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THE BOOK OF THE  
OLD EDINBURGH CLUB

Issued to Members  
March 1941

THE BOOK OF THE  
**OLD EDINBURGH**  
**CLUB**

TWENTY-THIRD VOLUME



**EDINBURGH**

PRINTED BY T. AND A. CONSTABLE LTD.  
 FOR THE MEMBERS OF THE CLUB



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THE NEW TOWN OF EDINBURGH—(Continued)

V

THE EXTENSION OF THE ROYALTY

LORD PROVOST DRUMMOND, in his eightieth year, may well have found satisfaction in the signing of the contract for the Bridge, but he kept ever before him the greater scheme for an extension of the Royalty and the laying out of a new city on the fields to the north.

In January 1766 a fresh and ingenious argument was brought forward, stressing the need for control of the land to be reached by the bridge now building :

‘The opening of communication with those grounds where there are proper areas for erecting buildings is necessary as well for the benefit of trade and commerce as for the conveniency and health of the inhabitants of late greatly increased. Unless the Royalty is extended over these grounds, the greater part of the inhabitants may be induced to retire to the New Town and take up their residence there from a view of being there relieved of the Cess and other public burdens laid upon the trade and property of the city, whereby the present city and its remaining inhabitants must suffer greatly.’<sup>1</sup>

Drummond died on 4th November 1766, his hopes only realised in part, but his successor, Gilbert Laurie, took up the task, and on 13th December 1766 sent the following letter to the Lord President :

‘MY LORD,—As a Bill is proposed to be brought into Parliament this session, for annexing certain lands on the north of the City (their own property, or belonging to Heriot’s hospital) to our royalty, we could wish that it might be so framed, as that all parties having interest may concur in the application. If your Lordship would take the

<sup>1</sup> Minutes of Town Council, 17th January 1766.

trouble, as Conveener, to call a county meeting to consider of this matter, it will be highly obliging to this community. . . .

'GILB. LAURIE, Provost.'

'In consequence of the above letter, the convener appoints a meeting of the Commissioners of Supply on Saturday, the 20th current, at twelve o'clock in the inner Session-house; but begs leave to suggest that the subject of the Bill relates to all the heritors and landholders of the county, as well as to the Commissioners of Supply, if they chuse to attend the foresaid meeting, when they may resolve themselves into a meeting of the heritors.'

The Bill, presented on 31st January 1767 and referred to a Committee of the House, was entitled 'An Act for Extending the Royalty of the City of Edinburgh over certain adjoining Lands; and for giving powers to the Magistrates of Edinburgh, for the Benefit of the said City; and to enable His Majesty to grant Letters Patent for establishing a Theatre in the City of Edinburgh, or Suburbs thereof.'

Though opposed by certain heritors, it was passed by the House of Commons on 16th April and received the royal assent on 20th May.

## VI

### THE SITE OF THE NEW TOWN

The site of the intended New Town, so attractive in many ways to dwellers in the congested Historic Mile, was subject to certain limiting conditions, some of them determined by physical features of the site, others by existing boundaries of property.

The area chosen extended for about three-quarters of a mile from east to west along the top of a low broad ridge of which the side facing the Nor' Loch was steeper than that on the north. The level crown of this ridge was cut off from the Calton Hill on the east by a deep crescent-shaped valley,

almost a ravine, repeating on a smaller scale the similar feature which lies between Castle Terrace and the Castle Rock. The road to Leith, which had crossed the Old Town ridge just east of the Netherbow Port, skirted the eastern side of Trinity College Church and Hospital, entered the valley and then rose on its western side to join the 'Foot Walk to Leith.' Immediately on the west of Trinity College Church, the dam, built in the Middle Ages to retain the waters of the Nor' Loch, had served to provide a short-cut between the High Street and a small external settlement which had grown up at Multree's Hill and Cleland's Yards or Feu.

Crossing Multree's Hill and continuing westwards was a lane or roadway called the 'Lang Gait' or 'Lang Dykes,' which, with its continuation along the North Back of the Canongate, served as a somewhat primitive bypass linking the main roads from the west and north-west with the outlets from the city towards Leith and the east. Another track, remembered as Gabriel's Road, passed from the end of the dam to Multree's Hill and then ran in a north-westerly direction towards Canonmills on the Water of Leith.

The Town Council were successful in acquiring most of the small and irregularly disposed properties on the ridge, but for reasons unknown to-day they did not succeed in the case of Cleland's Yards and other ground between Gabriel's Road and the road to Leith, which remained, and still remain, outside of the Royalty.<sup>1</sup>

The western boundary of the Extended Royalty was defined by the road to Queensferry, which, after skirting the south-western side of St. Cuthbert's graveyard, turned due north for a short distance on the line of the future Lothian Road, and then turned north-west again just before meeting the Lang Dykes. Before reaching the south end of the future Randolph Crescent, the boundary line left Queensferry Street and followed an irregular course north-eastward along the

<sup>1</sup> See Map No. II in pocket at end of this volume.

edge of a property later owned by the Earl of Moray. It then turned south-east as far as Princes Street, north-east along the Lang Dykes, and north-west to the junction of Young Street and Castle Street, excluding Lord Barjarg's property. The northern boundary followed an arbitrary line from the point last mentioned to the east end of Queen Street opposite the Portrait Gallery, where it met Gabriel's Road. The eastern boundary was defined generally by Gabriel's Road, though including a pocket of ground on the east now covered by Elder Street. Cleland's Yards, on the south of this pocket, later became the site of the unsatisfactory development of St. James's Square. On the south, the boundary marched with that of the ancient Royalty, following the shore of the Loch as far as St. Cuthbert's graveyard.

The New Town site is well shown on a map compiled by Kirkwood in 1817 from the surveys made in 1759. This useful map covers the whole area from the Pow Burn to the sea, and gives a better idea than any other of the relation of the City to its surroundings immediately before the New Town era. Other details are given on a plan of 1763 signed by James Craig, which shows, in addition, certain suggestions for new lines of communication intended to provide what to-day we would call a 'Ring Road' or 'Bypass' encircling the northern and western outskirts of the Burgh.<sup>1</sup> These proposals are outlined in the inscription in the following terms:

'A plan of the City of Edinburgh and the Environs showing how all the Roads (Excepting those by the Gibbet & the Powburn) lead to the Intended New Bridge over the North Loch into the Center of the City. And that without going through the Streets thereof.

'All the Western Roads & even the Road from Linton may be made to lead directly to the Port of Leith, which will be a Public Utility as well as a relief to the City from the Number of Carriages being lessened, that at present pass along the narrow streets, & of consequence a great

<sup>1</sup> See Map No. I.



MAP No. 1

This map, of which the original is in the collection of the Royal Scottish Geographical Society, is an early proof of that referred to on p. 4. A photograph of the later edition which was signed by James Craig and published in 1763 is in the Edinburgh collection of the Edinburgh Public Library. It shows additional suggestions for improvements, including the Regent Bridge and a road on the line of the future Nicolson Street.

Saving in the Charge the City is put to in the Expensive paving & Repairs of these streets.'

This new road system was to start from Abbeyhill, following practically the line of the existing Regent Road, continuing by a bridge over the Calton ravine, thence following almost exactly the line of the future Princes Street and passing onwards to Haymarket. All of this has been fulfilled, but we may regret that the last link, running from Haymarket due south to the head of Bruntsfield Links, was to be forgotten and soon to be rendered impossible through the operations of canal and railway builders.

It may be noted too that the proposals, as outlined on this map, were of a severely practical kind, serving the needs of traffic only, and affording no hint of the broadly conceived town-planning scheme which was so soon to take shape.

The principal properties acquired by the Town Council in connection with the extension of the Royalty were the following,<sup>1</sup> which are more fully described, including the prices paid, in Sir Thomas Hunter's *Report on the Common Good of the City of Edinburgh*, published in 1905 :

Bearford's Parks (bought in 1716), site of Princes Street.

Allan's Parks (1758), site of Charlotte Square, etc.

Part of Lands of Broughton (1766), site of George Street,

Queen Street, etc., from Elder Street to Castle Street.

How Acres (1765), south and south-east part of St. Andrew Square.

Henderson's Feu (1763), Multree's Hill.

Buchan's Feu (1769), Multree's Hill.

Halkerston's Croft (1758), north part of North Bridge and ground on the west thereof.

Lord Alva's Feu (formerly Lord Barjarg's), embracing eleven acres at the west end of George Street, Young Street and Queen Street ; the subject of an agreement

<sup>1</sup> See Map No. II in pocket at end of this volume.



with Lord Alva, 1785, to enable the City to complete Craig's Plan of the New Town.

The circumstances under which the Town Council became owners, in 1716, of Bearford's Parks, which embraced about thirty acres of land lying between the Lang Gait and the Nor' Loch,<sup>1</sup> have been fully described by the late William Cowan in Vol. XIII of the Old Edinburgh Club.

## VII

### THE COMPETITION FOR A PLAN

The first pier of the Bridge having been completed by the end of January 1766, Lord Provost Drummond and the Town Council, not waiting for the Extension of the Royalty, took a most important decision, for on 22nd March 1766 they reached the point of publishing an advertisement asking for competitive plans, in the following terms:

*'Advertisement by the Honourable the Magistrates and Town Council of Edinburgh.'*

'Whereas the Bridge building over the North Loch of this City, (whereby an early and commodious communication will be made between the city and the fields on the north,) is already considerably advanced, the Magistrates and Town-council are now taking the necessary measures for the further improvement of the city, by feuing out the said fields for the purpose of building houses thereon; they have accordingly ordered a survey and plan to be made of the said fields, which will be ready about 14 days hence and will then publish another advertisement inviting Architects and others to call for copies of the said plan at the Council-Chamber, that from them they may make plans of regular streets and buildings, to be built upon the above-mentioned grounds, and will then also be ready to grant feus thereof.'

<sup>1</sup> Also known as Lochbank. See *Book of the Old Edinburgh Club*, vol. xxii. p. 174.

It will be noted that here the Bridge is no longer described as leading to the Port of Leith, but as providing a means of communication with the fields on the north of the City.<sup>1</sup>

The survey map mentioned above is still preserved in the City Chambers. A print made from it on a smaller scale, of which a copy survives in the Gough Collection of the Bodleian Library, apparently served as a basis for the engraving of the successful plan which was published in 1768. A copy on transparent paper will be found at the end of this volume, together with an early proof of the engraved plan reproduced to the same scale in order to facilitate comparison.

On 9th April a second and more formal notice appeared offering a gold medal for the best plan:

*'Advertisement by the Honourable the Magistrates and Town Council of Edinburgh.'*

'The Bridge of Communication between the High-street of Edinburgh and the grounds lying to the north of the City, being in great forwardness, and it being expected that the bridge will be completed before the time fixed upon by the contract between the Town-Council and the Undertaker, the Lord Provost, Magistrates and Council are desirous to give all encouragement to such persons as incline to build upon the grounds belonging to the town upon the north, and propose to feu them with all expedition, according to a scheme to be hereafter made public, for preventing the inconveniences and disadvantages which arise from carrying on buildings, without regard to any order or regularity. This notice is therefore made inviting Architects and others to give in Plans of a New Town marking out streets of a proper breadth, and by-lanes, and the best situation for a reservoir, or any other public buildings, which may be thought necessary; they will be furnished in the Council-Chamber with a survey of the grounds, and their heights or risings upon a proper scale.

