

### XXXIII.

## HISTORY OF THE DUNKELD BRIDGE QUESTION.

The Duke cannot deny the course of law.

—*Merchant of Venice.*

Base is the slave that pays !—*Henry V.*

One of the first questions that confronts the inquirer into this agitation is: What were Dundonachie's real motives in taking the leading part in it he did ?

The heart's aye the pairt aye  
That mak's us richt or wrang ;

and although his sympathies went, naturally, with the people's cause, and most people are ready to believe the very best of him possible, it was affirmed by some at the time that he had a grudge against the Duke of Atholl ; and one of the many local versifiers which the storm and stress evoked is found declaring that—

The Chieftain deals in coals and lime,  
And the Duke was a customer for a time ;  
But the Chieftain's prices ranged so high  
That the Duke went somewhere else to buy—  
So, he would not pay the toll !

However that may be, he was identified with the business from the start, became at once its most active agent, fostered and fomented it at every stage of its development, and ultimately, like another Frankenstein, succumbed to the monster which, if not created by him, owed its continued

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## Blairgowrie and Strathmore Worthies :

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existence to his efforts. To get at the beginning of the agitation one has to

GO BACK TO 1803,

when the great Duke John (who died in January 1828) obtained an Act of Parliament empowering him to build the bridge at a cost not exceeding £18,000, which sum was to be repaid him by means of the tolls and pontages. Prior to this there were two ferries in existence—the West Ferry at Inver, above the mouth of the Braan, and the East Ferry, about a quarter of a mile below Dunkeld. The Highland road ran up the north side of the river, passing close to the Cathedral, for over three miles; and as it was alleged that the Duke entertained a “vast design” of building a Palace, at the cost of £400,000, not far from the Cathedral, it was plausibly enough argued that this could hardly have been carried out with the public road intersecting the choicest of his policies: hence the proposal to build the bridge and to divert the road round the west shoulder of Craig-y-Barns. It was even believed that the Duke would have built the bridge at his own expense rather than leave things as they were. In passing, it may be noted that the Palace was stopped on the death of Duke John and never completed, becoming simply a quarry for material for ordinary work on the estate. The bridge, however, was built, the material having been granted free by Sir George Stewart of Murthly, and, in November 1808, it was thrown open to the public—at a “bawbee” a head. As years pass the conviction grows in the public mind that the debt on the bridge is wiped out; and we hear of trouble with the Post Office authorities regarding pontages for the mails in 1853, 1861, 1862, and 1863, arising

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from the "very peculiar state in which they had discovered the bridge accounts to be." But

### THE POT BOILED OVER

towards the end of 1867, when the Duke refused to receive a deputation from the Free Church with the object of getting permission for the members to pass and repass over the bridge on Sundays free. A public indignation meeting was held in November of that year, at which a Committee was appointed—Dundonachie, Convener—to inquire into the state of the bridge accounts, and a report, issued in January 1868, was the result. The principal statements made therein were that the Duke had been placed in command of upwards of £25,000, being the £18,000 borrowed under the Act and £7000 presented by the Commissioners of Highland Roads and Bridges; and, supposing all this amount to have been properly expended, there remained only £18,000 against the public to start with. Their calculations, however, led them to the conclusion that the whole debt had been paid 14 years before (*i.e.*, in 1853), including £1500 which was to be invested for maintenance; and since that date the gross revenue was

RECKONED AT £19,050,

not including the sum of £8000 said to be payable by the Highland Railway Company under agreement, and £1000 due by the Duke himself on account of unpaid tolls incurred during the construction of his Palace. The report concluded with a call for funds to try the case in the Courts of Justice. This was a pretty fair start. The Duke's agents, however—Messrs Tods, Murray, & Jamieson, Edinburgh—immediately issued a sensational counterblast.

