interesting, because in recent years a prisoner has been permitted to visit a near relative dangerously ill or to attend the funeral of one closely related to him. This of course with due restrictions.

Owing to the severity of the plague in 1645, the Town Council on 13th August liberated the prisoners in the Tolbooth

who were confined for debt, having first obtained the consent of the creditors. Several political prisoners, including the Earl of Crawford and Lord Gilvie, were however retained.

The Marquis of Montrose was executed on 21st May 1650, and on 27th May 1661 his great rival, the Marquis of Argyll, shared a similar fate.¹ Both were subjected to the added ignominy of spending their last hours in the common jail, and the head of each was made to adorn the prick. From the martyrdom of Argyll to the death of Renwick in 1688 the Old and Canongate Tolbooths accommodated many of the Covenanters.

On 11th February 1653, a person who was 'both man and woman, a thing not ordinar in this kingdom,' was hanged at Edinburgh for irregularities of conduct. This remarkable individual answered to the name of Margaret Rannie, and it is recorded that 'when opened by certain doctors [he] was found to be two every way, having two hearts, two livers, two every inward thing.'

In June 1654, sixteen soldiers belonging to the insurgent army of the Earl of Glencairn were taken from the Old and Canongate Tolbooths, and shipped to Barbadoes to be sold as slaves. Eleven years later the Privy Council granted warrant to transport vagabonds, or persons convicted of crimes, to the Scottish and English plantations in Barbadoes, where there was a scarcity of labour.

We have now arrived at the year 1657, when the *Tolbooth Records* begin. Since the usurpation the Lords of Session had been superseded by the English Commissioners appointed for the administration of justice in Scotland in criminal causes. This Commission of four commenced its labours in October 1652, and continued till the Restoration. The Privy Council too had ceased to exercise judicial functions. In 1638 the Covenant was signed, and the great struggle for religious liberty had begun. Parliament had vacated the new

¹ Montrose was hanged, while Argyll was beheaded.

Tolbooth in 1639 to occupy quarters in Parliament Square.¹ In 1648 the Town Council had appointed a body of sixty men to act as watch,² the infamous Major Thomas Weir being one of the early officers. This body was the origin of the Town or City Guard, the *bête noire* of Robert Fergusson. The keeper of the Old Tolbooth had come to be known as the Goodman of the Tolbooth, and was on terms of intimacy with all ranks. Prominent citizens and Lords of the Privy Council alike addressed him as 'Loving Gossip,' 'Trusted Friend,' etc. Dying confessions and speeches, by malefactors and others, had become common, and in printed form continued until the middle of the nineteenth century to be the most attractive item of the stock in trade of the itinerant newsvendor.³

The first, that is the earliest surviving, volume of the *Tolbooth Records* is folio in size and bound in vellum. It

¹ Completed in 1640.

² The scale of pay was as follows:—One captain to receive £11, 2s. 3d. stg., two lieutenants £2 each, two sergeants £1, 5s., three corporals £1, and the privates 15s. each per month.

³ The ready sale found for such wares led to their manufacture. This we know from the admission of sundry speech criers and hawkers who lent themselves to the nefarious trade. The following letter would seem to indicate that the jailer also had an interest in their production and publication:—

'Gentⁿ. It is by no means my intention to interfere with your property, nor do I wish to do anything injurious to the under keeper of the *Tolbooth*. I will allow him the value of 50 copies of the confession, & I would not give you 5/- beyond the price of snuff paper for all that you have on hand. I was altogether ignorant of the concern *he* had in the publication until I saw the Sheriff, who is also ignorant of the circumstances attending the publication, as he was at London when it appeared. In consequence of the publication of the Trials having been so much retarded, it is not probable that it will be a profitable concern; the more expense therefore that is saved, the more it must be in my favour. The Trials will sell just as well, & at a price as high, without the confession as with it. . . . Your obed. Sev^t. W^m. Brown, Castle Hill, Friday.'

'[P.S.] I'm sorry that a simple request for your *permission* to print the confession should be construed into a *demand*. My friends were of opinion that you could not have any objection, & that therefore I had no occasion to make a request which, however, I conceived to be due in common civility.'

This letter is addressed to Messrs. Bell and Bradfute, and is docketed 'Mr. W. Brown, Juny. 1795, Patriot Office, Parliament Close.' The original is in my possession.

bears the designation 'Releife Book' and in it seems to have been entered at the time of liberation the names of those 'relieved furth of ward,' with the occasion of their being in custody, and the manner of their discharge. Most of the entries are in respect of debt, and they are very similar in form. It not infrequently happened that the same debtor was incarcerated on several distinct warrants, and these are detailed individually on the date of release. Reference is now and again made to the 'Warding Buke' in which apparently the warrant was copied on the admission of an offender to prison. The first name recorded in the 'Releife Book' is that of James Anderson, who had been imprisoned for debt and was liberated on 24th July 1657.

EXTRACTS FROM THE 'TOLBOOTH RECORDS'

Agust 5, 1657

Magistrats of Edr

In respecte agnes Robert prisoner for witchcraft hes fund catione Relief,
for hir appearence before us the first tuesday of october nixt (to) Agnes
underlye the law for the said cryme under the paine of ane hundreth Robert,
pñd sterling Thes ar yrfor to requyre you to caus put the sd agnes witchcraft.
robert to libertie furthe of prisone anent thir pñtes shalbe yor warrand
Given at Edr the fift of agust 1657 *sic sub* Hen: goodeere.

Agust 5, 1657

My lord proveist and Baylyes of Edr

Wheras Thomas Dicksons and Thomas neilsone in ane justice Petition,
court haldne within the tolbowthe of Edr upon the fourt of august Thomas
instant as convict of the resait of Mr Jon Stewarts goods wer ordanit Dicksons and
be the hono^{ll} commiss^{rs} to be taken on wednesday nixt the 12 of the Thomas
sd monethe to the castle hill of Edr and yr to be hanged whill they Neilsone.
be dead Thes are yrfor to desyr you to caus put the sd sentence in
executione qranent thir pñtes shalbe yor warrand Sub^d be me m^r
allex^r hamiltoun clerk to the criminall court att Edr this fyft agust
1657 *sic sub* m^r allex^r hamiltowne.

Edr 7 agust 1657

Execution
delayed.

The judges do ordaine the executione of the petitor̄s to be delayed till the first wednesday of october nixt.

Edr 7 agust 1657

Thes ordaines the magistrats of Edr to delay the executione of the petitor̄s till the first wednesday of october nixt *sic sub* E. Moslie Hen: gooder.

Sepr. 3, 1657

Relief,
Capt.
John Hume,
debt.

Captain Johne Hume in Quhytfeild and sometym in Coldinghame relieved by consent of incarcerating creditor.

Sepr. 30, 1657

Relief,
John
Carstaires,
debt.

John Carstaires younger of Killquoncher relieved by consent of incarcerating creditors.

[Edr the 6 october 1657]

Execution of
Thomas
Dickson and
Thomas
Neilson
delayed.

Upon ane petitione given in to the honob^{ll} Judges in Cryminal causes be Thomas dickson & thomas neillson ther executioun is delayed as follows

Edr the 6 october 1657

The Comissioners gives warrand to the majestrats off Edr to delay the executioun off the sentence off death agst the petitor̄s till the forthe day off nov^r nixt. At wch tyme they ordaine the said sentence to be put in executione subscribed thes Jon Swynton Hendry gudyeire Judges.

October 10, 1657

Jonett Bruce
to be
strangled and
brunt for
witchcraft.

My lord proveist & baylyes of Edr ffor as mutch as Jonett Bruce was found guilty be ane assyse of the cryme of witchcraft mentionat in hir convictiounes ordained be the hono^{ll} comiss^{rs} upon weddensday nixt the fortene of this instant to be taken to the castle hill of Edr and yr betwixt 2 & 4 hōrs in the efternoone to be strangled at ane stake q̄ll she be dead and yrefter hir boodie to [be] brunt in ashes thes

ar yrfor to desyre you to caus put the said sentance to executione
granent thir pñtis shalbe yor warrand sub^d be me m^r allex^r hamiltone
clerk of court at comand of the said comiss^{rs} att Edr the 10th day of
october 1657 *sic sub* m^r allex^r hamiltone.

October 13, 1657

Johne Maxuell of Dalswanton relieved furthe of ward . . . becaus
Jon Nisbet eldest law^l sone to Sir Hary nisbet is become acted in the
court books of justice as cautioner. Relief,
Johne
Maxuell,
debt.

[Maxwell was incarcerated at the instance of a Mr. Jon Andersone
for not delivering to him 'ane generall discharge unregistrate, etc.'
A further entry on the same date relieved him in respect of his arrest-
ment at the instance of Elizabethe Blacke relict of the deceist Mr Jon
Dunlop minister at Ratha and Elizabeth barber relict of umq^{le} Mr
Jon Dunlop younger minister at Caldercleir for not 'payment making'
of certain sums. Relieved by decree of the Commissioners.]

no^ver 4, 1657

To the ryt honob^{le} comiss^{rs} for administratiōne of Justice to the
people in Scotland in causes criminall The humble petitione of
thomas dickson & thomas neilson prisoners in ye tolbowthe [of]
Edr Shewethe that for unadvysedlie buying a percell of goods to the
value of 25^l ster. yor petitor^s wer on ye 12 day of august last con-
demned yet out of yor hono/ clemency and mercie to ye distresed you
have bene twice pleased to delay yr executione yt they might mercie
from his heighnes the lord protector which is at present in agitatione
as is certified by lē^{rs} to Judge Swinton yet yor petitors ar informed
they ar to suffer on weddensday the 4 of this instant no^ver wherby
yor petitors humbly pray yor hono/ in consideratione of yr poore
wyfis and childrens miserable conditione to be pleased to grant reprive
for some longer tyme till his heighnes pleasur be fully knowne con-
cerning his mercifull pardone towards them and yor ho/ petitors sall
ever pray *sic sub* thomas Dickson thomas neilson. Petition,
Thomas
Dickson and
Thomas
Neilson.

The comissioners gives hearty warrand to the proveist and baylies
of Edr to delay the executione of thomas dikson & thomas neilson
to the first wednesday of Deēcbr nixt *sic sub* J. Swintone E Moselie. Execution
delayed.

[Novr. 7, 1657]

My lord provest & Bayllyes off Edr

Agnes
Anderson
to be whipped
for adultery.

William
Millar to be
whipped for
false writ-
ings.

Whereas Agnes Anderson as fund guiltie of adultery w^t Pet Ealing in Kirkliston wes ordained by the hon^oble comiss^rs upon weddins-day nixt the 12 of this instant betwixt 11 & 12 hors befoore noone to be whipt fra the castell hill to the nether bow and yrefter to be set at liberty. As also william millar as fund guilty of the drawing up of two false instruments ye ane contrair the other wes ordained day and tyme forsaid to be privatly whipt w^t in ye tolbowthe of Edr and yrefter set at libertie furthe of prisone Thes are yrfor, etc., etc.

Novr. 14, 1657

Relief,
Andro
Carstaires,
caption.

Andro Carstaires dean of gild of saint andrews Releived furthe of ward at comand of Baylie Ro^t Sandilans wha was wardett be virtew of letters of capitoune. And at the instance of William & patrick lentrion James Carstaires and w^m Jack citizens of sant ādrews for not putting of ane acte of consall of the said citie of sant andrews in executione in behalf of the saids complainers of the dait the 8 day of Janry 1644 yeares.

[Liberated by consent of complainers.]

Nov. 19, 1657

Petition,
Thomas
Marshall.

Att Edr ye 12 day of no^r 1657 yeares Anent the suplicatione givne to the comiss^rs for administratiōne of justice Be Thomas mershell laite syrvtor to Mr Rich : waire clerk to the bills Mentioning yt ye suplicant have pondered his awne thoughts and considered the guiltines of himselfe and the agents of ye said comiss^rs yr procedor agst him yrfor and his just deserving of the same for which he is heartily sory and hops yt ye lord in his merci will sanctify his sade affliction yt he may improve it to his best advantag. And seing by his long imprisonment his healthe is mutch impeared therfor humbly desyres that the said comissrs wold be pleased to tak the premiss to consideratione and have compassion upon the suplicants condition and to grant order for his inlargment as the said suplication beares Which suplicatione being heard & considered be the said Comiss^rs and they yrwt being ryply advysed The Comiss^rs aforsaid in regard

yrof and yt the suplicant hes found suficient catione to restore to all persons qt money or vyr things he hes undewly receaved from ym dureing his service w^t the said Richard waire, Have granted and hereby grants the desyre of the said suplicatione the suplicant finding suficient cation to restor conforme to the former ordinance mad yranent Accord-^{Relief granted.} ing grants mr walter porterfeild advocat is become caun^r and souerty for the said suplicant to the efecte above wrñe Extracted be me *sic sub* Mst Jonsone clerk regi

[Edr 1st Decr. 1657]

To the ryt honōble comis̄rs in criminall causes the humble petition of Thomas Dickson and thomas neilson prisoners

Humbly shewethe Wheras yor ho/ poore petitores being sentenced to die yet notw^tstanding out of yor ho/ clemency mercifully hath bene pleased thes 3 tymes to caus delay the said sentence and now yor poore petitores have addressed ymselves to his heighnes my lord protector to reprove them from the forsaid sentance and having great hops of ane gracious answer It is yrfor humbly begged yt yor ho/ would be pleased even for the love and favor of god and Jesus christ to grant warāt once more to the magistrats of Edr to delay the sentance pronounced agst yor petitors till the first weddinsday of Janry and yor petitores yrselves wyfis and poore childrine shall ever pray.

^{Petition. Thomas Dickson and Thomas Neilson.}

Edr 2 Decr 1657

The Comis̄rs hearby gives warāt to the magistrats of Edr to delay the execution of the sentance of deathe agst the petitors thomas dickson and thomas neilson to the first weddinsday of Janry *sic sub* J. Swinton E Mosly Hen. gooder

^{Execution delayed.}

December 10th 1657

At the comand of Baylly Josie

The quhilk day George Suttie flesher burges in Edr and Margrat Marshall his spous became inacted Lykas we the sds George Suttie and Margrat Marshall does inact and oblisse us and every on of us That we shall pay to Edward Hill Clarke of the tolbutth off Edr Twelveh sh scots money every weike ffor the usse and behaffe of John Bonnar mer^d burges yr till ye sds Edward hill be compleitly payet nyn pund

^{Relief. George Suttie and Margrat Marshall. Debt.}

sex sh 8d scots money ffor wch I ye sds George Suttie was aristed at Jon bonnar's instance Begining the first weikly pay^t presently at the wryting heirof and swa forth weikly till he be payet of the forsd soume compleitly and fayllyng of on weikly pay^t we oblisse us & every on of us to pay twa sh for the fayllg therof and lykwys does oblisse ane or baith as it shall pleise the majestrats to enter o^r bodies in prison wⁱⁿ the tolbutth ther to remaine till we pay the forsd soume and for the mare security heiroff we are both content to subscribe thir presents w^t o^r hands the day and deat above sd

GEORGE SUTTIE

○ ○

Ed: Hill witnes to this mark

Jo: m^cDonell witness to this marke

John burd witnes

December 19 1657

Relief.
William
Mitchell.
Debt.

William Mitchell in Smealam spitall releived furth of ward at the comand of Baylly Sandilands wha was aristed in ward at the instance of David Aiknayheid apothecary burges in Edr for not pay^t making to him of the soume of Thirty pund scots money w^t ten marks money forsd of expenss w^t ordinar anwell rent as the warding buke bers at mare length This releiffe is granted becaus the partie forsd does give his consent heirto and obliges himselfe to keepe my lord provest and bayllyes of Edr and robert Murray gudman of the tolbutth harmles and skeathles at all hands qtsomever for the liberating of the sds w^{am} mitchell swa far as concerns me the sds David aiknayheid in witnes qrof I have subscribed thir pⁿts w^t my hand the day & deat above sd Done be W^{am} smeyth & Thomas wright officers

DAVID AIKINHIED

THOMAS WRIGHT, officer

William
Cunning-
hame,
William
Cockburne,
David Allane,
William
Bowie and
William
Whytlie
to be whipt
for rioting.

[January 1 1658]

My lord provceist and Baylies of Edr

ffor as mutch as William cunninghaem william cockburne David allane william Bowie and w^{am} whytlie as convict of the tumultous comotione wⁱⁿ ye toune of dunce ¹ wer ordaint be the hon^oble comis^srs

¹ On 6th January William Fortoune, Johne Forsythe, Johne Bell and Thomas Wood received the same punishment for being concerned in the same tumult.

to be whipt from the castlehill of Edr to the netherbow yrof upon ye first of this instant and yrefter set to libertie Thes ar yrfor to desyr you to caus put the said sentance in executione qranent thir pñtes shalbe yor warant sub^d be me m^r allex^r hamiltone clerk to the criminall court at comand of the judges the first of Jařy 1658 *sic sub* allex^r hamiltoune

[January 6 1658]

Upon ane petitione givine be Thomas Dickson and Thomas neilsone to the honōble judges in criminall causes yr executione is delayed as follows

Thomas
Dickson and
Thomas
Neilsone.
Execution
delayed.

Edr the sixthe day of Jary 1658

The Comissionars suspends the executione of Thomas Dickson & thomas neilsone of the sentance of deathe against the petitionars to the first weddensday of febr̄y 1658 *sic sub* J. Swintone E Mosley

[January 7 1658]

Unto the honōble comiss̄rs for administratiōne of justice in causes cāll The petitione of Jon andersone and Jon forest prisoners wⁱⁿ ye tolbouthe of Edr humbly shewethe

Whereas the petitors being apprehendit by major fermer governour of douglas castell and sent by him prisoners to the tolbowthe of Edr for alledgit murder of ane ingleis sojor in Decr 1650 Albeit it be of verity y^t we ar most innocent of ye said murder and nothing can be mad out agst us for proveing our guiltines yrof yet we have bene kepted in great misery and want thir many monethes bygane in ye tolbowthe of Edr During which tyme our wyfis families and childring are sterving in ye country Therfor ye petitores humbly prayes yor ho/ yt since yr tryall is delayed warrand and comand may be givine to the magistrats of Edr to put them to liberty furthe of ye tolbowthe Considering yt if they remane any longer in prisone ymselves yr wyfis and poore childring will undoubtedlie be sterved and the petitors shall ever pray

Petition
Jon Ander-
sone and
Jon Forest.

Edr the 5 Jařy 1658

The comiss̄rs gives hearby warand to the magistrats of Edr to put the petitores Jon andersone & jon forest to libertie forthe of

Relief
granted.

yr jeall upon ye finding of catione to apeare before us q̄never upon law^{ll} citatione ayr of them under the pane of 20 lib starling.

[Caution found 7 Feb.]

[Janry 13, 1658]

Magistrates of Edr.

Margrat
Pallmor re-
moved to
Linlithgow.

Whereas margrat pallmor yo^r prisoner as being indyted in ane Justice Court halden be us vpon ye 3d of Nov^r last for contravening ane acte of banishment & for railing & cursing of mr gilbert hal minister of Kirklistoune wes yrfor referred hir tryall to the Justice of peace for the shyre of linlithgow Thes are yrfor to requyre you the magistrates of the burgh of Edr w^t all conveinencie to caus transport the persone of the said Margrat w^t ane guaird from ye s̄d tolbowthe of Edr to the tolbowthe of Linlithgow and deliver hir to the magistrates yrof wha is hearby, requyred to receive hir of yor hands and incarserat hir w^{tin} yr jeall yrin to remane till shee be tryed be the saidis justices for the cryme forsaid q̄nant thir p̄nts shalbe yor warand, etc.

Janry 19 1658

Relief.
Mr. Georg
Hume.
Debt.

Mr Georg Hume lait minister of aitone releived furth of ward by consent of his creditor Georg car of netherby

Janry 28 1658

Relief.
Mr. Thomas
Willson.
Debt.

Mr Thomas Willson pror. fiscall of the Sheriff court of haddingtoun releived forth of ward at the comand of Baylly Ladder wha was areisted at the instance of Androw steill merchant burgess of Edr for not pay^t making to him of the soume of ffiftie foure pund scots money as the warding buke beares at mare lenth. This releiffe is granted becaus the said Androw steill party arister does consent to his liberty and does be thir presents oblige himselfe to warrand the provest and bayllyes of Edr and robert Murray gudeman of the tolbutth at all hands for soe doeing swa far as concernes me the saids Androw steill and for the maire security heirof I have sub^d thir p̄nts with my hand the day & deat above s̄d. Done Robert Dowglas offr

ANDRO: STEILL
RO: DOWGLAS officer

Feb̄y 2 1658

Unto the ryt honob^{ll} counsell in Scotland for government therof
the humble petitione of Thomas Dickson & Thomas Neillson Sheweth

That wheare his hienes my lord protectore was pleased to refere
our petitione to yo^r honors & now the tyme of our last repryve goes
out the 3 of this instant Therfor we humbly bege (beg) y^t yor ho/
would be pleased to repryve us till his heighnes the lord protector
shalbe pleased to send his anser to yor ho/ conserning o^r petitione
and yor ho/ petitors shall euer pray

Petition.
Thomas
Dickson
and Thomas
Neillson.
Execution
delayed.

[Execution delayed till ' the first weddensday of March. ']

Febry 5 1658

My lord proveist and Baylies of Edr

Whereas Margret andersone and Johne corse prisoners as fund
guiltie be an assyse upon ye second day of Febry instant of paction
with the diuill and of the several adulteries mentioned in yr dittayes
was ordained be the hōnoble comis̄rs to be taken upon wednesday
the 24 day of this instant to the castle hill of Edr and yr betwixt 2
and 4 in ye efternoone to be strangled at ane staik whyle they be dead
and yrefter yr bodies to be brunt in ashes. Thes are yrfor to desyr
you to caus put the said sentance in executione Q̄ranent thir p̄ntes
shalbe yor warrand. . . . The warrand delivered to B[ailie] M^cmorrane

Margret
Andersone
and Johne
Corse to be
strangled and
brunt for
Witchcraft
and Adultery.

[Signed by Alex^r Hamilton, clerk to the Criminal Court.]

Febry 20 1658

For the honōble judges of cri^{ll} causses in Scotland the humble
suplicatione of Margret andersone

Sheweth y^t q^r the said marg^t being by the providence of god
brought to ane sense of hir manifold fallings and comitting of seall
(several) sinnes of fornicatione and adulteries did uter and confess
the same and w^t all did confesse hir accession to witchcraft and now
being mor sensible yⁿ formerlie finds hirselve innocent of yt cryme.
Bot still dealing with god and the pastoures for making hir reconcilia-
tion with hir Savior and being now with child cryethe for ane proroga-
tion of the executione of the sentance emitted agst hir till it be
cleirly cognosced qt shalbe the event of the pastoures dealing w^t hir
and qt the lord in yt tyme of continuatione may bring fourthe to light

Petition.
Margret
Andersone.

either concerning the ane poynt and other and the cleirnes of hir being wt cheild qlk will contribut no littill glorie to god honor to yor lo/ and the weill of the poore distressed woman.

May it yrfor pleas yor ho/ to comiserat hir sad conditione and grant prorogatione of the executione for the caus forsaidis for the qlk hir poore husband shall euer pray *Sic Sub* Thomas adamson in name of his spous Margret andersone

Edr 20 Febyr 1658

Execution
delayed.

The Comiss̄rs delays the executione of the petitor's sentance for thrie weiks longer efter wednesday nixt *Sic Sub* E. Mosley Hen goodyer Judges.

Edr. 3 March 1658

Thomas
Dickson and
Thomas
Neilsone.
Execution
delayed.

The Commis̄rs delays the executione of the sentance of deathe pronounced be them against thomas dickson and Thomas Neilsone till the first weddensday of June nixtocum *Sic. Sub.* E. Mosley Hen: Guider Judges for the proveist and Baylies of Edr.

March 4 1658

Major
Richard
Irving
relieved.
Debt.

Major Richard Irving . . . warded at the instance of Mr Johne hay clerk to the register of seasingis at aberdeine . . . for not payt making . . . of the soume of ane hundreth ten pundis Scots money wt ten merks of expenses . . . relieved by consent of incarcerator

March 16 1658

Petition by
Margret
Anderson.
Execution
delayed.

Margret Anderson renews her petition of 20th February and the execution of her sentance is delayed 'Till the first weddensday of May nixtocum on ye whiche day they ar to put the said sentance in executione.'

[This is the last entry relating to Margret Anderson.]

March 19 1658

Peeter
Adamson
relieved.
Warded at
instance of
Deine of Gild.

Peeter Adamson relieved furth off ward at comand of David wilkie deine of Gild wha was wardet be vertew of ane decretit and act of warding of the sds deine of gild & his counsell for not observing and obe[y]ing of ane decret given & pronounced be him and his sd

counsell in not joyning wt margrat Edmistoune spous to mr alexr wardrope and Isobell wilson widow in building and making up of ane partitione wall betwixt ther tenements as the sd decret bers at mare lenth dated the peanult day of Decbr 1657 yers act of warding dated March the 3d 1658 yers. This releif is granted because the sds peeter adamson hes found caitone aither to obey the decret in all poynts or uther wyes to re-enter him selfe within the tolbutth of Edr within fourtein dayes after the deat heirotff Done be John Kinblo at comand of the Deine of gild and his counsell and subs^d be him

J. KINBLO gild officer

March 20 1658

James Edmonstoune of Wolmet

Sir Ther being bond givne in an Thousand pounds for the peace- James
able leiving of the laird of Wolmet I thought fit to acquent you wt Edmon-
it and yt if he be freed by his creditors from yor prison you need not stoune.
detayne upon any accompt from me I remayne yor very loueing freind Conditional
& serv^t sic. sub. Georg Monk,¹ Dalkeithe 19 marche 1658 relief.

For Ro^t Murray maister of the tolbutth off Edr thesse.

[On March 25 Major Jon Bigger indweller in Edr acted himselfe Relieved by
as cautioner for James Edmonstoune. On March 26 Edmonstoune creditors.
was relieved in respect (1) of not paying to Thomas Kincaid 'two hunderethe marks scots money wt fourty pundis of expenses'; (2) of not paying to 'Jon boyd merchand burgess of Edr 1200 merks scots,' to 'Wm henderson in ye Canagait or hendry hope his assignay aughtein pund ster, to Jon anderson 191 pundis scots, to peeter nori or James lindsay his assignay 80 lb scots, to mr Francis ogstoun 200 marks, to andro monro 92 lb, to James Deines baylly in the canagait 339 lb 10s., or to Major Jon legit or hes assignayes; (3) of not paying to maister mark ker son to androw ker of morriston 2800 markes, to James Gray 1110 marks, to John — & James willson 300 markes, to patrick nicoll 600 markes, to thomas spence 5000 markes, to John sword 500 markes, to w^m henderson 325 markes, to John anderson 2091 lb, 4s., to John Boyd 1500 lb, to peeter norie chirurgeoin 120 markes, to Thomas meallen 270 markes, to allison edmistone 4445 markes, to evan black 129 lb 13s. 4d., to James Dowglas 2000 markes, to patrick edmistone 2000 marks.']

¹ General George Monck, afterwards first Duke of Albemarle, 1608-1670.

The form of the 'releif' is interesting :—

Form of
relief.

This releiffe is granted because be the order of his hienes my lord protector & his counsell at quhythall of the deat the fyfteine day of Apryll 1656 yeirs That every debtor in Scotland who shall give in a list of his just debts aither by himselfe or tutors or curitors to our comiss̄rs and shall mak oathe yt he is not able to satisfie the samyne by money or uy^r personall estate and shall declare yt he hes lands teiths or uy^r reall estate which shalbe set out and alloted for ye pay^t of his debts and shall lyk wyse declare to our Comiss̄rs apoyntment he will legally convey & asine the saids lands or teiths or uy^r reall estat so to be set out & alloted to his creditors as afor^{sd} Qrupon ye said James Edmonstone hes mad oathe befor our saids Comiss̄rs yt he is not able to satisfie the samyne by p̄nte money or uy^r personall estate & declares yt he hes lands and teiths and uy^r reall estate which he is content to conveye and assine the samyn lands & estate according to our saids comiss̄rs appoyntment in maner & conforme to ye order above ment^d Qrupon the honob^l comiss̄rs hes granted suspentione & warrand to charge the proveist and baylies of Edr to set the said compleinor to libertie furthe of yr tolbowthe wⁱⁿ 24 ho^{rs} under the paine of rebellione and putting of ym to the horne as the said suspention beares at mor lenthe.¹ signed etc. etc.

March 27 1658

Richart
Fowllertoun
relieved.

Richart fflowllertoun was taiken furth of ward at the gudeman's own drectioun becaus Thomas Kincaide deacon convener promised aither to caus satisfie the partie or re-enter him in prisson againe

May 22, 1658

Georg
Lumsdaine
relieved.

Unto ye ryt honorable Baylies of Edr the humble petitione of Georg lumsdaine mess^r Humbly shewethe yt qr I am imprisoned in ye tolbouthe of Edr by yor ho/ order for an ofence comited by me contrary to my knowledge against the lady Elibank & hathe remaned in prison this 8 dayes for the said offence And now the said noble Lady upon my suplicating of hir hathe condiscended to my libertie and being informed yt libertie can not be atained w^tout the paying of ane peculiar soum vnto yor ho/ the which I am altogether destiuert of and

¹ See under September 18, 1661.

far destinat from my friends . . . May it yrfor pleas yor ho/ to consider my long imprisonment and in respect of want of money to lay such comands on me as I in my office or my service can reach my selfe quin I ever shalbe most willing and having my libertie granted shal ever pray etc. etc.

June 1. 1658

Thomas Dickson and Thomas Neilson petitione anew for a reprieve and their execution is delayed until 'the i tuesday of July nixt.'

Thomas
Dickson and
Thomas
Neilson.
Execution
delayed.

June 9 1658

Sir, the Laird of Raploche informes me yt yr is on Thomas hamiltone incarcerated at his instance—ye shalbe pleased to be liberat he subbing the book for the said purpose, & thir pntes shalbe yor warrand sic sub. John Lauder to Rot murray master of the tolbowthe or Edward hill clerk.

Thomas
Hamiltone
liberated by
the Laird of
Raploche.

June 24. 1658

Sir Notwithstanding any former order from myselfe I am willing, yt upon the payt of such debts as are owing by James mCGill son to the lord Cranstoune MCGill¹ you sett him at libertie I remayne yor verie loveing freind sic sub Georg Monck Edr 22 June 1658

James M'Gill
liberated by
General
Monck.