'The plans must be sent under sealed covers, directed to the Lord Provost, to the care of Mr. Alexander Duncan, or Mr. James Tait, Depute Town-Clerks, at the Council-Chamber, on or before the 15th

<sup>1</sup> *Book of the Old Edinburgh Club*, vol. xxii. p. 194.

day of May next. Within the respective plans, the persons offering them are desired to write their names upon a separate piece of paper sealed up, the seal of which paper is not to be broke up, unless the plan it belongs to is approved and made choice of.

'The person whose plan shall be judged most proper, will receive as a reward of merit a gold medal, with an impression of the arms of the city of Edinburgh, and the freedom of the city in a silver box.

'*N.B.*—It is required that in the plans the declivities in each street from the greatest height in that street should be marked.'

The competition was carried out satisfactorily. No record appears to have survived of the names of the unsuccessful competitors or of the adjudicators' report; but in the Bill of Suspension and Interdict, of 1817, already referred to in connection with the Bridge, it is stated that many plans were submitted, and that one given by Mr. Craig, Architect, had been universally approved of. Amongst the 'people of distinction and taste' who formed the Committee of Adjudication, were 'my Lord Alemoore, my Lord Kames, my Lord Advocate for Scotland, Mr. Commissioner Clerk, and among artists, the Messrs. Adams, by whom several alterations and improvements were made to this plan.'

On 17th April 1767 a decision was made to 'appoint the Dean of Guild and his Council to admitt and receive James Craig architect in Edinburgh to be Burges & Gild-brother of this City agreeable to a minute of the Bridge Committee of the 26th August last bearing him to be entitled to the primum for the best plan of a New Town in terms of the advertisement in the newspapers for that purpose dispencing with the dues for good services.—(signed) GILB. LAWRIE, P.' On 6th June 1767 it is recorded that 'On Wednesday last, the Magistrates of Edinburgh conferred upon Mr. James Craig, Architect, a gold medal, with the freedom of the city in a silver box, as a reward of his merit for having designed the best plan of the New Town.' On 2nd September 1767 'The Council appointed £27, 2s. to be paid to Patrick Robert-

son, goldsmith, for the large gold medal and silver box, with the City's Arms and inscription, given to Mr. Craig, for his plan of the New Town.' The later history of the medal, which still survives, is as follows. When Craig assisted in laying the foundation-stone of the new College of Physicians in George Street, of which he was the Architect, he placed his medal along with other relics in a prepared cavity in the stone. These were recovered when the building was destroyed, c. 1843, to make way for the Commercial Bank, and are now preserved in the College in Queen Street.

Craig in setting out his plan conformed to two limiting conditions in addition to those enforced by the levels of the ground. The first, and most important, was the fact that the Extended Royalty did not embrace Cleland's Feu and other properties lying on the east of Gabriel's Road. The plan therefore could not be brought into relation with the North Bridge. Had this ground been available Craig would have been able to plan his eastern Square centrally on the Bridge as well as on George Street and also with a stately approach from the head of Leith Walk.

The second limiting condition was the Queensferry Road, which, after running northwards by St. Cuthbert's Church, turned sharply north-west just before it reached the line of Princes Street. As this oblique portion marked the boundary of the Royalty, Craig was obliged to plan the intersection of Princes Street and Hope Street a little to the east of Queensferry Road but not quite in line with the north and south portion which later defined the position of the Lothian Road. Hence the unsatisfactory traffic conditions at the west end of Princes Street from which we suffer to-day.

A limiting condition which he ignored, and it is fortunate that he did so, was that a large block of ground, lying on the east of Allan's Parks and belonging to Lord Barjarg (later to Lord Alva), had not been acquired by the Town. This block embraced practically the whole area bounded by Princes

Street, Castle Street, Queen Street and Charlotte Street, including part of the Square.

Fortunately in 1785, when building reached this point, the Council were able to come to an agreement with the owner, and no harm was done.<sup>1</sup> Craig also refused to be confined by the northern boundary of the site, which seems at first to have been fixed arbitrarily with Heriot's Trustees and so was adjusted later without difficulty.

A more serious invasion was that of the Earl of Moray's property, of which the south-eastern boundary ran from Queensferry Street at Randolph Place diagonally across his plan to the western corner of Albyn Place, and this boundary was extended by a servitude preventing building for a distance of 90 feet inside Allan's and Alva's properties. The effect of this is found recorded on Brown's map of Edinburgh 1820 (Cowan 34a), which shows the Charlotte Square back gardens and the corner of Queen Street/Charlotte Street cut off obliquely. The former irregularity was corrected a few years later when St. Colme Street was formed, though the garden walls still afford evidence of the older line. The bevelled corner at Queen Street still remains to puzzle those who are not aware of its origin.<sup>2</sup>

The plan of the New Town is very straightforward and admirably suited for its purpose as a self-contained residential suburb; for it must be remembered that, in the opinion of everyone concerned with the matter, the Old Town was to remain the centre of business and the focus of traffic. George Street, 100 feet in width, lying on the crown of the ridge, formed the backbone of the scheme. At either end were squares, 500 feet wide, each with a church closing the vista of the central thoroughfare. The other main streets were 80 feet wide, those on the north and south being designed as terraces with buildings on one side only. Secondary streets

<sup>1</sup> Minutes of Town Council, 24th August 1785.

<sup>2</sup> *Ibid.*, 14th October 1795.

and meuse lanes opened up the ground within the eight main rectangles. The valley of the Nor' Loch was intended to be laid out as a formal park, and the loch itself was to be restored as a decorative 'canal' with tree-planted walks on each side.

Following the award the plan was carefully examined, amended in detail, and finally approved by the Council, as is shown by the minutes of a meeting held on 29th July 1767<sup>1</sup>:

*'Act anent settling the plan of the new buildings and for feuing the grounds on the north of the city.'*

... Reported, that the Committee, after many meetings and consulting with Lord Kaims, Lord Alemour, Commissioner Clerk, and Mr. Adams, and other persons of skill in these matters, had reviewed all the former plans with the greatest care and attention, and considered several amendments proposed by Mr. Craig; and that Mr. Craig, by their direction, had made out a new plan, which plan, signed by the Lord Provost of this date was produced. ... That they were of opinion (1) that the Council should immediately form the principal street of the plot now to be feued in the manner of a turnpike road; and so proceed in the same way with the other plots, as they come to be feued, for the conveniency of the feuars. (2) That the pavement upon each side of the street should be ten feet broad, not to rise higher than a foot above the level of the street, and that there should be no posts erected betwixt the street and the pavement. (3) That the pavement ought to be laid and repaired at the expense of the proprietors of houses, in the same way as is practised in the Old Town. (4) That all the houses should be built in a line, eight feet from the foot pavement, excepting as is after mentioned. (5) That those who incline to feu three lots upon the principal street, should be allowed to carry their houses farther back than eight feet, ...; such three lots being in the centre of one of the plots; which the Committee were of opinion would not hurt the plan, but rather be an additional beauty to it. (6) As it is not intended at present to feu out the ground betwixt the South Street and the North Loch, the feuars upon that street should have an obligation in their favour, that if houses were afterwards built there, they should not be nearer to their houses than ninety-six feet.

<sup>1</sup> The original plan has been preserved and is on view in Huntly House Museum.

(7) That no sign posts should be erected, so as to project from the walls of the respective buildings. (8) That the council should execute a common sewer in the middle of the street, to be kept up at the expence of the city; and that the feuars should have liberty to make a communication or sewer from their respective houses to the said common sewer, to be kept up at their expence. (9) That the areas or lots lying betwixt the back street and the meuse, should not be feued, until the areas lying in parallel lines betwixt the meuse and the principal street are feued out, that it may be optional for the purchasers on the principal street to take both.' Clauses 10 and 11 refer to water supply and the granting of feu charters.

With a proper appreciation of the benefits to be derived from propaganda, the Council next decided to publish the plan. On 15th August 1767 there appeared this advertisement:

'Speedily will be published,  
By authority of the Right Honourable the  
Magistrates of Edinburgh,  
A PLAN of the NEW TOWN,  
Elegantly engraved from the original plan designed  
By JAMES CRAIG, Architect.'

That difficulties arose in connection with the practical working out of the scheme is shown by the following Minute: '14th October 1767. A question was raised anent the common sewers for the New Town. In the absence of anyone present being capable of giving proper directions, Mr. Craig expressed his willingness to go to London thereanent.' Whatever the nature of those directions, there can be no doubt that Craig took the opportunity to see important people and to have his plan submitted to the King—perhaps somewhat precipitately.

In any case some heart-burning was caused, as is shown by the following letter, which also is of great interest in giving an account of the origin of the street names of the New Town:

'23rd December, 1767.—The Lord Provost produced in Council a letter addressed to him from Sir John Pringle, as also Mr. Craig,

architect, his Dedication,<sup>1</sup> both which being read, the same was appointed to be ingrossed in the minutes of Council, and of which the tenor follows:—

'MY LORD,—On Saturday last I received the Honour of your Lordship's letter, with one inclosed for Mr. Craig which was delivered, I was sorry [*sic*] that your Lordship's commands with regard to the Inscription<sup>1</sup> of the plan, came so late, as one had been already made, shown to, and approved of by those who must first see and give their sanction to everything of that kind before it be presented in form. In such a case your Lordship and the Magistrates will be sensible that one word cannot be altered. If I had kept a copy I should not have failed to have sent it herewith. But I shall be sure either to procure one myself from Mr. Craig or to desire him to make one and transmit it to your Lordship without delay. It was drawn up by some well-wishers not only of the young architect but of the design in general. Sir Laurance Dundas has seen it, and liked it, and having told him that your Lordship's letter did not come to my hands till the Inscription was seen and approved of by those nearest the King's person, he was clearly of opinion that nothing now could be changed in it. It is true that the Dedication is solely made by the Architect, as it is expressed. But in such cases it is always understood that the compliment cannot be made without the consent and approbation of the Masters of the Buildings. I must likewise observe that the Town of Edinburgh has in this plan shown their dutiful attention and Loyalty to their Sovereign by the names of some of their principal streets in the intended addition to it, you may be assured that the appellations of George Street, Queen's Street and Hanover Street were not overlooked and that His Majesty when he objected to the name of St. Giles Street, and was graciously pleased to desire that it should be called Prince's Street, had more in view the addressing himself to the Magistrates of the City than to the Draughtsman, who was not present. It appears that Mr. Craig has made some mistake about those names. For the King not only gave no other than that mentioned, but even declined doing it after that I took the liberty to tell his Majesty that I believed nothing would be more acceptable to the Magistrates than learning His pleasure upon that occasion. As to the name Charlotte Street instead of Queen's

<sup>1</sup> Craig's personal dedication to the King, at the foot of the plan as published in January 1768.