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According to them (25th February 1868), the total expenditure on the bridge, with accesses, &c., came to £33,978 17s 1d, towards which there had been received £7027 9s 9d from the Roads Commissioners, leaving a balance of £26,951 7s 4d. The average yearly pontage up till 1856 was put down at about £900, which "*was not even sufficient to meet the interest on the amount expended,*" without touching the principal—said interest amounting to £1347 10s. Nothing was said as to the total debt ; but in the House of Commons, a week before, this was reported by the Lord-Advocate to be £65,000 ! The members had a good laugh at the announcement. Dundonachie, determined and impatient to force a legal investigation into the bridge affairs, had already taken the law into his own hands, and fired the first shot of open revolt on the 8th February by crossing and recrossing the bridge

### WITHOUT PAYMENT.

The Duke's agents wrote him on the 10th threatening "suspension and interdict," but the Chief simply winked the other eye, and, in vulgar parlance, declared he wasn't taking any. On the 13th inst. the public got in their first little joke by the destruction of the toll-gate, twelve men appearing from the Birnam side early in the morning, two of whom leapt the bar and secured the lodge-gate, thus preventing the tollkeeper doing any harm to himself, while the other ten lifted the toll-gate right off its hinges, took it to the middle of the bridge, and pitched it into the Tay. It was found among the flotsam at Caputh the same day. A new toll-gate was duly erected, and various insignificant "sniping" and "outpost affairs" went on till June, when a summons of "declarator, account, reckoning, extinction, and

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interdict" was issued at the instance of George Campbell, Meigle Lodge, Little Dunkeld, and others, pursuers, against the Duke of Atholl, defender. The pleas-in-law were—(1) That the whole expense connected with the construction of the bridge, &c., had been repaid "long ago;" (2) that one-third of the tolls at that date ceased and determined; (3) that the sum of £1500 for maintenance having accumulated since then, the right to levy tolls had ceased; (4) that the defender was bound to invest said £1500 in terms of Act of Parliament; (5) that the pursuers were entitled to have the facts ascertained; (6) that, *inter alia*, the defender was bound to debit himself in the accounts with all tolls and pontages payable by himself or his predecessors; (7) that the pursuers were entitled to interdict as concluded for, with expenses. Just to wake the Court of Session up a bit,

### A PUBLIC MEETING

was held under the old oak tree at Birnam on the 16th, at which Dundonachie was in great form, the crowd proceeding thereafter to the bridge, and with saws, hammers, axes, &c., making their second attack on the toll-gate. We are informed that

The bobbies, flabbergasted,  
In helpless state looked on,  
The tollman, no less helpless,  
Thought he had best be gone!

Result—Several arrests next day. Things beginning to look a bit too lively for Sheriff Barclay's taste, he appeared on the scene on the 24th and had a number of special constables sworn in, some of them under protest. Two days later the first public meeting on the question in Perth was held on the South Inch—the Rev. W. St Clair, St

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Stephen's Parish Church, being Chairman, and Dundonachie chief speaker. Over 4000 were present. The next act in the drama, and by far the most sensational to date, was on the 7th and 8th July. A very good "curtain-raiser" took place about nine o'clock on the 7th, when the Chief, accompanied by a large crowd, appeared at the toll-gates from the Birnam side with an axe in one hand and the Bridge Act in the other, and after reading a section from the one proceeded to smash the gates with the other.

The Chieftain called for whisky  
And he drank it like a man,  
He drank confusion to the Duke,  
And—something—to his clan.  
Then the people cheered the Chieftain,  
And the Chieftain swore amain,  
He swore in the Gaelic language,  
And the tollman swore again ;  
And the toll-gate and the gate-posts  
Were very near that day  
Being carried down Dundeewards  
On the bosom of Father Tay.

As it was, after some dozen spars had succumbed, the head of the axe flew off, and an enterprising son of St Crispin, mounting the gate, auctioned the broken spars for 5s 6d. Next night, however, the job was finished in a thorough manner. Between 10 and 11 o'clock large crowds assembled at the gate from both sides of the river, and, after some smashing at the spars, pulled down the posts, cut up the gate with saws, axes, &c., destroyed two signboards, and otherwise enjoyed themselves, keeping up the racket till 2 A.M. Next day

THE BRIDGE WAS ENTIRELY OPEN.

A new gate was put up, however, on the following day, and the excitement intensified to an un-

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governable pitch. On Saturday night and Sunday morning, 11th and 12th, a scene of most indescribable confusion and uproar took place, and the most destructive and determined attack of all was successfully carried out, by two o'clock in the morning the gate, collector's office, signboards, palings, &c., having all gone. In the heat of the affair a special constable tried to master one of the ringleaders, and got him down. Several of the crowd got on the top of the "special." Three policemen then went for the rescuers, and a regular mob went for the poor policemen, who had a hot time of it. As another of the poets exclaims ecstatically—

Oh, what a nicht as ever was seen,  
Wi' specials, an' bobbies, an' fowk wi' blue een!