Memorandum. The principall warrand the gudeman hes in his keeping becaus it was dertect to himselfe be the gen^{ll}.

Edr first June (July) 1658

The qlk day in an justice court haldin w'in ye sessione hous of Edr the day forsaid be the honobl Judg mosley Judg Laurence & Judg Guider comissrs in crill causses Cristian forbus prisoner as being guiltie of contravening of ane act of banishment wes ordained either to find catione for hir good behavior under the paine of 20 lib starling or else incaice of hir not finding yroff to be sent to the correcction hous yr to stay an tuelve monethe or till she find the said catione. . . .

Cristian
Forbus to
find cation
or go to the
Correcction
hous.

¹ Sir James M'Gill, of Cranstonriddell, afterwards Viscount Oxfurd, a lord of Session.

July 5 1658

Keiper of the tolbowthe

Lady
M'Lachlaine
to be ex-
amined.

You shall pntelie upon sight caus be brought alongis to my ludging
wt ane sure guard Issobell Campbell Lady Mc'Lachlaine to be examined
and yrefter returned bak to prisone qranent thes pntes shalbe yor
warrand . . . E. Mosley.

July 7 1658

Thomas
Dickson and
Thomas
Neilsone.
Execution
delayed.

Thomas Dickson and Thomas Neilsone petition anew for a
reprieve and their execution is delayed until 'the first wedensday
of agust.'

July 9 1658

Jon Drywood
to be put in
Edr. Castle.

you ar on sight hearof to deliver the person of mr Jon Drywood to
the captane of the watche who is to deliver him to the deput governour
of Edr castle to be ass^t till farder orders and for so doeing thes shalbe
yor warrand Givne under my hand the 9 of July 1658 *sic sub* Georg
Monk

To Mr Ro^t Murray goodman of the tolbowthe The which warrand
the goodman (has) in his keeping

Receaved from the goodman of the tolbowthe according to the
aforsaid order the body of mr Jon Drywood I haif receaved this nynt
of July 1658 *sic sub* J. Poule

July 17 1658

Thomas
Murray
relieved.

Thomas Murray ventiner in Edr relived furthe of ward at comand
of Baylie Lauder, wha was wardet at the instance of Katherine Murray
relict of umqle w^{am} Dundas of Kincavell . . . for not delivering con-
tenting & payeing to hir an copper caldron qlk would have holdin
20 gallons or else tua hunderethe marks scotis money yrfor, an wort
stane w^t the cover yrof haveing iron bands or else ten marks yrfor,
3-6 gallon trees or 6 lib yrfor, an aiken gantreis or 24s. yrfor all per-
taining to the said compliner, and for not paying hir of 15 lib scotis
for ye use of the said caldron & brewing loomes w^t six punds yearlie
fra the terme of lambes ay & ql the redeliverie yrof w^t ten marks
of expenses of plea. . . . [Cation found.]

July 21 1658

By his heighnes councill in Scotland for ye government yrof

Ordered yt ye goodman of the tolbowthe in Edr doe admit suche persons as in a reasonable way and at convenient tymes, shall desyre it, to come and speak w^t mr Georg Piltoune now prisoner in ye said tolbowthe notwithstanding a former order of this board for his close imprison^t Givin at Edr 21 July 1658. Signed in ye name & by order of the councill *sic sub* George Monke

Mr Georg
Piltoune to
receive
visitors.

The prin^l warr^t is in the gudemans custodie

July 30 1658

The humble petitione of Bryce Dunlop

Shewethe y^t qrb^y yor lo/ sentance agst me for my attestatione of ane false band I am ordained to be publictly punished which sentance I reverence and does acknowledge to be just. and now sieing since yer lo/ sentance it hes pleased the lord to afflict me w^t heavie sicknes so yt for present I am not able to stirre out of bed much les to goe to that publict place may it yrfor pleas yor lo/ in consideratione of the promiss to grant warrand to the magistrats of Edr to delay my punishment to some other tyme yor lo/ shall think and yor petitor shall ever pray.

Petition by
Bryce
Dunlop.

We under sub^d do hearby declaire yt we being in ye chamber w^t Bryce Dunlop yt yesterday he did contract sicknes and yt he did twice suone and this nyt he hes bein very seike which we attest under our hands to be of veritie from the tolbowthe of Edr 30 July 1658 *sic sub* T. Ker, P. Sandis, J. Moubray, D. Hamiltoune

The Comiss^{rs} delay the executione of yr sentance for this day and ordaine the magistrats of Edr to put ye sentance in executione agst the suplicant how soon the suplicant reteinethe to his healt^e.¹

Execution of
sentance
delayed.

[Dunlop was sentenced on 29th July to be taken to 'the pillory or tron near to the mercat croce upon fryday nixt yr to be sett to stand from ten of the clock in the foirnoone to tuelve of the clock in ye efternoone w^t a paper on his head bearing thes words yt the said bryce dunlop standethe yr & is punished for seingyeing & forging the sub^{tion} of the attestor of the attestaⁿ of a band of ca^{urie} and als declaire the said Bryce Dunlop to be incapable of any office or imprison^t wⁱⁿ this natione in tyme cuming.' . . .]

¹ See under date 9th August 1658.

Agust 3 1658

Thomas
Dickson and
Thomas
Neilson.
Execution
delayed.

Thomas Dickson and Thomas Neilson petition anew for a reprieve and their execution is delayed until 'the first wednesday of October nixtocome.'

Agust 4 1658

Sir J.
Falconer
relieved.

Sir John Falconer of Brountoune Knyt releived 'wha was wardet at the instance of . . . David Boyll of Kelburne' for debt.

Agust 5 1658

Bessy
Pattoune
Jannet Black,
Kath. Rainie,
burned for
witchcraft.

Bessy pattoune, Jannet Black, Katherin Rainie found guilty of witchcraft and sentenced to be taken on Agust 11 'to the castle hill of Edr & yr betwixt 2 & 4 hors in ye efternoone to be strangled at staik till they be dead & yrefter yr bodies to be burnt in ashes.'

Agust 10 1658

Jonnet Orme
relieved.

Whereas Jonnet Orme as convict of the cryme of adulterie with Ro^t Broun in Leithe hes payed the fyne of fourtie aught pundis imposed upon her for the said cryme Thes ar yrfor to requyre you to caus put hir to libertie.

Agust 9 1658

Case of Bryce
Dunlop.

Dear brother, I have been much importuned by the wyf of Bryce Dunlop for repriving the executione of the sentence of the court upon hir husband, thes ar only to intimat this yt yor selfe w^t the rest of my brothers be satisfied to order ane reprieve for an tyme you having assent to it, I am dear brother yor servant J. Swintoune.

Brother, I wes not pñt qn the sentence wes givne but qn his deposition wes taken qñin I thought him penitent and yrfor for my part shall consent to the reprieve till november yt ye rest of my britheren who wes pñte consent. J. Johnstoune

Liberation
of Bryce
Dunlop.

Follows the petition of Alison wright spous to Bryce Dunlope whereupon the Commissioners ordain him to be set at liberty 'he finding catione to reenter the prison & vnderlye & obey the sentance of court against him upon ye first of November nixt.'

Agust 28 1658

Hew M^cDonald found guiltie by ane assyse of the murder & roberrie of Murdoche M^cGilliehalane wes ordained . . . to be taken on weddinsday nixt ye i of Septer to the castle hill of Edr and yr betwixt tuo & four in ye efternoone to be hangit on gibbet q̄ll he be dead

Hew
M^cDonald
hanged.

September 2 1658

Mr John Sincklare eldest lawfull son to the deceist Sir william Sincklar of rosslein Knyt relived furth of ward at the comand of Baylly M^cmurrane wha was wardet at the instance of Sir John Sinklare off Harmistone Knyt for not coming and finding off sufficient caitione sovertie and laborowes actit in ye court books of justice That he his wyfe bairnes familie mentenents & servents shalbe harmeles & skaithles of the said complinor in yr bodies Lands heretadges takes steddings rounes possessions cornes cattell gudes & geir and onna wayes to be trublet or molestit be him yr intill, nor be non uyr of y^r causing sending hunding out comand ressett assistance nor ratihibitione q̄m he may stope or let directlie or indirectlie under the pane of ane thousand marks Scotis money . . . [Cation found by 'James Hamiltone of Leathome.']

Mr. John
Sincklare
relieved.

Septer 28 1658

Thomas Dickson and Thomas Neilson¹ petition anew for a reprieve and their execution is delayed till 'the first tuesday of Decbr nixt.'

Thomas
Dickson and
Thomas
Neilson.
Execution
delayed.

Novr 23 1658

James M^cGill son law¹ to my lord cranston m^cGill relived by consent of his creditor Mitchell Melin

Decr 10 1658

James M^cGill son to my lord cranstone M^cGill relived by consent of his creditor George mushet.

¹ This is the last entry regarding Dickson and Neilson, who probably suffered in the end.

Decr 20 1658

James M^cGill. Notwithstanding my former, yt Mr James M^cGill of cranstoune should not be discharged out of the tolbowthe of Edr till he had givne securatie for his peaceable living I am willing yt he be dischargt paying the debtis for which he is arrested. Givin under my hand the 29 day of Septer 1658. George Monck. To mr Robert murray goodman of the tolbowthe

Decr 13 (*sic*) 1658

20 of Decr 1658

James M^cGill. The qlk day in pñtes of John majoribanks Baylie compeired Jon M^cGill mer^t burges of Edr and actit himselve of his awne consent as cau^r sovertie as law will for James M^cGill son to the lord cranston M^cGill. . . .

Decr 24 1658

Walter Scott relieved. Walter Scott of Satchell releived furth of ward by consent of his creditor.

Jany 3 1659

Lord Madertie relieved by his mother.

David Lord Madertie releived furth of ward as follows I Dame Margret Leslie lady madertie be thir pñtis consent yt David Lord Madertie be freed and put to libertie furthe of the tolbowthe of Edr qr he is now incarcerat at my instance And wills and requistis the proveist and baylies of Edr to dismiss and put to libertie his said person furthe of yr wardhous w^tout any charge to be givne to them or any of them for yt effect Wheranent I be thir pñtis dispenss and obleidges my selfe hearby never to quarell or come in ye contrair heirot directlie nor indirectlie in tyme cuming be thir pñtis writen be me Ro^t malloche servitor to Johne bane wryter to the signett. Sub^d w^t my hand at Edr the thrid of Jary 1659 beffor thir witnes *sic sub* Ma. La Madertie Ard. Rotson witnes

Rob. Murray ye shall liberat my lord madertie by reason of the above said consent of my lady his mother at whois instance he is incarcerat and caus book the samyn for a warrand y^t he be in for nothing els. Edr. 3 Jary 1659 *sic sub* John Marjoribanks, Baillie

Janry 12 1659

Helenor Smithe 'whipt throw the heighe street from the castle hill to the netherbow,' by the executioner, for 'steiling of certane goods mentioned in hir dittay.'

Helenor
Smithe
whipt.

Jary 29 1659

John Lord Blantyre releived furthe of ward at comand of Baylie Georg reid wha was wardet at the instance of David Elphingston of Calderhall ffor not payt making to him of the soume of ane thousand marks scots money for the pryce of flour aickers of glybeland alledged diverted from the minester of Caldercleir of the land of Calderhall disponed to the said David Elphingston be the deceast Wam Lord blantyre father to the said complinor and of the soum of ffourtie pundis for ye yearlie rent of the said land the yeares 1643-1644-1645-1646-1647-1648-1649-1650-1651-1652-1653-1654-1655 And of the soume of ffyv hunderethe marks for the pryce of thre aickers of medow ground yearlie the yeares of god 1651-1652-1653-1654-1655 alledgt contained in an — decreit of transferring alledgt obtained be the said David Elphingstone against the said complinor as brother and air of umqll — lord Blantyre and as son and are to umqle Wam lord Blantyre at least laullie chargt to enter to him as the said lērs of captione and as the warding book beares at mor lenthe. [Relieved because 'the complinor' consigned 'ane thousand six hunderethe and twenty pundis' in the hands of the 'thesaurer of court' to be given up to the said David Elphingstone.]

Lord
Blantyre
relieved.

Feby 1 1659

Unto the Ryt ho/ comissrs in criminall causes the humble petitione of yor ho/ distrest prisoner Issobell campbell

Petition by
Lady
M'Lauchlan.

Sheweth yt she by her frequent suplications hath humblie represented to yor ho/ the greiveousnes of hir sad and sorowfull sufering in this miserable prison. And yrfor, humblie begged of yor ho/ for gods caus to comiserat her sad conditione in maner mentioned in her seall suplications which suplications and yor humble petitors distrest conditione yrin spēt yor ho/ hes never as yit bein pleased to tak to yor consideratione bot hes still continoued hir imprisonment quin

she hes alreadie suffered extream miserie this eight or nyn months bygane having nothing of hir awne qrwt to mantane her selfe nor yet any trust (credit) in ye prison bot is redactit to yt extream necessatie yt she is oftymes glad of the crumes yt fall from the tables of other prisoners. And sieing y^t hir imprisonment onlie dependeth upon hir not pay^t of that 200 lib scots of fyne imposed by yor ho/ upon her for her trespas and for not finding of catione for hir good behavior in tym cuming either of which ar altogether impossible for hir to performe by reason yt her parents hath uterlie forsaken and disowned her and hev never since the first day of hir imprisonment bestowed so much as a cup of cold water to comfort hir Nay^r yet hes so mutch as ever yet sent any of yr freinds or servands to visit hir in the prison albeit she hes frequentlie by her—lērs humbly petitioned them for yt efect As also hir whole kinsfolke freinds and acquaintances hath disclamed her so yt she is now left destitut of all human help and comfort and verie lyk to sterv and perishe in this miserable and loathsome prison both for lack of the frie aire thir eight or nyn moneths bygaine & want of necessar food to sustain hir naturrall lyfe May it yrfor etc etc etc.

[Feb. 1. Ordered to be set at liberty on condition that ‘ she do first inact hirselve in ye books of adjurnall to mak pay^t of the above mentionat fyne.’]

Feb 3 1659

Proveist and Baylies of Edr

Lady
M^cLauchlan
relieved.

In regard Issobell campbell Lady m^cClauchlane in obedience to an ordnance subs^d by us hes actit hir selfe in ye books of adjurnall for pay^t to the shraffe of Edr of the soume of 200 lib scots for his heighnes¹ us[e] . . . as fyne imposed upon hir for the sin of furnicatione with Jon M^cnachtan Thes ar yrfor upon sight hearof to request you to put hir to libertie furthe of prison . . . *sic sub* Wil Laurence E. Mosley.

March 5 1659

Patrick Adair
relieved by
Lady
Currihill.

I Jean winram Lady currihill grant me to have received back my awne goods and yrfor desyres yt patrick adair may be set at liberty for I have no mor to say against him. . . .

¹ The Lord Protector.

THE OLD TOLBOOTH

133

March 9 1659

Kathrine wood hanged, for child murder, on a gibbet at the Castle hill
 Bessy Lacoast, Mareon Angus, Heline herioat, Allisoune ffermor,
 Jean sydserfe strangled and burnt on the castle hill for witchcraft

Kathrine Wood hanged.
 Five persons burned for witchcraft.

March 17 1659

Sir William Hamiltoune of Elistoune Knyt releived by consent of his creditors.
 [Arrested in the tolbooth on another warrant but liberated on 18th March.]

Sir Wm. Hamiltoune releived.

Apryl 18 1659

Sir Thomas Thompsoun of dudingstoune Knyt . . . wha was wardet at the instance of Jean Stewart relict of the deceast Mr Wam arther somtyme min^r at the west kirk somtymes callit St cuthbertis kirk nere Edr. [Relieved by consent of Jean Stewart.]

Sir Thos. Thompsoun releived.

Apryle 26 1659

Agnes Inneis spous to Wam Richisone releived furthe of ward at comand of Baylie Majoribanks becaus the forsaid baylie he hes givne order to inact hir selfe yt she shall betwixt and the sixt day of may nixtcome deliver and lay downe beffor the magistrats of Edr an satyne gowne withe an carpit upon the counsall table of the said burgh or urwayes to re-enter hir selfe in the tolbowthe agane the said sixt day

Agnes Inneis releived.

May 4 1659

Mareon Logane, Mareon Lyne, Christian Cranstoun, Barbara Cochrane, John Douglas, Jannet Crooks, Heline Sineabeard and Heline Wilson to be strangled and burnt at the head of Tranent for witchcraft.

Eight persons burnt for witchcraft.

July 13 1659

Mr Samuell Colvill releived by consent of his creditor.

Mr Samuell Colvill releived.

Septer 16 1659

Col. Hamilton relieved. Colonell James Hamilton called of Lethem relieved by consent of his creditor

Jary 13 1660

Sir George Morison relieved. Sir George Morison of Dairsie Knyt relieved by consent of his creditors

Febry 20 1660

Georg Bilton deceased. The qlk day in p̄ns of me notar publict under sub̄bing the corps of George bilton deceased being brought furth of the prison hous of Edr commonlie called the tolbooth (he having deceased the day befor) John mill & Georg mowat servantis to Rot murray keeper of the said prison wer examined by John Denholme an of the baylies of the said burgh whither thes wer the reall corps of the said Georg bilton who declared positivelie that they wer his corps and know them to be so being acquaintit w^t him qll he wes alive and yrefter the same were deliverit to Mr ——— Robinson in Leith to be buried Qrupon and upon all sundrie the premiss the said Jon Denholm baylie and Rot murray aforsd and took sub̄band and protested they might be frie yrof thir things wer don day place moneth & year of god above spec^d betwixt flour & ffyv houres in the eftirnoon Befor thir witnesses Edward hill clark of the tolbooth and Jon thomson stabler with divers uyr.

May 14 1660

John Dow M'Ronald, John M'Finlay, Donald Dow M'Conachie for theft. Whereas ther is thre hilandmen at the instance of the laird of Glenorkie prisoners in the tolbooth of Edr for whom he hath received securatie for ther entering to what shalbe objected against them Therfor I desyr etc etc

[Restoration of Charles II. May 29 1660]

July 19 1660

John Whytlaw of the High School cautioner.

I maister John Whytlaw ane of the doctors of the heie school in Edr doeth be thir pnts inact and oblige myselfe that I shall present

margrat linton servitrix to Thomas Willson . . . within the counsell
hous of Edr or tolbutth ther etc etc.

Sept 15 1660

The Comittie of Estats doe hearby grant warrand to the magistrats
of Edr to permit William Cunninghame proveist of air to have acces
to Jon Graham prisoner wⁱⁿ ye tolbutth and yr to stay w^t him so long
as he pleases and until at the sight he wryt an letter to his freinds.

Wm. Cun-
ninghame
to speak with
Jon Graham.

Sept 18 1660

'Warrand' granted 'to permit William Bryddie advocat in Edr
to have acces to Mr Jon Spreule prisoner . . . at q^t tyme he pleases.'

Sic sub Glencairn chancellor

Wm. Bryddie
to speak with
Mr. Jon
Spreule.

Sept 19 1660

The Comittie of Estats doe hearby give order and warrand to the
magistrats of Edr and the m^r of the tolbutth to suffer mr Jon Spreule
late proveist of Ranthrew and Robert Keullen mer^d in Glasgow to
have acces unto Jon Graham and mr Jon Spreule¹ prisoners . . .
provyding they goe at once and be permitted to speak w^t them
severally in presence of any of the keepers and this order to be extinct
upon tuesday nixt at night. Glencairne chancellor

Proveist
Spreule
and Rot.
Keullen to
speak with
Jon Graham
and Mr. Jon
Spreule.

Warrand granted 'to suffer Jon anderson mer^d in Glasgow to have
acces unto Jon Grahame . . . provyding the mr of the tolbutth or his
deputes be pⁿte with him and this warrand to be extended no longer
yn Setterday till night.' Glencairn chancellor

Jon Anderson
to speak with
Jon Grahame.

Sept 22 1660

Warrand granted 'to suffer such persons as have necessar and
pressing bussines to doe w^t mr Jon Grahame and mr Jon Spreule to
have acces unto them.'

Jon Grahame
and Mr. Jon
Spreule to
have visitors.

¹ John Graham, provost, and John Spreull, M.A., town-clerk, of Glasgow, imprisoned for refusing to subscribe the bond containing a condemnation of the Western Remonstrance.

Sep 26 1660

Jon Bell to . . . Jon bell on of the number of this Comittie to goe in and sie
speak with Jon Graham and mr Jon spreule . . . as his affairs shall requyr . . .
and Mr Jon Glencairne chancellor
Spreule.

Rot. Mershell . . . Robert Mershell to visit Jon Grahame & mr Jon Spreule . . . this
to visit Jon warrand to expyre upon Setterday nixt at 12 oclock . . .
Grahame and Mr. Jon
Spreule.

Sepr 27 1660

Hary Glen . . . Hary Glen, Robert Rogill, John Ayton, James Somervell,
and others to Wam Stirling merchants in Glasgow to visit Jon Graham and mr
visit. Jon Spreule. . . .

Sepr 28 1660

Laird of . . . the Laird of Ralston to have acces to Jon Grahame and mr
Ralston to visit. Jon Spreule. . . .

Octor 1 1660

Gab. Cun- The Comittie of Estats grants warrand to the Governor of the
ninghame to castle of Edr to sufer and permit the forsd mr Gabriell Cunninghame
visit min- to hav acces to the ministers who ar prisoners wⁱⁿ the castle of Edr
isters in the castle, also provyding he have bot once acces to them severally and that an com-
Jon Graham. missionat officer be p^{ri}te for the tyme as also grants the lyk warrand
for the magistrats of Edr to permit him have once acces to Jon
Graham. Glencairne chancellor

Octr 3 1660

Marion . . . Marion Cullane to have accesse to hir husband John grame
Cullane to . . . this warand to continue till Saterdag nixt at night or tuesday
visit Jon nixt till night at farthest. . . .
Graham.

Octr 10 1660

Jon Graham The Comitie of Estats doe hearby give warrand to the magistrats
and Mr. Jon of Edr and Keeper of the tolbutth to take off the restraint of close
Spreule to be free of close imprisonment layd upon jon graham & mr jon spreule prisoners and
restraint.

to give them the lyk freedome & libertie as any uyr prisoners w^tin the said tolbutth . . . Glencairn chancellor

Nov 17 1660

The comittie of Estats ordanis & comands the magistrats of Edr to set Jon Graham & mr Jon Spreule to libertie. . . . Becaus they have subs^d bands and found catioune conforme to the appoyntment. . . .

Jon Graham
and Mr. Jon
Spreule
relieved.

Nov 30 1660

Marie Enslie releived furth of ward at comand of Bayllie Jossy wha was wardet be an letter sent from the magistrats of Glasgow to the magistrats of Edr for coming away from hir mistres out of Glasgow w^t eight pundis starling This releife is granted becaus Margret Knox widow in Glasgow hir said mistres does consent to hir liberatione.

Marie Enslie
relieved.

Decr. 17 1660

Thes ar to requyr the provest & bayllyes of Edr to deliver George Campbell prissoner in ther tolbutth to Captaine Leavorock captain of the castell of Edr and ordaines capt Lavorock to keep him close prissoner and to be cairfull that non have accesse to him nor intelligence com to or from him during his stay prissoner in the castell. Given at Edr 17 Dec^r 1660 *sic sub* Glencairn

Geo. Camp-
bell to go to
the Castell.

By vertew of ane order from the Comettie of Estats I have received from Mr Boyd present Bayliffe of Edr George campbell shireff of argyll into the castell to be kept close prissoner. writen w^t my hand this 18 day of Decr 1660. Ro^t Laverock

Receipt for
Geo. Camp-
bell.

16 Janry 1661

. . . In regard of the indispositioun of alexander jaffray¹ and that he hes found caution to stay w^tin the toun of Edr and not remove forth yroff without warrand . . . ordaines . . . to put him to libertie. . . .

Alexr. Jaffray
relieved.

¹ Covenanter, and a Commissioner to the Treaty of Breda.

Feby 1 1661

Kilkerrane
relieved.

Alexr Ferguson of Kilkerrane releived furth of ward by consent of his creditor William Maxuell of munreithe.

[Consent of other creditors obtained on 5th and 8th Feby.]

March 26 1661

Prisoners
waiting trial.

The lord Comissioner and lords of the artickels considering that severall persons ar imprissoned in the tolbutth of Edr upon aledged crymes comitted by them and that now they have lyen in prisson of a long tyme w^tout any lybell or sumonds of accusatioun agst them Therfor they doe ordaine the majestrats of Edr doe intimatt to thoes parties at whoos instance the sds persons have bein imprissoned that they give in lybells of accusatioun agst them wⁱⁿ aught dayes after the intimation theroff w^t certificatioun that they shall be set at libertie lyk as they doe heirby warrand the sds majestrats to set them at libertie after the exyracioun of the sds aught dayes after intimation as said is.

Apryll 13 1661

Baylly
M^cNaught
relieved.

John m^cnaught Baylly in musselburgh releived by consent of his creditor

Apryll [] 1661

Marion Guild
deceased.

Marion guild died wⁱⁿ the tolbutth upon the [blank] day of Apryll 1661 Instruments taiken therupon at the tolbutth geat upon the 4 of Apryll wh is registrat in the town court buiks

Apryl 25 1661

Petition by
Neil M^cClane
of Assnet.

Neill m^cClane of Assnet petitions on account of sickness which has confined him to bed since the first instant, to be allowed to remove into accommodation in the town.

Apryl 28 1661

Assnet
relieved.

The Lord Comissr and Lords of the articles in regaird of the suplicants sicknes ordaines the proveist and bayllies of Edr to put him to libertie

he finding sufficient catione to the Lord register to repair to some lodging within the town and not to remove further without warrant under the pain of twintie thousand pounds. Glencairne chancellor

I have received this catione. A. Primrose clk. Reg^r.

May 21 1661

At the comand of Baylly Calderwode

Maister Jon Dickson¹ minister at Ruglane received forth of ward by ane peition of his givein in to his majesties high Comissioners and honob^l estaits of parlat^t for his liberatioun foorth of the tolbut of Edr upon cation for that effect as the sd peitiōū will show at mare lenth subs^d wt his own hand the wch peitiōūe the bayllyes hes in ther custody

Mr. Jon
Dickson
relieved.

[May] 15 1661

Thes ar in regaird of the infirmitie & siknes of Mr Jon Dickson to requyr the provest and bayllys of Edr to put him to libertie and freedome foorth of ther tolbut hee first finding caution that he shall keep prisson w^tin his lodging in Edr and not remove forth therof w^tout publick warrant under the paine of Ten thousand marks Scots *sic sub* Don be Crawford Lindsay tresurar

I have received this caution *sic sub* ard. primros clk reg^{tr}.

May 21 1661

Jon Monro of Lomlair received in terms the same as in the case of Mr John Dickson but 'under the paine of Twintie thousand pund Scots money.' [He was imprisoned for debt.]

May 27 1661

[The Marquis of Argyll was beheaded. The part of the leaf in the *Releife Book* which should have contained the particulars of this entry has been cut away by an act of vandalism. The half of another leaf applicable to December 1660 [? 8th to 11th] has also been removed.]

¹ Ordained minister of Rutherglen in 1649 and ejected in 1662. Imprisoned in the Bass for seven years. See also under June 13th and 14th.

First June 1661

Edr. 28 May 1661

Maister
James
Guthrie and
Wam Given
executt and
yr heids set
up on the
ports of the
nether bow
and west port
1661.

Forasmuch as mr James Guthrie¹ and Levtenent William Given ar for certane treasonable crymes comitted forfaulted and declared trators by sentance of parliat. Therfor the Lord Comissr̄ and states of parliat. for puting of the forsaid sentance to executioun doe ordaine the magistrats of Edr to tak the bodies of the saids mr James Guthrie and Levtenent Wam Given furth of the tolbutth of Edr to the crose of Edr upon Setterday the first of June at tuo of the clocke in the eftirnoone and caus hang them till they be dead and thereftir to cut of ther heads and affix the head of the said mr James Guthrie upon the netherbow and the head of the said Levtenent wam Given upon the west port conforme to the forsaid sentance of parliat. of the dait of thir p̄ntes Qranent thes p̄ntes shalbe to the saids magistrats an sufficient warrand. Sub^d thus Craufurd Lyndsay thea^r I P D Part.

13 June 1661

Mr. Jon
Dickson
relieved.

The lord Comr and estaits of parlat doe heirby give warand to the majestrats of Edr to set Mr Jon Dickson minister at Rutherglen at libertie fourth of the tolbutth of Edr he finding the same caitiounne as formerlie subs^d Craufurd lindsay ther.

14 June 1661

Thes doe testyfie that conforme to the warrand above writen ane bond and cautioun is found be mr Jon Dickson as formerlie *sic sub* Jo: hay

18 June 1661

Wm. Heislope
and John
Bodelie sent
to England.

The lord Co^mr. and estaits of parlament doe ordaine the majestrats of Edr to set Wam heislope and Jon bodelie Inglishmen prissoners to libertie . . . and deliver them up to Gen^l Major Morgane quhairanent thes p̄nts shall be yor warrand, That the forsd william hislope and John bodelie may have freedome and ane passe to departe furth of this kingdome to England.

¹ Son of the laird of Guthrie. Ordained minister of Lauder in 1638 and translated to Stirling in 1649. He bade an affectionate farewell to the Marquis of Argyll as the latter was leaving the Tolbooth to suffer by the Maiden.

July 9 1661

The lord Comissioner etc., ordaine the provest and Bayllys of Edr to put mr Patricke Gelespie ¹ to libertie and freedome foorth of the tolbutth of Edr Hee giving surtie for his abode at ornestoun and wⁱⁿ six mylls of the same untill be pub[lic] order he be furder releived. Given at Edr first of July 1661 *sic sub* craufurd lindsay ther. I. P. D. part.

Mr. Patrick
Gillespie
relieved.

I have received this surtie Ard. primros Clk Reg

July 16 1661

These are to requyre the magestrats of the brughe of Edr to carey the persoune of Jon Swintoune ² now prisoner in the tolbutth of the said brugh and to delyver the samen to the hands and custodie of the captaine of the castle of Edr for doing groff thir pñtes shall be their warrand. given under my hand at Edr the [blank] daye of July 1661 *sic sub* midltoune

Jon Swin-
tounne sent to
the castle.

I Livetenant collonell James merser in absence of Robert Straitane captain of the castle of Edr and as Livetennant yr grant the receipt of the persoune of John Swintoune from the hands of william wachope bailye be warrand of the ordour above written witnes thir pñtes Sub^t wt my hand at the castle of Edr the 16 day of July 1661 years Beffoire thir witnesses Robert Murray keeper of the tolbutth of Edr Robert Suyre mr porter of the castell and Robert adamsone servitor to Sir William Thomsone commoune clerk of Edr wryter heiroff. [The signatures follow.]