Street, that mistake was occasioned by me, for when I had first mentioned it to the Queen, Her Majesty made no objection and therefore I proposed the alteration to Mr. Craig; but two days after, when I had the honour to be in the Queen's apartment in the King's presence and with his approbation she told me that she thought Queen's Street would sound better than Charlotte Street and therefore desired that the name might stand as it was. The name of Frederic [sic] was never mentioned by either of their Majesties, but it came of myself, as one that I believed would be agreeable both to the King and Queen, and so I told Mr. Craig that he might propose the same to your Lordship when he acquainted you with what had passed otherwise. My idea was to give their Majesties the satisfaction of seeing that the Magistrates of Edinburgh not only took the hint about calling a principal street after the heir of the crown, but another after their second son. For it was the Bishop of Osnaburgh I meant and not the late Prince of Wales. I need not tell your Lordship how liable to objection the name of St. Giles was; if you will be pleased to recollect that a Quarter of this City, always infamous for its low and disorderly inhabitants is so called: His Majesty, it seems, was no stranger to the character of that disgraceful part of the Metropolis, for as soon as he cast his eye on that part of the plan, he smiled and told me the name would sound ill in English ears. I beg that your Lordship would believe that nothing would make me so happy as to see that plan put into execution as I shall ever reckon my honour and Interest strictly connected with the flourishing state of my native country, and in particular with that of our own Capital, where I received my education and where I lived so many of my best years under the patronage of its Magistrates. I have the honour to be, with the greatest respect, My Lord, Your Lordship's most obedient humble servant (signed) JOHN PRINGLE.

'P.S.—Since writing, having procured a copy of the Inscription I have enclosed it for your Lordship's perusal. Follows the foresaid Dedication:—

"To His Sacred Majesty *George III* the Munificent patron of every *Polite* and *Liberal Art*. This *plan* of the New Streets and Squares intended for His ancient *Capital* of *North Britain*; one of the happy Consequences of the Peace, Security, and Liberty his People enjoy under his mild and auspicious Government, *Is* with the utmost Humility Inscribed By His Majesties Most devoted Servant and Subject, *James Craig*."

The plan exhibited to and approved by King George III may have been a MS. copy by Craig of that approved by the Town Council, but with the addition of a dedication which omitted all reference to the Lord Provost or Magistrates, causing them some irritation.

The engraved plan now published for the first time is an early proof, of which only one copy is known to exist.<sup>1</sup> It must have been printed in the course of the summer—before Craig's visit to London, as the names of the streets are those discussed in Pringle's letter. Other changes were made before official publication; one in particular on the east of St. Andrew Square was of some importance and will be discussed later.

On the same day (23rd Dec.) the Magistrates and Council published the following invitation addressed to prospective feuars:

'The Lord Provost, Magistrates, and Council of this city, have this day finally adjusted the plan of the new town, which, against Monday next, and on every lawful day thereafter for a month, will be open at the council-chamber, from the hours of twelve noon to two afternoon, for the inspection of such as incline to become feuars, where they may also see the terms and conditions on which feus will be granted.

'It is proposed to feu, in the first place, the two plots, lying contiguous to the great east square; and, to encourage purchasers, in order that the town may be immediately reimbursed of part of the money expended for building the bridge, feus will be granted of these plots, at an easier rate than other areas have of late been feued, not so valuable and commodious.'

Already, someone greatly daring had taken the first feu. 'On the 26th October the foundation-stone of the first house in the New Town of Edinburgh was laid by Mr. James Craig, Architect, the gentleman to whom the premium was given for designing the best plan of the town, and the building of that and of other houses is going on.'<sup>2</sup> This, it is understood,

<sup>1</sup> See Map No. III in pocket at end of this volume.

<sup>2</sup> From *Caledonian Mercury*.

was in Rose Court, later re-named Thistle Court. Nor was the promoter of the theatre less active, for we learn that on 24th February 1768 'workmen are busied in preparing materials for a new theatre, which is to be erected at the north-end of the new bridge, fronting the south street of the New Town, and that the area round the theatre will afford two or three coaches to go abreast.' And on 19th March, it was recorded that on 'Wednesday the first stone of our new theatre was laid by Mr. Ross, with this inscription on a silver plate under it: "The first stone of this new theatre was laid on the 16th day of March, in the year of our Lord 1768, by David Ross, Patentee, and first Proprietor of a licensed stage in Scotland. May this theatre tend to promote every moral and every virtuous principle; and may the representation be such,

"To make mankind in conscious virtue bold,  
Live on each scene, and be what they behold".'

This theatre stood at the north-east corner of the bridge and was later replaced by the General Post Office.

It now became necessary for the Town Council to exercise detailed control over development, and this they proceeded to do in a series of Acts extending over the next twenty years.

*'Act of Town Council of Edinburgh, of 24th February 1768.'*

'The Lord Provost, from the magistrates and convener, reported, That in order to obviate objections, and to encourage the feuing out of the area in the square and the other building plots now in the market, they were of opinion—(1) That the streets, so far as the said square and areas go, should be chalked out; which will enable those inclining to take feus to judge of the beauty of the situation, and the elegance of the intended streets, and also what areas are proper for them to pitch out,—of which, at present, they can form but very imperfect notions by looking at the plan, or even viewing the ground; and for this purpose, (2) That application should be made to the

Sheriff to alter the present roads, so as to answer the streets marked out in the plan, and, at the same time, to ascertain the boundaries of the extended royalty, in terms of the late Act of Parliament. (3) That an exact survey should be taken, so as it may be determined what is the proper place for building a reservoir within the bounds of the extended royalty, and in what course a pipe should be carried to it from the reservoir on the Castlehill, which will satisfy the town's feuars that they will soon be supplied with water in the same way that the inhabitants of the city are at present, and shew demonstrably the superiority that the town's grounds have in this respect for building upon, over the other grounds in the neighbourhood. (4) That as several persons have been discouraged from taking feus, on account of the improper division of the lots, and as people's taste of building is so different, that it is not possible to lay down a fixed and determined rule of what dimensions each lot should be, every person should be allowed to take so many feet in front as they choose, upon paying at the same rate as is contained in the scheme already adopted by the council. The only objection that occurred to this manner of feuing, viz. "That an improper remainder might be left," can easily be obviated, by beginning at one corner or end of the respective areas, and to stop feuing in that manner when within fifty or sixty feet of the other corner or end; which remainder will answer well for the stance of one elegant or two smaller houses.' Paragraphs 5 and 6 refer to feuing conditions, arrangements for taking estimates for forming streets, etc.

The irregularities in frontage and in external design of the few survivors of the original buildings in St. Andrew Square appear to reflect the conditions permitted in this Act. Evidently such licence, amounting, to the modern eye, to no more than trifling deviations from the normal, offended both the citizens and their representatives. They had entered with enthusiasm into a new era of culture which set up rigid conventions of public behaviour based on 'correct taste.' Understanding this, we may accept without surprise the later Acts of Council, dated 1781 and 1782, which defined what might and might not be done by those who sought to build in the New Town.

*'Act of Council 14th February 1781.*

'The Lord Provost moved that no feus shall be granted in the Extended Royalty for houses above three storeys high exclusive of the garret and sunk storeys. Also that before granting charters the feuars be obliged to lodge with one of the City Clerks, Plans and Elevations of the buildings they intend to erect to be submitted to the inspection of the Council. And if by them approved, these Plans and Elevations must be lodged in the City's Charter House *in perpetuum rei memoriam*. . . . And that the Meuse Lanes shall be solely appropriated for the purposes of building stables, coach-houses or other offices. And that the houses in the two streets that are parallel to George Street, Princes Street and Queens Street shall not exceed two storeys exclusive of the sunk and garret storeys, as the building of houses in these streets higher, would materially injure the principal streets above-mentioned. He likewise moved that the easing of the roofs should run along the side walls immediately above the windows of the third storey, and no storm or other windows to be allowed in the front of the roof other than skye lights. . . .'

The motion was passed. On 17th July 1782 the preceding Act is renewed with a clause forfeiting the feu and imposing a fine of £30 sterling for contravention.

These Acts were followed by one yet more stringent passed on 29th June 1785:

'The Right Honourable the Lord Provost, Magistrates, and Council of the City, in Council assembled having taken into consideration that the rules and regulations contained in former Acts of Council, with regard to feuing out the extended royalty, and buildings to be erected thereon, have in some instances been disregarded and attempted to be evaded, to prevent which it was resolved and appointed that the following rules and regulations be observed in all time coming. (1) When any application is given in to the Council for a feu, the same to be remitted to a Committee, but the Committee to make no report thereupon, nor is the feu to be granted, until such time as a plan and elevation of the intended building, signed by the person applying, be given in to the Committee and approved by them. (2) That no feus shall be granted in the principal streets of the extended royalty for houses above three storeys high, exclusive of garret and sunk storeys, and that the whole

height of side-walls from floor of sunk storey shall not exceed 48 feet. (3) That Meuse Lanes shall be solely appropriated for purposes of building stables, coach-houses or other offices, and these shall in no case whatever be built on any of the other streets of the extended royalty. (4) That the street running parallel with and situated between George's Street and Prince's Street shall be called *Rose Street*, and that the street running parallel with and situated between George's Street and Queen Street shall be called *Thistle Street*. That the houses in those two streets now to be called Rose Street and Thistle Street, shall not exceed two storeys, exclusive of the sunk and garret storeys, and that no storeys shall exceed eleven feet in height including the joisting and floor, at least that the whole height of the side-walls from floor of sunk storey, shall not exceed 33 feet. (5) That the easing of roofs shall run along the side-walls immediately above the windows of the upper storey, and no storm or other windows to be allowed in the front of the roof, except sky-lights, and that the pitch of roof shall not be more than one third of the breadth or span over the walls. (6) That every person or persons acting contrary to all or any one of these rules and regulations, shall be bound to pay to the City Chamberlain or his successors for behoof of the community, the sum of £30 of additional purchase money besides being liable in damages, and repairing his or her transgression. (7) That in all time coming every person who obtains a feu in the extended royalty shall be bound to build thereon, within one year from obtaining the feu, otherwise he shall not only forfeit the same, but also be liable in payment of £30 sterling to the City Chamberlain for behoof of the community. (8) That no proposal for a feu be agreed to unless it contains a reference to this Act, and an obligation on the proposer to observe and fulfil the articles before enumerated, and that every such proposal shall be written on a paper to be annexed to a printed copy hereof. And they appoint this Act of Council to be printed and published, that none may pretend ignorance.'

The concluding words in the introductory paragraph read strangely when we look at Princes Street as altered in the last sixty years, or at George Street and St. Andrew Square as being exploited to-day.

That this rigid code was no dead-letter but was finally accepted and closely followed by the majority of the citizens

is shown by the earlier pictures of the New Town. The first houses were, in the main, built independently, their design sometimes severely utilitarian, sometimes, as may still be seen in the case of unaltered fronts in Queen Street, showing delicate refinements of proportion and detail; but almost all conformed to the official standards of height and fenestration, and all were faced with local stone of similar texture and colour. This is the more remarkable because there was as yet no thought of that kind of unified design, embracing the whole of the houses on a frontage, which, first introduced by Robert Adam in Charlotte Square, became the standard system for the early nineteenth-century extensions of the New Town.