Variety was introduced into the pontage entertainment by the unexpected appearance, two days later, of a detachment of the 42d from Perth. This fairly put the people mad. On the 14th Dunkeld and Birnam turned out *en masse*, and, headed by a piper and a brass band, and with hostile demonstrations all along the route, crossed and recrossed the bridge in the presence of the military without adding a copper to the funds. Fortunately there was no interference offered. Meantime Dundonachie began to

### HAVE HIS HANDS FULL

of cases in the various Courts, and was fined, bound over to keep the peace, &c., over and over again, with no apparent effect. Public meetings were held throughout the country, at which the Chief usually appeared. One was held in Dundee on the 24th November 1868, with Gilfillan and he as principal speakers. The second and greatest meeting ever held in Perth took

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place on the North Inch on the 14th August 1869, when some 7000 were present. The Chairman was "Ned" Webb, a good-natured English printer in the office of Mr Robert Whittet. His introduction of the "indomicable Dundonnochie" was immense. The Chief himself was in fine fettle, and finished his oration with a couple of stanzas of "Scots Wha Hae!" The 6th September marks a sensational event in the blowing up of the romantic "Hermitage" on the Braan. Inquiry never traced the depredator. Sir Robert Menzies kicking the "Bridge Fund" collection box to pieces on the public road is one of the touches of comedy deserving of passing notice. Then, at last, we have the results of two years' struggle on the 17th December 1869 in the

### COURT OF SESSION DECISION.

The Duke's claim at 31st December 1867 was reduced from £55,000 to £31,000, this latter sum being brought out on the footing of charging only simple interest, and on the assumption (1) that the Duke had spent the £18,000 on the bridge, &c. ; and (2) that the proceeds of the pontage were correctly set forth in the accounts. As might be expected, there were tremendous jubilations at Dunkeld, Birnam, Perth, Dundee, and elsewhere at this substantial victory. The next triumph came at the end of March 1870, when the Court's Accountant brought down the debt as at Dec. 31, 1867, to £16,000 ; but Dundonachie was not satisfied even then, maintaining that the debt was not more than £6000. The case, accordingly, went to the Inner House, with the result that, on the 23d December 1871, the final judgment on this famous case was given, by which the total debt, as at 31st December 1867, was made out to be £18,116 5s 8d.



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There the matter stopped, neither party carrying to the House of Lords. As for Dundonachie, the case branched out to such an extent that he appeared to have actions running

### IN NEARLY ALL THE COURTS

at the same time. Wherever possible he was his own counsel, and displayed a knowledge of law and a forensic ability quite remarkable. But the agitation ruined him in purse and person, however much it resulted to the good of the public; and he lacked self-control—slandering Sheriff Barclay, assaulting Lord-President Inglis—for both of which offences he suffered terms of imprisonment—and even quarrelling with his best friends latterly. It should ever be remembered to his credit, however, that the Roads and Bridges Act of 1878 was the direct outcome of the agitation, a Bill proposing the abolition of tolls having been twice introduced as early as 1869. When the agitation died down the Chief left the district for London, where he lived a bohemian sort of life during the day, and at night used to

Compound for sins he was inclined to  
By damning those he had no mind to

in the form of wordy discussions on the existence of a Great First Cause with his old opponents, Charles Bradlaugh, George Jacob Holyoake, *et hoc genus*, at the "Hall of Science." Some time about 1881 he

### WENT TO AMERICA,

where he delivered lectures in the States and Canada on Scottish song, life, and character, which were eminently successful. Then he returned to Edinburgh, where he used to be seen about his old haunts of the great Court of Session

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days, managing to keep things going by means of his pen. Finally he removed to Glasgow, where he finished his checkered course in the Western Infirmary on the 24th October 1893, aged 68. Now within the sacred precincts of the Cathedral at Dunkeld, hardly a stone's throw from the scene of so many of his battles,

After life's fitful fever  
He sleeps well.