Receipt for
John Swin-
tounne.

Agust 15 1661

Forasmuch as william barclay servitor to cuthbert Home flesher in Edr hes bein imprisoned in yor tolbutth for using of ane charme : These ar yrfore to requyre you to putt him to libertie he acting himself in the bookes of adjournall that he sall never comitt the lyke in tyme cuming under the paine of death.

Wm. Barclay
relieved.

¹ Patrick Gillespie, 1617-1675, made Principal of Glasgow University by Cromwell.

² John Swinton, 1621 ?-1679, eldest son of Sir Alexander Swinton of Swinton. One of the Commissioners for the administration of justice during the usurpation.

Agust 23 1661

Janett Millar
relieved.

Forasmuch as Janett Millar is cleired by ane assyse of the crymes of sorcerie and witchcraft qrfor she was imprissoned in yor tolboth ye shall therfor upon sight heirof put hir to libertie

Agust 27 1661

Jon Dickson
and Thomas
Bruntfeild
hanged.

Jon Dickson and Thomas Bruntfeild hanged at the Castle Hill for theft and robbery

Sepr 18 1661

Wollmatt
relieved.

At Edr 18 day of Sepr 1661 anent the peititioune presented in name of James Edmonstoun of Wollmatt shewing gras the peit^{or} has beine injustly imprisoned thes 20 monthes bygon ffor his alledgt being arte and parte of the killing of wam murray in fflanders and notw^tstanding that the peit^{or} upon severall suplicatiouns and adresses to the hono^{bl} justice deput that he might be put to tryall or set to libertie is still detained in prisson etc etc

[Craves to be liberated on account of the state of his health. The Lords of his Majestie's Privie Counsell grant his request but 'confynes him to remaine w^{tin} his own chalmer in Edr or the parishe of Newton, upon sufficient caitioun for his gud behavior.']

Nov^r. 5 1661John Max-
well relieved.

John Maxwell of Dalswintone releived by consent of his creditor.

Nov 7 1661

John Max-
well relieved.

John Maxwell of Dalswynton releived by consent of his creditor

Nov. 13 1661

Jannat Cocke
to be burned
at Dalkeith.

. . . Jannat Cocke¹ being . . . found guiltie . . . of ye cryme of Soscerie and witchcraft . . . and ordeaned . . . to be taken upon ye 26 of ye said month of Novr instant to ye ordiner plaice of exicutione

¹ The trial of Jannat Cocke is recorded in *The Proceedings of the Justiciary Court, Edinburgh*.—Scot. Hist. Soc., vol. i.

of ye toun of Dalkeith and yr to be strangled att ane staicke till shee be deid and yrefter hir body to be burned to ashes. . . . These ar etc etc.

Janry 9 1662

William Moncreiff of balcaskie releived. Imprisoned for debt.

Wm.
Moncreiff
releived.

Janry 11 1662

Nicollas Foynech found guilty of the slaughter of John Burd one of ye souldiers of ye castle of Edr and sentenced to be hanged on the 13th inst.

Nicollas
Foynech to be
hanged.

Janry 18 1662

Sir Mongo Stirling of Glorat Knytt releived by consent of his creditor

Sir Mongo
Stirling
releived.

Feb. 21 1662

Thomas Weir [? Major] releived by consent of his creditor mr John Hay of Haystoune.

Thos. Weir
releived.

March 7 1662

Margerat Ramsay found cleire and nott guiltie of the murder of hir owne childe but in consideration of her confession that she was with child and concealed the same and that she brought forth the said child privitlie w^tout ye helpe of any woman and concealed ye casting yroff in ye new Logh of Edr yrfor decerned hir to be publictlye wheiped through ye high street of Edr and yrefter banished from ye sd brugh.

Margt.
Ramsay to be
whipped.

Aprile 18 1662

Forasmuch as James Welsh prissoner Being examined by us his mattis justice deputes annent his delaitting of sundry perssones to be witches and anent his awn confesioun beffore the minister and elders of heddingtone and vyrs of his own guiltines off the said cryme of witchcraft Albeit we find no ground to putt him to ye knowledge of ane assyse booth because of his non age and of his absollet denyell of

James Welsh
to be whipped
and put in the
Correction
house.

ye samyne beffor us zitt in respect yt we find he does prevaricat and hath lied and yrby his lieing practeises he hes defamed and abused ye leidges wee thereupon have ordeaned and adjudged him to be publictly whipped through ye high streat upon Setterday the 19 of Aprile instant and thereafter to be putt in yor corectione house yrin to be keiped att worke for ye spaice of ane yeir efter ye daite hearoff These ar yrfore to require you to cause our sd ordanance be putt to due executione upon ye sd James Welsh in all poyntes.

JOHN A. FAIRLEY.

AN OLD EDINBURGH MONUMENT NOW
IN PERTHSHIRE

THIS characteristic seventeenth-century monument, which for a period of about one hundred and thirty-four years stood over a doorway of the old College buildings in Edinburgh, and has for nearly a century graced the walls of the mansion-house of Craighall, Perthshire, tells its own story, namely, that it was erected by the magistrates of Edinburgh to commemorate the pious gift by Master Bartholomew Somervell, a most munificent burgher of that city, of the sum of 40,000 merks to the College and city. Among the provisions of Bartholomew Somervell's will, which is dated 6th December 1639, are the following: 'To the Towne of Edinburgh for helping in defraying the charges of the good caus of the Covenant of God the sowme of ten thowsand merkis Scottis money and if thair be no necessitie on bestowing of the samyn upone the foirsaid guid caus to convert and bestow the samyn in helping to big and repair the northwest kirk of the said towne of Edinburgh at the heid of the Castlehill thair of. Item, I leave to the Sessioun of Edinburgh for helping of the poore of the said towne the sowme of twa thowsand merkis money foirsaid. Item, I leave to the poore of the hospitall of Edinburgh the sowme of other twa thowsand merkis money foirsaid.' A further sum of 26,000 merks, which with the legacies detailed above makes up the total of 40,000 merks mentioned on the monument, was gifted by Somervell for

the endowment of a professorship of divinity in the College. The minute of the Town Council, dated 17th December 1639, bears that 'Master Bartilmo Somervell, portioner of Sauchtounhall,' had paid over to the town treasurer the sum of 26,000 merks, which sum was to be repaid to him (Somervell) at the following Whitsunday, and in case of his death before that date, 'to the aires lawfullie gottin or to be gottin of his bodie.' Failing such heirs the money was to be employed by the Town Council for the maintenance of a professorship of divinity in the College; the income derived from the sum of 20,000 merks to be used in payment of the professor's salary, and the sum of 6000 merks to be employed in building a house for his residence. The condition is added that the house 'beir the ensigne, name, and airmes of the said Maister Bartilmo in his remembrance.'

The monument now illustrated is the outcome of this last praiseworthy condition. The facts now stated show that there is no ground for Sir Alexander Grant's suggestion¹ that Somervell's gift to the College had suffered diminution through the carelessness or malpractice of the Town Council. Maitland, however, states² that the 2000 merks left for the poor 'wes by an order of the Town Council unjustifiably laid out in the purchase of ten silvern cups for the service of the Communion table.'

Bartholomew Somervell died within a short time after making his bequest, on the 8th January 1640. No lawful issue survived him, and, in terms of the arrangement, the 26,000 merks (about £1500 sterling) vested in the Town Council for the purposes above specified. Marion Telfer, his spouse, predeceased him, her testament being recorded 17th December 1638.

In 1641 the Council took steps to provide a house by purchasing one for 7000 merks, which belonged to Sir James

¹ *Story of the University of Edinburgh*, vol. ii. p. 228.

² *History of Edinburgh*, p. 365.



Magistro Bartholomæo Summer
uesio urbis municipi munificentissimo
quod pro urbe et Academia usus
40000 lvi testamento Legavit urbs
Edinburgena hoc monumentum p c

Skene (Lord Curriehill) situated to the east of the High School, and fitting it up as two dwelling-houses. The Town Council minute of 10th March 1648 states that the house in the College occupied by the Principal (John Adamson) was in a ruinous condition, and the Council therefore 'thought fitt to lend unto him the use of that pairt of the house in the hie school yaird sometyme calld Curriehill's hous presentlie possest by Mr. Robert Dalgleish, agent of the Kirke, till such tyme as the said ruinous hous wherein he dwelt within the college be repaired.' Again, on the 19th June 1650, the Council granted 'to Mr. John Stirling Minister [of the Tron Church] a part of Curriehill's house to dwell in beside Mr. David Dickson, professor, during the Counsell's pleasure and want of another professor in the college.' The Town Council ultimately sold Curriehill's house to the Deacon of the Surgeons, and their old Hall, built in 1697, still occupies the site. In September 1656 a new house for the professor of divinity was begun to be built along with six complete chambers for students. It was over the doorway of this house that the monument, with the effigy and inscription, was placed. And there it remained till the year 1790, when the house was taken down to permit of the erection of the north-east corner of the present buildings, the earliest part to be begun. The monument was afterwards obtained by James Clerk Rattray, Baron of Exchequer, about 1830,¹ and was removed and set up by him on the walls of his mansion-house at Craighall-Rattray, Blairgowrie. The new buildings of the College were in progress for a period of three years, when they came to a standstill for want of funds. Petitions were got up by the Town Council, the University, and the Royal Burghs, and these, addressed to the Treasury, were referred to the Barons of Exchequer for a report, the result of which was that the Government in 1815 undertook to supply the money for finishing the contract. Commissioners were appointed

¹ Letter from P. Burn Murdoch Rattray, Esq., of Craighall-Rattray.

to superintend the expenditure, two of whom, Sir Alexander Grant says,¹ 'were especially assiduous, and were guiding spirits to the rest, namely, the Hon. Clerk Rattray, Lord Chief Baron, and Dr. Duncan, the Secretary to the Senatus.' It is probably owing to the patriotic spirit and care of the Chief Baron that the monument is still in existence and in good preservation. The writer sketched it in 1892, and again eighteen years later. It is placed about 12 or 15 feet above the ground, and measures perhaps 5 feet 8 inches each way, so that the effigy is about life size, and may be regarded as a good portrait of Master Bartholomew Somervell.

As already stated, the house for the professor of divinity was begun in September 1656. John Mylne of Perth was the builder, and almost certainly the architect, so that the design of the monument may well be his; but as he died in December 1657, it is not likely that it is his actual handiwork. He had two sons, John and Alexander, the latter of whom attained considerable eminence as a sculptor, but died young before this date.² John, who succeeded his father as master-mason to the Crown, was a capable workman as well, and so likewise was Robert Mylne, nephew of John of Perth, who erected his monument in Greyfriars Churchyard, as also the statue of George Heriot at the Hospital, and built Holyrood Palace. So that there is a strong probability that the Somervell monument was designed and wrought by some member of this family, well known as architects and builders in Scotland for several generations. The effigy, in its style, bears a considerable resemblance to that of Shakespeare at Stratford, and the whole thing is not unlike in appearance and the circumstances of erection to the monument of Zachary Boyd, built about the same time in the tower of the Old College at Glasgow.

¹ Vol. ii. p. 204.

² *Book of the Old Edinburgh Club*, vol. ii. p. 235.

Bartholomew Somervell was the eldest son of Peter Somervell and his spouse Jonet Waldie, whose testaments are recorded in the Commissariat of Edinburgh in 1635-6 and 1614 respectively. They evidently built and resided in a house near the top of the West Bow. Over the doorway was inscribed the motto, 'IN · DOMINO · CONFIDO,' while in a panel above were the family arms, with the initials P. S., J. W., and the date 1602. A view of the house will be found in the splendid and rare drawings of the West Bow made by Thomas Hamilton, architect, in 1830, where it is marked as 'Old Assembly Rooms.' These drawings were published by the Architectural Institute of Scotland in 1862.

The connection of the Somervell family with Saughtonhall appears to have begun in 1631. On the 23rd September of that year there is a Crown Charter¹ to Peter Somerwell, merchant burges of Edinburgh, in liferent, and to Bartholomew his eldest son, also in liferent, and to Peter Somerwell, Junior, son of said Bartholomew, in fee, of a fourth part of the lands of Saughtonhall, on the resignation of James Wynrame of Woustoun and Mariot Fischer his spouse. On the 15th January 1639 there is a letter by King Charles the First accepting Samuel Vaitch in Edinburgh as attorney for Bartholomew Somervell of Saughtonhall.² Bartholomew had two married sisters, Margaret, and Elizabeth or Bessie. In March 1642 the sisters were served heirs-portioners to their brother, and also to his son Peter, already mentioned, who had evidently predeceased his father.³ Saughtonhall passed in 1646 to Thomas Mudie of Dalry,⁴ another famous benefactor of Edinburgh, out of whose funds the Canongate Church was built.

On the north side of the Lawnmarket, nearly opposite

¹ *Reg. Mag. Sig.*, 1620-33, No. 1848.

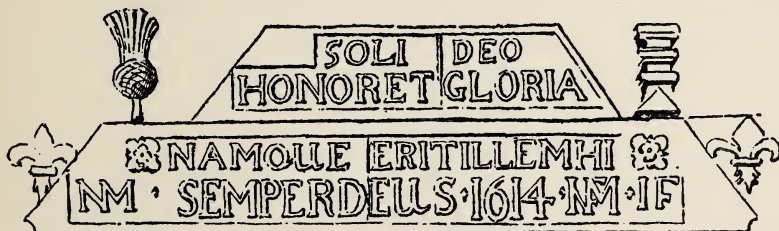
² *Laing Charters*, No. 2253.

³ *Retours*, Edinburgh, 878 to 881.

⁴ *Reg. Mag. Sig.*, 1634-51, No. 1687; Maitland's *Edinburgh*, p. 142.

the head of the West Bow, there stood an old picturesque timber-fronted house. One of its earliest proprietors, as appears from the title-deeds, was Bartholomew Somervell. The house was taken down in 1884, and the site is now occupied by the eastern part of the Assembly Hall of the United Free Church. There is a fine view of the house in Plate I. of *Old Edinburgh* by James Drummond, and it is fully illustrated and described by J. M. Dick Peddie, architect, in the *Proceedings* of the Antiquarian Society for 1883-4.

There are two other inscribed stones at Craighall taken from Edinburgh at the same time as the Somervell monument, and built into the house as shown in accompanying



sketch. It does not appear to be known from what house the stones were taken. A. H. Millar, LL.D.,¹ makes the suggestion that they may be from a house in Warriston Close, referred to by Sir Daniel Wilson,² but the date of this latter is 1583, thirty-one years earlier than the Craighall stone. The house from which they came must have been taken down about 1830. Dr. Millar gives a small outline sketch of the Somervell monument.

In the preparation of this paper I have been much indebted to the President. And for more than ordinary help to Mr. James Steuart, W.S., and to Mr. Wm. Cowan, who voluntarily

¹ *The Historical Castles and Mansions of Scotland—Perthshire and Forfarshire.*

² *Memorials of Edinburgh* (1891 edition), vol. ii. p. 13.

sent me copious extracts relating to the Somerville family in Edinburgh, insomuch that I have had little to do except to edit these. I have also to thank Mr. Burn Murdoch Rattray of Craighall-Rattray, as also his friend Colonel J. R. Ward, for a careful rubbing of the inscription.

THOMAS ROSS.

THE SOCIETY OF FRIENDLY CONTRIBUTORS OF RESTALRIG

RESTALRIG has always been a place apart. We enjoy the faint perfume of its antiquity. Happily through various channels it is in communication with greater but not more interesting places. For the ordinary purposes of life it is part of the Metropolitan area: for Municipal, School Board, and Registration purposes it is joined with Portobello: in Parliamentary elections it forms part of the county of Midlothian: ecclesiastically it is in the Parish of South Leith. The ancient Parish was Restalrig, whose extent corresponded roughly with that of the Barony. In 1560 the church was almost totally destroyed, only a roofless choir being left: in 1609, by Act of the Scottish Parliament, the parish and all its emoluments were transferred to South Leith: in 1837 the church was roofed and repaired, and opened for worship: in 1910 the building was improved and beautified: in 1912 the parish will be re-erected as a parish *quoad sacra*. Thus in this year of grace the Parish of Restalrig, suppressed for upwards of three hundred years, will take its place again in the Church of Scotland, now Reformed. It has a saint all its own, the Virgin Triduana, whose well and chapel, a beautiful example of early fifteenth century architecture, was restored (1908) by the munificence of the late Earl of Moray. Its church¹ was parochial till 1487, and thereafter collegiate. Its silent churchyard² contains the graves of many

¹ See *Transactions of the Scottish Ecclesiological Society*, 1908.

² See *Index to the Burials in the Churchyard of Restalrig, 1728-1854* (Scottish Record Society, 1908).

known and honoured in Scottish history, and a great company of the unknown, unhonoured, and unsung. It was the glory of mighty families, and it received the shame of some of them. The noise of war came to it: it was a strategic point in attacks on Edinburgh and Leith: soldiers lay within its venerable church, and their horses pranced in its narrow street. Long it lay in a sort of 'sleepy hollow' at the base of Arthur Seat; will the twentieth century give it a new spirit and awake its ancient glory?

All these interesting events might be considered at fuller length. They are laid aside that prominence may be given to a short account of the Restalrig Friendly Society, with some extracts from its minutes. This Society differs from most of its kind. They exist, these societies, for the advantages of fellowship and the mutual benefit of the members. They deal with the living, and the larger the membership the greater the prosperity of the body. The Restalrig Society bore few resemblances to such. Its membership was always small: it had no fees but one of entrance: it dealt mainly with the dead, and from them made its profits: and these were always spent for the good of others, the poor of the district, and the education of the young. Certainly in the minutes we find occasionally a reference to a disbursement by the treasurer of a few shillings for 'insidents,' when the members gathered in annual meeting. These may have been the 'incidents' that go along with 'postages' in modern accounting; but there is just a suspicion that they may have been of a more convivial character.

The Restalrig Society of Friendly Contributors, or of the Neighbours Contributors, as it is sometimes called, existed to supply a felt want. No burial was considered to be adequately performed unless a mortcloth or pall covered the coffin as it was carried to the grave. These mortcloths were sometimes the property of districts, and frequently of cor-

porations and trade guilds. They were sedulously guarded in their use, their benefits were confined to deceased members, and almost always the privilege of their use carried with it a corresponding fee. They were of different qualities, and thus available at higher or lower rates. The heritors, portioners, indwellers, and farmers of Restalrig—probably led and assisted by the owner of the Barony—formed themselves into a society, purchased mortcloths, and lent them out at fixed rates. The purchase cost of these was partly met by the contributions of the original members, and fully liquidated by the moneys accruing from the use of the ‘large velvet’ or the ‘little common’ (as a future minute will show). The use of mortcloths passed; but the Society kept hold of the churchyard, and burial fees took the place of the older exactions. It ceased to exist only in 1868, when its whole property passed into the hands of the Church of Scotland.

What led to the foundation of such a Society? It appears likely that the main cause was a desire on the part of the Baron of Restalrig and the heritors to benefit the people of the landward portion of the Barony. A further cause may be supposed, one which is not founded on such lofty motives. The Reformation caused a great upheaval in the Parish of Restalrig. In consequence of the destruction of the church, the parishioners were ordained to attend the Church of St. Mary in Leith. Doubtless a feeling of dissatisfaction would be engendered in the breasts of the inhabitants of Calton and Restalrig. This would be increased when fifty years later (1609) the parish was by Act of Parliament completely transferred to South Leith, and its name became South Leith and Restalrig (*v.* Minutes of Kirk Session of South Leith). We do not know what the owner of the Barony, now the patron of the Kirk, thought of the matter. But it is certain that envy, malice, and evil speaking existed between the heritors of the landward and burghal divisions, and among the elders

of the different 'quarters' of the parish.¹ This would be (to say the least) an additional motive for having local societies to look after the poor and pay teachers for the young. And it is undeniable that the same spirit of local jealousy existed after this society and the similar one in the Calton quarter had been long established. Both carried on a continuous guerilla warfare with the Kirk Session of South Leith, both insisted on their rights with respect to that Kirk and Kirk Session, and both, haling that body to the Court of Session, had their claims established by its decree. Thus jealousy may have had its use, a blessing well disguised.

The Minutes and Records of the Restalrig Society have been handed over by the Agent of the Church of Scotland to the Trustees of Restalrig Church. A number of extracts will be made from the first volume, and the later history will be given more shortly.

The volume opens with 'The Memorial anent the Kirk of Restalrig.' This memorial is written in a fair hand, on two sheets of paper, and extends to two and a half pages. The first sheet is carefully and completely pasted down to the inside of the cover; the second sheet, containing the remainder of the writing, forms the first two pages of the volume. The question at once arises—how far is this genuine, and genuine history? In the dispute between the Kirk Session of South Leith and our Society (1828-32), both sides referred to this document, the Kirk Session of course with scorn and extreme doubt. Certainly it is not of the date which marks the resuscitation or beginning of the Society (1726), but it may quite well represent the tradition concerning it, or even be the abstract of some earlier volume now

¹ In the middle of the seventeenth century there was a dispute about the services of a minister (Mr. Jhone Hog), and the Restalrig heritors drew up a protest signed by Jhon, Lord Couper, Sir Hary Nisbet (of Restalrig), and William Purves (of Abbeyhill), in which they threatened to call a minister for themselves 'to Restalrig' and to 'the stipend belonging yrto' (*v.* Robertson's *K. S. Records*). The possibility of dividing the stipend in such a way is a curious claim, and would be difficult to substantiate.

lost. The authentic history of the similar society in the Craig-end of the Barony,¹ and the fact that these two societies have no parallels in Edinburgh (and indeed in a much larger area) in their method of inception and the purposes they served, lead one to believe that the history contained in the 'Memorial' is correct. It is certainly not manufactured (like much ancient history in reality, and still more in the view of a certain school of criticism) after the event for the purpose of leading up to it, as if one should lay the foundations in a carefully excavated cellar after the superstructure was complete. The paper bears in the water-mark the date 1795, and a comparison with the handwriting of that period in the body of the book leads one to believe that it was the work of one of the officials of the Society, using sheets of paper made at that period. It is as follows:—

We observe that before the year 1609 the Kirk of Restalrig was the Parish Kirk of Restalrig and south Leith, the Kirk of Restalrig being in bad Repair, the People resorted to South Leith Kirk for divine worship, The Parlement of Scotland the said year grants an Act that South Leith Kirk shall be the Parish Kirk in time coming, and that Lord Balmirno allowed the minister (?) of Restalrig to be transported to South Leith to the first charge. Always reserved to himself the right of Patronage of the Kirk of Restalrig. And we further observe from the Charter 1614 called the Golden Charter that his Majesty with the consent of Lord Balmirno Granted to the Session of South Leith and their successors The Lands Tenments and tends that belonged to the Session of Restalrig. And we further observe that Lord Balmirno reserved the Vault² and Burring Ground to be under his own direction and also his Lordship with the Heirioters and others of the Barronery of Restalrig formed themselves into a Society commonly called the friendly Society who purchased Mortcloths at their own expence for the use of themselves & others and the Money that arose

¹ For the Calton Society, see p. 185.

² Commonly called the 'Chapter House,' and supposed to be the Chapter House of the Collegiate Church of Restalrig. On its restoration by the late Earl of Moray (1908), it was found to be in reality the Well and Chapel of St. Triduana, and thus a link was formed with the earliest ecclesiastical tradition of the spot.

from them was given to the poor and to keep the Kirkyard dykes in repair.

It is unnecessary to observe that all the Burring ground in Scotland belongs to the Heireoters but they often allow the Session the Management that the emolements arising therefrom may be given to the poor any money given at funeralls at Restalrig is given to the poor there for present supply over and above their weekly aliment they have from the Heiroters. Some years ago the Friendly Society built a School and to accomodate the Schoolmaster, which cost them 110 pounds strling Sixteen guineas they got by subscription six more who subscribed for but not got when it was finished they were fifty Pounds stg in debt which is now paid.¹

Sometime before the removal of the Minister and Session of Restalrig the Toun of Leith was laid in ashes once and again. Just when it was beginning to raise its drooping head The Heiroters of Restalrig generously came forward for their relieff and addressed them in some such words as these. You have suffered from a foreign foe, and I have been ungratefully used by my own children they have reduc'd my Princely Patron viz. the Logans of Restalrig whose rents was said to be little inferior to the then King of Scotland's revenue they have even dismantled the House where I worshiped my God I gave thee my Minester to instruct you & your Brethren the same emoluments shall be continued for his support that was given when at Ristalrig and likewise the superiority of Houses and lands for the support of the poor that belonged to the Session of Restalrig, what made it

¹ The school and schoolmaster's house were built upon a piece of ground at the churchyard, lying by the Restalrig Road, for which the Friendly Society obtained a charter from 'the Ministers, Elders, and Deacons of the Kirk Session of South Leith, Preceptors of the Preceptory of S. Anthony, and superiors of the lands aftermentioned.' This ground to all appearance formed what is now the south-eastern portion of the present churchyard, being the part most recently used for sepulture, and formerly a piece of waste ground lying outside the older churchyard. It is described as 'extending alongst the highroad leading from Restalrig to Jock's Lodge, ninety-three feet six inches from east to west, and containing in whole a measure of two hundred and eight square yards and an half square yard.' This description is taken from Sasine granted 15th November 1771. The charter was given on 11th July 1771 by the Kirk Session of South Leith in favour of Cauvin and others. This is an interesting transaction in view of the fact that in the Court of Session case (1828-32) arising from the long dispute between these same two parties no reference is made to it, and the Friendly Society were held then to be the proprietors of the land which they thus acquired by purchase in 1771.

favourable for Leith at that time was Lord Balmirno purchasing the Estate of Easter & wester Restalrig and also Leith Mills with various Tenments in Leith particularly the extensive Lodging where the Family often resided Lord Balmirno was not only a particular friend to Leith himself but being Seceretry to King James the Sixth got Royal Grants in their favour. They continued for about 140 years Patrons or rather Nursing Fathers to the Parish of Leith in the year 1746 Lord James Balmirno dyed at Leith who was the last of the Family that resided there and was succeeded by the Earl of Moray his Nephew who got not that kind reception from Leith or rather from the session that he was intitled too both on his own and the Noble Family's account that his Lordship was related to but as an appeal was made to the Senoters of the Colage of Justice the Session was found to be in the wrong it is necessary to draw a veil over it and it is to be hoped they will be more cautious for time to come.

The names of the Contribooters of the Friendly Society at Restalrig that was constituted in the year 1726 under the Sanction of Lord John Balmirno and Lord James Couper his son.

Messers HAREY ALLAN Writer.

CHARLES ALLAN Heirotier.

Mrs. WOOD Heires of Wairestoun & Portioner of Restalrig.

The Heirs of Mr. James ELPHISTON Heirotier.

Messers JAMES TELFER Heirotier.

JAMES ROBERTSON Heirotier.

THOMAS WOOD Farmer.

JOHN FULTON Farmer.

WILLIAM OLIPHANT Farmer.

JAMES ABERCROMBIE Farmer.

JAMES COUSTON Farmer.

ALEXANDER DICKSON Farmer.

PATRICK PETRIE Schoolmaster.

Att Restalrig the 17th day of January 1728 years This day at a meeting of the friendly Contributors for the Mortcloaths of Restalrig, whereof the list followeth, together with their contributions.

	£	S.	D.
Impr: M ^r Hary Allan Writer	06	00	00
Itt: M ^r Charles Allan Surgeon	06	00	00

	£	S.	D.
Itt: Thomas Wood Tenant	06	00	0
Itt: James Telfer Tenant	06	00	0
Itt: John fulton Tenant	06	00	0
Itt: James Abererombie Tenant	06	00	0
Itt: Alexander Dickson Tenant	06	00	0
Itt: James Couston Tenant	06	00	0
Itt: Mrs Wood, Heritor	06	00	0
Itt: Mr William Oliphant Tenant	06	00	0
Itt: The Heirs of Mr James Elphinston Heritors	12	12	0
Itt: Mr Patrick Petrie Schoollmaster	06	13	4
Itt: Mr Robert Maxwell in Jockslodge	12	0	0
James Robertson in Restalridge	12	0	0

The date given (1728) is quite clear in the writing; yet this was not the first meeting, for mortcloths were ordered in 1726, and a discharge given in 1727 by certain members of the Society, as shown below, which discharge covered the period from 11th June 1726 to 25th October 1727. Either there was a meeting at this date, when for the first time subscriptions were paid, or this year is given in error for 1726.

Here follow the first account for the Mortcloths, and the amounts given in charity, and for other purposes.

1726. Laid out for Mortcloaths

Impr: payd to Will: Cumming per Disch'd accott	197	01	0
Itt payed to Andr: Dunnet per Disch'd accott	158	07	2
Itt payed to Hary Lumsden Taylor per disch'd accott	018	00	0
Itt payed to Tho: Craford smith per his discharge	006	00	0
Itt payed for a Book	002	08	0
Itt payed for a Brush to the Cloaths	000	12	0
	<hr/>		
	382	08	2

In the amounts given in the following account is the item for a 'supply to P. P.' These are the initials of Patrick Petrie, Schoolmaster, Contributor of the Society, and Keeper of the Cloths, who modestly hides himself in the body of the work; but we may thankfully assume that to the schoolmaster of Easter Restalridge we owe these early interesting records.

Given to the poor of Restalrig of the Mony arising from the
Mortcloaths.

To Robert fleeming & his wife, when sick	1 : 04 : 0
To Arch'd Rae & his son when sick	1 : 09 : 0
To a supply to P. P.	24 : 00 : 0
To certain uses belonging to the poor	2 : 12 : 0
	<hr/>
sum	29 : 05 : 0

All details are given at this place of the 'cloaths' that were provided by the Society—how many, of what kind, and at what rates loaned for funeral purposes. The minute which follows shows with what meticulous care the contributors provided themselves against every possibility of fraud from whatever cause arising. In contrast with the other Society 'of the Craig-End,' this one was less careful about officials and forms of procedure, but more careful in its conduct with respect to refreshments. These regulations were laid down in this first minute :—

They have agreed that the profits arising from y^e sd Cloaths shall be disposed of for charitable uses by James Telfer Treasurer to y^e sd Society & his assistants viz—Thomas Wood, John fulton, and James Abercrombie ffermors in Restalrig & their successors in office as they shall see it fitt and expedient, Recommending allways to them & their successors in office in the first place to Beitt (? beat) uphold and Maintain the sd Mortcloaths and to seccure funds out of the sd profits for procuring new Cloaths when needfull, They also recommend to y^e present Treasurer and his Assistants to fframe & make up Laws in relation to the said Cloaths betwixt and the first of ffebruary next in order to be revised by a Generall meeting, And they hereby Appont Patrick Petrie keeper of the said Cloaths to provide a Book for Inserting the acts to be made, And all Accompts relative to the said Mortcloaths Appointing the prices to be as ffolloweth, The Large Velvett Cloath Three pounds scots, The Little Velvet Cloath one pound ten shilling The Large Common Cloath One pound ten shilling scots and the litle Common Cloath ffifteen shillings scots, And the sd Society think it reasonable y^t y^e keeper shall have for his care & pains one

shilling starling for the Best Cloath & so on proportion for the rest, to be uplifted by the sd keeper for his own behoof.