Attempts at evasion of the code no doubt arose from time to time; not always with the success which crowned the effort of the builder of the southern block flanking the court in front of Sir Laurence Dundas's house in St. Andrew Square.<sup>1</sup> The story is preserved in a Record of 1781, in which Sir Laurence Dundas complained against John Young for breach of agreement, stating as follows:

'In the year 1767, the pursuer, Sir Laurence Dundas of Kerse, Baronet, applied to the City of Edinburgh, for a feu of an area upon the east side of St. Andrew's Square in the extended royalty, consisting of 100 feet in front. And in the year following (1768), Mr. Andrew Crosbie, Advocate, purchased another area of 50 feet in front immediately to the north. Neither of them, however, obtained a charter for several years thereafter; and although Mr. Crosbie was the later purchaser, his charter is considerably prior in date to the pursuer's. Although the different lots for building in the extended royalty were limited to a precise number of feet, an extraordinary allowance was given to each purchaser. This was generally fixed at an inch for every ten feet. But to many of the lots a greater allowance (additional) was given. And in some of them, whether through design or want of attention in the City's Surveyor, the excess above the

<sup>1</sup> Now the Royal Bank of Scotland.

ordinary allowance appears to have been very considerable. (So Sir Laurence and his agent aver.)

'Mr. Crosbie began to build an elegant house upon his area in the year 1769, but the pursuer, Sir Laurence Dundas, did not commence his building till the year 1772, before which time Mr. Crosbie's house was completed. The south side of the pilasters, or ornamental parts of Mr. Crosbie's south gable (which jut out from the main body thereof), forms a straight line with the middle of the mutual wall inclosing his own and the pursuer's respective properties to the east of Mr. Crosbie's house; and the south side of the pursuer's property was likewise inclosed several years ago by a similar wall, dividing his area from the waste ground then unfeued, and belonging to the City of Edinburgh.

'In order to preserve uniformity, and to beautify the Square, it was the general wish that a house similar to Mr. Crosbie's in front, and in the gable exposed to view, should be built upon the area lying to the south of the pursuer's property,<sup>1</sup> and to attain an object so much desired, the magistrates and town-council of the city did, upon 24th January last (1781) expose that area to public auction, at a price greatly below the common rate of feuing, but under this express condition, "that the front and north wall or gable end of the building to be erected on the said area or plot of ground, shall be exactly similar to the front and south wall or gable end of house belonging to Andrew Crosbie, Esq., on the north side of Sir Laurence Dundas's property, and of the same height with these."

'In the articles of roup, the subject exposed was thus described:—"The area of building ground measuring about 50 feet in front, lying in the extended royalty, on east side of St. Andrew's Square, marked on the feuing plan W.W. and bounded by that part thereof feued to Robert Sheriff, merchant in Leith, on the south, and by a meuse lane on the east, belonging to the City of Edinburgh." The upset price

<sup>1</sup> *Arnott's History*, 1816 ed., p. 245: 'Sir Laurence Dundas's house which is in the centre of the east side of the square, off the line of the other buildings, and having a court before it, is incomparably the handsomest town-house we ever saw. The design of the house was by Sir William Chambers; the execution by Mr. William Jamieson, mason. Upon the north end a house is built by Mr. Crosbie, advocate, with large Ionick columns, which answers as a wing to Sir Laurence's house. It is to be hoped that, when the magistrates dispose of the corresponding area on the south end, they will take care to preserve uniformity, by making the house, to be raised on it, be built after the design of Mr. Crosbie's.'

was £120, which was about one-half of the purchase money paid by the other feuars in the Square, for the same extent of ground, and the term of payment was postponed till Whitsunday, 1782. No bidders appeared at the roup but two, John Young, architect in Edinburgh, and Alexander Reid, mason in Edinburgh. The first offered £125, and the other, £126. Mr. Reid, however, immediately declared that he made his offer for the behoof of Mr. Young, and Mr. Young was accordingly preferred as the highest bidder, and enacted himself in terms of the articles.

Mr. Young immediately set about fulfilling the conditions of his bargain. At this date, January 31, 1781, he applied to the Council by letters signifying that his intention was to divide the building into two houses, by making one of the windows a door, and asking the Council to agree to allow plain ashler in place of the rustics in the sunk area, which are expensive and not seen. The answer given by the Council, as appears from a minute of the same date on the back of the letter, was—"the Clerk is to write Mr. Young that before any deviation whatever from the articles of roup can be agreed to, an elevation of his front and north gable must be given in to the Council for their consideration." These were sent in, signed by Mr. Young's initials, and the following docket by the Clerk appears subjoined: "This plan is approved of by the Council, 14th February, 1781. (signed) DAVID STEUART, Provost."

The existing building shows that Mr. Young succeeded not only in dividing his building into two, but in doing what was expressly forbidden by the original agreement, for he built the north frontage of plain rough-faced stone without any of the architectural decorations for which he had contracted.<sup>1</sup>

This dispute brings us to the question of how Sir Laurence Dundas came to build his house on the finest site in the New Town, a site moreover which had been chosen for St. Andrew's Church. Sir Laurence Dundas was a son of Thomas Dundas,

<sup>1</sup> Careful measured drawings of this group of buildings made during the summer of 1940 by students of the Edinburgh College of Art show that not only did Mr. Young economise on external architectural features but that, by overstepping on the northern and western building lines, he gained an appreciable amount of floor space in the interior.

a bailie of Edinburgh who went bankrupt. He is said to have started behind the counter, and in course of time rose to be Commissary-General of the army in Flanders, 1748-59. He acquired an immense fortune, was created a baronet in 1762, and employed Robert Adam to carry out magnificent houses for him at Moor Park, and at Arlington Street, London. For his Edinburgh mansion he obtained the advice of the famous architect Sir William Chambers.

We have already noted that he saw the plan of the New Town when Craig was in London during the autumn of 1767, but the early proof shows that already he had acquired a piece of ground lying mainly outside of the Royalty, but exactly centred on George Street. In this proof the plots on the east side of St. Andrew Square measure 115 feet deep, and are backed by a lane 30 feet wide; 190 feet back from the Square is a dotted rectangle just clearing Cleland's Feu, and partly within, partly without, the Extended Royalty. This rectangle, which did not appear on the competition, measures about 360 feet by 175 feet, and is labelled Sir Laurence Dundas's Property. In the centre of the east side of the Square is a plot 100 feet wide, holding a large undescribed rectangular building with its front in line with the houses on either side. In the edition of 1768, the plots are enlarged to 160 feet deep, and the 30 feet lane now skirts the edge of Sir L. Dundas's property, which is laid out with parterres and radiating paths. The site for the large building facing the Square is marked 'Church,' although in 1767 Sir Laurence, as we have seen, had already asked the Town Council to feu it to him.

By 1778 he had built his house across the middle of the lane and encroaching on the site of the proposed church, leaving his original property unbuilt on to form his garden. This ground, or part of it, had belonged to one James Syme, who sold it to Sir Laurence on 27th January 1768, four or five months after the date of the proof plan. The story is

somewhat obscure, but it appears evident that Sir Laurence had taken steps to obtain this magnificent site at a very early date in the history of the scheme, and the church dedicated to the Patron Saint of Scotland had therefore to be relegated to a secondary position on the north side of George Street.

## VIII

## CHARLOTTE SQUARE

This great western square, originally named after St. George, was the last part to be completed of the area planned by James Craig, and the Town Council, perhaps a little disappointed by the monotonous effect of the streets already built, commissioned Robert Adam, the most famous architect of the time, to design the frontages as parts of a unified scheme.

Their agreement with Adam has not been traced, but there remains a letter written in 1792 by James Adam asking for a payment on account of a promise to his late brother of 200 guineas for his designs of elevations for Charlotte Square, the builders each to pay him 5 guineas more for the working drawings of individual houses. The Town Council ordered a payment of 100 guineas. Building operations were commenced soon afterwards, and on 3rd September 1794 a premium of 10 guineas was awarded to David Hay as the first to finish the roof of a house in the Square.

It is unfortunate that the report or description written to accompany the elevations has been lost, but from other sources it is clear that Adam had designed them as a series of continuous 'palace fronts,' each carefully worked out to harmonise with its neighbours. The north and south sides of the Square were intended to be exactly alike. In each case the 'palace front' shows an important central unit with grouped columns, a central pediment, and minor enrichments

of panels and carving. The side wings are relatively plain, and their wall-head cornice runs at a slightly lower level than that in the central section. These wings are terminated by pavilions, set slightly forward, and enriched with broad flat pilasters and a sparing use of ornament.

The original elevation, still preserved in the City Chambers, is headed 'Design for the North and South Sides of Charlotte Square, extends 325 feet, and contains 9 houses.' An endorsement on the back, signed by the principal city representatives and witnesses, is dated 28th March 1792. The original drawing of the east side has also been kept by the city, while that for the west, including the church as originally designed, is preserved in the Soane Collection in London. These drawings show how much has been lost, not only through ill-considered changes while the Square was being built, but also by more recent alterations, particularly above the cornice level.

The north side, where building was commenced soon after the death of the designer in 1792, follows closely after his carefully considered drawing. But a careful inspection of that on the south will show that, although no very drastic changes were made, the proportions have been greatly damaged by alterations in the height of windows and in the arrangement of the stone courses.

Greater deterioration is found on the east and west sides, where certain feuars, including Robert Reid, later the King's architect, made somewhat drastic changes which were regarded as improvements on Adam's original design. On the west, this design showed two detached blocks which each embraced six houses, flanking and harmonising with a central church whose scale was carefully related to that of the Square as a whole. Reid made a new design for the church which, whatever the merits of its dome as seen from a distance in George Street, cannot to-day be regarded as worthy of the architectural setting of which it was intended to form the climax.

On the east side of the Square, where the frontage is broken by George Street, Adam had introduced a new variant into his design, by introducing an attic storey crowned by sculpture over the centre of each of the flanking blocks of building. The effect of this change was to give each of these blocks the character of a shortened 'palace front,' which would afford an interesting contrast with the longer compositions on the north and south sides of the Square and with the central church on the west.

The following details from a record of a law case provide us with an illuminating commentary on the activities of the iconoclasts. The action was at the instance of Edmund Butterworth, writing-master and builder in Edinburgh, against Major-General Dirom and others, proprietors of Charlotte Square, and dated 7th February 1811. Butterworth was also 'Town Surveyor' and, as such, had been one of those to sign the endorsements on the original drawings for the Square.

It was narrated that the whole of Charlotte Square was intended to have been built conform to an original plan and elevation made out by the late Robert Adam, architect, about twenty years ago (*i.e.* 1791). To this plan the persons who purchased the ground for the purpose of building, from the Magistrates of Edinburgh, were taken bound to adhere. But this plan has not been adopted by the proprietors or feuars—a fact which the buildings themselves will at once demonstrate; and indeed the truth of the assertion has been again and again admitted by the parties to the proceedings, to which the complainer is on the eve of calling the attention of the Court.

The complainer was one of the original feuars of the ground in Charlotte Square, and ever since he became so the innovations and alterations, which have not only been tolerated but positively sanctioned by the Magistrates and Town Council of the City of Edinburgh, are innumerable. All these altera-

tions have been deemed improvements by the architects of the present day, and there can be little doubt that such was their tendency, in as far, at least, as related to the internal part of the buildings, and even in many cases to the external appearance of the Square. In June last the complainer was applied to by Robert Reid, architect in Edinburgh, and repeatedly solicited by that gentleman, to sell to him a certain portion of the ground belonging to him on the north-east side of Charlotte Square, where the complainer had three stances or areas for building. Mr. Reid laid before complainer a sketch or draft of a plan he had prepared for the purpose of building the whole of the ground belonging to complainer on the north-east side of the Square; and undertook to get his plan approved by the Town Council and Magistrates. This plan was drawn up by Mr. Reid without the knowledge or consent of complainer; and as complainer had already been an eye-witness to a variety of deviations from the original plan, it did not occur to him that the Magistrates would hesitate to do so, and in this belief he sold to Mr. Reid a specific part of his ground on the north-east side of the Square. Mr. Reid gave in his plan to the City Overseer, Thomas Bonar, builder, who put upon it an attestation that it was 'agreeable to the design by the late Robert Adam, Esq., except part of the height of the centre department kept off.'<sup>1</sup>

The plan was afterwards carried by the City Overseer to a meeting of the Town Council. It was approved there, and subscribed, and still bears the initials of the present Lord Provost of the City, being the usual manner in which the City approve of such-like proceedings. Upon this, Mr. Reid gave in a petition to the Dean of Guild Court, along with the above plan made out by himself, craving authority to build conform to it. The petition was granted, and Mr. Reid

<sup>1</sup> The elevations as altered for both the west and east sides of the Square are given as illustrations in the Charlotte Square case (copy in the Edinburgh Room, Public Library).

extracted the warrant of that Court, authorising him to build, and has since completed his building and put on the roof without receiving any intimation that his building was a direct infringement of the original plan.

While Mr. Reid was proceeding with his building, the complainer (Butterworth) determined on erecting the two adjoining houses, which had been delineated on the above plan made up by Mr. Reid; and as the plan had been previously approved by the City of Edinburgh and the Dean of Guild Court, he was granted authority to build conform to it; and the complainer extracted, as Mr. Reid had done before, and is now in possession of a similar warrant. The complainer then proceeded to build, and had got a considerable length with his building when he was interdicted at the instance of certain proprietors in the Square for disfiguring the Square by building contrary to the original plan, which had been deviated from by everyone. After an inspection by the Dean of Guild and his Council, who agreed that he was building in exact conformity to the second plan made up by Mr. Reid, which had been previously approved by them, the application of the proprietors was dismissed with expenses. The proprietors appealed, stating specifically that the complainer should place the door in the centre, in place of the south end of his house; and the Dean of Guild Court and Town Council afterwards withdrew their warrant to complainer to build, ordering him to do so in conformity with Adam's plan, although not one house in the Square had been built in exact conformity to the original plan.

In the Adam plan there is not a single chimney-stalk in all Charlotte Square, and yet there is not a single house in the Square built without chimney-stalks; and by the articles of sale of 10th March 1807, 'builders are to conform to the elevation, excepting as to placing the doors, which the purchasers shall have liberty to make convenient for themselves.' Moreover, the Town Council and Magistrates had

already advertised their intention to make a very important alteration indeed upon Adam's plan, in as far as it relates to the building of the church.

Then follows an Abstract of the deviations from the original plan, appended to Butterworth's petition against Lord Meadowbank's interlocutor. They appear to refer only to the west side.

1. In every house, by the original plan, the windows in the rustic storey, in place of 7 ft., as in Mr. Adam's plan, are made 8 ft. high.

2. In drawing-room flat, they are made 9 ft., instead of 8 ft. high.

3. In attic flat, they are made 5 ft. 9 ins., instead of 4 ft. 6 ins. high.

4. The doors in the four corner houses are made all Venetian doors, and arched, in place of square ones, as in the original, and the doors of three of these houses are altered from their situation, being reversed, and, what is singular, not corresponding to each other, which is a most glaring defect indeed.

5. The windows of four houses, in the rustic storey, in place of being a Venetian window, are each two square ones, which is a very great deviation, and alters even the very appearance of the front.

6. The two centre ornamented houses, opposite the one in dispute, in place of having each a door in the middle, are built with two doors instead of three, the very centre ones being completely left out, without even mock-doors to represent them, and the houses enter at one side, instead of having the appearance of a centre mock-door to enter by, which has a very bad effect indeed, the middle of the colonnade being entirely left blank where a mock-door should have been placed.

7. The roof in the original plan shows the four corner and centre houses pavilioned, without even gables or chimney-

stalks, whereas they are built with gables, chimney-stalks, and the roofs about three ft. higher than in the original plan.

8. All the houses in the Square have sunk storeys and sunk areas, but there are none in the original plan, or any appearance of any, though it cannot be doubted Mr. Adam intended there should be.

9. The church, presently building, is quite different almost in every respect from Mr. Adam's plan, insomuch so, that the two steeples on each side of the dome are quite left out, and the very style of it changed from the Corinthian to the Ionic order.

10. By the plan, all the doors to every house, both on the west and on the east side of the Square, so far as it is intended to be built, are placed on one side of the house, and not one in the centre, not even of the ornamented houses.

11. The same remarks as are made on the west side of the Square, exactly apply to the east side, so far as it is built, in respect to the windows, the removal of the doors, and changing their forms,—the want of pavilion roofs, and being built with gables, chimney-stalks, and their having all sunk areas. Only the two houses next George Street are in Mr. Adam's plan delineated without *any* doors at all, and it is evident that Mr. Adam left it in the option of the builder to place the doors so as to answer best the internal plan of the houses, as every door is the same without exception both on the east and west sides of the Square, none of them entering the houses in the centre, but at one side.

Articles and Conditions of Roup and Sale were issued on 10th March 1807 of Seven Lots for Building on in Charlotte Square, to wit Nos. 11,<sup>1</sup> 12, and 15, on south side; Nos. 18 and 23, on west side; No. 1, fronting George Street and Charlotte Square, being a corner house; and No. 2, joining the former, fronting Charlotte Square, all the demesnes marked on a plan hereby referred to. Nos. 18 and 23 may be divided as

<sup>1</sup> The houses in the Square have been renumbered at some later date.

most agreeable to builders, but they are to conform to the elevation, excepting as to the placing of the doors which purchasers shall have liberty to make convenient for themselves, with the approbation of the City's Overseer, so as not to injure the general appearance.

1. Mr. Wm. Creech, bookseller, Edinburgh, shall be judge of the roup.

2. All the lots shall be set up at a yearly feu-duty of 3s. per foot in front, adding to the dimensions the thickness of the gables and division walls between the lots; and every offerer to exceed the immediate preceding one in at least one shilling per foot.

3. The purchase-money of each of the said lots shall be 28 years' purchase of the feu-duty offered over and above the said yearly feu-duty itself.

4. That the houses to be erected upon the several lots shall be built on a regular plan, conform to an elegant elevation by the late Mr. Robert Adam, and the whole of the fronts, as well as the ornamental parts, to be done of polished Craigleith or Ravelston stone—the under part of the buildings in the sunk area below the rustic work, and the courses of the ashlar above the belt of the rustic work, shall be 14 inches high. The chimney-stalks to be agreeable to those already built in the Square.

5. The depth of the projecting houses shall not exceed 54 feet, and the intermediate ones, 50 feet.

6. The purchasers to have the outside of their buildings completely finished against the term of Whitsunday, 1809, under the penalty of £100 sterling each.

Major-General Alex. Dirom and others, Proprietors of Charlotte Square, lodged Answers to the Petition of Edmund Butterworth, Writing-master and Builder in Edinburgh, to the following effect.

The question immediately at issue is whether Mr. Butterworth, who has expressly engaged to build his centre house

according to Mr. Adam's plan, and who has received a large bonus or premium on that account, is entitled to deviate from it, in almost every particular, especially in the very important one of placing the door, not in the centre of the house, but upon the side of it ?

Mr. Butterworth, with a view to gaining this undue advantage, has made himself proprietor of two other centre lots ; this case will decide whether he is entitled to aim at these advantages in those instances also, and destroy the symmetry of another range of buildings on the east side of the Square, and of that on the south side. The internal arrangements may, in Mr. Butterworth's opinion, be somewhat better with the dining-room to front instead of at the back of the house, which seems to be the chief difference that having the door in the centre or in side of the house would make.

The articles, according to which the Square is feued out, all enjoin the observance of Mr. Adam's plan and elevation. This elevation was not so minute as to contain a working plan. It did not contain the dimensions of windows or doors, and the chimneys and sunk areas were entirely omitted. The architecture of the houses, however, was fully and minutely delineated. It was not Mr. Adam's intention that these houses should have no chimneys or sunk areas, but he left that and the other subordinate matters to be arranged by architects residing in Edinburgh. The articles of roup, accordingly, while they refer to Mr. Adam's elevation, also refer to working elevations for the inferior details of the mouldings, chimney-stalks, etc., which it was necessary should be uniform.

Twenty-one lots were exposed by the Magistrates in 1796, and the whole was to be built on a regular plan—the late Mr. Robert Adam's ; and the whole of the fronts, the plain as well as the ornamental parts, to be done of polished Craigleith, Craigcrook or Ravelston stone. As these several stones

differ in their colour, the end houses of each range of buildings must be done with one kind, and middle houses with any of the three kinds, for the sake of similarity of colour. The ranges between Rose Street and George Street, and between George Street and Thistle Street, to be exactly similar. The houses in the recess or intermediate spaces may be done in Redhall stone, polished, or any other of the above-mentioned, but the whole intermediate space, in each range, to be done with one kind of stone.

A certain number of lots in Charlotte Square together with some ground in the street now called Hope Street, being a continuation of the alignment of the west division of that Square, were feued by the Magistrates in September 1801, again under express directions that they be built conform to Mr. Adam's plan.

It is clearly made out from the articles of roup, repeated on every occasion when a lot of ground in this Square was disposed of, that Mr. Adam's elevation has uniformly been considered as that which purchasers of lots were bound to follow.

Mr. Butterworth pocketed very large premiums by obtaining these centre lots. The great object of Mr. Adam's plan was to give symmetry and effect to his elevation by making each front appear part of one great building or palace front, as he has appropriately termed it. This he has done upon the north and east fronts by making centre houses and arranging all the ornaments so as to correspond with these centre houses. In the west fronts he showed the variety of his genius by placing colonnades at the entrances of the two central houses, which gave a relief and a variety to the architecture on that side of the Square, and his plan specifies that there might be either five or six houses on each side of the church.