And it is hereby provided That the above prices is to be for the Contributors and Inhabitants of the Town and Barrony of Restalrig, All strangers to pay the Double at the discretion of the Treasurer and assistants, And also It is hereby provided that the said Treasurer and Assistants and their successors in office shall give Gratis the above Cloaths to any person not Capable to pay for the same as they shall see expedient, Also that all Gratis Cloaths shall be insert in the Book and to whom.

And it is hereby ordered that whosoever burries in Restalrig shall be obleidged to take the Mortcloaths belonging thereto, or pay the forsaid prices.

And it is Likeways hereby ordered that the keeper of the Cloaths shall acquent the Treasurer as soon as the same is demanded to any person.

And it is also hereby ordered that the Treasurer shall make up his accompts to the sd Society once a year And that the said society may hereby be impowered to propose overtures from time to time anent the said Cloaths as need shall require.

There is no record of the burials in the first period of the Society's existence, though afterwards it is kept with commendable regularity. That there must have been some note of the fees exacted is apparent from the first receipt in the book, which reads as follows :—

from the eleventh of June one thousand seven hundred and twenty six, untill the twenty fifth of october one thousand seven hundred twenty seven years Exclusive there was received for Mortcloaths the sume of Eighty five pounds Scots which was brought in to the fund of the sd cloaths and payed out for that behoof } 85 :: :

JAMES ABERCROMBIE

James Abercrombie

JOHN FULTON

Do: Fulton

JAMES COUSTON
all farmers and contributors.

James Couston

Thereafter follows the usual routine of such a book: a series of entries showing the names of the persons buried, the dates of burial, the quality of the mortcloths used, and the amount of the fee charged in each case, occasionally interrupted by a note of a meeting of the Society with a docket by the auditors of the Treasurer's accounts. The first complete page is here transcribed, both because it is the first, and because of the signatures at the end. The two auditors both use the word 'Baillie' after their names, though they differ as to the spelling of it. This is the only time that 'Baillie' is used in connection with the Restalrig Society, though it is common with the Calton Society.

Received for the Mortcloaths By James Tellfer Treassurer,
1727 and 1728,

1727

25th October The little Common Cloath to William Wallace's
Child :: 15 :
27 Octr: The little Velvet Cloath to Alex^r. Symor's Child . : 1 10 :
7th Novr: The little Comon Cloath to Ninian Russel's Child
Gratis.
29th Novr: The Best Cloath to Capt Symons . . . : 3 :: :
6th Decr: The little Velvet Cloath to Jasper Andersons Child . : 1 10 :
13 Decr: The Large Common Cloath to Widow Russell Gratis.
20th Decr: The large Com: Cloath to Will: Beans wife Gratis.
30th Dec^r. The Com: Cloath to Jo: Horsburghs wife . : 1 10 :

1728

22 Janr: 1728 The Best Cloath to Widow Barclay . . . : 3 :: :
5th febr The Best Cloath to Geo: Armstrong's wife . . . : 3 :: :
15 March The Best Cloath to Joseph Robertson . . . : 6 :: :
31st March The Com: Cloath to Will: Bean Gratis.
22^d Aprile The Best Cloath to Jasper Cochran . . . : 3 :: :
28 Aprile The Com: Cloath to Will: Ralph's wife Gratis.
5th May The litle Velvet Cloath to Alex^r: Dickson's Child . : 1 10 :
20 May The Com: Cloath to John Rae Gratis.
13th June The Best Cloath to Jean Mitchell . . . : 3 :: :
13th Jully The Best Cloath to Thomas Paterson . . . : 6 :: :
21st March The Best Cloath to Mourice Cairn's Child . . . : 3 :: :

13 th Octr: The litle Common Cloath to John Liddel's Child	. : : 15 :
19: Octr The Best Cloath to John M'Call	. . . : 3 : :
30 th Novr: The litle Velvet Cloath to James Johnstons Child	. : 1 10 :

Sum 42 00

Upon the fifth day of november one Thousand seven hundred and twenty Eight years, Revised the above acco^{tt}: Collected by James Tellfer and finds the sume to annount (*sic*) to flourty two pounds Scots.

JO: FFULTOUN Bailie.

THOMAS WOOD Baillie.

It is necessary to consider why in two instances a charge of six pounds Scots was made, in view of the scale laid down in the original minute. The four mortcloths referred to are those there mentioned, and the sums charged in all other instances are those appointed in the minute. In some later entries the amounts credited are often beyond the scale, and when details are given, it is shown that the surplus went to the poor, and sometimes in part to provide turf for the grave. This may be the meaning of the larger sums here also. In the following account (1728 and 1729), in some instances the figures are even larger: Nine pounds, Ten pounds ten shillings, and Eleven pounds eight shillings (twice) all Scots money. The Society followed the good rule that 'from him that hath shall be taken'—all the larger exactions are from people of quality, *e.g.* the Lady Arbruckle, Mrs. Wood (the heiress of Warriston and portioner of Restalrig), and officers from the adjoining barracks of Piershill—Major Brucknell, Captain Gregory, and Captain Oliphant. It is to be regretted that little was really expended on the poor. The first deductions on their behoof are made at the end of the account for 1728-1729, when from the sum . 106 01 0 is deducted

Laid out by Ja. Couston, Treasurer for certain	
uses belonging to the poor	. . 002 12 0
	<hr/>
Ballance	103 11 0

Received for Mortcloaths By James
Telfer Treasurer, 1727 and 1728,

	L	S
1727		
28 th Octobr. The litle. Common Cloath to William Wallace's Child	..	15
27 th Octr. The litle Velvet Cloath to Alex: Symors Child	..	10
7 th Novr. The litle Comon Cloath to Minian Kypels Child Gratis		
29 th Novr. The Best Cloath to Capt. Symons	..	3
6 th Decr. The. litle. Velvet Cloath to Gasper Andersons Child	..	10
13 th Decr. The Large Common Cloath to Widow Kysell. Gratis		
20 th Decr. The large Com: Cloath to Will: Beans wife Gratis		
30 th Decr. The Com: Cloath to Jo: Horsburghs wife	..	10
1728		
12 th Janr: 1728 the Best Cloath to Widow Barclay	..	3
5 th febr The Best Cloath to Geo: Armstrongs wife	..	3
15 March The Best Cloath to Joseph Robertson	..	6
31 st March The Com: Cloath to Will: Beern Gratis		
22 nd Aprile. The Best Cloath to Gasper Cochran	..	3
28 Aprile The Com: Cloath to Will: Ralph's Wife Gratis		
5 th May The. litle. Velvet Cloath to Alex: Dicksons Child	..	10
20 May The Com: Cloath to John Rae. Gratis		
13 th June The Best Cloath. to Jean Mitchell	..	3
13 th July The. Best Cloath to Thomas Paterson	..	6
25 th March The Best Cloath to Mourree. Cairns Child	..	3
13 th Octbr The. litle. Common. Cloath to John Lodels Child	..	15
19. Octr The Best Cloath to John Mc Call	..	3
30 th Novr The. litle. velvet Cloath: to James Johnston's Child	..	10
Sum	49	00

Upon the fifth day of november one Thousand
seven hundred and twenty eight years, Revised
the above. accptt. Collected by James Telfer
and finds the sume to amount to fourty
two pounds scots
J. Huktoim Barbr.
Thomas Wood Baithie

The intentions are better than the arithmetic. Perhaps the Society was gathering up against the initial expenses of the mortcloths. One sign of grace may be remarked. In six instances no charge is made—'Gratis' being written opposite the name. Yet even here vice shadowed virtue. Very soon the abuse of 'gratis' mortcloths led the Society to frame a stringent rule for all such cases.

That the Society was stinting its generosity to the poor to complete the purchase-money of the mortcloths is certified by the docquet attached to the receipts for 1732-1733.

Preceding the eleventh of October one Thousand seven Hundred and Thirty one years the mony arising from the Mortcloaths, together with the Contributions hath payed up the price of sd cloaths & no more ; and this being the 2^d of Novr: 1733 there is Received as above The sume of Sixty nine pounds nineteen shill: Scots mony, Deduceing Three pounds Scots payed for Grave planks.

It is of interest to note that about this time the denomination of the accounts is being changed from 'Scots' to 'Sterling' or starling, as it generally appears. In 1734-35, while the columns of the account are set out in Scots money, the docquet bears that 'James Couston, present Treasurer,' received 'four pounds Ten shillings & two pence starling.' Another difficulty has shown itself in the Society's affairs: the proverbial objection of the Scot to part with money: already there are debtors, and this meeting (19 June 1735) is adjourned to 'Munday the Twenty first of July next; and recomends to the Treasurer to use his dilligence to gett in the Arrears.' It may be observed that, while the spelling still gives room for improvement, and indeed will not be consistent in one form of error, punctuation is more frequent and improved. Little or no success attended the attempt to collect arrears, for there is no minute of any meeting in July 1735: and next year showed no betterment: as witness this minute.

Upon the 22^d of Novr 1736, The Neighbours Contributors for the Mortcloaths having mett and having inspected the Books they find James Couston Debtor to the sd mortcloaths preceding this date the sume of fifteen pounds ffifteen shillings & threepence starling whereof he hath payed into the hands of M^r. William Oliphant Twelve pounds star in order to be laid out upon Interest.

Signed by Jo: ffulton Chosen precess to the sd Company.

JO: FFULTOUN.

The same day gave in a list of Arrears to the Treasurer amounting to Eleven shill star :: 11 :

Ditto day Laid out for Incidents to be Deducted from James

Couston's Ballance being 3 £ 15 sh & 3^d star :: 11 2

Here is the first of the money transactions of the Society, outside of amounts paid and received for 'mortcloaths,' and small sums expended on 'insidents.' They begin to lend money at Interest, and for some time to come they have always some debtors on their books. From the names of these it is apparent that the members themselves did not scruple to use the funds of the Society as a convenient bank from which to borrow for their own needs.

With such a measure of success waiting on their diligence—all debts paid and money ready for loan—the 'neighbours contributors' thought themselves worthy of some consideration over and beyond the 'incidents.' While with one hand they laid new exactions in the shape of entrance fees and fines for absence from meetings, with the other they lifted burdens, for as a recompense all members are now to receive the use of the mortcloths at one-half of the fixed rates. There is a suspicion of a grim humour in this postponed benefit, which perhaps did not strike those who ordained it.

RESTALRIG, *Octr.* 24, 1737.

At a Generall Meeting of the Contributors for the Mortcloaths &c. W^m. Oliphant in Lochend, John ffulton, James Telfer William ffulton James Abercrombie Patrick Petrie ffermours and residents in Restalrig and Hary Allan Writer in Edin^r. present at said meeting with Alex^r. Dickson It is agreed by the hail above named persons

that none be received into their sd Society without their paying in to the Thes^r. for the time being twenty shillings st^r. befor they be admitted by and attour the clerks dues and they having also taken into their consideration that there is a fund of Nynteen pounds st^r. in the said W^m. Oliphants hands twelve q^r.of is loant out on interest by him the 6th Dec^r. 1736 to Ronald Crawford &c. and the . . . seven pound to be loant out by him as soon as possible and that it is reasonable the contributors forsd should have ane ease for y^mselves and their family of the prices of the mortcloaths they appoint the prices of them to be as follows viz^t. for the best mortcloath to the Contributors and their familys—One pound ten shillings scots and so proportionally for the rest of the mortcloaths and they hereby appoint a Generall meeting to be called every year in the month of Septe^r. or Oct^r. and the absents to be fined in a shilling without a reasonable excuse and the Thesaurer for the time being to call as frequent meetings as he shall see cause.

WILLIAM FFULTON.
ALEXANDER DICKSON.
JAMES COUSTON.
PATRICK PETRIE.

WILLIAM OLIPHANT.
HARY ALLAN.
JAMES ABERCROMBIE.
JO: FFULTOUN.
JAMES TELFER.

On the following page appears a discharge granted to the William Oliphant mentioned above in respect of the money referred to in that minute, which is now returned to the Society. It is curious that this discharge is entered in the book of the Society instead of being drawn up on a separate sheet: likewise it is granted at Lochend, to which place therefore the book must have been borne: and it is given over the familiar signature of 'Jo: ffultoun' instead of that of the 'Thesaurer for the time being,' James Couston. Lochend, which was the house of the Logans, overhanging the Lochend Loch, was not unfamiliar with moneylending transactions, in the course of a family history, in which princely revenues little less than those of the King of Scotland had dwindled to nothing, and the family itself, formerly so famous, had been scattered and lost.

I John fulton indweller in Restalrig Grants me to have Received from Mr. William Oliphant at Lochend the sume of Twelve pounds starling with two years annwell rent thereof As also seven pounds mony forsaid which was to be lent on interest, but was not, as Contained on the other side of this Leaf ; making the sume of Twenty pounds four shillings star. obleidging myself hereby to procure an Ample Discharge to the sd Mr. Oliphant from the neighbours contributors for the Mortcloaths of Restalrig In testimony whereof I have srbt (? subscribit) thir presents with my hand this Twenty seventh day of December one Thousand seven Hundred and Thirty eight years at Lochend.

JO: FFULTOUN.

The neighbouring contributors attest the same.

HARY ALLAN.

JAMES ABERCROMBIE.

JAMES TELFER.

ALEXANDER DICKSON.

PATRICK PETRIE.

The purpose for which the money was required from Mr. Oliphant is revealed by the next minute :—

Restalrig ffeby 5th 1739 The friendly Contributors having met this day they appointed John fulton in whose hands there was twenty four pounds sterling of the contributors Stock to give the same to Hary Allan one of their number on his bond bearing @ rent qch was accordingly done and his bond delivered by James Couston their Thesaurer.

JAMES TELFER.

JO: FFULTOUN.

ALEX^R. DICKSON.

PATRICK PETRIE.

One may not linger too long in transcribing these minutes of the earliest period of the Society's history. Times of peace are apt to be times of monotony in Friendly Societies as in other bodies. These were not times of peace in the State : and it is perhaps a little remarkable that no whisper of the troubles that culminated in the '45 comes into these records, when all Scotland was full of the noise of them.

The minutes go on their quiet way, recording 'the best velvet' and 'the little common,' and closing each portion with the general meeting of contributors, and the certification of the amount resting with the Treasurer. A postscript to the docquet of the accounts for 1741 makes almost certain the meaning of 'incidents,' which was hinted at above. The contributors met at Restalrig Nov^r. 13, 1741: they inspected the acco^{tt}., noted the ballance, ordered spades, mattocks, & shovills for digging the graves, & signed their names. They passed (shall we say?) from labour to refreshment, and added another docquet:—

To incidents advanced this day by the Thesaurer to be deducted (word illegible) out of his above ballance eleven shillings st^r.

James Telfer signs always with a flourish, and Jo. Fulton has ever a shaky hand. The identity of their signatures on this occasion is a matter of conjecture.

The next minute shows the firmness of the Society in dealing with its debtors, and its laxity with respect to its own meetings, for though it appoints its next meeting for the 10th June 1743, no meeting was held till January 1744, and the date appointed then for a succeeding meeting was overpast by a month. It is curious that James Couston, the subject of diligence, bravely signs the minute with the rest.

Restalrig Sept^r. 30, 1742 The Contributors haveing this day met and haveing inspected the acco^{tt}., they find the Ballance due on the oth^r. side by James Robertson Thesaurer amounts to sixty two pound twelve shilling Scots and Ordains him to charge himself therewith at next compting and they hereby discharge the said James Robertson to doe any further diligence on James Coustens bill he haveing promised to pay in two shillings Sterling monthly but in case James Cousten failed in payment as above they hereby ordain the Thesaurer to goe on in diligence ag^t. him and they appoint the next meeting to be at this place the tenth day of June next.

The following page is remarkable for the amount of its

bad spelling, even at a time when in the highest circles also orthography was dubious.

Brought over the Sum on the other Page	55 : 19 :
By the Ballance due by James Abercrombie Treasurer in his last Accompt	78 : 8 :
By Poors Money	22 : 10 :
By Cash from Hary Allan Writer being three years Interest of twenty four Pounds Stirlie due at Candlemass seventeen Hundred forty & six he having no other discharge but this Accompt book	} 43 : 4 :
	<hr/>
	200 : j :
Bay cash pd to the poor by order of the Contributors	6 : 0 : 0
by do petreck petrie by above order	6 : 0 : 0
by do to George Armstrong by above order	6 : 0 : 0
by do payd for incidints by the above order	9 : 0 : 0
	<hr/>
	27 : 0 : 0
Balance deu by the Thesarurer	173 : 0j : 0

Restelridge 21st octer 1746 this day the contributors havinge met and inspected the above accott. they find the ballance due by the above James Abercrombie Thesarurer amunts to the soum of an hundred & sivintie three pundis one shilien scots, with which he is to charge him self in his nixt accunts and we hearby nominat and apoint M^r. Hary Allan and James Abercrombie to meet as soon as they can convaniently in order to consert proper measours for settling the affairs of this Sositie for the managment of ther found and mort-clothes in tarmes of ther first rules contind in thes boock to prevent our fonds from falling in to the hands of any other persons but the first frendly contributors and apoints the Tresaurer to call a genrall miting in order to get same sind and aproven and allous the Treasurer to give what he thinkes convanient to give to the poor.

HARY ALLAN.
JAMES COUSTON.
JA. ROBERTSON.

What happened just after this it is impossible to say.

There was certainly a difficulty with the 'Thesarurer.' The mortcloth dues for '47, '48, and part of '49 are entered and summed, but no account appears. Then comes a blank page : and at the top of the next page a note is made :—

Seeing that at our last meeting which was upon the 24 of April 1749, the accompts was not docted, and there Appearing some escapes in the accompts discovered since, therefore it was meet to pass the foregoing page and the money Received since is as followeth—

There is a naïveté about this which is very good : but it is a practical illustration that the affairs of the Society were temporarily in a bad way. The meeting later in the same year makes this clear. The evil state was fortunately not insolvency, but bad management. At this meeting the 'stock' of the Society was made up, and the condition of the accounts set forth. With delightful simplicity James Robertson and James Abercrombie sign the minute, which accuses them of being debtors to the Society, and worse, debtors not likely to pay.

Restalrig the seventh day of August [seventeen hundred] and ffourty nyne years the ffriendly contributors haveing mett and considered the whole preceeding acco^{tt}. they find their stock stands as followeth

	Scots money
Resting by James Couston	35 : 6 : 0
Resting by James Robertson	16 : 11 : 0
Resting by James Abercromby	143 : 3 : 9
	<hr/>
not very good	195 : 0 : 9
	<hr/>
Resting by Hary Allan ^W bill	43 : 4 : 0
Resting by D ^o ^W bond	288 : 0 : 0
Resting by D ^o 3½ years @ rent due at Lambas 1749	50 : 8 : 0
	<hr/>
	381 : 12 : 0

We under subscribers do heare by find that the stocke of the societey amounts to three hundred and eighty on pound twelve shilling scots good money and to on hundred and nintey five pund which apirs to be despreat and James Telffer havinge been apointed treasour to the sd. sositey upon the 24 of aprile last he is to charge himself with his intermishons from that date and we having veued the kirke yeard diekes finds that they want reperations therefore we apoint James Telffer to meet with a meson and caus him reper the same and apoints him to pay to the releck of George Armstrong 20 shillings stirlinge and to Mr. Pettrie ten.

(Signed by) W^M. OLIPHANT, HARY ALLAN, JAMES ABERCROMBIE,
THOMAS WOOD, JAMES ROBERTSON, & JAMES TELFER.

The Kirkyard Dikes were duly repaired ; and the account paid by James Telfer was ninety five pound two shillings & sixpence Scots money. In the work of supervision of the 'meson,' James Telfer was assisted by James Robertson. The Society rewarded him in an ingenious manner. Under minute Nov. 9, 1749, occurs this passage: ' . . . and they discharge James Robertson in Restalrig of the ballance due by him to the said Society being Sixteen pound ten shilling Scots in regard of his pains & attendance on the repairing of the Kirkyeard Dykes &c.' It will be remembered that his debt 'was not very good,' and even 'despreat,' a few months earlier. The Society took an easy way to collect bad debts, and wrote themselves generous at the same time.

We are almost at the end of the first section of these records, where the cash entries and the minutes are inserted without great regard to order. The next minutes order the purchase of another book, which in sections becomes the Minute Book and the Cash Book of the Society, leaving the record of the Burials and Mortcloth Dues from 1750 to 1818 to fill up the remainder of volume one. The minutes of the second volume become less interesting, and will be drawn upon more sparingly. The closing records of the first volume are given in full below. There is a slight scent of an arrange-

ment in the proposal that Robert Maxwell should borrow money, and in the other proposal that the same gentleman should be made a member of the Society.

Jock's Lodge March 6th 1750 There haveing been a proposall made by Robert Maxwell Portioner in Jock's lodge to borrow from James Telfer Thesaurer to the friendly Society the Contributors for mortcloaths in the town of Restalrig the sume of twinty ffour pounds Sterling lying in his hands, the members undersubscribeing doo hereby approve of the same and appoint the said James Telfer to loan out the money to the said Robert Maxwell upon his granting bond for the Same.

The said day Robert Maxwell craved to be admitted a member of the said Society which the members present accepted of upon his paying in to the Thesaurer the sume of twinty shillings sterling with which he is to charge himself at next meeting and they hereby appoint their next meeting to be _____ in the month of May next.

The undersubscribers were Hary Allan, James Telfer, James Abercrombie, James Robertson, and Robert Maxwell. In the same year the Society met again and transferred their minutes to a new book, perhaps hoping thereby to straighten out some of the complexity of their affairs.

Restalrig 28 September 1750 The contributors haveing mett this day and inspected the above acco^{tt}. they find there is a ballance due by the said James Telfer of fifteen pounds twelve shilling and sixpennys Scots with which he is to charge himself at next compting and they lykewayes appoint their acco^{tt}s and sederunts from this date to be recorded in the new book provided for that effect in regard this book seems to be somewhat confused.

Before we leave the old book, one or two extracts other than minutes may be given. In 1754 they bought a new 'velvet,' and introduced a discriminating fee for a funeral in which there was a hearse as distinguished from one in which the coffin was carried. I do not know if this difference in fees is made generally at places of burial, but the custom is still maintained at Restalrig Churchyard, and once or

twice in recent years, at the funeral of a person residing in the old houses at the village, the coffin has been borne all the way on 'spokes.'

Dues of the Mortcloths in Restalrig

June 7th 1754.

The New Velvet to be for a Hearse Burial	.	.	£	: 15 : 0
To the said Cloth for a Spoke	.	.	.	: 7 : 6
The Old Velvet to be	.	.	£	: 5 : 0
The Little Velvet to be	.	.	.	: 2 : 6
The Large Common to be	.	.	.	: 2 : 6
The Little Common	.	.	.	: 1 : 3

For any Gentlemen well Disposed to Leave to the Poor, anything they please, It is Likewise ordain'd by the Members of the said Cloths, to Leave it optional to them to give any more for the said Cloths above the Common Dues, as they think proper.

One is glad to find frequently after this that sums are given by the well-disposed and more affluent to the poor. An additional charge is now made for 'ribbons,' which were attached to the best velvet and carried by the chief mourners, as in the case of Lady Balmerino and Mr. Patrick Crawford (of Restalrig) in 1767. The latter funeral came from Leadhills, and a charge was made for the loan of the 'best velvet' then: 'and for lending the same to the country 34 miles distance to Leadhills I agreed 10s. 6d.'

In the general enhancement of prices, and the call for generosity, the Keeper of the Cloths was not passed over.

Directions for the Keeper of ye Cloths.

1771 Nov^r. 23^d That any person not able to pay the prices for the Cloths, any of them may be got gratis (except the best) by aplying to the Treasurer for the time being.

2^{ndly}. That if any who use the best Cloth insists upon an accot^t. being drawn up, you are therefore to acquaint such, that such is the common price to be taken for such a cloth, stated in the books but

more was to be expected from these being in higher station, & what is to be given more to be referr'd to themselves.

3^{dly}. Your own fees to be likewise above the common to be Referr'd to them.

William Telfer succeeded his father as Treasurer. He soon passed an act against abuses, thus quaintly entered. Mr. Dalziel is the Keeper of the Cloths.

JOKESLODGE, 31st Decem^r. 1776.

Mr. Dalziel as a number of Inconveniencies has already happened by applications from different members of the Society for the Different Clothes, You are therefore Desired not to give out any of them Gratis without application made & Granted by the Treasurer, till the same is altered by a general meeting of the Society.

WILLIAM TELFER T^r.

We know that this was not the only Society having mortcloths for its members: various trades, incorporations, and districts possessed them also. But this was the only Society that had a Churchyard, and there were quarrels sometimes over the dues; the Treasurer holding that he had a right to dues, even though the cloth was brought from elsewhere. One of the earliest (not charged) is the cloth from the Nithery (Niddry) Box, for a woman from the Brickfield at Portobello.

A certain sterling honesty marks the minutes of the period of passage from the old book to the new. The confession of 'confusion' is made in the first minute of Volume II., which bears the same date as the last of Volume I. The old book was not by any means full at the date of the transference, and the remainder of it is occupied by details of burials and dues up to 1818. The new book contains (1) the minutes running consecutively from 1750 to 1799; and (2) the Cash and Debursements on their proper pages for a number of years: then 'confusion' springs up again, and only in 1824 are the accounts fully balanced, and it is found that the Society is worth £348, 9s. 7d. Mr. Louis Cauvin, whose hospital, near

Duddingston, is a monument to his industry and worth, became Treasurer in 1799, and his entry is marked in the following docquet, the careful and quaint phraseology of which is sufficient excuse for its introduction.

RESTALRIGG SCHOOLHOUSE, 6th July 1799.

The above statement of charge & discharge being examined was found fairly stated rightly calculated & vouch'd and that there is a Ballence due by the Heirs of the former Treasurer Mr. James Armstrong of twinty Eight pound Nine shill^s. St^r. which was paid by Alex^r. Burnet to the New Treasurer appointed per last Sederunt viz. Mr. Lewis Gawvine which he is to charge himself with in his account the Society hereby discharges all claims they had or might have on the former Treasurer or his heirs.

LOUIS CAUVIN.

ALEX^R. BURNET.

To return to the minutes of the new book. The affairs of the Society are most carefully set forth, as is only becoming under the promised reformation. Three minutes are separately drawn out and signed on 28th September 1750: one repeats the last of the old book, another takes stock of the Society's belongings, and wisely leaves the loans that are 'despreat' to the oblivion of the old book, and the third confirms the hereditary principle in membership.

Eodem Die.

The above contributors takeing into their consideration that the most of them are well advanced in years and that upon their demise the mortcloaths and the stock belonging to this Society may fall in the hands of strangers which may dilapidate or divide the stock &c. therefor they appoint constitute & ordain their heirs to be their successors for manadgeing the affairs of this Society, and to succeed the present contributors upon their decease.

The first mortcloths were getting somewhat worn now; and in the beginning of 1752 the Treasurer called a meeting and 'represented that he had several complaints upon the insufficiency of the Mortcloths.' The Society appointed Mr.

Hary Allan to bring up George Simpson, 'Taylor in Leith' to report 'in writting' what will be 'the frugallist & best method' of repairing the same. They lost no time, for next month we find the following:—

Jock's Lodge 10th March 1752 The members of the Friendly Society &c. haveing mett this day with M^r. Simpson Taylor who after inspecting of the morteloaths is of opinion that the Large Velvet Cloath when mended may serve for some little time but that it will be convenient to be looking out for a new one and for a second hand fringe for the old cloaths they therefor Appoint the said George Simpson to try the shops for the prices of Velvet and lykeways for the second hand fringe and to give in a note of the same to Mr. Telfer the present Thesaurer and in the meantime to mend the cloath as well as he can . . .

They must have purchased a new velvet, 'always in the frugallist manner,' as they said in the Calton Society, for a note a little later says—

The price of the New Velvet Cloth amounts to Eleven Pound five shillings sixpence St^r.

For a few years the minutes are all of the same kind, the docquets of Treasurer's accounts, and references to sums on loan. The one which is given immediately below introduces the 'Ribbons' for the first time, and appoints an additional fee at funerals.

RESTALRIG, 7th July 1758.

The which day the contributors having met. . . . And Likewise they appoint the said Treasurer to Purchase as much cotton Velvet as shall make a new little velvet cloth, and the stated price of the same to be Two shillings & sixpence sterling, with the Usual price to the keeper thereof. And they likewise appoint that the price of the Big old Velvet shall be only four shillings sterling, by reason of being near worn out. And as their is two sets of Ribbons (Black and White) purchased since last meeting, They appoint the price of them to be Two shillings & sixpence each time used, The Under Contributors this Date met Ordain the Lately purchased new Velvet cloth, Not to

be given gratis to any whatsoever. Till such time as the said contributors shall think fit, And to give to the poor of the place One shilling each & to Rob^t. Watterston two shillings & sixpence.

The Society dealt always with the Churchyard, as if it were regularly connected with a Parish Church; and being the sole representatives of heritors, minister, or session, they not only kept the 'Kirkyard Dikes' in repair, but they let the grass also. Their experience with their tenant is perhaps not entirely unknown, but their method of dealing with him must be unique.

RESTALLRIG, 17th June 1761.

The members present considering That the Churchyard for some years past has been Let to Mr. Johnston at 10 shillings sterling and he at the same time acknowledging that he had subset the same at forty shillings for this current year Therefore the Meeting think it proper that in time coming the same should be set yearly by publick roup to the highest bidder, but as so no other Beasts but sheep should pasture therein & as Mr. Johnston entered at the Term of Lammas & consequently his possession ends at that Term being Lammas next, but that he has subset the same to Candlemas next, and as the Term of Candlemas is the proper term for Letting of Grass Mr. Johnston offers to pay Ten shillings over & above the present years rent which is ten shillings more and then leave the possession at that time & pay the said Twenty shill which proposal the meeting agree'd.