In the two centre compartments on the east side of the Square—the centre of the northern of these divisions being the immediate subject of this litigation—the door is in the

centre, and the centre window on the drawing-room floor, above the door, is ornamented and distinguished by a cornice and pediment. On the third floor the wall is raised higher than that of the other houses, and upon the top there is a sort of trophy or ornament placed precisely above the centre of the door. In the two next houses are columns so disposed that they appear to form part of this house. The columns are the most expensive part of such a building. Excepting, therefore, the ornaments above the windows and that which is to be placed upon the centre of the house—the expense of which cannot be considerable—there is nothing particularly expensive in the architecture of this house. Having a door in the centre was, however, an inconvenience. Mr. Butterworth has himself stated that *'in point of symmetry every house would look better if the door were in the centre,'* but has qualified this broad admission by observing that in a town house this cannot be afforded, and that *'throughout the New Town is scarcely a house where the door is in the centre.'*

This, therefore, is the drawback attached to this centre lot, and the Magistrates, when they exposed these lots to sale, were aware that the persons who purchased them might not think the superior symmetry of the houses a sufficient compensation, and as that was an advantage not merely to these houses alone, but to the whole Square, they resolved to set them up at a lower rate. While the other lots were set up at twenty-eight years' purchase of feu-duty, these lots were exposed at the pleasure of the company. Lot 38 sold for 1s. per foot, and No. 37 for 6d. per foot, while Lot 36 (Lord Robertson's) sold at 4 guineas per foot although in no way preferable to 37 or 38, except being a part of the plain building and in no way fettered with the architectural part of the plan. Lot 5, on the east side, also sold at 4 guineas. Then one of the corresponding centre lots—Lot 4, on the same side of the Square—sold at the pleasure of the company, at 1s.

per foot, and Lot 3—the other half of the centre compartments—was also sold at 6d. per foot.

Lots 37 and 38 were the centre lots of the range of buildings on the east side of the Square, north of George Street, and Lots 3 and 4 the central lots of the same side of the Square on the south of George Street. The whole purchase-money paid for lots 37 and 38, the centre of this division, was two guineas, being 28 ft. at 1s. per foot, and 28 ft. at 6d. per foot; but if these lots had not been fettered by the restrictions of the plan, they would have gone at the same rate as Lord Robertson's house—4 guineas per foot. Mr. Butterworth gets the lots for 1s., or 6d., per foot upon condition that he conforms to a particular plan; while other persons pay 4 guineas per foot, for ground immediately adjoining, upon the idea that their buildings will in some degree participate in the elegance of the elevation with which their houses are connected. It is an essential part of Mr. Adam's plan that the door of the central house should be in the centre. The central house is the essential and leading feature of the plan. All the ornaments are disposed with a view to the door of that house. There is a central ornament upon top of the house, and a central window on the drawing-room floor distinguished from all the others. The conformity of the other parts of Mr. Adam's plan, to the position of the entrance to the centre house, shows that it was the main feature of the design. If it shall be altered, the design of the architect will be entirely set aside. The entrance to this central house is as important here as in the northern front. The door of the centre house of a palace front, from which it must receive its character and expression, ought, if any regard is paid to symmetry, to be in the centre.

In this Square, it was the intention of those who employed the architect, and of the architect himself, to make sacrifices to symmetry, as persons do when they build the most elegant country mansions. Accordingly, the door was placed upon

the centre of each of the palace fronts: upon the north and in the two ranges of building upon the east side of the Square.

The windows are larger than in Mr. Adam's plan, which does not specify the size of the windows, which was to be regulated by the working plans (upon the west and the east sides of the Square). The windows on the north side of the Square are precisely according to the proportions of Mr. Adam's elevation, but many persons were of opinion that they were too small, and by the working plans upon the west and east sides of the Square the size of the windows was enlarged. The architecture of Mr. Adam's plan remains unaltered.

All the doors, with the exception of those of the centre houses, were arranged by Mr. Adam with a view to internal convenience of the houses, therefore were all placed on one side, but it is totally different where there is a centre house, a pediment on the centre window of the drawing-room floor, and a conspicuous ornament above the centre of the attic storey. It is evident, then, that the door must be in the centre, otherwise these ornaments will be deformities, and the symmetry of the centre house will be entirely destroyed.

The architecture of the church, it is said, has been changed from Corinthian to Ionic. It does not appear, however, that that alteration, even although it should take place, would be any deformity, for the architecture on that side of the Square is Ionic in Mr. Adam's plan.

The decision of the Court is referred to in a later case, where the Lord Justice-Clerk spoke as follows: 'I refer your Lordships to the case of *Boyle v. Butterworth*, decided in this division of the Court. *Butterworth* was bound to adhere to the general plan and to alter his building accordingly.'<sup>1</sup>

<sup>1</sup> It is recorded in a Town Council Minute of 6th November 1816 that even then a complaint was made by the Procurator Fiscal that parties building in Charlotte Square are not putting on the ornaments required under the feu charter. All parties to be warned to do so, and to reply within fourteen days.

Lord Bannatyne commented: 'The rights of the whole New Town of Edinburgh depend on this case. If every man is entitled to build as he likes, what would be the situation of this city? We have the Magistrates, for the community of the town, proprietors of the ground. We have them forming a general plan on which the New Town is to be built. And when persons acquired feu-rights under that plan, the town of Edinburgh is bound to go on in conformity with it. The Magistrates are bound in duty to protect every individual from the smallest deviation, even with consent. If that had been done from the beginning, none of these questions would have arisen.'

The *Butterworth* case has been quoted at some length because it presents, better than any present-day commentary can do, the ideas of the designer and the difficulties which confronted the Town Council of that time.

The writers of this article have endeavoured to trace the general history of the famous New Town only so far as the time of completion of Craig's original plan, and this has been done as far as possible with the aid of contemporary documents. They are aware that much remains to be told about the origin of the street names, the siting of public buildings and the personalities of those who built and dwelt there. Beyond all these there remains the story of the successive extensions at Melville Street, Heriot Row, the Calton Hill, and of the still greater scheme, only partly carried out, between Hillside Crescent and Leith.

F. C. MEARS.  
JOHN RUSSELL.

## GLEANINGS FROM SCOTTISH EXCHEQUER REPORTS

ONE of three important Scottish measures passed by the first Parliament of the United Kingdom was the establishment of a Court of Exchequer in Edinburgh having the same authority in revenue matters as the corresponding English court. The tribunal thus set up was not an innovation in the strict sense, for from early times a court had existed in Scotland charged with the collection of the royal revenue. Its distinctive feature was that it marked an extension north of the Tweed of the law and practice of England with regard to the revenues of Customs and Excise. John Hill Burton points out that, unlike its English counterpart, the Court of Exchequer in Scotland 'did not transact miscellaneous law business'<sup>1</sup>: it restricted itself to fiscal questions. That is to say, the Barons of the Scottish Exchequer 'acted, not only as a Board of Audit of all the accounts relating to the receipts and disbursements of the royal revenue, but also as a Court of Judicature *in causes relating to revenue*, a jurisdiction which originated naturally in the discharge of their ordinary powers and functions *as auditors*.'<sup>2</sup>

Its English structure notwithstanding, the new tribunal did not arouse much opposition, for the reason that its creation was in accordance with the Treaty of Union. Indeed the setting up of a Scottish Court of Exchequer in Edinburgh rather tended to allay the suspicions of perfervid Scots who feared that the whole administration of the country was likely to be concentrated in London. Scottish landowners especially

<sup>1</sup> *History of Scotland* (1905), vol. viii. p. 213.

<sup>2</sup> M. Livingstone, *Guide to the Public Records of Scotland* (1905), p. 30.

were gratified that matters affecting the interests of the Crown in Scotland were to be dealt with locally.

Nor must the spectacular value of such a court be left out of account. The Court of Exchequer 'amused the Edinburgh of the day by the importation of certain pomps of equipment and parade, and by novelties in jargon, such as the mysterious "Oyes three times repeated".'<sup>1</sup> Besides the dignity attaching to a Baron of Exchequer, the office yielded first-rate remuneration, while the holder was never overburdened with work. Sir Walter Scott, it may be recalled, made an unsuccessful attempt to exchange his seat at the Clerks' table of the Court of Session for one on the bench of the Court of Exchequer, not because the position would have made much difference to him financially, but because of 'a difference in the rank, and also the leisure afforded by a Baron's situation.'

Set up on the English principle in 1708, the Scottish Court of Exchequer was given jurisdiction on all questions relating to revenues of Customs and Excise, and to all honours and estates, real and personal, as well as to forfeitures and penalties arising to the Crown in Scotland; but the legal aspects of the matters involved were reserved to the Court of Session. The judges of the new Court were the High Treasurer of Great Britain, the Chief Baron, and four other barons. English barristers as well as Scottish advocates might practise in the Court of Exchequer. Much of the business was routine. But the Barons usually investigated and reported with reference to petitions or memorials in which the Crown was involved presented to the Treasury by private persons or bodies. In discharging this part of their function, interesting historical information was frequently disclosed which, but for the reports of the Barons, would have been lost. It is with this feature of the work of the Court of Exchequer that this article is concerned, the subject-matter being based on the reports furnished by the Barons to the Treasury. These

<sup>1</sup> Burton, *History of Scotland*, vol. viii. p. 213.

are contained in a formidable series of volumes preserved in the Register House. It only remains to add to this introduction that the Scottish Court of Exchequer was abolished prospectively in 1832, when its jurisdiction was transferred to the Court of Session. In that year an Act of Parliament provided that successors would not be appointed to such of the Barons as should retire or die; but a quarter of a century elapsed before the process of elimination was complete. Not till 1856-7 was the Court of Exchequer in Scotland<sup>1</sup> finally abolished.

#### HOLYROODHOUSE

Holyroodhouse figures prominently in the Exchequer records, which are illuminating as regards its condition after more than a hundred years of neglect. It is difficult for those who know this ancient palace of the Scottish kings in its cared-for days to visualise its state in the eighteenth century when the building had become so dilapidated that the motley company who found a habitation within its walls were not seldom in danger of their lives. The first three Hanoverian kings never saw Holyroodhouse and took no interest in it. Indeed, they seem to have regarded their Scottish residence as a place where needy Court officials could find lodgings on a charitable basis. Decayed representatives of the aristocracy, and some whose impecuniosity was by no means apparent, found in Holyroodhouse a temporary, and in some cases a permanent home. Nor was this all. When these beneficiaries of the royal bounty were not occupying their apartments they would let them to tenants, and the rent received helped to alleviate their financial troubles. Quite

<sup>1</sup> An authoritative though dull account of this institution will be found in *Historical View of the Forms and Powers of the Court of Exchequer in Scotland*, by Sir John Clerk of Penicuik, Bart., and Baron Scrope. Written in 1726, the work remained in manuscript till 1820, when it was edited by Sir Henry Jardine, W.S., King's Remembrancer, and printed for private circulation by the Barons.

a business was done (as will be shown) by 'farming' out the royal property at the foot of the Canongate.

In 1714, the year in which George I ascended the throne, the Duchess of Hamilton, Hereditary Keeper of Holyroodhouse, presented a memorial to Sir Robert Walpole, Lord High Treasurer, stressing the decayed condition of the Palace. Walpole referred the document to the Barons, who requested James Smith, 'Overseer and Surveyor of his Majesty's Works' in Scotland (and the architect of the Canongate Church), to submit estimates for repairs. The sum, £1059, 15s. 8d., was approved, and warrant was granted to have the renovation executed 'in the best and most substantial manner.' Fresh expenditure amounting to £1000 was sanctioned in 1720. But even this was not sufficient, and in 1733 the dilapidated state of Holyroodhouse was again under consideration. From Walpole, who was then Prime Minister, and others, came a communication, dated 27th June, stating that the roof was 'ruinous and continually runs into greater Decay,' but that £3000 'well applied' might place it in a tolerable state of repair. Whereupon the Barons instructed William Adams, Clerk of the Stores under the Master of Works, 'a person of approved Skill and Integrity in Architecture,' and some 'able Workmen' to examine the roof. The report of Adams and his colleagues was gloomy in the extreme. Most of the timbers were 'entirely decayed and destroyed,' a state of matters which, in their opinion, might have been partly avoided had a larger sum than £1000 been laid out on repairs in 1720. An expenditure of £4500 would now be required. The Barons, however, submitted that for the present only £3000 be spent, and this recommendation the Treasury approved.

In June 1735 orders were given for the demolition of the kitchens, bakehouses, and laundries. So ruinous had they become that this was the only means 'to prevent Accidents that might happen to his Maj<sup>ty</sup>s subjects who are obliged to pass that way to his Maj<sup>ty</sup>s Park.' But to counterbalance such

wholesale demolition, the Barons, in response to a request by General Wade, had plans prepared for the erection of a building near the Palace to accommodate 'a Troop of Dragoons upon any Emergency.'

Even debtors in the Sanctuary complained that the state of Holyroodhouse was causing them inconvenience. There was, in truth, a real danger of inundation. So they addressed a petition to the Duke of Hamilton showing:

'That the Common Shore (sewer) that Conveys the Water from the Back of the Cannongate, and which runs thro all the Gardens of the Palace is now Stopt up with Mud, not having been cleaned Since the Union of the two Crowns, and which Always before the Union was cleaned at the Expense of the Government, and if not Soon cleaned out must lay the palace And all the Houses within it under Water. That the Pipes conveying the Water from the fountain in the King's Park to the said Palace are in Great Disrepair, and if not soon mended must be of the Outmost Inconvenience to all those Inhabiting the Palace and to your Petitioners, who are not in [a] Condition to carry water from the Town of Edinburgh.'

The Treasury, as usual, forwarded the petition to the Barons, who, after obtaining an estimate for new pipes to conduct water from the well at the back of the Canongate and for repairing and cleaning the 'common Shore,' recommended a grant of £400 'for perfecting so necessary and usefull a Work.' Two years later, in 1755, there was another disbursement of £425, the Duke of Hamilton having reported that the windows of the royal apartments were 'totally decayed' and 'incapable of Defending either against Wind or Rains.'

How badly things were managed at Holyroodhouse in Georgian times is also shown by the petition of John Gordon, who, though he had taken charge of and kept in repair the Palace clock for many years (having been appointed to do so by the Earl of Dunmore), remained unpaid. Prior to the legislative Union the salary for this work, which meant daily attendance, had been £8, 6s. 8d. per annum, and Gordon

asked, quite reasonably, that the remuneration should be made retrospective. The Barons were sympathetic and recommended that Gordon be given £50 for his past services, and that for the future the salary should be the same as it was before the Union.

When George IV paid his memorable visit to Edinburgh in 1822 he 'resigned himself to the simple recreations of rural retirement' at Dalkeith Palace, though Holyroodhouse was used for public functions. There was a Levee attended by a 'great concourse of nobility and gentry' and, three days later, a Drawing Room, when about 2600 were present, including 500 ladies of 'the most distinguished rank, fashion, and beauty in Scotland.' How these elegant spectacles, attended by thousands of people, could take place in Holyroodhouse which, judging from the reports, was almost falling to pieces, it is difficult to imagine. Barely a month later, the Duke of Hamilton was once more drawing the attention of the Treasury to the need for immediate repairs. The Palace, he states, is 'so shamefully neglected, that if a remedy is not soon applied, it will be a ruin.' The court-house and jail connected with the Sanctuary ('which are in front of the palace and were originally intended to be ornamental') were in a similar condition. The blame for this dilapidation was due in large measure (so the Duke would have it) to the exiled Bourbons. Not only were the royal apartments fitted up at considerable expense for the Comte d'Artois and his suite, but he was allowed by the Duke of Hamilton to use certain of his apartments as Hereditary Keeper, likewise his coach-house and stabling. The Duke now suggested that the Palace should be repaired, the court-house and jail either rebuilt or at least renovated, the accommodation formerly occupied by him restored, and compensation granted for temporary loss. Furthermore, he requested that the custody and direction of Holyroodhouse should be given him in accordance with the original grants, that there

be no interference by the Barons with his privileges, and that a fund be provided for answering the expense occasioned by the peers of Scotland assembling at the Palace for their election by allocating the arrears of the salary of the Warden of the Chapel Royal as well as the perquisites of that office.

A report on the state of the court-room and jail bore that a shower of rain was sufficient to inundate these buildings, and that if the rain was particularly heavy the water on the floor might be six inches deep. Then the walls of the court-room were so decayed that it was impossible for the Bailie of Holyrood to hold sittings in the existing building any longer. The apartment assigned to debtors was also ruinous, and so inadequate that the health of the inmates was seriously endangered, even though the period of confinement might be short.

As regards the Palace, the Barons did not take the despondent view of the Duke of Hamilton. On the contrary, they maintained that Holyroodhouse had undergone extensive repairs in 1795 and that it was now in 'a more complete and better state than it has been at any period since the Union except with regard to the leaden roof.' They also pointed out that from 1707 to 1805, comprising almost a century, the sum of £23,646 had been expended in repairs, of which £14,343, 11s. 1½d. was disbursed between 4th February 1796 and 4th February 1805. This showed an annual expenditure, including 'the expense of furniture,' of £236, 9s. For repairs and supplying the Palace with water a sum of £490, 3s. 7½d. was spent during the eleven years ending 4th February 1807.

Repairs were also carried out by some of the inmates of Holyroodhouse. In 1794 a warrant was issued for £1442, 2s. 2d. to indemnify the Dowager Duchess of Atholl and Lord Adam Gordon, her husband, who had renovated the apartments granted to them by George III in 1790. These 'lodgings,' which had formerly been occupied by a Margaret Mackenzie and her sisters, were in 'so ruinous a state as to be totally

unfit to be inhabited without very considerable repairs.' Lord Adam Gordon also laid out money on 'the great Stair Case and Passages' leading to the apartment of the Duchess and the State rooms.

The conditions under which, in the eighteenth century, apartments at Holyroodhouse were assigned to State officials and others were peculiar, to say the least, and ill comported with regal dignity. This much is revealed in a memorial which John Moore, M.D., presented to the Treasury. Moore was the father of the Peninsular general who fell at the battle of Corunna. He was also the friend of Burns and Tobias Smollett, and the author of *Zeluco*, a novel exhibiting various aspects of human nature 'taken from life and manners, foreign and domestic.' Moore was tutor to the eighth Duke of Hamilton, and travelled with his charge for five years on the Continent, during which time he had interviews with Frederick the Great in Berlin and Voltaire at Ferney. His travels at an end, he settled down to a lucrative medical practice in London.

As a token of friendship, the Duke of Hamilton appointed Moore Deputy Keeper of the Palace of Holyroodhouse in succession to Dr. William Pitcairn, another London physician, who died in 1791. Both Pitcairn and Moore had an apartment in the Palace assigned to them in their official capacity, which, however, they never occupied, being much engaged professionally in London. Pitcairn, who was also intimate with the ducal family of Hamilton, was treasurer to St. Bartholomew's Hospital, and lived either in that institution or at his country residence at Islington. During the thirty years and more that Pitcairn enjoyed the office of Deputy Keeper of Holyroodhouse he let his apartment, for which he drew a rent of £40 a year. When Moore succeeded to the office on Pitcairn's death, the Deputy Keeper's apartment was occupied by the Deputy Adjutant-General for Scotland, who paid the same rent to Moore as he had paid to Pitcairn.

In 1796 the Comte d'Artois took up his residence at Holyroodhouse and required considerable accommodation. The Barons took possession of the apartment of the Deputy Keeper, with the result that that official was deprived of his tenant's rent for three years and a half. Moore therefore petitioned the Treasury that his loss should be made good, and that he be recouped so long as his apartment in the Palace was appropriated in behalf of the Government. But the Barons combated this view. The King, they declared, had 'an undoubted right' to resume possession of any apartment in Holyroodhouse, and that correspondingly Moore had no claim at law to the money prayed for. The Treasury, however, paid Moore £40 per annum during the period he was deprived of the apartment of the Deputy Keeper. But by 1801 it had become wiser, for the opinion was then expressed that 'it was improper that Apartments in Holyroodhouse should be let.' The Treasury therefore counselled the Barons to see to it that on Moore's death his successor should not be permitted to let the accommodation at the Palace possessed by the Deputy Keeper. The change took place in the following year when James Hamilton was appointed to the vacant office. By this time the Deputy Keeper's room had become an essential part of the royal apartments and was occupied by the Comte d'Artois. In 1805, 'Monsieur being now absent from Edinburgh,' Hamilton requested the Treasury to allow him his room at the Palace and compensation 'for what he has already suffered in having been so long deprived of the residence attached to his office.' On this occasion the Barons were not only opposed to compensation but raised the question as to whether the apartment could even be restored to Hamilton. How the matter ended has not been ascertained.

In June 1815 the Prince Regent commanded that Lady Campbell of Ardkinglas be given possession of the apartments formerly occupied by the French nobility. Though the warrant did not mention the furniture, valued at £552, 3s. 6d.,

Lady Campbell believed that it was intended she should have the use of it, and accordingly petitioned the Lord Chief Baron, who replied that the use of the furniture would be given upon inventory. In 1816 Lady Campbell's apartments, which adjoined the Long Gallery, appear to have been occupied by Major William Nairne and his wife (the songstress). They requested relief from paying the window tax. The Nairnes, however, had no title in law to relief, all occupants of apartments granted by favour of the King, with the exception of the Hereditary Keeper and the Great Master of the Household, being bound to pay the house and window duty.

#### CASTLE GOVERNOR'S COMPLAINT

To pass from Holyroodhouse to the Castle, the Exchequer reports yield two interesting episodes—the one centring in a Governor and Constable of Edinburgh Castle who thought himself deprived of the lawful allowance of grain attached to his office, the other in a humble suppliant for compensation because of the destruction of his property by the Castle guns in the 'Forty-Five.