Then at the same meeting they conclude that the Churchyard gate is in a ruinous condition, and Thomas Johnston (as above), Wright in Jokslodge, 'proposes & offers to make a sufficient gate of good & sufficient hand wrought wood' for the sum of fifty shillings sterling—

in part payment of which price he is to allow Twenty shillings for his admission as a member of this Society, to which he is accordingly to be admitted, and the Twenty shillings as in the preceding page of rent for the Churchyard, so that the Ballance to be paid to him will be Ten shillings sterling . . . which offer the Society accepted.

Thus by an ingenious system of contra accounts they at

the same time satisfied themselves and Thomas Johnstone. In 1764 they agreed to admit John Johnstone, and in 1766 James Armstrong and the better known Louis Cauvin to 'the priviledges & liberties of the contributors for the said cloths.' In 1767 they minuted their thanks to Mr. Crawford, of Restalrig House, for 'allowing a place for a school house, which is now fitted up at the expense of the contributors,' and instructed Mr. Cauvin to write him to this effect. In 1768 a letter is to be written (again by Mr. Cauvin) to the Schoolmaster, 'to have him settled in Restalrig as soon as possible.' We may take this as the foundation of the Society's school, which for more than a century was a blessing to the village. It was a simple and primitive affair, for it was not till 1769 that Mr. Dalziel (the schoolmaster) had a bed to rest in.

RESTALRIGG, *2d June* 1769.

The which day appear'd Mr. Dalziel schoolmaster and paid him his salary of Two pounds sterling as the part Due by the Contributors to the said Schoolmaster, & likewise appoint Thomas Johnstone to put up a Bed in the school for him of a front & one end fixt to the school wall, that too much room may not be taken from the school. It is also agreed that John Johnston is to allow ten shillings str. from the profits of mortcloths arising to him for keeping said cloths rather as give up the same to the foresaid schoolmaster : and the same being agreed to for one year by all those present.

Thus the unwritten law of parishes that schoolmasters shall be the depositaries of parochial offices and perquisites is recognised by the contributors, so far as possible and considering vested rights. In 1771 the schoolmaster is fully inducted into the rights of Keeper of the Cloths.

RESTALRIGG, *23d Novem.* 1771.

This day part of the Contributors being met & considered that the cloths (as formerly agreed to) was to be given as a perquisite to the Schoolmaster, his Fees therefore are thus stated. . . . The school

house being now finished it is agreed that the schoolmaster shall have the rest of the said house as a salary excepting what is used for the School & needfull thereto.

This was the new schoolhouse built upon the ground acquired from the Kirk Session of South Leith (as mentioned above). The favour granted by Mr. Crawford must have been withdrawn, for in March 1771 the Society note that 'they have no Schoolhouse at present, & appoint Thomas Johnstone (our old friend) Wright in Jokes Lodge to make out an estimate of the same, so that the same may be agreed upon & finished as soon as possible.'

We observe at this period of the Society's history two matters in connection with the graveyard, which appear in the minutes for the first time: headstones are erected and ground is enclosed. In 1768 the first emerges.

RESTALRIGG, *26th May* 1768.

Same day appeared Mrs. Begbee in name of her husband who had Erected a head stone in the Kirkyard without acquainting or consulting any concerned, notwithstanding of which the under subscribers present, taking the same under their serious consideration, and agrees to take half a guinea of William Begbee, & if the same is refused, the Treasurer is authorized to appoint a Committee to take what steps are necessary thereto—and further John Walls has put up a head stone likewise, which is to be charged with as above and if the same is Refused to be Referred to the said Committee.

Alas! this vigorous conduct of the Society and the threats of a 'Committee' had no effect upon these who take the law into their own hands, for next year they appear again in a minute already quoted from.

RESTALRIGG, *2d June* 1769.

And as William Begbee has payd nothing as yet to the poors fund in consideration of his stone in the Churchyard, it is hereby Declared that the said William Begbee has no claim to any foot of

ground around such stone till such time as the sum mentioned in the last minute is wholly paid up, And further as John Walls has not paid anything likewise in order to the Ascertaining of his stone, he has no claim to one inch of said ground around his stone, Both which stones was Erected in the year 1768 Without consent or order of any concern'd.

Ground may have been enclosed before this date by some of the families who have long used this Churchyard for their burials—*e.g.* the stone above the door leading into the ground of the Woods (the famous Edinburgh medical family) marks their connection with the family of Johnston of Warriston, the Covenanter, though this is to all appearance a stone of a much earlier date than the wall, and may have been part of a headstone—but the first mention of such enclosed tombs is of date 1776.

RESTALRIGG, 5 *January* 1776.

. . . And a proposal from Mr. George Cooper Writer to the Signet for himself & his brother Mr. Richard Cooper presently abroad being made That liberty should be given by the contributors to inclose the Ground where their father & mother were buried The contributors agree to the proposal and hereby authorise and allow Mr. Cooper to inclose the ground which lyes immediately to the East of the burying place of Mr. Wood & to the South of the Church Wall Mr. Cooper causing leave an entry to the burying place at the East End of the Church.

Also Mr. Cauvin gets the same privilege.

Eodem Die (1st *May* 1778).

Mr. Cauvine proposes erecting a Burying place north side of Lord Murray Isle, the consideration for which the Society agreed to.

Such a large sum was claimed from the representatives of the Chief Baron Ord (now represented by the Ord-Mackenzies), that we may take it that a consideration was required from them for the ground as well as for the right of enclosure :—

AT RESTALRIGG SCHOOLHOUSE, 12th May 1778.

The Friendly Society of Contributors for Mortcloths in Restalrigg having this day met & having taken into their serious consideration the Ground Enclosing by the Heirs of the late Lord Chieff Baron Ord, have ordered their Treasurer to Exact Twelve pounds Twelve shillings sterling for the same.

Mr. George Cooper had exercised the privilege granted to enclose ground, but had forgotten the consideration, which omission the Society remarks in the same minute :—

. . . And they likewise appoint the Treasurer to write Mr. Cooper, or his Doer with regard to the Ground lately Inclosed by him that some consideration should be given for the same, and they Judge Two guineas should be given for the said allowance. . . .

The building of the Schoolhouse strained the stock of the Society, and this year (1778) they are struggling 'to pay off the debts still owing to the persons who was employed in Building, &c., & furnishing materials for said Schoolhouse.' They agree not to spend any money for any other purpose till the same is fully paid off: but break their own resolution (in the same minute) :—

. . . And they likewise appoint the Treasurer notwithstanding the above, to buy Books to Encourage the Boys who Behave, & are Judged the best Scholars at the Examination, the said premium books not to exceed five shilling sterling.

But notwithstanding 'the premium books,' the behaviour of the boys much requires regulating: and the master is enjoined to see to it.

N.B. The Society also appoints Mr. Dalziel the Schoolmaster to take care of the Scholars, that they are not suffered, to go over the Kirkyard walls, to break the same or make any nuisance round the walls of the said yard Dyke or in any part of the Kirkyard.

In 1780 we hear the first mutterings of the storm that was to last with greater or less vehemence for fifty years, and

only to cease in the calmer atmosphere of the Court of Session. This year the quarrel with the Minister and Kirk Session enters upon its first stage—does the grass of the Kirkyard belong to the Minister of South Leith or the Society of Contributors? The Society is in this first stage inclined to be reasonable.

AT RESTILRIGG SCHOOLHOUSE, *2d June 1780.*

The friendly Society of Contributors for Mortcloths in Restilrigg having this day meet and taken into their Consideration the Thesurer's accts and found them rightly stated. . . . It was reported to the meeting that Mr. Scott Min^r. in South Leith still insisted for the grass of the Kirk-yard and the meeting autherises Mr. Armstrong Theasurer to compromise matters with him in the most honourable manner without going to Law.

There are few meetings for the remaining part of the eighteenth century, and there is none at all during more than twenty years of the nineteenth. As these latest minutes refer largely to the quarrel and lawsuit with the Kirk Session of South Leith, and cannot be called reminiscent or illustrative of Old Edinburgh, this series of extracts will close with the end of the century, the minutes for 1799 being given in full. They are noteworthy as being for the first time the product of a legal hand, and bearing the marks of legal exactitude.

EDIN^r., *26 April 1799.*

Present

Joseph Cauvin W.S. in Right of his father.

Mr. Alex^r. Wood W.S. for Mr. Alex^r. Wood Surgeon in Edin^r. in right of Mr. Thomas Wood his Father.

Louis Cauvin Teacher of French in Edin.

John Johnston Wright in Jocks Lodge.

Alex^r. Burnett Son in Law and Representative of Mr. James Armstrong.

The meeting considering that Mr. Armstrong the Treasurer died some time ago—they appoint Louis Cauvin to be their Treasurer—with power to settle the late Treasurers acct^s. and recommend him to make up a state of the funds—and to make out a memorial of the

Society's Rights & privileges—and to report the same to the consideration of the next meeting which they recommend him to call as soon as convenient.

(Signed) ALEX^R. BURNETT.
JOHN JOHNSTON.
JOSEPH CAUVIN.

ALEX^R. WOOD.
LOUIS CAUVIN.

RESTALRIGG, 7 *Sept*r. 1799.

Present The before designed Louis Cauvin Alex^r. Burnett John Johnston & Joseph Cauvin.

After examining the Scholars The meeting considered the minute signed by M^r. Burnett for the deceased M^r. Armstrong late Treasurer & M^r. Louis Cauvin appointed Treasurer by the above meeting, with the acc^{ts}. and vouchers Approve thereof and discharge Mr. Armstrongs Representatives accordingly. The meeting examined the present Treasurer's acc^{ts}. signed by him this day—and approve them—and appoint the Treasurer to charge himself with the Balance of Thirty one pounds four shillings & sixpence in his next acc^{ts}.

The meeting recommend to the Treasurer to get the outer gate of the Churchyard and the door of the tool house repaired and painted—

And they authorise the Treasurer to pay M^r. Dalziel the Schoolmaster Ten shillings a quarter commencing as at Lammas last—& to be continued till recalled.

M^r. Dalziel shewed the mortcloths being six in number which are in good order.

(Signed) ALEX^R. BURNETT JOSEPH CAUVIN LOUIS CAUVIN
JOHN JOHNSTON.

And so the Society discharges all its functions faithfully—gates and doors in the churchyard are made good, mortcloths are in order, and the schoolmaster is duly rewarded. The poor only are omitted, but the cash book shows a regular and increasing number of recipients of charity.

The Society of Friendly Contributors (it may be added) held an honourable existence till 1868. In 1832 they gained a victory over the Kirk Session of South Leith, and were declared proprietors of the Church and Churchyard, but were sadly crippled in funds by the costs of the action in the Court

of Session, for owing to the peculiar nature of the case no expenses were allowed. In 1836, with the Ministers, Heritors, and Kirk Session of South Leith and many others, they promoted a scheme for restoring the Church for the purposes of worship; and brought the same to a successful conclusion in the opening of the venerated structure in August 1837, the work of restoration having been most inefficiently carried out by the famous Mr. Burn. In 1868 they parted with all their rights and privileges to the Home Mission Committee of the Church of Scotland for a small sum, which was accepted by their creditors (themselves members of the Society) in discharge of all their claims.

The Society of the Neighbours Contributors for the Mortcloths was a useful as well as a quaint body. They performed (not always in the best spirit) the duties of a Kirk Session in a remote part of the large parish of South Leith, whose claims might have been (and were) neglected by the more important body. In caring for the poor, and teaching the young, they played their part in the progress of the country. Perhaps not the least of their services to the community lay in their dealings with the churchyard and its burials. At a time when churchyards were much neglected, and our dead were laid away carelessly and without respect, they insisted on a reverent ceremony, and did not hesitate to exact tribute from fortunate heirs for the benefit of their more unfortunate brethren.

NOTE ON THE CALTON SOCIETY

In the high days of the Logans, Barons of Restalrig, and their successors, the Elphinstones, Lords Balmerino, the Barony was of considerable size. It embraced all the country lying within these bounds—from the Calton and the Water of Leith on the west to the Figgate Whins on the east, and from the shores of the Forth on the north side to the wall of

the Royal Park and the Fishwives' Causey on the south. Besides the buildings on the shore at Leith, mostly lying at the landing-place, where are now the Fish Quay and Bernard Street, it had two main places of occupation. One was the village of Restalrig, and the other the colony of the Calton. These were known as the Loch-End and the Craig-End, from their situation at the Loch and the Hill respectively, and sometimes as Easter Restalridge and Wester Restalridge. In early Roman Catholic times there was but one church, with its adjoining burial-place—the Church of the Holy and Indivisible Trinity and the Blessed Virgin Mary—situated in the eastern end of the Barony. Almost simultaneously with the erection of this church into a collegiate church (1487) the chapel of St. Mary in Leith was founded; and early in the seventeenth century a second churchyard was added for the convenience of the tenants in the western portion of the Barony. This was the Calton Burying-place, a portion of which still remains, and is familiar as the Old Calton Burying Ground, lying in greater part on the south side of Waterloo Place, with a small portion on the north. The Regent Road of necessity passed through it, and the burials so disturbed were transferred to the New Calton, lying lower down.

The conduct of affairs in connection with the Burying Ground at the Craig-End was committed to a Society in many respects similar to that of the Loch-End, and instituted in 1631. This date favours the presumption that the tradition is correct which says the Restalrig Society was founded by the same patrons in 1609. There is a deed of gift dated 1631,¹ by John, Lord Balmerino, in favour of the Caldoun, a part of the Barony of which he was lord. By it the tradesmen-

¹ To say 'there is a deed' is not exact. Though many volumes of the Treasurer's accounts are now carefully preserved in the admirable strongrooms of the Corporation of Edinburgh, this most interesting and important document is missing. The facts are well brought together in a small privately printed book (1887) by M. S. Irvine, Clerk to the Incorporated Trades of Calton.

inhabitants were drawn together into a society, whose members had exclusive trading rights within the bounds, and whose right it was to exact fees from all those entering the Society, and proposing to follow some trade within the Caldtoun portion of the Barony. The funds were to be applied to the support of the poor, and other pious uses. As too often happened, the secondary purposes absorbed in this Society a very large proportion of the revenue, and its records bear many evidences of the convivial nature of the business meetings. Indeed, to a severer age it appears that the cost of coming to a decision to disburse frequently exceeded the amount under discussion. It may be added here that the Town Council of Edinburgh purchased these lands from Balmerino in 1724, and they were disjoined from the Barony of Restalrig, and annexed to the Common Good of the Burgh. Up to the year 1856 the Town Council acted as Barons, appointed Baron Bailies, and exercised the rights of superiors. In that year the Extension Act brought to an end this interesting state of affairs.

Not only in its inception but in its history also the Society of the Calton resembles that of Restalrig. It had to deal with a graveyard, and it quarrelled often with the Kirk Session of South Leith. One part of its revenues was derived from the sale of ground for burial purposes in the (Old) Calton Graveyard, and from fees for the use of mortcloths and other appurtenances at the funerals. These were granted at various cost, according to the quality of the materials and the grandeur of the funeral. Another part was derived from trading rights; and yet another in later times from letting the sittings in the portion of South Leith Parish Church adjudged to them in respect of the Barony. In the middle of the seventeenth century they fixed a beam above their seats marked thus—16 For the Craig-End 56—which there remained through several alterations in the church for two hundred years, and now finds a respected resting-place in the

Museum of the Society of Antiquaries of Scotland. As part of a scheme to commemorate the tercentenary of the Parish of South Leith (1609-1909), a replica has now been fixed on the wall in the position of the original beam. The inhabitants of the Caldtoun appear often in the records of the Kirk Session of South Leith, generally complaining of some infringement of their rights in the church, and sometimes withstanding the encroachment of the Session into the region of mortcloths and burial dues. The Society being firm in the righteousness of its cause (*sodalitas conscia recti*) in most cases succeeded (*v.* Mr. Robertson's *South Leith Records*: Elliot, 1911).

As became a Society having such weighty matters to discuss and settle, there was a sufficient panel of grave officials—to wit, a Box Master (who was Treasurer), two Key Masters, and sundry Assistants, elected annually at Beltane. These managed the affairs of the Society, and disbursed its charities 'always in the frugalist manner.' They were kindly disposed to the poor, however, so long as they were well behaved, and especially if they belonged to the Barony. But they were not so liberal in the cause of education as those of Restalrig. An application was made (1741) by one who 'designed to keep a schooll to teach children'; the Masters considered the petition, and relative documents, including the recommendation of the Ministers of South Leith, and—'ordered the Box Master to give him the liberty of ane empty garret that is in the Traid's land.'

One good thing they did—then as ever with a frugal mind. On 29th March 1793, 'the Managers authorised the Box Master to purchas the history of the metropolis of this kingdom, lately published by Mr. William Maitland, in the frugalist manner.' On 18th April 'the Box Master reported that, in terms of the minute of last Meeting, he had purchased the history of Edinburgh for one pound four shillings sterling.' The volume remains, a testimony to one act of grace. So let

us put it against many like this:—‘1st December 1758. Spent with the Barons, Clerks, and Masters concerning some important affairs belonging to the Trades, two pounds ten shillings and threepence.’

This Society, like the other, was and is not. There is a necessary monotony in its records: charities and mortcloth dues, burial fees and trading fees: these fill many pages. The purple patches appear when the masters scent an injustice or the scribe adorns the tale of an annual gathering, where one pound of a fine against the chairman ‘forms the basis of the meeting.’ *Autres temps, autres mœurs!*

WILLIAM BURNETT.

RECENT EXCAVATIONS AND RESEARCHES AT HOLYROOD

FOR many years ecclesiologists and antiquarians have discussed the question of the original form of the Abbey Church of the Holy Rood, and now, after excavating and laying bare the foundations to the east of the ruined nave, it is known that the church was once cruciform in plan, with certain peculiarities which are shown by the Plan now published. Remarkably little documentary evidence has come to light, and this makes the Plan all the more interesting.

The earliest drawing of which I am aware is the rough sketch of 1544, showing Edinburgh from the north-east, made in connection with the English invasion. In this sketch the Abbey Church is shown having a nave with twin western towers, a short choir, and north transept. In the sketch, however, no central tower appears. This may be accounted for by the possibility that the tower may have been taken down in the course of the reconstruction by Abbot Crawford between 1457 and 1483.

In the bird's-eye view, by Gordon of Rothiemay, dated 1647, the choir is shown in ruins, only the lower parts of the main walls remaining, and what looks like some pieces of fallen masonry at the east end.

It is unnecessary in these notes to enter generally into the history of the church. It may merely be stated that the present ruinous condition of the nave was caused by the utter collapse of the roof through a too heavy stone covering

having been erected in 1758. The collapse which wrecked the building occurred in 1768, since which date the building has remained practically in the ruined condition in which we now see it.

During 1910 excavations were carried on, after consent had been obtained from His Majesty the King, and the work was completed in June 1911.

It will be seen from the Plan that the length of the choir was originally about 108 ft. 6 in., as compared with 128 ft. 10 in. in the case of the nave. Adding 30 feet as the width of the crossing, between the centres of the great pillars, the total internal length of the Abbey Church was therefore 267 ft. 4 in. The internal width of the choir was about 73 feet, as compared with 61 ft. 3 in. in the case of the nave.

The greater width of the choir is accounted for by there having been a double aisle on the south side.

From the fragments of foundations at the east end, it would appear that there was an ambulatory, with Lady Chapel and side chapels.

The north transept is clearly defined, the chamfered base existing in good condition to a considerable extent from the nave, without a break.

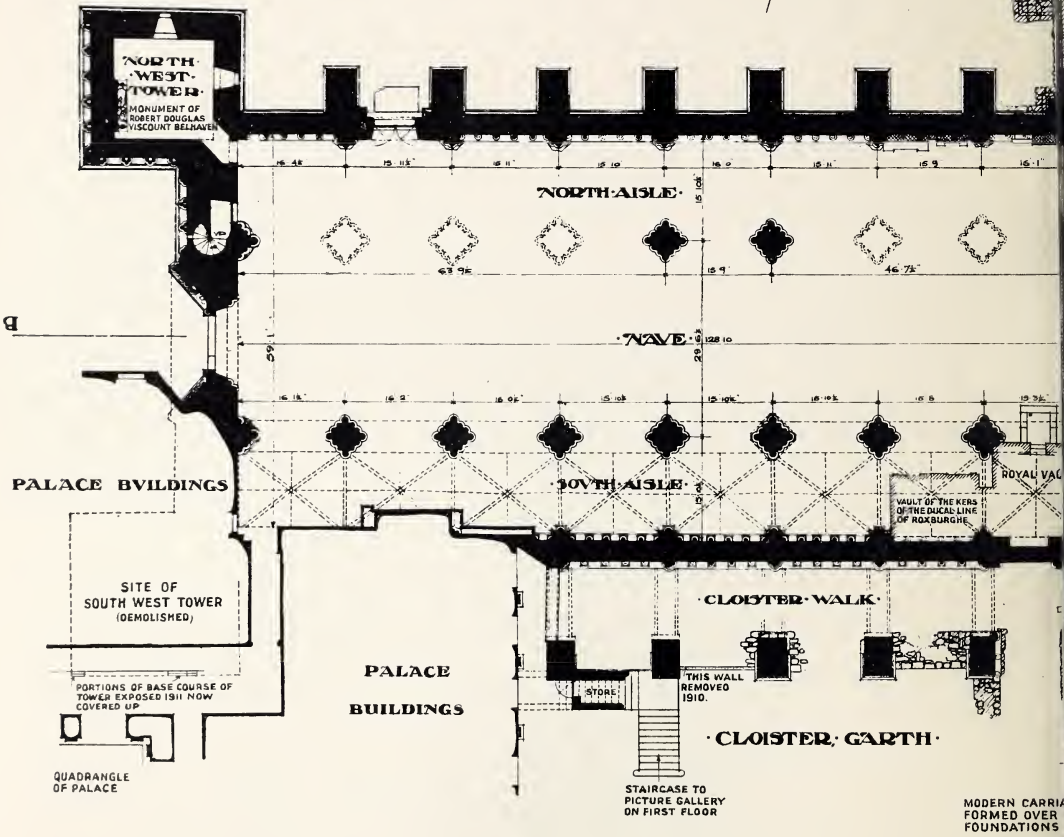
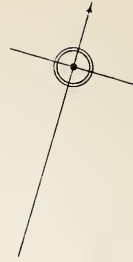
The internal length of this transept is 39 ft. 6 in. and its width 25 feet.

On the eastern side of the north transept are the foundations of a chapel about 15 feet in width, extending the full length of the transept: it is possible that this chapel may have been subdivided so as to form two chapels.

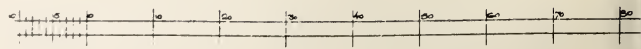
Strange to say, no traces of foundations could be found of a south transept, although the ground was specially excavated with the view of finding these foundations. This, however, must not be taken as evidence that no south transept existed, the probability being that the foundations were removed for the sake of the stones for road-making or building. Similarly, the foundations of the north-east great pillar at

HOLYROOD ABBEY

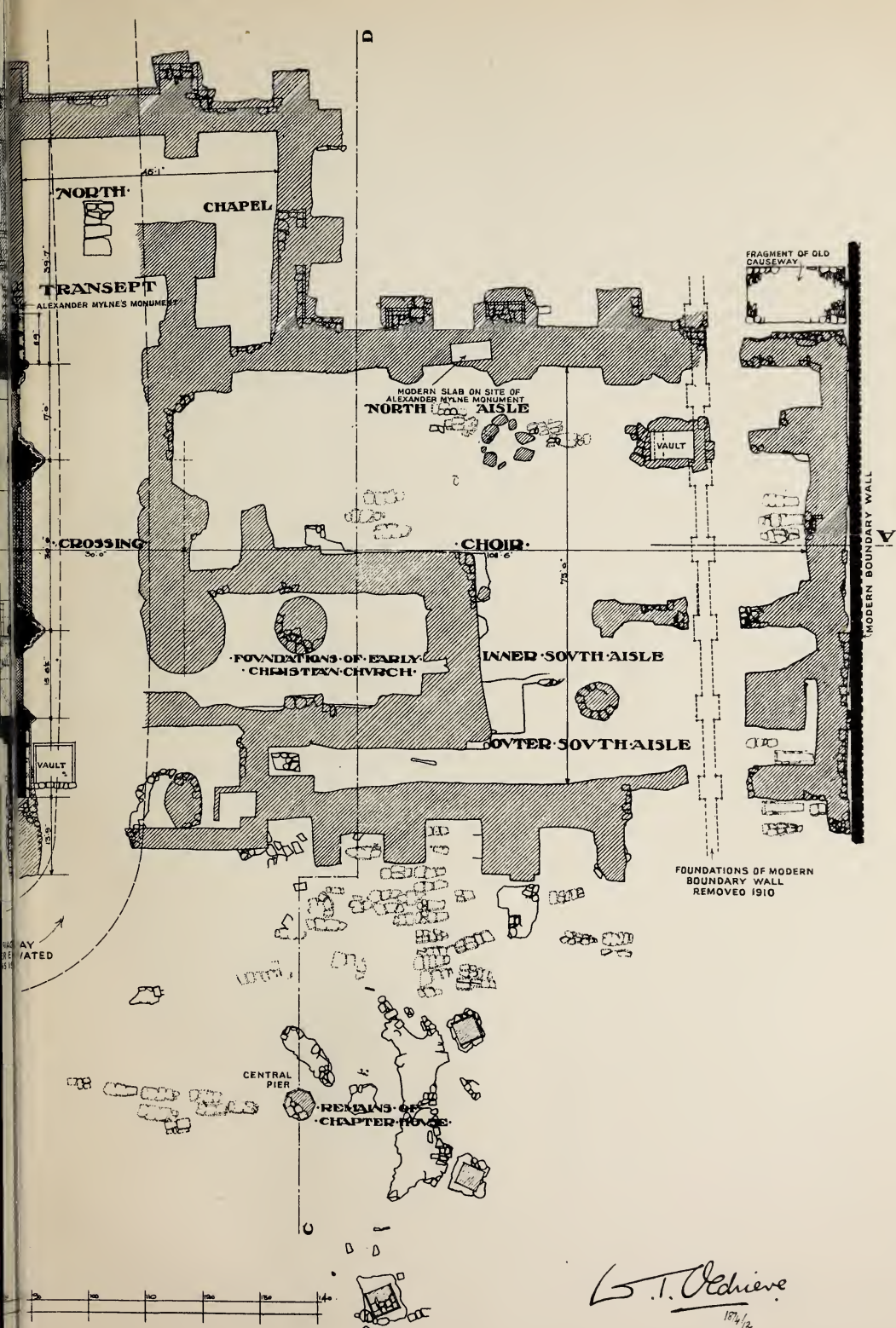
PLAN SHEWING EXISTING BUILDING
WITH FOUNDATIONS OF CHOIR ETC
AS EXPOSED 1911



- HIGH PORTIONS OF ABBEY BUILDINGS SHEWN ON PLAN THUS —
- PORTIONS OF EXCAVATED FOUNDATIONS ETC AND RUINED WALLS ABOVE GROUND SHEWN THUS —
- FOUNDATIONS ETC EXPOSED AND SURVEYED DURING EXCAVATIONS BUT NOW COVERED UP SHEWN THUS —
- EARLY CHRISTIAN GRAVES SHEWN THUS —
- WINDOW IN WEST ARCH OF CROSSING BLOWN DOWN IN 1795 AND REBUILT IN 1816. —



SCALE OF FEET



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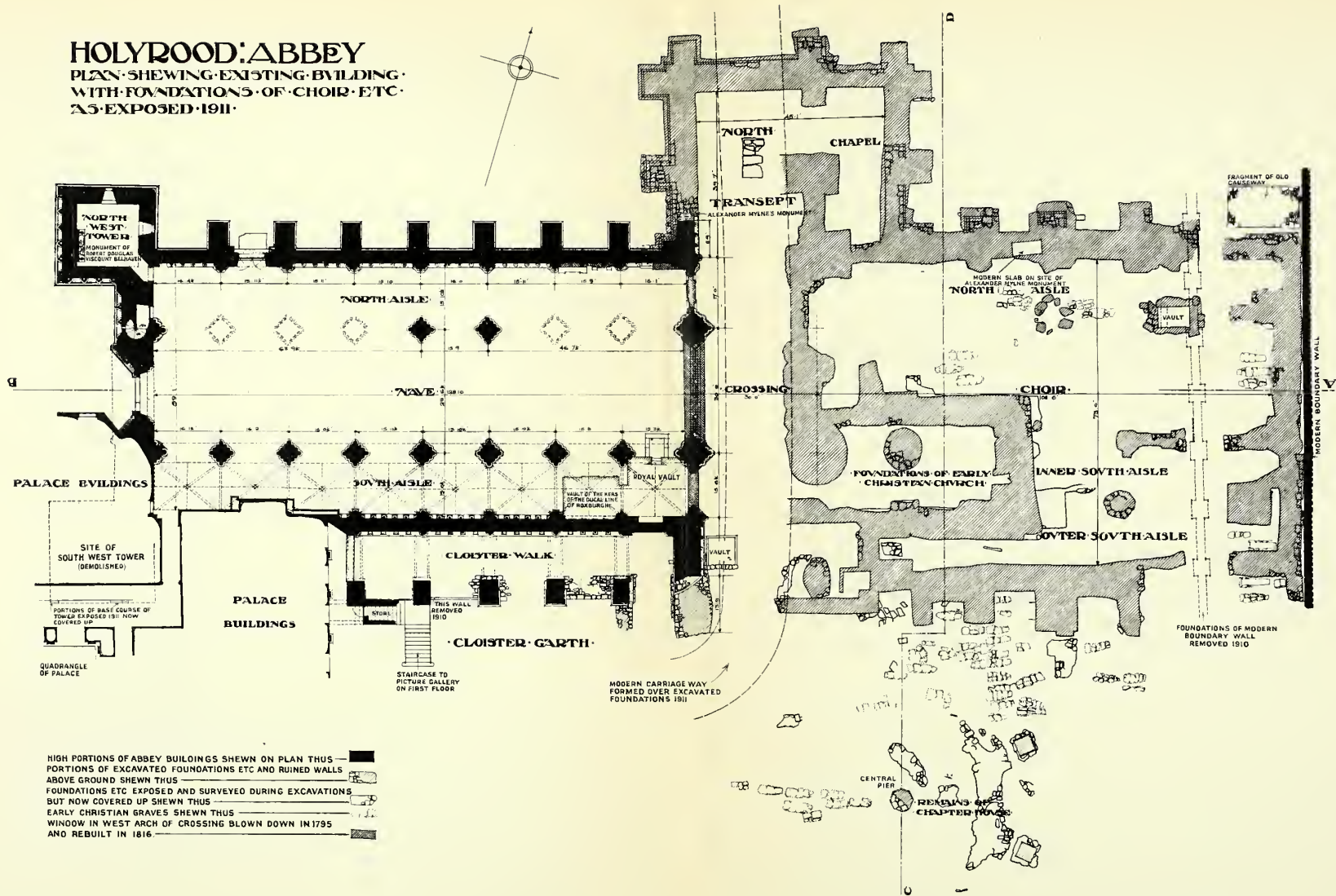
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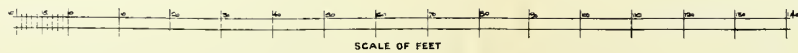
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HOLYROOD ABBEY
 PLAN SHEWING EXISTING BUILDING
 WITH FOUNDATIONS OF CHOIR ETC
 AS EXPOSED 1911



HIGH PORTIONS OF ABBEY BUILDINGS SHEWN ON PLAN THUS — [Solid black rectangle]
 PORTIONS OF EXCAVATED FOUNDATIONS ETC AND RUINED WALLS
 ABOVE GROUND SHEWN THUS [Hatched rectangle]
 FOUNDATIONS ETC EXPOSED AND SURVEYED DURING EXCAVATIONS
 BUT NOW COVERED UP SHEWN THUS [Dashed rectangle]
 EARLY CHRISTIAN GRAVES SHEWN THUS [Dotted rectangle]
 WINDOW IN WEST ARCH OF CROSSING BLOWN DOWN IN 1795
 AND REBUILT IN 1816 [Cross-hatched rectangle]

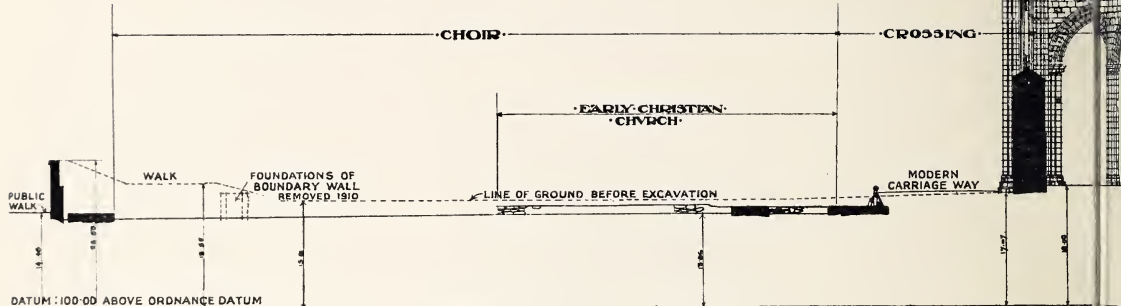


G. T. Clrieve
 1872

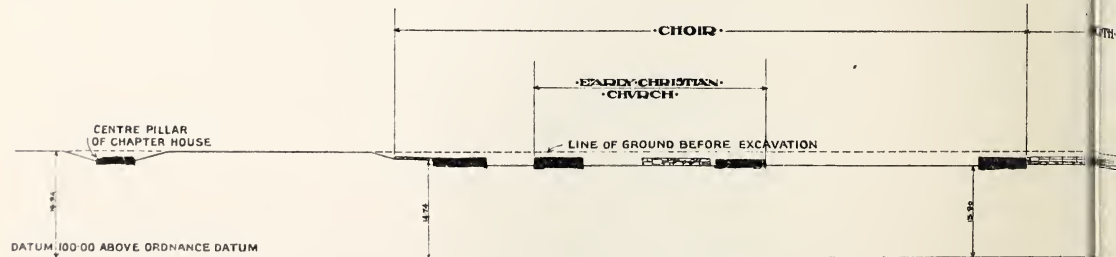
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HOLYROOD ABBEY

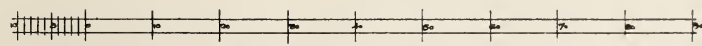
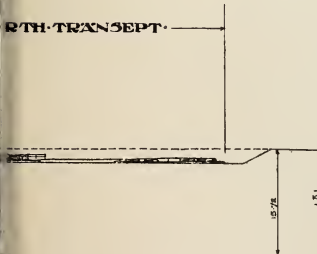
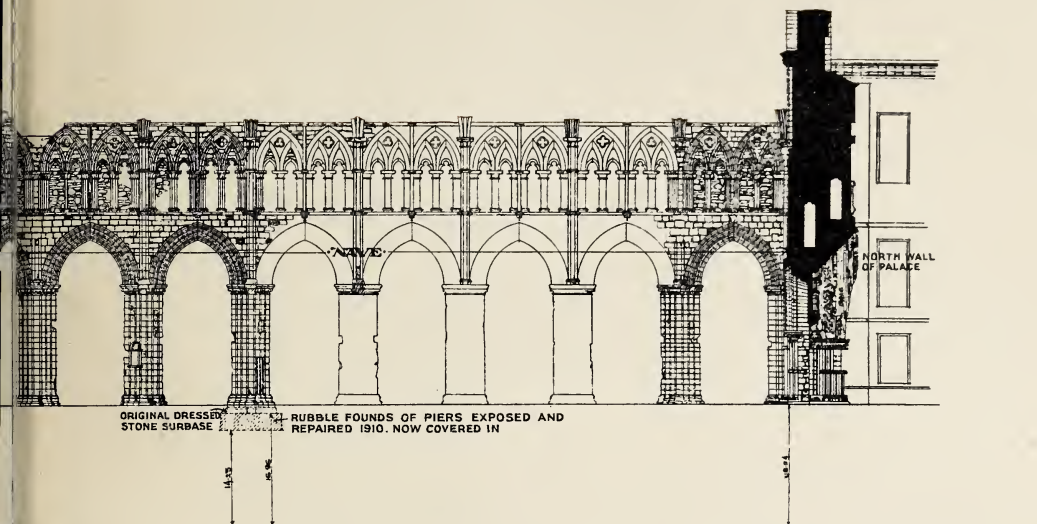
SECTIONS SHEWING EXISTING BUILDING WITH FOUNDATIONS OF CHOIR ETC AS EXPOSED 1911



SECTION A-A



SECTION C-D

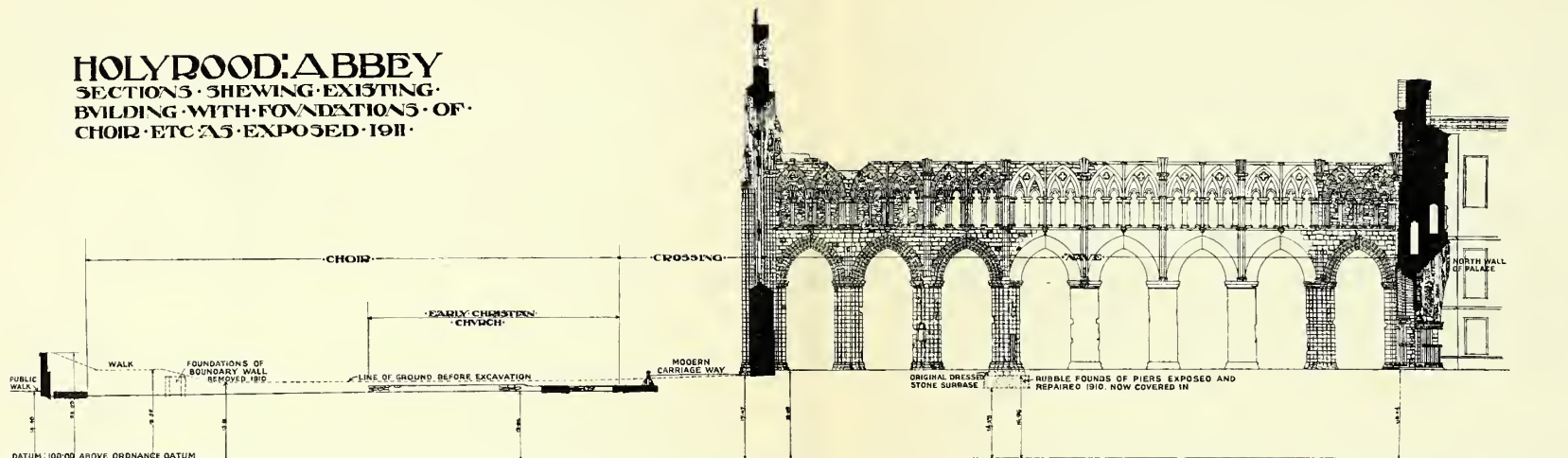


SCALE OF FEET

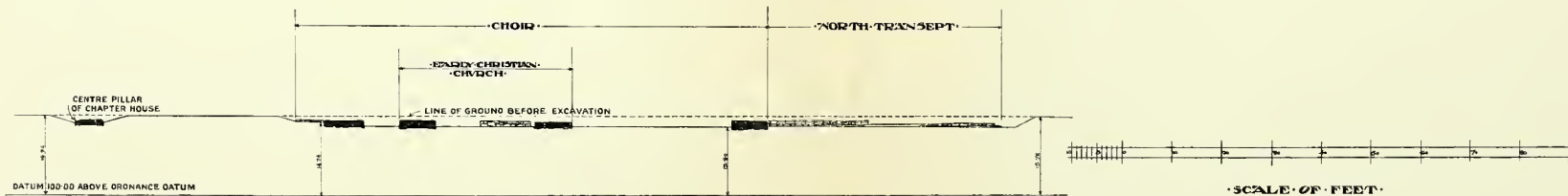
L. T. Oldrieve
1874/12

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HOLYROOD ABBEY
 SECTIONS SHOWING EXISTING
 BUILDING WITH FOUNDATIONS OF
 CHOIR, ETC AS EXPOSED 1911.



SECTION AB



SECTION CD

L. T. Odhner
 1891/2

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the crossing could not be found, although there can be no doubt at all that such foundations existed.

Fragmentary remains of the chapter-house foundations were found, sufficient, however, to be of great interest, showing not only the position, but the form and extent of the structure. The centre pillar was found to be octagonal, 5 ft. 4 in. in diameter, lying about 44 feet eastward from the nave, and about 48 feet southward from the south wall of the choir. What remains of the masonry of the main wall of the chapter-house, together with the bases of three flying buttresses upon the eastern side, indicate the form of the plan as that of an irregular octagon, the interior dimensions being about 48 feet on the axis lying north-west and south-east, and about 40 feet on the axis lying north-east and south-west.

EARLY CHRISTIAN CHURCH

Foundations of a separate building were found within the area of the choir of the mediæval church, which appear to indicate the prior existence of a still earlier church. While the limited dimensions of the building, together with the width of the foundations, indicate a substantial structure, the style of masonry found in the foundations indicates that these are of much earlier date than mediæval times.

As might be expected, a number of early Christian interments were found, chiefly to the south of the early church, about twenty-five in number, while a few others, probably of a later date, are at the eastern end of the mediæval church. Three of these graves were found about the centre of the east end of the choir, under the site of the high altar in the Lady Chapel, and are probably those of early abbots of the Abbey. Elias, the tenth abbot, who is known as having drained the marshes about 1224, is said to have been buried under the high altar in the Lady Chapel.

The skeletons found were all laid with their feet to the

east, although not all exactly at the same angle of orientation. No coffins were used, natural-faced stones, like paving stones, being used as sides and covers for the graves. The covers when found were all badly fractured, and mostly fallen in upon the skeletons, which nevertheless were almost all in a fairly good state of preservation.

In order to identify the position of the ancient interments, a small cross has been cut in the turf over each grave, the cross being filled with gravel.

A FRAGMENT OF ANCIENT CAUSEWAY

As will be seen from the Plan, an interesting fragment of the ancient causeway leading to the church was found outside the north-east corner of the choir. The fragment found is about 17 feet long, showing a roadway 9 ft. 9 in. wide, with a good camber. The road has evidently been widened at some period, and the surface has been repaired with a curious mixture of various kinds and forms of stone, including numerous pieces of the shafts of small pillars, doubtless taken from the church.

It is surmised that this roadway may have branched off from the old Roman road, which is believed to have connected the Roman camps at Inveresk and Cramond, and which would almost certainly have passed along the flat ground between Holyrood and the Firth of Forth.

W. T. OLDRIEVE.

INDEX

[NOTE.—The names in 'Extracts from the *Tolbooth Records*' (pp. 113-144) have not been included in the Index.]

- ABERCROMBIE, JAMES**, of Restalrig, 159, 160-2, 167, 168, 170-3.
Adamesoun, William, 81.
Adamson, John, Principal of the College, 148.
Ahannay, John, smith, and work on the Tolbooth, 85.
Albemarle, Duke of, and relief of debtor, 123, 125, 130.
Alexander, Provost of Edinburgh, 46.
Allan, Charles, of Restalrig, 159.
 — **Hary**, of Restalrig, 159, 167, 168, 170-3, 177.
Amisfield, Lady, confined in Tolbooth, 107.
Anchor Close, description of, 36-8.
 — **Tavern**, 36.
Arbruckle, Lady, 164.
Architecture, Georgian, in Edinburgh, 52; florid style of James VI., 56.
Argyle, Duke of, and the 'Fifteen, 6, 7; and Porteous Riots, 23; 33.
Argyll, Marquis of, execution, 111; reference to in 'Releife Book,' 139, 140 *n*.
Armstrong, James, of Restalrig, 176, 179, 183.
 — **Thomas**, sentenced for murder, 84.
Assembly Hall, site of, 151.

BAILIE, duties of, 102.
Balmerino, Lord, and Restalrig, 157, 159; and Calton, 186.
 — **Lady**, 174.
Bank Close, old prison-house in, 77.
Barbadoes, prisoners transported to, 111.
Barbers and surgeons, in one corporation, 13.
Barnett, Mr. D., 72.
Begbee, William, of Restalrig, 180.
- Beggars**, ordinations anent, 93, 94, 98.
Belhous, portion of the Old Tolbooth, 88.
Bellevue, 47.
Berriedale, Lord, voluntarily imprisoned in Tolbooth, 110.
Bethune, Alexander, of Long Hermiston, note on tomb of, 73.
Bloomsbury Laundry panel, note on, 73.
Borough-muir, 55; 'Borough Muir Castle,' 60; gallows on, 84; set apart for infected persons, 102; gypsies sentenced to be hanged at, 110.
Borthwick, Lord, obtains loan of 'Maiden,' 101.
Borthwik, Johne, murdered, 85.
Brechin and trouble with Privy Council, 109.
Broughton, parish of, 46-7; burgh of regality, 92.
 — **Tolbooth**, murder trial at, 92.
Brown, William, and publication of Trials, 112 *n*.
Bruce, Sir William, of Kinross, draws plans for North Bridge, 49.
Brucknell, Major, 164.
Brus, Robert, 81.
Burnet, Alexander, of Restalrig, 176, 183, 184.
Burns, Robert, and Chrochallan Fencibles, 37; and Smellie's printing-office, 38.

 'CADMON' on demolition of Wrychtishousis, 55-6, 67, 69.
Calton burying-ground, 186.
 — **Prison**, 103.
 — **Society**, 157; contrasted with Restalrig Society, 161, 187; purposes of, 187; lands taken over by Town Council, 187;

- connection with South Leith, 155-6, 187-8; officials of, 188; parsimony of and conviviality of, 188-9.
- Campbell, Catherine, second wife of George Drummond, 20.
- Sir James, father-in-law of George Drummond, 20, 29, 31.
- Mary, first wife of George Drummond, 20.
- Canongate, Scots Greys quartered in, 53.
- Church, where money found to build, 150.
- churchyard, tombs of George Drummond and Adam Smith, 53.
- Tolbooth, present state of, 103; prisoners left to themselves at night, 103; prisoners take possession of, 109 *n.*
- Carlyle of Inveresk, quoted, 41.
- Carmichael, James, of Easter Hailes, 30 *n.*, 46.
- Laird of, and Earl of Morton's head, 101.
- Sir John, murdered, 84.
- Castle, prisoners warded in, 108 *n.*; prisoners delivered at, 126, 137, 141; receipt for, 137, 141.
- Castle Hill, place of execution, 85; burned for witchcraft at, 91; executions at, 142.
- Cauvin, Joseph, of Restalrig, 183, 184.
- Louis, of Restalrig, 158 *n.*, 175, 176, 179, 181, 183, 184.
- Chrochallan Fencibles, headquarters, 37.
- City Guard foreshadowed, 81 *n.*; origin of, 112.
- City Museum, lock and key of Canongate Tolbooth in, 103.
- Clerk, John, of Penicuik, acquires lands in Burgh Muir, 58-9.
- William, 81.
- Cockburn, quoted on Wrychtis-housis, 57.
- Street, 36.
- Colinton, Provost Drummond resides in, 32.
- College of Edinburgh, endowment of divinity professorship in, 146; building of, 148-9.
- College Yards, volunteers mustered at, 39, 40.
- Comiston Lodge, sculptured stone at, 71.
- Commercial Bank of Scotland, motto of, 68.
- Commissioners, English, administer justice in Scotland, 111.
- Common Good, Calton land annexed to, 187.
- Confessions, dying, publication of, 112; letter ament, 112 *n.*
- Cooper, George, and Restalrig churchyard, 181, 182.
- Richard, 181.
- Cope, Sir John, 41.
- Couper, Lord James, son of Lord Balmerino, 156 *n.*, 159.
- Court of Session, institution of, 83.
- Courts of Justice, in Old Tolbooth, 44, 78.
- Coustin, James, of Restalrig, 159, 160, 162, 164-71.
- Covenanters in Tolbooth, 111.
- Craig-End (Calton), 186; beam in South Leith Parish Church, 187-8. *See* Calton Society.
- Craighall-Rattray, Edinburgh monument at, 148; sculptured stones at, 151.
- Crawford, Earl of, in Tolbooth, 111.
- Mr., of Restalrig House, 179, 180.
- Patrick, 174.
- Creich of Colmanstoun, Andrew, and Margaret Dick, initials on stone, 71.
- Criminal penalties in fourteenth and fifteenth centuries, 79. *See* Penalties.
- Cromwell, Oliver, references to, 132, 141 *n.*
- Cross of Edinburgh, demolished and restored, 50; watchmen meet at, 83; executions at, 90, 93, 105 and *note*; 108 *n.*; James VI. makes triumphal procession to, 103; pillory at, 106-7 and *note*.
- Curle, James, escapes from Tolbooth, 84.
- DALGLEISH, ROBERT, 148.
- Dalry Cemetery, sculptured stone at, 72.
- Dalziel, Mr., of Restalrig, 175, 179, 182, 184.
- Davidson, John, pirate, 84.
- Debtors, magistrates responsible for, 96; to sit on pillory, 106-7 and *note*; liberated because of plague, 110.
- Dick, Sir James, Lord Provost, and municipal sanitation, 12.
- of Braid, arms of on stone, 72-3.
- Dickson, Alexander, of Restalrig, 159, 160, 167, 168.
- David, Professor, 148.

- Dingwall House used as a prison, 94.
- Divinity professorship in the College, endowment of, 146.
- Douglas, Dannie, his tavern in Anchor Close, 36, 37.
- Dow Crag, gibbet at and site of, 86.
- Drowning as a punishment, 82.
- Drummond, Archibald, of Rudgegay, erects slab over tomb of his father, 53.
- Alexander, brother of George Drummond, troubles of, 26, 30, 32 *n*.
- George, Lord Provost of Edinburgh: his character, 1, 2, 21, 53, 54; birth and descent of, 2; work in connection with Union, 3; Accountant-General of Excise, 3; Protestant and Whig, 4, 5; Commissioner of Customs, 5; Allan Ramsay's lines on, 6; takes part in battle of Sheriffmuir, 7; city treasurer, 7; Jacobite objection to, 7, 8; correspondence with Joseph Addison, 10; Bailie, Dean of Guild, and Provost, 11; Bower on, 14; founds public hospital, 15; Royal Infirmary, 16; recognition of his work, 16, 17; activity in the Church, 17; Wodrow on, 17-20; collision with magistrates of Glasgow, 18, 19; attempt to oust from management of Royal Burghs fails, 20; marriages and domestic affairs, 20, 33, 34, 46; correspondence with 'R. B.,' 21-35; trial of Captain Porteous, and inquiry into Porteous Riots, 22-5, 27; family, church, and public affairs, 25-31; turned out of Customs and appointed to the Excise, 30, 31; reflections on minister of Colinton, 32-3; residence in Anchor Close, 36-8; loyal to Government during 'Forty-five, 38-41; with Sir John Cope, 41; witness against Provost Stewart, 42; elected Provost, 42, 43; city improvement scheme, 44-6; lays foundation-stone of Royal Exchange, 45; Drummond Lodge, 46-7; elected Provost for fifth time, 48; lays foundation-stone of North Bridge, 49; city extension and improvement, 49-51; James Wilson on, 51; food famine riots, 53; death and funeral, 53.
- Provost Sir George, and his residence in Anchor Close, 36, 37.
- James, and Porteous Riots, 23.
- Drummond, John, cousin of George Drummond, 28, 31.
- John, son of George Drummond, 33.
- of Hawthornden, 37.
- Drummond Lodge, owners of, 47.
- Place, origin of, 47; and construction of railway, 48; 54.
- Ducking as a punishment, 90.
- Duly, David, failure of rope at hanging of, 82.
- Duncan, Dr., and the building of the College, 149.
- Dustycufute, hangman, 94.
- EASTER HAILES, residence of George Drummond, 29, 30; sold, 32, 46.
- Edinburgh, dark age of, 5; sanitary conditions and housing in the eighteenth century, 11, 12; water supply in 1674, 12; redeeming feature in bad social conditions, 13; medical science and surgery, 13, 14; jurisdiction over Glasgow, 18, 19; where town business transacted, and condemnation of magistrates, 24, 25, 27; during the 'Forty-five, 38-41; sanitary and architectural improvement, 43; Royal Exchange and Parliament Square, 44-6; city extension, 48; North Bridge, 49; city architecture, 52; food famine riots, 52, 53; 89; and Flodden, 81; pest in, 102 and *note*.
- hospital of, and will of Bartholomew Somervell, 145.
- monument in Perthshire. *See* Perthshire.
- Edinburgh Magazine*, quoted on demolition of Wrychtis-housis, 56, 67.
- Edling, Baron, and George Drummond, 31.
- Elder, Mr., of St. Margaret's, North Queensferry, owner of sculptured stones, 67, 68, 69.
- Elliotts, Border, and the Tolbooth, 95.
- Elphinston, James, of Restalrig, 159, 160.
- Escape from prison, 84, 96 *n*, 107-8 *n*.
- Escheat following upon judgment of death, 102.
- Excise Office, where situated, 3; at Bellevue, 47.
- Executioner, perquisites of, 179; in town's

198 BOOK OF THE OLD EDINBURGH CLUB

- livery, 100; extra appointed, 102. *See* Hangman.
- Executions delayed, 114, 115, 117, 121, 122, 125, 126, 128, 129.
- expenses incurred in, 86.
- in Edinburgh, 94, 129, 133, 140, 142, 143. *See* Castle Hill and Cross.
- Exposure of body of criminal in chains, first instance of, 84.
- FAIRLIES OF COMISTON AND OF BRAID, 71-2.
- Fenton, Mrs., and Provost Drummond, 34, 35.
- Fergusone, William, murderer, 85.
- Fleshmarket Close, 36.
- Fletcher, Andrew. *See* Milton, Lord.
- Flint, David, protest against election of as bailie, 48.
- Forbes, Duncan, of Culloden (Lord President), 11; and Porteous Riots, 23; and George Drummond, 29.
- Forrester of Corstorphine, arms of on sculptured stone, 69.
- Fowler, William, grandfather of Drummond of Hawthornden, 37.
- William, son of above, 37.
- Fraser, Simon, Lord Lovat, 6; dines with Provost Drummond, 29.
- Freemasons, society of, and Provost Drummond, 45, 49.
- Fulford, original name of Woodhouselee, 67, 70 *n*.
- Fulton, John, of Restalrig, 159, 160-2, 164, 166-9.
- William, of Restalrig, 167.
- 'GARDY-LOO,' 12.
- George I. and the Jacobites, 6.
- II. grants Royal Charter for Infirmary, 16.
- George of Towris, 81.
- Gibson, Rev. George, minister at Colinton, 33.
- Gillespie, James, of Spylaw and Wrychtishousis, 60.
- Gillespie's Hospital, erected on site of Wrychtishousis, 55.
- School, sculptured stones at, 56, 60, 61.
- Gillon, James, rescued from Tolbooth, 88.
- Girth Cross, Canongate, execution at, 105.
- Glasgow magistrates and the disturbance at Shawfield, 18, 19.
- Goodman of the Tolbooth, 112, 126.
- Gordon, Sir John, of Haddo, imprisoned in St. Giles' tolbooth, 90.
- Duchess of, story concerning, 80.
- Gourlay, Robert, his house in Bank Close used as a prison, 77.
- Grant, F. C., Lyon Clerk, 67.
- Gray, Sir William, of Pittendrum, arms and initials on house in Lady Stair's Close, 59-60.
- Green, Mrs. Elizabeth, fourth wife of George Drummond, 46, 47.
- Gregory, Captain, 164.
- Guest, General, and the 'Forty-five, 39.
- Gypsies, measures taken against, 110.
- HADDINGTON, EARL OF, holds Edinburgh responsible for escape of his debtor, 96 *n*.
- Haddo's Hole, 90.
- Hailes. *See* Easter Hailes.
- Halyburton, Bailie, of the 'Strait Bow,' 23.
- Hamilton, James, of Gilkerscleuch, 60.
- Hanging in chains, first instance of, 84.
- Hangman, troubles with, 94. *See* Executioner.
- Harvie, William, Bailie, and tumult in Leith, 102.
- Heraldic devices: Napiers of Wrychtishousis, 56, 61, 62, 66; the Stirlings, 62; 65; Napiers of Merchiston, 66; Park of Fulfordlees and branch of Scott family, 66, 67; Napier and Park, 68; Napier and Forrester, 69; Seton (Tytler), 70; Nisbet of Dean, 73. *See* Inscriptions and Sculptured Stones.
- Heriot Trust, 47.
- High Constables, origin of, 109.
- High School scholars in Tolbooth, 100.
- Holyrood, Recent Excavations and Researches at: Abbey Church of the Holy Rood, 191-3; Early Christian Church, 193-4; fragment of ancient causeway, 194.
- Royal Porch pulled down, 51; James VI. holds reception at, 103.
- Hommil Jok, 86.
- Hospital for the poor founded, 15.

- House of Lords and Porteous Riots, 23, 27.
 Hyndford and George Drummond, 30.
 Hyndford's Close, 80.
- ILAY, ARCHIBALD, EARL OF, 11, 25, 26, 28, 30, 31. *See* Argyle, Duke of.
- Infirmary, Royal, in Infirmery Street, erected, 16, 31-4, 43; in Lauriston Place, 16.
- Inscriptions on stones of Wrychtis-housis, 56, 57, 60-5, 68-71. *See* Sculptured Stones.
- Irvine, Robert, trial of, for murder, 92.
- JACOBITE SYMPATHY, 5; the 'Forty-five, 38.
 Jail fever, 97.
- Jailer, first mention of, 85; injunctions for guidance of, 95; finds caution for safe custody of prisoners, 96; position lucrative, 97; fees abolished, 97; imprisoned, 100; refuses to recognise Sheriff's warrant, 110; interest in publication of dying confessions, 112 *n.*
- James II. and Edinburgh, 50.
 — IV., prosperity of country under, 81.
 — VI. and witchcraft, 83; liberation and incarceration of prisoners, 94-5; makes triumphal procession and releases debtors in prison, 103; appoints J.P.'s, 103.
- Johnstone, John, of Restalrig, 179, 183, 184.
 — Thomas, of Restalrig, 178, 179, 180.
- Justices of the Peace, James VI. appoints, 103.
- Justiciary, High Court of, institution of, 83.
- KETTEN, MICHAEL, and the thieves' hole, 86.
- Kincaid, John, of Wariston, murder of, 104.
- Kinnydie, Sir Thomas, of Culzeane, 108.
- Kirkaldy of Grange, hanged at the Cross, 93.
- Kirpatrik, Thomas, escapes from Tolbooth, 107.
- LADY STAIR'S CLOSE, arms on house in, 60.
- Lauder, Sir Alexander, of Blyth, Provost, 81 *n.*
- Leith Tolbooth, 92; sacked, 93.
 Leith Wynd, 49.
- Leyes, Jhonn, and his opinion of bailies, 101.
- Liberton, Provost Drummond resides at, 21, 29.
- Lindsay, David, keeper of Tolbooth, 97; fees of, 98.
- Livingston, Jean, beheaded at Girth Cross, 104-5; tract concerning, 105.
 — Mr., protest against election of, 8.
- Lochend, house of the Logans, 167; 186.
- Logans of Restalrig, 158.
- Lokkart, William, 81.
- Lyndesay, Andrew, jailer of Tolbooth, 95-6; put in irons, 100.
- M'EUAN, printer, 18, 19.
- M'Gill, Sir James (Viscount Oxford), 125 and *note*.
- Mackenzie, Sir George, on ordeal of touching corpse of murdered person, 108.
- Mackintosh, Brigadier, and Leith Tolbooth, 93.
- Macmoran, Bailie, shot in schoolboy's riot, 100, 102.
- M'Vicar, Mr., minister of the West Church, 28.
- Magistrates, dress of, 9, 10; condemnation of, 24-5, 27; responsible for prisoners, 96.
- 'Maiden,' instrument of execution, 100, 101, 105.
- Malt tax, hatred of, 18, 19.
- Manufactures, Commission of the Trustees of the, 30, 32.
- Mar, Earl of, and the 'Fifteen, 6, 7.
- Marser, Jhonne, massoun, 85.
- Maxwell, Lady, story concerning daughters of, 80.
 — Robert, of Restalrig, 160, 173.
- Meal Market, riot at, 52, 53.
- Medical science in Edinburgh, 13; some disgusting remedies, 14, 15.
- Menzies, Sir William, of Gledstones, 60.
- Milton, Lord, a descendant of Andrew Fletcher of Saltoun, 11; and trial of Captain Porteous, 23, 24; and George Drummond, 30, 32; letter from Duke of Newcastle to 43.
- Minto, Lord (Gilbert Elliot), 44.

200 BOOK OF THE OLD EDINBURGH CLUB

- Mitchelson, James, jeweller, 60.
 Monck, General. *See* Albemarle.
 Monro, Dr. Alexander, and his association with George Drummond in founding School of Medicine, 14, 15; and the Royal Infirmary, 16.
 Montgomery, Robert, Provost, 47.
 Montrose, Marquis of, executed, 111.
 Moray, Earl of, and Restalrig Church, 153, 157 *n.*
 Mortcloths at burials, 154-5. *See* Restalrig Society.
 Morton, James, Earl of, concerning execution of, 100 and *note*; and the 'Maiden,' 101.
 Mottoes, 37, 68, 150.
 Mowbray, Francis, doom pronounced over dead body, 105-6.
 Mudie, Thomas, of Dalry, famous benefactor, 150.
 Municipal chambers in Old Tolbooth, 78.
 Mures of Auchendrane, and ordeal of touching the corpse of murdered person, 108.
 Murray, Earl of, disorders in Edinburgh under regency of, 93.
 Mylne, John, master-mason to the Crown, and family, 149.
- NAPIERS** of Merchiston, monument in St. Giles' church, 58, 59; arms, 66.
 — — Archibald, and chantry in St. Giles', 66.
 — of Wrychtis-housis, 55, 57 *n.*, 58; reversion of lands to, 58, 60; monument in St. Giles' church, 58, 59; in fourteenth century, 62; arms, 62, 63, 66; Napier star, 68; possible cue to Napier succession, 69.
 Nesbet, Henry, Bailie, 101.
 Nether Bow Port, 23, 50, 51; heads hung up at, 82 and *note*, 140.
 Newcastle, Duke of, and 'Poll Election,' 43.
 Newsvendors and dying confessions, 112.
 Nisbet, John, protest against election of, as bailie, 49.
 — of Dean, arms of on stone, 72-3.
 — Sir Hary of Restalrig, 156 *n.*
- North Bridge, scheme to build, 45; foundation-stone laid, 49.
 North Loch, 37, 38; scheme to improve, 45; 46; portion drained, 49.
 North Queensferry, sculptured stones at, 67-9.
- OGILVIE, LORD**, in Tolbooth, 111.
 Oliphant, Captain, 164.
 — William, of Restalrig, 159, 160, 166-168, 172.
 Ord, Chief Baron, and Restalrig churchyard, 181, 182.
 Ordersanent vagrant bairnsand walkingafter ten at night, 80; to admit visitors to prisoner, 127, 135, 136; to bring prisoner to be examined, 126; to find caution or go to correction house, 125; to put prisoner in Castle, 126, 137, 141; to remove prisoner to Linlithgow, 120.
- PARK OF FULFORDLEES**, arms of on sculptured stones, 66, 67; 68.
 Parliament, Scottish, meets in Old Tolbooth, 78.
 Parliament House Close, 44.
 — Square, 44-5, 112.
 Parson or Livingston, Mrs. Hannah, third wife of George Drummond, 35.
 Paul, Sir J. Balfour, quoted, 63, 67.
 Peirie, Walter, pronounces doom over dead body, 106.
 Penalties for crime before imprisonment customary, 79; for walking on the street after ten at night, 81; for regrating, breaking plague bye-laws, and begging, 82; for theft and murder, 84, 129; for papism, fornication and adultery, 88-90; for witchcraft, 90, 91; to be passed on beggars, fools, and bards, 98; for high treason, 106; for debt, 106-7. *See* Punishments.
 Perthshire, Edinburgh monument in, 145-152; original and present sites, 148-9; description and probable sculptor, 149.
 Petition to execute sentence of death, 113; to delay execution, 115; to delay execution of sentence, 117, 121, 127; for relief from prison, 116, 119, 124, 131, 138; petition granted, 138. *See* 'Releife Book.'
 Petrie, Patrick, of Restalrig, 159-61, 167, 168, 170, 172.

- Physicians, College of, and public hospital, 15.
- Pillory, 106-7 and *note*, 127.
- Piracy, sentence for, 84 and *note*.
- Placards, defamatory, on door of Tolbooth, 93.
- Plague and the Tolbooth, 110.
- Police in early times, 83. *See* Watch.
- 'Poll Election,' 42.
- Poor of Edinburgh, legacy left to, 145; misuse of, 146.
- Porteous Riots, 22-5.
- Potterrow Port, 106.
- Prestonpans, battle of, 41.
- Prisons, earliest authentic notice of, 76; places of detention between capture and conviction, 79; called 'tolbooth,' 88; scarcity of accommodation, 93; abuses, 97; prison dietary, 97, 99; obligation of burghs to provide, 104. *See* Orders, Prisoners, Relief, Tolbooth.
- Prisoners in Edinburgh, custody of before 1657, 76, 77; methods of correcting before imprisonment was in vogue, 79; called 'wardouris' in sixteenth century, 80; magistrates and jailer held responsible for, 96; allowed to run into debt to jailer, 97; anent upkeep of, 98-9; anent confinement of, 104; allowed liberty to attend to own affairs, 110; transported to Barbadoes, 111; caution for, 134; death of, 134, 138; waiting trial, 138; sent to England, 140. *See* Orders, Prisons, Punishments, Relief, Statutes, Tolbooth.
- Privy Council, meets in Old Tolbooth, 78; and Brechin councillors, 109.
- Protests against election of councillors, 8, 48.
- Provost, allowance of, 11.
- Punishments—drowning, 82; ducking, 90; to give coal to hospital, 101-2; escheat, 102; broken on wheel, 105; inflicted on dead body, 106; strangling and burning, 114, 121, 128, 133, 142; whipping, 116, 118, 131, 143; pillory, 106, 127. *See* Executions and Penalties.
- Purves, William, of Abbeyhill, 156 *n*.
- QUHYTE, ANDREW, keeper of Tolbooth, put in irons, 108; refuses prisoners on Sheriff's warrant, 110.
- RAMSAY, ALLAN, quoted, 5, 6.
— Robert, of Blackcraig, 60.
- Rannie, Margaret, both man and woman, 111.
- Rattray, James Clerk, baron of Exchequer, and the building of the College, 148-9.
- 'R. B.,' spiritualistic medium, correspondence with George Drummond, 21-35.
- Receipt for deliverance of prisoner at Castle, 137, 141.
- 'Releife Book,' 113. *See* Executions, Petition, Prisoners, Relief.
- Relief for debt, 114-23, 128-30, 133-4, 138-143; form of, 124.
— for witchcraft, 113.
— from prison, 113, 116-42.
- Restalrig, situation of, 153; parish transferred to South Leith, 153, 157; re-erected as a parish, 153; dispute over minister, 156; boundaries of barony, 185.
— Church, 153; and South Leith, 155; memorial anent, 156, 157-9; restoration of, 185; 186.
— churchyard, 153-4, 178; headstones in and ground enclosed, 180.
— Society of Friendly Contributors: purpose and membership of, 154-5, 157-9; reason for founding, 155, 157; minutes and records of, 156, 161-2, 166-71, 173, 176-84; members and contributions, 159-60; first account for mortcloths, 160; charities of, 161, 164, 170; prices and hire of mortcloths, 161-2, 177; first complete page of entries, 163-4; from 'Scots' to 'sterling,' 165; 'incidents,' 166, 169; affairs in a bad way, 171; discriminating fees in funerals, 173-4; directions for Keeper of ye Cloths, 174; new book, 172, 175; hereditary principle in membership, 176; 'ribbons,' 174, 177; society's school, 179, 182; unwritten law regarding schoolmasters, 179; quarrel with South Leith kirk-session, 183; declared proprietors of church and churchyard, 184; part with their rights and privileges, 185.
- Robertson, General, of Lude, and Wrychtishousis, 60.
— James, of Restalrig, 159, 160, 169-73.
- Roman road, surmise as to fragment of ancient causeway, 194.

- Rosebery, Lord, on Porteous Mob, 22.
 Ross, Dr. Thomas, quoted, 63.
 Royal Bank and George Drummond, 30.
 Royal Burghs, convention of, 20; and Edinburgh improvement scheme, 44.
 Royal Exchange, foundation-stone laid, 45; builders of and boundaries, 46.
 Royal Infirmary, 16.
- ST. GILES' CATHEDRAL, part of converted into a tolbooth, 88; the 'steeple' as a prison, 90.
 St. Margaret's, North Queensferry, sculptured stones at, 67-9.
 St. Mary, chapel of in Leith, 186.
 Sanct Mary Wynde, prison-house in, 93.
 — Paullis wark, gibbet at, 86.
 Sanitation in eighteenth century, 11-13; in prisons, 97.
 Saughtonhall, 150. *See* Somervell.
 Scott, arms of branch of, 66, 67.
 — Mr., minister of South Leith, 183.
 — General, of Balcomie, buys Drummond Lodge and builds Bellevue, 47.
 Scots Church, Rotterdam, 28.
Scots Magazine, quoted, 39-41, 53.
 Sculptured Stones of Edinburgh: Wrychtishousis—Napier monument, St. Giles' church, 58, 59; heraldic pediments at Gillespie's School, 56, 60, 61; panel, 62-3; sundial at Woodhouselee, 63, 64; heraldic pediments and other stones at Woodhouselee, 64-7; heraldic pediments at St. Margaret's, North Queensferry, 67-9; marble fireplace at Woodhouselee, 71. Woodhouselee panels, 69-71; Comiston panel, 71; heraldic pediment at Dalry cemetery, 72-3. *See* Heraldic devices and Inscriptions.
 — stones at Craighall-Rattray, 151.
 Seton arms on stone, 70.
 Shawfield, disturbance over malt duties, 18, 19.
 Sheriffmuir, battle of, 7.
 Signet Library and the New Tolbooth, 88.
 Simpson, George, 'Taylor in Leith,' 177.
 Sinclair, Sir William, confined in Tolbooth when High School scholar, 100.
 Skene, Sir James (Lord Curriehill), house of, 148.
- Skyne, Alexander, advocate, imprisoned in Old Tolbooth, 89.
 Smellie's printing-office in Anchor Close, 36, 38.
 Smith, Adam, 37; tomb of, 53.
 Society of Friendly Contributors. *See* Restalrig Society and Calton Society.
 Somer, David, master of works, and New Tolbooth, 87.
 Somervell, Bartholomew, leaves 40,000 merks to city of Edinburgh, 145-6; death of, 146; effigy of, 149; parentage and connection with Saughtonhall, 150; house in Lawnmarket, 150-1.
 Somerwell, Peter, father of above, 150.
 South Leith, and Restalrig Church, 155, 188; Craig-End beam in, 187-8.
 Spiritualistic communings of 'R. B.,' 26, 27, 29, 30, 34, 35.
 Stanfield, Philip, and ordeal of touching corpse (his father's), 108.
 Statutes anent beggars, fools and bards, 98; upkeep of prisoners, 98-9; provision of prisons and maintenance of prisoners, 104; penalties for insolvency, 106-7 and *note*.
 Stevinsoun, Andrew, and garment for hangman, 100.
 Stewart, Provost, and the 'Forty-five, 39, 40; trial, imprisonment, and acquittal, 41-2.
 Stirling, John, minister of the Tron, 148.
 'Strait Bow,' the, 24.
 Surgeons, Corporation of, 13.
 Surgeons' Hall, 14; site of, 148.
 'Sutlary' in prison, 97.
 Swine in streets, 79-80; ordered to be slain with dogs and cats, 94.
 Sword in executions, first mention of, 85.
- TELFER, JAMES, 159-61, 164, 167-9, 172, 173, 177.
 — William, of Restalrig, 175.
 Thieves' Hole in Tolbooth, 86.
 Tholing the lawing, case of, 85.
 Tolbooth, the New: order of Town Council to build, 87; site of, 88.
 — the Old: Town Council meet at, 45; earliest known prison of Edinburgh, 78; situation and original uses of, 78; first record of as a prison, 79; referred to as the 'netherhole,' 80; only heads of dis-

- tinguished people allowed to embellish, 81-2; escapes from, 84, 107-8 *n.*; jailer's fee and repairs and alterations to, 85, 86; 99; iron room in, 85; partly demolished, 87-8; jail broken open and prisoners liberated, 88-9; troublous times, 93; jailer imprisoned, 100; Earl of Morton's head on, 101; the pest in, 102; James VI. releases debtors, 103; trouble among prisoners, 109. *See* Orders, Prisons, Prisoners, Statutes.
- Tolbooth Records*, 75, 112-44. *See* Executions, Petition, Relief.
- Touching corpse, ordeal of, 108.
- Town Council, election of in 1717, 7; protests at, 8; class distinction, 8, 9; dress, 9, 10; used to meet in Old Tolbooth, 45, 78; and Bartholomew Somervell's legacy, 146; and house of College professor, 148.
- Town Guard, measure to abolish, 23. *See* City Guard.
- Trades Maiden Hospital and Wrychtis-housis, 60.
- Triduana, saint of Restalrig parish, 153, 157 *n.*
- Tweeddale, Marquis of, 11.
- Tytler, Alexander Fraser (Lord Woodhouselee), 64, 69; connection with Seton family, 70.
- UNION WITH ENGLAND, effect of, 4-6.
- University Library, Diary of George Drummond preserved in, 21.
- professorships established by George Drummond in, 54.
- VAITCH, SAMUEL, attorney, 150.
- Visitors to Tolbooth, warrants to admit, 135, 136.
- Volunteers, company raised in 1745, 7.
- WALLACE, LADY, story concerning, 80.
- Walls, John, of Restalrig, 180, 181.
- Walpole, Sir Robert, 11, 26, 29, 31.
- 'Warding Buke,' 113.
- Warding, meanings of, 80.
- Warriston Close and sculptured stones, 151.
- Watch of Edinburgh, 112; pay of, 112 *n.* *See* Police.
- Weir, Robert, murderer, 104-5.
- Major Thomas, 112.
- West Bow, house of Somervells in ('Old Assembly Rooms'), 150.
- West Port, heads and limbs affixed to, 106, 140.
- Whippings in Edinburgh, 116, 118, 131, 143. *See* Punishments.
- Whyte. *See* Quhyte.
- Wilson, James ('Claudero'), quoted, 51.
- Provost, and trial before House of Lords, 22, 23.
- *Memorials of Edinburgh*, 37; on Wrychtis-housis, 56, 58.
- smuggler, execution of, 23-4.
- Witchcraft, 90; Act ament, 91; strangled and burnt for, 114, 121, 128, 133, 142.
- Wood, Mr., and Restalrig churchyard, 181.
- Alexander, of Restalrig, 183, 184.
- Mrs., of Restalrig, 159, 160, 164.
- Thomas, of Restalrig, 159-61, 164, 172.
- Woodhouselee, sculptured stones at, 57 and *note*, 63-7, 69-71.
- Wrycht, William, murderer, 85.
- Wrychtis-housis, baronial mansion on outskirts of Burgh Muir, 55; demolished, 55; 'Cadmon,' Wilson, and Cockburn on, 56-8; owners of lands of, 58-60, 69; old names of, 60; haunted, 60. *See* Sculptured Stones.

APPENDIX

FOURTH ANNUAL REPORT
ETC.

Old Edinburgh Club

1911

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REPORT OF THE FOURTH ANNUAL MEETING OF THE OLD EDINBURGH CLUB

THE FOURTH ANNUAL MEETING OF THE CLUB was held in the Old Council Room, City Chambers, on the afternoon of Tuesday, 30th January 1912, at 4 o'clock.

Sir James Balfour Paul, C.V.O., LL.D., Lyon King of Arms, an Honorary Vice-President of the Club, presided. There was a good attendance of Members.

Apologies were intimated from the Right Hon. the Earl of Cassillis, Col. Gordon Gilmour, Prof. Hume Brown, Mr. J. B. Sutherland, S.S.C., and others.

The Secretary submitted the Fourth Annual Report, which is in the following terms:—

The Council beg to submit to the Club the Fourth Annual Report.

During the year there were 13 vacancies in the membership. These have been filled up, and there still remain 68 names on the list of applicants waiting admission.

The following meetings were held.

1. VISIT TO CITIES AND TOWN PLANNING EXHIBITION.

On the evening of Monday, 27th March 1911, the members met at the Royal Scottish Academy Galleries, and, under the leadership of Professor Patrick Geddes, visited the Cities and Town Planning Exhibition.

In the entrance hall and first octagon were sections showing the origins and historic growth of cities; and in the second

4 REPORT OF THE FOURTH ANNUAL MEETING

octagon examples of modern planning in Great Britain and on the Continent. The members were naturally more interested, however, in the survey of Edinburgh which was set up in the main octagon. Here, by means of a carefully arranged series of drawings, photographs, old prints, and models, the history of the city was followed out in some detail. Special maps and bird's-eye views brought out the conditions which fixed the site of the earliest settlements—and so later of the Royal Castle, Burgh, and Abbey (with its minor Burgh), and the Port of Leith. The effect of the Wars of Independence on the character of the city was next traced—the old cultivation terraces and gardens were largely encroached on, and the habit of dwelling in lofty tenements became fixed on the inhabitants, a habit largely surviving till the present day.

Contemporary plans and views showed next the gradual growth of the New Town—of the industrial suburbs—and of modern institutions and monuments. A final section was devoted to the important subject of parks, open spaces, and gardens in the Old Town.

On the motion of Mr. Hippolyte J. Blanc, R.S.A., a cordial vote of thanks was awarded to Professor Geddes.

2. VISIT TO GEORGE HERIOT'S HOSPITAL.

By kind permission of Mr. John B. Clark, M.A., Headmaster of George Heriot's School, the members visited George Heriot's Hospital on the afternoon of Saturday, 14th October 1911. Mr. Hippolyte J. Blanc, R.S.A., acted as Leader. Mr. Blanc said :—

George Heriot's Hospital, now known as George Heriot's School, is in design as unique as its long history is distinguished.

Founded nearly three hundred years ago, it has had a remarkable career of usefulness, and the rich blessings attending its administration have been phenomenal.

Erected originally for the education and maintenance of 180 boys, it is now carried on as a public day school, wherein nearly 1200 boys annually receive their education.

George Heriot was born in Edinburgh in 1563. His father was a goldsmith of repute, and he was brought up to the same trade. He died in London in 1624, after a most successful career, both as regards honours and riches. He was buried in the parish of St. Martins-in-the-Fields, London. The sacred spot is not now traceable. George Heriot's wealth was computed at the time of his death to be over £40,000. After providing liberal legacies to relatives and friends, and for the poor of St. Martin's Parish, the sum remaining was a little over £23,600. With this sum the Executor, in accordance with George Heriot's will, proceeded in 1628 to rear the present edifice. It was to be set out on the model of Christ Church, London, and Dr. Balcanquhall, Dean of Rochester, was entrusted to see the work carried out. By an inscription on the base moulding at the north-west corner, we learn the building was founded on 1st July 1628. Building operations proceeded slowly until 1639, when national troubles arose and obstructed progress for a while. In 1642 operations were resumed, and the buildings were finally completed in 1650. Great unrest, however, prevailed in the country at this time, and the buildings were taken possession of by the English army under Cromwell. It was not until 1659, when, upon an urgent representation by the magistrates, the buildings were vacated by Cromwell and set free for the purposes originally intended.

The block of buildings takes the form of a hollow square, whose internal dimensions are 90 feet each way. The corners are emphasised by being slightly projected externally in tower-like form, and are carried up one storey higher than the intermediate blocks connected to them. None of the original Plans exist, but it may reasonably be assumed that the design has been carried out as originally intended. The death of the architect, William Wallace, occurred when the building reached the first floor, but there are evidences that the plans were then well advanced.

The appropriation of the buildings has not undergone any very important change during their period of occupation. At the date of the foundation, Lauriston Street did not exist as a leading thoroughfare. The chief approach to the building was consequently from the Grassmarket, on the north—a highway of the time. We find in consequence the north front of the building is more richly decorated than the others. Decoration is expressed very consistently over the whole building, but not so profusely as upon the north front, especially the centre section of it. Towards the south, east, and west the outlook was quite open, none of the buildings which now occupy the surround-

6 REPORT OF THE FOURTH ANNUAL MEETING

ing fields being in existence in 1628. The eight acres of ground purchased and enclosed for the Hospital lay immediately to the south of the Flodden Wall boundary.

The buildings on the four sides surrounding the quadrangle are of three storeys, with an additional floor on the corner towers, and were appropriated as follows:—On the ground floor of the north block of the group were originally the Porter's Lodge, Bath-rooms, Kitchen, offices, etc., and on the two floors above were class-rooms. On the east side, the ground floor contained the Steward's House, Recreation, Reading, and Parlour-game rooms, with dormitories and lavatories in the two floors above. The south side is almost entirely occupied by the Chapel, which was treated in the present style, internally, about the beginning of last century, by Gillespie Graham, architect. The sick-room or infirmary of the Institution was at the south-east corner, while the south-west corner was appropriated as the House-Governor's residence. On the west side the ground floor is occupied entirely by the large Dining-Hall, and on the two floors above were the dormitories for boys in the higher sections of the school. Under the new conditions of use, all the dormitories have now been converted into class-rooms, and a few necessary changes have been made to meet the modern requirements. Fortunately, however, up to the present, no serious changes have been made upon the unique architectural character of the building. The cloistral character of the interior quadrangle, with shaded piazzas on the two sunny sides, remain undisturbed. They give an artistic charm of light and shade, very appropriate to the calm of a collegiate institution.

The general design of the buildings is very satisfactory; ornament, while liberally distributed over the façades, being everywhere appropriate, tasteful, and unobtrusive. The breadth of treatment in the composition of the façades gives an eminently restful character to the whole. There is no building on a similar scale whose design can be viewed as a prototype to Heriot's, but the closest approach to the character of the style adopted may be found probably in Denmark. As has already been noted, the north front presents the greatest display of decoration. In detail it is all most interesting and instructive. The front of the entrance Pent under the Clock Tower bears a richly decorated composition of double columns on each side of the arch (treated with detail similar to what may be found at Winton Castle), with richly carved entablature. Above the cornice of the composition are minor obelisks richly carved. They are reminiscent of what still may be seen on the piers of the entrance gates of Pinkie House. The frieze under

the cornice is enriched with carved illustrations symbolising the teachings of the school, viz. (1) Industry ; (2) Filial affection ; (3) Religious duties ; (4) Learning—all intended to lead the minds of the pupils to the pious founder and his aims. The arms of the founder are conspicuously displayed in a decorated panel immediately above the entrance, and, as a symbol of what the Institution was evolved from, a pedestal is placed above it, supported on which is a figure of a boy labouring at an anvil. An inscription below the arms explains that the panel bears the insignia of George Heriot, the founder. Over the whole of the north front, and, indeed, conspicuously delineated on window pediments and friezes all over the building, are the initials and armorial bearings of George Heriot, with illustrations of his craft. It may here be noted that while each window bears appropriately decorated pediments, either of formal triangular outline or of varied ornamental carving, only in one instance out of two hundred are there two pediment treatments precisely alike. The subdivision of floors is externally marked by moulded horizontal string courses, and the upper storeys of the tower are finished with flat lead-covered roofs with ornamental stone parapets all round. In studying these details, one may readily trace a very strong resemblance to the details of the cross at Prestonpans. The tower tops are further decorated with corbelled turret projections at the angles.

On the East and West elevations the centre of the façades is relieved by a projecting oriel carried up through the three storeys. These contain staircases which give access to what are known as 'bolls' formed in the roomy attics. In these were fitted up the wardrobes for the boys' clothing.

Turning to the south front, a very interesting departure from the style consistently expressed in the other elevations is observable. From the very academic treatment in a phase of the renaissance, the Chapel which this front displays is found to be of rather finer detail, and the Scotch Gothic of an earlier period is introduced, and with remarkable harmony of effect. It seems natural to have adopted this change for the external clothing of the Chapel. It at once gives distinctiveness and added dignity to the composition, both on the outside façade and on the inner face on the quadrangle side.

The interior elevations to the quadrangle are each very instructive and interesting. Immediately over the quadrangle side of the entrance Pend is the Founder's statue, set in a richly decorated niche, which has added importance given to it by the statue being slightly

8 REPORT OF THE FOURTH ANNUAL MEETING

projected upon a very richly carved corbel. The dress displayed is that of the picturesque period of James VI., to whom George Heriot was appointed jeweller in Scotland and afterwards in England.

If a visit is made to the Institution in early summer immediately when the life of the school has temporarily subsided for the day, nothing can be more refreshing than to pass from the busy noise of commerce outside, to the calm and peaceful restfulness of the noiseless quadrangle, invaded only by the 'squeech' of the swallows as they wing their playful flight out and in of the dormers and turrets. When the eye passes from subject to subject, and the mind studies each of the carvings in sequence, then is realised the noble purpose of the founder, and also the high ideals sought to be permanently recorded by the executors. In loyalty to royalty, heads of some of the reigning kings and queens are placed in line on the north block of the quadrangle. Mottoes and wise words, mostly scriptural quotations, are found on panels, on windows, and over doors. The east side windows bear figures of the four Evangelists, with David and Solomon in association. On a rich architectural composition of elegantly grouped and carved chimneys is a large moulded panel inscribed with a reminder to 'Honour the Lord' by the offering to Him of the 'first of all thine encrease'; and again a reminder 'to Do good and distribute, forget not'; while on the west side are groups symbolising the four Continents, Europe, Asia, Africa, and America, with symbols of Life and Mortality. Over the door of the Chapel is a carved representation of reading desk and Bible, with a tablet inscribed 'VERBUM DOMINI MANET IN AETERNUM.' The Chapel is 60 feet long and 22 feet broad, the height—40 feet—embracing the three floor heights of the adjoining façades. This Chapel was not finished until the beginning of last century, the work having been carried out by the well-known architect Gillespie Graham. The open roof is of timber, ribbed and panelled, and in the centre of the south side is the great oriel window, which is subdivided in its height into a series of vertical compartments each decorated with stained glass representing national emblems, the arms of the Founder and his relatives, arms of Office-Bearers and of the incorporated trades of the City.

The Council-room is on the ground floor of the tower at the inner angle of the chapel and the dining-hall. It is about 27 feet square and 13 feet in height, is richly finished with carved oak panelling and ornamental ceiling in plaster panels. The fireplace is a parti-

cularly rich design, and bears on the overmantel the founder's arms, completely carved in relief. The fireproof Charter-room enters from the Council Chamber, and contains the ancient Title Deeds of the Hospital properties, and among the records are manuscripts of James VI., his Consort Anne of Denmark, Charles I., Archbishop Laud, George Heriot and his contemporaries.

The Dining-Hall is a spacious apartment very appropriately and boldly treated with richly carved great open fireplaces, and the ceiling relieved with deep set geometric panelling. In the dining-hall may be found several examples of the entwined monogram of George Heriot.

For upwards of two hundred years many efforts have been made with a view to tracing out the name of the original architect, and for a long part of that period the name of Inigo Jones was most frequently brought forward. Jones was born in London, and we are informed that his earliest patron was Christian IV. of Denmark, brother-in-law to James VI. Christian IV. came to England in 1606, and was accompanied by Jones, who previously had gone to Italy to study. Jones received many favours from royalty, having been appointed in 1610 Surveyor of Works to the household of the Prince of Wales. In 1614, when forty years of age, Jones revisited Italy, when he tells us that he applied his mind more particularly to architecture. The inference is that prior to that his studies were chiefly in the direction of a Court decorator. There are many written notices of Jones's name being associated with the design of Heriot's work, but in each case the writers protect themselves by adding the words 'Supposed to be that of Jones,' or, 'the plan of Inigo Jones, as is reported.' There is nothing in Jones's known works resembling Heriot's Hospital, but Ferguson suggests that a similarity of style may be observed between the architecture of Denmark and of Scotland during the Jacobean period. Dr. David Laing was the first to direct attention to an assumed resemblance in the principal Court of Frederiksborg Palace in Zealand to that of Heriot's Hospital. In Feldborgs' *Denmark Delineated*, 1823, Frederiksborg is 'attributed' to Jones, so that in both cases, that of Frederiksborg Palace and Heriot's Hospital, the connection of Jones has been entirely an assumption. That Jones was not the architect of Frederiksborg Palace we learn from a tablet more recently discovered in the adjoining Parish Church of Slangstrup, which bears the inscription telling that 'John Freyburg' was the architect. By other writers the name of Dr. Balcanquhall has been brought forward as the architect; but if we

10 REPORT OF THE FOURTH ANNUAL MEETING

refer to the Hospital records, we do not find either the name of Dr. Balcanquall or of Inigo Jones being associated with the design in any way. Two other names are found frequently in the records of building progress; the first being William Wallace, and the second William Aytoune. William Wallace was well known. He was appointed King's Master Mason in 1617. In 1621 he was made a burghess of this city, after which he came to reside in it, probably from the neighbourhood of Tranent. It is probably from a knowledge of the fact that Wallace was largely employed in the district, as an architect, he naturally would be recommended by his clerical brother at Tranent to Dr. Balcanquall, whose brother also was a minister at Tranent; and, as the architectural features of the neighbourhood show a marked resemblance to each other and to the details found in Heriot's Hospital, it seems natural to conclude that all were by a local architect. The title applied to William Wallace, namely, Master Mason, is significant. It frequently occurs in Scottish records, and was known in both Scotland and England to the end of the seventeenth century, after which the term 'architect' was substituted. William Wallace was further 'Master mason' for the Crown, and executed additions to the Palace buildings in Edinburgh Castle in 1615, and at Linlithgow Palace in 1617, and each of these bears strong resemblances in detail and form to the work of Heriot's. But probably the claim for William Wallace as Architect becomes incontestable when we read that when Wallace died, his widow received a special gratuity in respect of her husband's 'special services,' and further, his successor, William Aytoune, is taken under obligation to 'prosecute and follow forth the model, frame and building of the said work, *as the same is already begun,*' and he is to receive from Wallace's widow '*the whole moulds and Drafts*' which Wallace had made in connection with the work. Wallace died in 1631, and was succeeded by William Aytoune. In 1640 suggestions were made for a change in the treatment of the upper parts of the corner towers, that at the south-west having been treated with a pavilion roof. This the Governors, in 1690, ordered to be made uniform with the others, as we now see them.

By invitation of Mr. Clark, the members were entertained to tea. On the motion of the President, cordial votes of thanks were awarded to Mr. Blanc and Mr. Clark.

3. LECTURE ON 'OLD EDINBURGH PRINTERS.'

A meeting of the Club was held in Dowell's Rooms on the evening of Tuesday, 19th December 1911, when a Lecture on 'Old Edinburgh Printers' was delivered by Mr. Walter B. Blaikie, President of the Club.

Scotland, he said, was one of the last European countries into which the art of printing was introduced. Printing had been practised as an art in Germany for sixty years, in England for over thirty years, and even in Turkey for fifteen years, before Scotland possessed a printing press. It was to James IV.—who, but for the unpardonable and criminal folly which ended at Flodden, would be hailed by history as the greatest of the Stewart Sovereigns and the benefactor of his country—that Scotland owed her first printing press. Indeed, it was worthy of note that King James, this member of a family of artists, alone of all European Sovereigns, was the direct introducer of typography into his dominions. Mr. Blaikie proceeded to describe the beginnings of printing in the opening years of the sixteenth century. Early in 1508 the first Scottish printing office was established in the Southgait, or South Street, now the Cowgate, at the foot of Blackfriars Wynd. To the Southgait Press King James often went to inspect, and, if tradition speaks truly, even to assist the printers. The first known ventures were issued in 1508. They were small ware enough—quarto tracts printed in black letter. A bound copy of eleven of these, absolutely unique, the first known specimens of Scottish typography, is preserved in the Advocates' Library. The *débâcle* of Flodden stopped many promising enterprises. For thirty years no regular printing was done in Scotland. Learned Scotsmen who had books to print had either to go to France in person, like John Vans of Aberdeen, or, like Hector Boece or John Major, to send their manuscripts abroad and lament the innumerable errata consequent on the employment of foreign compositors on unknown Scottish words. The lecturer gave a short sketch of Edinburgh printers from the early days of printing down to Archibald Constable, dealt with the progress and development of the art in Scotland, and indicated in passing many of the notable works produced.

That sketch of Old Edinburgh printers would, he said, be incomplete were he not to give some short outline of the periodical press of

12 REPORT OF THE FOURTH ANNUAL MEETING

Edinburgh. He sketched briefly some of the more prominent periodicals produced previous to the year 1800. It was rather remarkable that a great many of the earliest periodicals of Great Britain had Scottish titles. They were really English journals produced at the beginning of the conflict between Charles I. and the Parliament, when it was all-important that the English should know what position Scotland was to take up in the struggle. The first periodical actually issuing from a Scottish press was *The Diurnal Occurrences*, touching the daily proceedings in Parliament. Only two numbers could be traced. It was dated 1642, and was printed by Robert Bryson, an Edinburgh printer, who worked at the sign of Jonah, wherever that may have been. The *Diurnal* was merely an English journal with English news reprinted line for line in Edinburgh. In 1653 appeared *The Mercurius Politicus*. That was really the first Edinburgh periodical that had anything like a life, and it was also the first periodical produced, printed, and published in Scotland, although it is true that it was written by an Englishman for Englishmen. The first real Scottish newspaper which made any pretence to longevity was *The Edinburgh Gazette*, begun in 1699.

In conclusion, Mr. Blaikie said: I have necessarily in this sketch of the Edinburgh press omitted many valuable but ephemeral publications, preferring to show the main links of the chain which carry the past into the present. I have concluded the outline with the advent of Archibald Constable, for I look upon him as the connecting link between the printers of the past and the great enterprises of the present. Constable was a man who, with the assistance of Sir Walter Scott, did more probably than any one for the printing industry of Edinburgh. It was he who saved Scott to Edinburgh, and if his great aspirations ended in commercial failure, which involved the noblest man that Edinburgh ever produced, who will say that they were futile? It was Constable who made Edinburgh for a time the literary centre of the English-speaking world, and it was his brave spirit that inspired others to carry on these enterprises which we see flourishing to-day. In the olden times the Scottish press took its ideas from England, but Constable reversed this process. The *Edinburgh Review*, founded in 1802, was the pioneer of modern periodic literature. *Blackwood's Magazine*, which began in 1817 as a rival to *The Scots Magazine*, has been an example for all literary magazines which have followed. Although after Constable's death the centre of gravity of English literature departed from Scotland to London, yet the houses of

Blackwood, of Chambers, of Nelson, of A. and C. Black, and the printing houses of Ballantyne, of Clark, of Morrison and Gibb, of Neill, and others, together with the great enterprise of *The Scotsman*, have kept up the tradition, and have made Edinburgh printing a pride and a glory in the modern world.

On the motion of Mr. William Cowan, a very cordial vote of thanks was awarded to Mr. Blaikie.

The Editorial Committee have selected the following papers to form the volume for 1911 of the *Book of the Old Edinburgh Club*, viz. :—

1. George Drummond, an Eighteenth Century Lord Provost, by Mr. William Baird.
2. Sculptured Stones of Edinburgh, by Mr. John Geddie.
3. The Old Tolbooth of Edinburgh, with Extracts from the Original Records, by Mr. John A. Fairley.
4. An Old Edinburgh Monument, now in Perthshire, by Thomas Ross, LL.D.
5. The Society of Friendly Contributors of Restalrig, by Rev. W. Burnett, B.D.
6. Discoveries at Holyrood, by Mr. W. T. Oldrieve, F.R.I.B.A.

The Council will be glad to know of any unpublished manuscripts relating to Edinburgh, which the owners might be willing to place at the disposal of the Club for publication.

The Treasurer submitted the financial statement, from which it appeared that the balance in hand was £166, 5s. 6d.

Sir JAMES BALFOUR PAUL, who was received with applause, said: Ladies and gentlemen, in submitting to you a motion for the adoption of the reports you have just heard read, I wish to express in the first place my regret—a regret which I am sure is shared by you—that our noble President is not here to address us to-day. I need hardly say

14 REPORT OF THE FOURTH ANNUAL MEETING

that I appreciate very highly the honour you have done me in asking me to fill his place; but I do not approach my task without considerable trepidation, for I well know how difficult it is to follow such a consummate master of words, and I can only therefore ask you to bear with me while I speak to my motion in few and simple words. If, however, I cannot delight you with eloquent phrases, there is one thing I can do as heartily if not so gracefully as Lord Rosebery could, and that is to congratulate you on the continued prosperity of the Old Edinburgh Club. The record of its meetings which you have in the report are full of interest, and the visits to the Town Planning Exhibition and to Heriot's Hospital show how much interest is taken by members of the Society in anything pertaining to the welfare or history of this city. The popularity of such outings is most evident, and I trust that in future years they may be even more frequent than they have been in the past. There is no better way of gaining an intelligent knowledge of the town of which we have the honour to be citizens, both in regard to its historical associations and architectural charm, than by being taken over its places of interest—not merely those of national, but also those of minor and local interest—by experts who can tell their story so that he who runs may read. The only drawback, indeed, to those meetings is their popularity, for it is obviously impossible when there are, say, a hundred persons present, for the leader, unless he has the driving power of a Jehu and the voice of a Stentor, to get through his work in decent time and to make himself intelligible to the entire body of his audience. I know it is a counsel of perfection, and perhaps not within the range of practical politics, but the ideal thing would be to limit the numbers attending such demonstrations to about a dozen, and in this way a much more intelligent appreciation of the lecture would be gained by the few who were fortunate enough to be present. Of course the obvious objection to such a plan is that you could not expect the few men who possess an expert knowledge of the subject to give up their Saturday afternoons week after week to the instruction of their fellow-members of the Club. But perhaps it might be possible for some of us, who do not pretend to be experts, to get up the history of one small locality, and try to do our best, two or three times in the course of a summer, to communicate our knowledge to such small and manageable parties as I have indicated. I merely throw out the suggestion for what it is worth, and I am sure the Council will consider whether it is at all practicable.

The interest which this Club takes in Edinburgh and all that per-

tains to it is a good sign of the times: it is a great bulwark against the further demoralisation of the city from an æsthetic point of view, and a civic asset of the highest value. Had such a Club existed two hundred years ago, or even one hundred years ago, what a different Edinburgh we would have now inhabited. We should have been spared at all events the spectacle of a railway running through one of the fairest valleys in the universe, and the occupation of one of the beautiful sites in the city by a huge terminus. I trust, too, we should not have had the dingy purlieus of Dalry, nor the long and unlovely streets which disfigure many of the entrances to the town. But all this is done and past praying for: all we can do is to endeavour to prevent any such outrages being perpetrated in future. Not the least important feature in a Club like ours is, not only that it tries in a reverent spirit to preserve what is good in the past, but also that it has influence in moulding public opinion and engendering a spirit of civic responsibility among the inhabitants in general.

Edinburgh, as you know, has gone through various phases of development, and it is curious to note how good and bad have alternated. The first development took place of course on perfectly natural lines, and the historic mile from the Castle to Holyrood is the result. It was inevitable that in course of time, as population grew, the houses should increase in height until they came into the form of the unlovely tenements with which, unfortunately, we are so familiar. In olden days this was not so: when the Earl of Lancaster invaded Scotland in 1384, the inhabitants of Edinburgh cleared out to such purpose that they carried the roofs of their houses with them, and left nothing to the English but bare walls, which, we are told, 'grieved the soldiers not a little.' 'Though,' they said, 'Englishmen have our houses we care little therefor: we shall make them again cheap enough: we axe but three days to make them agayne, if we may get four or fyve stakes and bowes to cover them.'

The next development of the town, laterally at least, was when the North Bridge was built, an event of which I see a very interesting account, from the pen of Mr. John Sinclair, in this week's *Weekly Scotsman*. The result of this was the building of the New Town, which was carried out with a wonderful degree of taste, considering the period, though the houses built were of sadly poor design: a little later things improved very much, and the terraces round the base of the Calton Hill and Moray Place and adjacent crescents are almost models of dignified street architecture. But it seems that even with

16 REPORT OF THE FOURTH ANNUAL MEETING

such examples before us it was impossible to keep up to the standard thus set, and I am afraid that future generations will look with pained surprise upon the sad falling off displayed even in the building of such residential districts as Drumsheugh, and even with indignation upon the confused congeries of unlovely streets which desecrate Dalry and Gorgie.

But there is possibility of improvement, and in this I think the Old Edinburgh Club may help a good deal. We have at present a Lord Provost whose zeal for the amenity of the city is second to none; he has, for instance, propounded a scheme for the improvement of the Calton Hill, one of the grandest assets in our municipal life. I do not propose in the least to enter upon the merits or demerits of his proposals, but I am sure you will all agree with me in thinking that there is room for improvement there. We do not appreciate the Calton Hill as we ought to. Come to it with a fresh eye, and its beauties are revealed in a way that is astonishing. Listen for a moment to what the late Professor Masson says in connection with it:—

‘Well might it be the custom that the Calton Hill at night should be so sacred and guarded that every man, woman, and child in the city should once a week perform the nocturnal walk round it as an act of duty. It would be a stated culture of the religious sentiment, a loyal preservative against atheism, by so simple a means as the teaching given to the eye by masses of darkness broken by arrays of lamps. . . . When the maze of streets beneath you and the declivities beyond these show their myriads of lights, you seem to be gazing down on no scene of earth at all, but on some reflected galaxy or firmament of illusion.’ And he concludes with the following fine quotation:—

‘Even thus, methinks, a city reared should be.
Thus should her towers be raised; with vicinage
Of clear bold hills that curve her very streets,
As if to vindicate, ’mid choicest seats
Of Art, abiding Nature’s majesty;
And the broad sea beyond, in calm or rage
Chainless alike, and teaching liberty.’

I must not detain you longer, but before sitting down I wish to say a single word about our publications: we have issued three volumes up to the present time, each one bigger and fuller than its predecessor. Never have subjects relating to Edinburgh been treated in so much detail and with such scientific accuracy. Where all is excellent it is

invidious to particularise, but the investigations of Mr. Moir Bryce into the history of the city wall and that of the religious houses in the town are models of antiquarian research; while Mr. Geddie's account of the sculptured stones in the district grows in interest as it proceeds, and must serve as an everlasting memorial of what is gradually vanishing.

Mr. W. B. BLAIKIE moved the re-election of Lord Rosebery as Honorary President, and the Lord Provost of Edinburgh, Sir James Balfour Paul, C.V.O., LL.D., Lyon King of Arms, Professor John Chiene, C.B., and Professor Hume Brown, LL.D., as Honorary Vice-Presidents, and the motion was cordially adopted.

On the motion of Mr. HIPPOLYTE J. BLANC, Mr. W. B. Blaikie was unanimously elected President of the Club.

Mr. Hippolyte J. Blanc, R.S.A., Mr. Bruce J. Home, and Mr. William Cowan were appointed Vice-Presidents, with Mr. Lewis A. MacRitchie as Honorary Secretary, Mr. Hugh Carbarns as Honorary Treasurer, and Mr. John Hamilton, C.A., as Honorary Auditor. Rev. W. Burnett, B.D., Mr. John B. Clark, Mr. George Lorimer, and Mr. Robert T. Skinner were elected members of Council.

A cordial vote of thanks was awarded to Mr. James B. Sutherland, the retiring Vice-President, and to Mr. William Cowan, Mr. William Baird, Mr. John Geddie, and Mr. John Hogben, the retiring members of Council.

In terms of Rule III., thirteen applications for membership provisionally accepted by the Council were submitted and unanimously approved.

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 Year ending 31st December 1911.

RECEIPTS

1. Funds at close of last Account:—		
In Clydesdale Bank—		
On Deposit Receipt,	£50 0 0	
On Current Account,	89 14 2	
	£139 14 2	
In hands of Honorary Treasurer,	19 13 8	
	£159 7 10	
Arrears of Subscriptions for 1910 outstanding—		
30 Members at 10s. 6d.,	£15 15 0	
Less written off (6),	3 3 0	
	£12 12 0	
6 Associates at 2s. 6d.,	£0 15 0	
Less written off (3),	0 7 6	
	3 3 0	
6 Libraries at 10s. 6d.,	16 2 6	
	£175 10 4	
2. Subscriptions:—		
For Year 1909—		
1 Associate,	£0 2 6	
For Year 1910—		
6 Members (admitted during 1911),	£3 3 0	
1 Associate,	0 2 6	
	3 5 6	
For Year 1911 falling due—		
297 Members at 10s. 6d., £155 18 6		
17 Associates at 2s. 6d., 2 2 6		
19 Libraries at 10s. 6d., 9 19 6		
	168 0 6	
For Year 1912 (in advance)—4 Members, 2 2 0		
	173 10 6	
3. Interest on Deposit Receipt,		
	1 19 3	
	£351 0 1	

PAYMENTS

1. Transactions:—		
Volume III.—Printing, Binding, etc.,		£156 10 0
Delivery,		7 16 8
		£164 6 8
2. Expenses of Meetings,		6 8 2
3. Printing and Stationery,		5 7 9
4. Miscellaneous—Postages, etc.,		8 12 0
		£184 14 7
5. Funds at 31st December 1911:—		
In Clydesdale Bank—		
On Deposit Receipt,	£50 0 0	
On Current Account,	72 16 1	
	£122 16 1	
In hands of Honorary Treasurer,	24 6 5	
	£147 2 6	
Arrears of Subscriptions for 1911 outstanding—		
28 Members at 10s. 6d., £14 14 0		
2 Associates at 2s. 6d.,	0 5 0	
8 Libraries at 10s. 6d.,	4 4 0	
	19 3 0	
	166 5 6	

H. CARBARN, *Honorary Treasurer.*
 JOHN HAMILTON, *C. A., Hon. Auditor.*

EDINBURGH, 29th January 1912.—I have examined the Accounts of the Intromissions of the Honorary Treasurer of the Old Edinburgh Club for Year ending 31st December 1911, of which the above is an Abstract, and find them correctly stated and sufficiently vouched and instructed.

Old Edinburgh Club

LIST OF MEMBERS

1911

- ALEXANDER, JAMES, 45 Cluny Drive.
Alexander, Miss M. A., 11 Torphichen Street.
Allison, James, 5 Ventnor Terrace.
Anderson, David, Advocate, 10 India Street.
Anderson, Miss Helen Maud, 12 Learmonth Terrace.
Anderson, John, 14 Napier Road.
Anderson, Walter G., 31 Drummond Place.
Angus, William, Record Office, H.M. Register House.
Armitage, Mrs. H. A., The Grange, North Berwick.
Armstrong, John Johnston, Clunie, Broomieknowe.
- BAIRD, WILLIAM, J.P., Clydesdale Bank House, Portobello.
Balfour, Prof. Isaac Bayley, Inverleith House.
Barbour, James S., 2 Blackford Road.
Barclay, Oswald, 17 Gayfield Square.
Barnett, David, Corporation Museum.
Barrett, J. A. S., M.A., 4 Melville Terrace, West Park Road, Dundee.
Barrie, John A., 114 Viewforth.
Barton, W. D., Lauriston Castle, Midlothian.
Baxendine, Andrew, 10 M'Laren Road.
Baxter, David, M.A., Elmhurst, Cramond Bridge.
Bell, Mackenzie, 11 Buckingham Gate, London, S.W.
Berry, Robert, 19 Kilmaurs Terrace.
Blaikie, Walter Biggar, 11 Thistle Street. (*President.*)
Blanc, Hippolyte J., R.S.A., 25 Rutland Square. (*Vice-President.*)
Bonar, Horatius, W.S., 3 St. Margaret's Road.
Bonnar, William, 51 Braid Avenue.
Boyes, John, 40 Glendevon Place.
Brims, William, J.P., 7 Merchiston Place.
Brotherston, G. M., 23 Jeffrey Street.
Brown, Mrs. David, Willowbrae House, Willowbrae Road.
Brown, Prof. G. Baldwin, 50 George Square. (*Hon. Vice-Pres.*)
Brown, James R., 46 Inverleith Place.

Brown, Miss Joan, 17 Gilmour Road.
 Brown, Prof. P. Hume, LL.D., 20 Corrennie Gardens.
 Bruce, Alexander, Clyne House, Pollokshields.
 Bruce, James, W.S., 59 Great King Street.
 Bryce, P. Ross, F.S.A.Scot., 1 Lady Road.
 Bryce, Wm. Moir, F.S.A.Scot., Dunedin, Blackford Road.
 Burnett, Rev. W., B.D., Restalrig Manse, Lismore Crescent.

CALDERWOOD, Rev. R. S., F.R.S.E., Cambuslang.
 Cameron, James M., 26 Melville Terrace.
 Campbell, David, S.S.C., 31 Moray Place.
 Campbell, J. D. B., The University Club, Princes Street.
 Carbarns, Hugh, 25 Braidburn Crescent. (*Hon. Treasurer.*)
 Cargill, Alexander, J.P., 18 Wester Coates Gardens.
 Carmichael, James T., Viewfield, Duddingston Park.
 Carmichael, The Right Hon. Lord, of Skirling, K.C.M.G., Malleny House, Balerno.
 Carmichael, Thomas, S.S.C., 2 Strathearn Place.
 Cassillis, Right Hon. The Earl of, Culzean Castle, Maybole.
 Chambers, C. E. S., 44 Drumsheugh Gardens.
 Chiene, John, C.B., Aithernie, Davidson's Mains. (*Hon. Vice-Pres.*)
 Chrystal, F. M., c/o Williamson, 5 Lauriston Park.
 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, Robert, 52 Morningside Drive.
 Cockburn, Harry A., 37 Royal Avenue, Chelsea, S.W.
 Cooper, W. Ross, M.A., 94 George Street.
 Cormack, D. S., 16 Dalziel Place, London Road.
 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, Sir Robert, K.C.V.O., V.D., Dunard, Grange Loan.
 Crawford, George, 60 Marchmont Road.
 Croal, Miss Caroline H., 14 Eyre Crescent.
 Cumming, David, 32 St. Alban's Road.

DALGLEISH, JOHN J. (of Westgrange), Brankston Grange, Alloa.
 Dalrymple, Hon. Hew, Lochinch, Castle Kennedy, Wigtownshire.

Darling, Alexander, J.P., 23 South Oswald Road.
 Dawson, Rev. A. C., M.A., Rathillet Manse, Cupar, Fife.
 Deas, John W., S.S.C., 63 Frederick Street.
 Dick, Thomas, S.S.C., 71 East Trinity Road, Leith.
 Dobbie, Joseph, S.S.C., 26 Charlotte Square.
 Dobie, W. Fraser, 47 Grange Road.
 Donald, A. Graham, M.A., F.F.A., 11 Hailes Street.
 Douglas, R. A., Glenosmond, 1 Wester Coates Road.
 Dow, James, 53 Princes Street.
 Drummond, W. J. A., C.A., 37 George Street.

EADIE, ANDREW, 22 Melville Terrace.
 Elliot, Andrew, 17 Princes Street.
 Elliot, Lieut.-Colonel The Hon. Fitzwilliam, 16 Royal Terrace.
 Elliot, Stuart Douglas, S.S.C., 40 Princes Street.

FAIRLEY, JOHN A., 3 Barnton Gardens, Barnton Gate.
 Fergus, James A., 27 Braid Road.
 Ferguson, James Haig, M.D., 7 Coates Crescent.
 Ferguson, Mrs. Haig, 7 Coates Crescent.
 Findlay, James, 11 Morningside Gardens.
 Finlay, Rev. W. Russell, Trashurst, Dorking, Surrey.
 Flint, James, 12 Comiston Terrace.
 Forbes, Miss Mabel C., 4 Grosvenor Crescent.
 Forrest, John L., 19 Warrender Park Crescent.
 Fortune, R., S.S.C., 35 Mansionhouse Road.
 Fox, Charles Henry, M.D., 35 Heriot Row.
 Fyfe, William, 1 South Oxford Street.

GARVEN, JAMES, Pinkie Pans, Musselburgh.
 Geddie, John, 16 Ann Street.
 Gibb, James A. T., I.S.O., 8 Dalkeith Street, Portobello.
 Gibson, Sir James P., Bart., M.P., 33 Regent Terrace.
 Gibson, James T., W.S., 14 Regent Terrace.
 Gibson, Thomas, 7 Glengyle Terrace.
 Gilbert, W. M., *Scotsman* Office, North Bridge.
 Giles, Arthur, F.R.S.G.S., 191 Bruntsfield Place.
 Gilmour, Col. R. Gordon, of Craigmillar, The Inch, Liberton.
 Gissing, Algernon, 66 Marchmont Road.
 Glasse, Rev. John, D.D., 16 Tantallon Place.

Goudie, Gilbert, 31 Great King Street.
 Graham, R. D., M.A., F.R.S.E., 11 Strathearn Road.
 Grant, John, 39 George Square.
 Gray, James, 29 Polwarth Gardens.
 Gray, Robert Collie, S.S.C., 10 Hermitage Drive.
 Gray, W. Forbes, 8 Mansionhouse Road.
 Green, Charles E., 4 St. Giles Street.
 Greig, Thomas B., Woodridge, Dalkeith.
 Grierson, Andrew, 29 Mayfield Road.
 Guthrie, Hon. Lord, 13 Royal Circus.
 Guy, John C., Sheriff-Substitute, 7 Darnaway Street.

HAMILTON, JOHN, C.A., 35 Alva Street. (*Hon. Auditor.*)
 Hardie, J. P., 15 Rothesay Place.
 Hardie, R. S. L., Ashley, Ratho.
 Harrison, John, Rockville, 3 Napier Road.
 Hay, William J., John Knox's House, High Street.
 Heron, Alexander, S.S.C., 14 Merchiston Park.
 Hewat, Archd., F.R.S.E., F.S.A.Scot., 13 Eton Terrace.
 Hogben, John, 9 Duddingston Crescent, Portobello.
 Home, Bruce J., 5 Upper Gray Street. (*Vice-President.*)
 Home, Miss Jessie Wood, 5 Upper Gray Street.
 Home, Robert, 64 Frederick Street.
 Hope, Thomas, 129 Paynes Road, Southampton.
 Hunter, Sir Thomas, W.S., LL.D., Town Clerk, City Chambers.
 Hutcheson, Alexander, M.A., 4 Denham Green Avenue.

INGLIS, FRANCIS CAIRD, F.S.A.Scot., Rock House, Calton Hill.
 Inglis, George, 1 Rillbank Terrace.
 Inglis, John, 11 Hillside Street.
 Inglis, Miss Margaret J., 39 Bruntsfield Place.
 Inman, William, 11 Newbattle Terrace.
 Irvine, Miss Emily, 65 Morningside Park.

JACK, THOMAS CHATER, 18 Corrennie 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.

KAY, Rev. Prof. DAVID MILLER, D.D., The University, St. Andrews.
Kay, John Telfer, 20 London Street.
Kelly, John G., 3 Whitehouse Loan.
Kemp, Alexander, 227 Dalkeith Road.
Kerr, Rev. John, M.A., The Manse, Dirleton.
King, John A., 35 Morningside Park.
King, Miss Margaret P., Osborne Nursery House, Murrayfield.
Kippen, John, M.A., Castlehill School, Lawnmarket.
Kirk, Rev. John, 17 Greenhill Gardens.

LANGWILL, H. G., M.D., F.R.C.P.E., 4 Hermitage Place, Leith.
Latimer, George Brown, 143-7 Lothian Road.
Learmont, James, 47 Polwarth Gardens.
Leckie, John, Brookfield, 19 South Oswald Road.
Lee, George A. J., W.S., Depute-Keeper of Records, Register House.
Lessels, John, 35 Spring Gardens, Abbeyhill.
Lindsay, William, 18 St. Andrew Street.
Lorimer, George, Durisdeer, Gillsland Road.
Lowe, D. F., LL.D., 19 George Square.
Lyle, James, Waverley, Queen's Crescent.

MACAULAY, Mrs., 7 Torphichen Place.
M'Donald, A. Minto, M.B., 108 Gilmore Place.
Macdonald, Wm. Rae, F.F.A., Neidpath, Wester Coates Avenue.
Macfarlane-Grieve, W.A., M.A., J.P., Impington Park, Cambridgeshire.
Macfarlane, W. W., 10 Tipperlinn Road.
Macfie, Daniel, 56 St. Alban's Road.
M'Guffie, R. A., 16 St. Andrew Square.
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., 13 Windsor Street.
Mackay, William, Solicitor, Inverness.
Mackay, William, M.A., 3 Danube Street.
M'Kenzie, James, 201 Morningside Road.
M'Lean, Miss, 19 Coates Crescent.
M'Lean, Miss Frances A., 19 Coates Crescent.
MacLeod, John Lorne, S.S.C., 25 Albany Street.
M'Leod, Alex. N., 6 Sylvan Place.
M'Leod, Neil, 81 Harrison Road.

- Macphail, J. R. N., 55 Great King Street.
 MacRitchie, Lewis A., 40 Princes Street. (*Hon. Secretary.*)
 M'Taggart, John, 5 Argyle Park Terrace.
 Maltman, A. J., 61 Brunswick Street.
 Manson, James A., Savage Club, Adelphi, London, W.C.
 Manson, William, 18 Esslemont Road.
 Martin, R. E., 20 Annandale Street.
 Mears, Frank C., Outlook Tower, Lawnmarket.
 Melles, J. W., of Gruline, Aros, Isle of Mull.
 Melven, William, M.A., 7 Jedburgh Gardens, Kelvinside, Glasgow.
 Menzies, John R., 3 Grosvenor Crescent.
 Middleton, James Aitken, M.D., Manorhead, Stow.
 Milne, Archibald, M.A., 108 Comiston Drive.
 Milne, H. W., 29 Queen's Crescent.
 Minto, John, M.A., 83 Comiston Drive.
 Mitchell, Charles, C.E., 23 Hill Street.
 Mitchell, William, M.A., LL.B., 27 Howe Street.
 Mitchell-Thomson, Sir M., Bart., 6 Charlotte Square.
 Morris, George, 339 High Street.
 Moscrip, James, Parsonsgreen House, Meadowbank.
 Murdoch, James C., M.A., 13 Albert Terrace, Musselburgh.
 Murdoch, Lieut.-Col. James, V.D., St. Kilda, York Road, Trinity.
 Murray, Andrew E., W.S., 43 Castle Street.
- NAISMITH, Mrs. MARY A., 2 Ramsay Gardens.
 Napier, Theodore, F.S.A.Scot., Balmanno, 7 West Castle Road.
- OGILVIE, Rev. J. N., D.D., 13 Dryden Place.
 Oldrieve, W. T., F.R.I.B.A., F.S.A.Scot., 11 Merchiston Gardens.
 Oliver, James, 11 Claremont Terrace.
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 Smith, Rev. R. Nimmo, LL.D., 13 Learmonth Terrace.
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 Stewart, Ian C. L., W.S., 28 India Street.
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 Sturrock, Rev. John, 10 Glengyle Terrace.
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 Thomson, Spencer C., 10 Eglinton Crescent.
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Gibson, Miss, 51 Lothian Road.
Gibson, Miss, 14 Regent Terrace.
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Old Edinburgh Club

1912

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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 Club shall consist of Members and Associates. The number of Members shall be limited to three hundred. Candidates for membership, either as Members or Associates, must be proposed and seconded by two Members. Applications for membership must be sent to the Secretary in writing, and shall be considered by the Council. These, if approved, shall be submitted to the first meeting of the Club thereafter, election being by a majority of Members present.

Associates shall 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 for Members shall be 10s. 6d., and for Associates, 2s. 6d.

Subscriptions shall be payable at the commencement of each Session. Any Member or Associate whose subscription is not paid within two months after being notified by the Treasurer may then 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 not be eligible for re-election for one year. The Council shall have power to fill up any vacancy arising throughout the year, to make bye-laws, and to appoint, for special purposes, Committees to which Members and Associates may be added. At all meetings of the Club nine shall be a quorum, and seven at meetings of Council.

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 Treasurer shall be read and considered, the Council and Auditors for the ensuing year elected, and any other competent business transacted.

IX. The Council 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.

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, until such has been paid.

Associates shall not be entitled to the Publications of the Club.

All papers accepted by the Council for publication shall become the property of the Club.

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 as to 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 all 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 all 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. Notice of any proposed alteration on this Constitution must be given in writing to the Secretary, to be intimated at the first meeting of the Club thereafter. Notice, embodying the full terms thereof, shall then be given by circular to each Member, not less than seven days prior to the meeting at which it is to be considered, but such proposed alteration shall not be given effect to unless supported by two-thirds of the Members present, or voting by proxy.

CONTENTS OF PREVIOUS VOLUMES

VOLUME I.—FOR THE YEAR 1908

- PROVISIONAL LIST OF OLD HOUSES REMAINING IN HIGH STREET AND CANONGATE OF EDINBURGH. By BRUCE J. HOME. *With a map.*
- THE EMBALMING OF MONTROSE. By JOHN CAMERON ROBBIE.
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- THE BUILDINGS AT THE EAST END OF PRINCES STREET AND CORNER OF THE NORTH BRIDGE: A CHAPTER IN THE EARLY HISTORY OF THE NEW TOWN OF EDINBURGH. By WILLIAM COWAN.

VOLUME II.—FOR THE YEAR 1909

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