When George II came to the throne he showed his appreciation of military prowess by appointing Sir James Campbell, of Lawers, Groom of the Bedchamber, and, in 1738,<sup>1</sup> Governor and Constable of Edinburgh Castle. A son of the second Earl of Loudoun, Campbell was lieutenant-colonel of the Scots Greys, and greatly distinguished himself at the battle of Malplaquet. At Dettingen, too, where he commanded the cavalry, Campbell was invested a knight of the Bath by the King before the whole army on the field of battle. He did not, however, long survive the honour, being mortally wounded at the battle of Fontenoy.

<sup>1</sup> James Grant, in his *Memorials of the Castle of Edinburgh*, p. 282, gives 1730 as the date of Campbell's appointment, but this is an error.

In the eighteenth century, and long before that period,<sup>1</sup> certain counties in Scotland were under obligation every year to send quantities of grain to the Governor and Constable of Edinburgh Castle for his own personal use. From Fife he received 229 bolls of wheat and 284 bolls of bear; from Perthshire, 37 bolls of wheat, 51 bolls of bear, and 67 bolls of meal; and from Angus, 23 bolls of wheat, 18 bolls of bear, and 11 bolls of meal. When Sir James Campbell was appointed to the office soon after the death of Lord Orkney, the above-mentioned counties appear to have been remiss in forwarding the quantities of grain lawfully due to him. He therefore complained to the Treasury, and the Barons, after inquiry, decided that Campbell's petition was well founded, and that he was entitled to the usual quantities of grain from the date of Lord Orkney's death.

#### COMPENSATION FOR DAMAGE BY CASTLE GUNS

The other episode arose out of a petition by James Watt, 'sometime of Livingstone's Yards, now residenter in Edinburgh.' Watt was proprietor of a house and garden in Livingstone's Yards, at the western base of the Castle rock, which, during the 'Forty-Five, was tenanted by John Cathcart, a gardener, at a yearly rent of £22 sterling. After the Highland army marched into Edinburgh, they regarded Watt's property in Livingstone's Yards as 'a proper place for keeping their guard' so as to prevent provisions being carried into the Castle, then in possession of a Hanoverian garrison. The rebels therefore expelled Watt's tenant. He retaliated by informing General Guest (who was defending the Castle against Prince Charles Edward) of the action of the enemy.

<sup>1</sup> An Act of Parliament of 1584 decrees that 1200 merks were to be paid monthly to the Castle of Edinburgh 'furthe of the customis of the tron of Edr and furthe of the super-plus of the thriddis of benefices.' *Acts of Parliament*, vol. iii. p. 352.

Whereupon Watt's property was fired on by the garrison. The result was that 'most of the Fabric was beat to the ground, and thereafter a party of the King's Troops made a sallie and set fire to what part was standing.' By this demolition 'the only subject that the Petitioner had in the world to depend upon was taken from him.'

After his misfortune Watt found employment as a clerk at Fort William. In this capacity he served till age and infirmity obliged him to retire, but with no means of subsistence. In this predicament he was driven to petition for compensation for the property in Livingstone's Yards, valued at £349 sterling, which the Castle guns had destroyed in 1745. As the King had now restored the forfeited estates to the proper heirs, Watt hoped that the Barons would 'see good cause for granting him some recompense out of the monies arising from these Estates.' The Barons admitted the destruction of Watt's house in the manner described, and were sympathetic. 'While wishing to give no encouragement to old or suspicious claims, justice requires (they wrote) that a distinction should be made where delay has arisen from want of ability to bring forward a fair demand. We think that Watt has accounted for the circumstances of his case in such a manner as should save his claim from being entirely cut off by the lapse of time.' The Barons, however, deprecated his being recouped from the fund of the forfeited estates, the balance being barely sufficient to satisfy prior claims. Instead they favoured the bestowal on Watt of a pension of £40 for life, as being less burdensome. So, it may be presumed, Watt lived in tolerable comfort for the rest of his days.

#### KEEPER OF TOLBOOTH AND HIS FEES

The erratic payment of money for the upkeep of indigent prisoners confined in the Tolbooth of Edinburgh, involving disbursements by the Keeper himself, was the gravamen of

a complaint which James Cleland brought under the notice of the Treasury in May 1723. From 1689 to February 1707 the Keeper of the Tolbooth received, besides what were termed 'house dues,' a sum of £94 per annum for the aliment of all poor prisoners committed on criminal charges. In his petition Cleland made much of the fact that, owing to the constant sitting of the Court of Justiciary in Edinburgh, there were generally more prisoners for crime confined in the Tolbooth of Edinburgh than in any other jail in Scotland. Consequently, his office as Keeper was attended 'with an important trust for the execution whereof he has found bail for a considerable sum of money.' He was therefore put to considerable trouble and expense without 'any fee or salary' other than the 'house dues,' which were 'established by immemorial custom' and were 'very moderate.' So many of the persons sent to the Tolbooth were 'poor and indigent' that he had of necessity to provide for their support, otherwise they would 'die of starvation.' The undue delay of prosecutions was another factor in Cleland's complaint, the expense of feeding the poorer sort of prisoner being thereby increased. Further, when the prisoners were either liberated or the judgment of the Court executed on them, the Keeper did not recover what he had spent in keeping them alive.

Cleland's predecessors had been paid regularly, and it was only when the Court of Exchequer came into existence that a financial strain was put on the Keeper, the Barons being averse to making grants for the support of prisoners without instructions. To Cleland's petition was annexed a financial statement which showed that £243, 7s. 11d. was due him for outlays on poor prisoners. The 'house dues' amounted to about £72 per annum. The Barons referred Cleland's grievance to the Solicitor-General. He offered no objection to the payment of that part of the account referring to the support of indigent prisoners, 'who otherwise must have died of hunger before being brought to justice or discharged,' and

favoured the payment of an annual sum for this purpose. The Barons' report made clear that Cleland, in the discharge of his office, had to employ several persons, but received no money with which to pay them beyond the 'house dues' and 'entring Prisoners for Civil Debts.'

#### WANTED, A NEW JAIL

The tumbledown squalidness and, particularly, the cramped condition, revealed in the foregoing petition by the Keeper of the Tolbooth, grew steadily worse and lasted into the nineteenth century. The prison was neither secure without nor reasonably habitable within, and in 1808 the authorities were at last compelled to confront a serious problem. They had the choice of two alternatives. Either the old building must be thoroughly overhauled and modernised, or it must be replaced on a new site conveniently near the law courts and yet not unpleasantly obtrusive.

Practically no case could be made out for the first of these alternatives. Erected as far back as 1562 and added to in later times, the existing jail (Scott's *Heart of Midlothian*) was hopelessly out-of-date and notoriously unhealthy. As for its situation, it could not possibly be worse. The Tolbooth of Edinburgh with all its unsavoury associations stood in a densely populated area and was overlooked on every side. Moreover, it projected into the middle of the High Street, narrowing that thoroughfare at this point to a mere lane, and, most incongruously, it was only a yard or two removed from St. Giles' Church. Little wonder, then, that the Town Council had become aware 'both from experience and the complaints of the judges' of the Court of Session that there was the utmost necessity for 'a new public criminal jail being speedily erected.'

In an elaborate report on the subject, the magistrates pointed out that the dozen apartments of the Tolbooth were



extremely unsuitable and so ill arranged that in the year 1808 no fewer than nine prisoners were confined in one room and seven in another. It was impossible to separate debtors from criminals, while the accommodation for felons was 'shocking to humanity.' Efforts had been made to remedy these evils and to alleviate the misery of the inmates, but these did not go far in the case of evils that were almost ineradicable. Structurally, too, the Tolbooth was in a very bad way. One of the principal walls was rent from top to bottom. Prisoners were thus encouraged to concert measures for their escape. Indeed this danger had become so great that the Town Council had had to apply to the Commander of the Forces in Scotland for a military guard to be stationed within the prison, a requisition that was complied with. In times of popular commotion persons accused of treason had to be confined in Edinburgh Castle.

In their memorial, which was signed by Donald Smith, the Lord Provost, the Town Council strongly favoured the second alternative, and expressed their willingness to contribute 'very essentially' to the erection of a new jail on a fresh site, the expense of which, it was argued, should be borne by the nation, as in the building would be confined persons from all over Scotland. The area on which the Tolbooth stood could then be utilised for a variety of public buildings that were urgently required. At the same time, the Town Council were conscious that in surrendering their property, together with the extensive areas adjoining, they would be parting with what was of great patrimonial value, which somehow would need to be replaced. They accordingly suggested that the most expedient means of providing what was necessary was to commit to the charge of the Remembrancer of the Court of Session, acting under the authority of the Barons of Exchequer, any funds that might be thought proportionate to the ends in view. Further, several commissioners should be appointed to receive, by gift or exchange, areas from

public bodies; to make purchases where necessary; to arrange combined operations with the magistrates of the city and county, the Faculty of Advocates and Writers to His Majesty's Signet; to receive and adjust contributions towards the general expense; to contract for the public buildings in view; and to apply sums, whether contributed or belonging to the fund under the charge of the Remembrancer, as required.

The Town Council's memorial was, as usual, referred by the Treasury to the Barons, who reported on 24th May 1808 that the statements contained in the petition were accurate, and that the claim for public aid to build a national jail was 'most just and reasonable.' The outcome was the demolition in 1817 of the Tolbooth and the erection of a new jail on the south-west shoulder of the Calton Hill. It, too, is now a thing of the past, having been replaced after an existence of more than a hundred and twenty years by St. Andrew's House—a group of Government buildings.

#### OLD PHYSIC GARDEN AND THE NEW

A little fresh light on the old Physic Garden at Trinity College and Hospital, as well as its successor—the Botanic Garden, which stood on the west side of Leith Walk—is contained in a petition by John Hope, King's Botanist for Scotland, who in 1761 succeeded Charles Alston in the Chair of Botany in Edinburgh University. As is well known, two leading physicians—Sir Andrew Balfour (1630-94) and Sir Robert Sibbald (1641-1722)—were responsible for one of the earliest attempts in Scotland to promote the study of botany and to relate it to medical science. They secured ground at Holyrood, and there, under the fostering care of James Sutherland, a youth who 'had attained great knowledge of the plants,' a medicine garden was established. But it was of small dimensions and was regarded only as temporary.

Eventually Balfour and Sibbald obtained from the Town Council a nineteen years' lease of the garden attached to Trinity College and Hospital, and here the old Physic Garden of Edinburgh flourished for almost a century. But the advance of time brought many changes, and the place where James Sutherland once taught the science of herbs was latterly more of a pleasure garden than anything else. So, in or about 1766, the garden was removed to Leith Walk, and in its new home received a new name. 'Ever since the Physic Garden,' says Cockburn, 'was removed to Leith Walk it was called the "Botanical".'

The transference was due to the exertions of Professor John Hope. The site of the old Physic Garden was, in his view, low, marshy and sunless, and he advocated removal to the vicinity of Leith Walk (which was not then, nor for long after, the residential district it is to-day) as providing not only ampler quarters but more favourable surroundings. The ground was laid out under Hope's supervision. The plants were arranged according to the Linnæan system, and a pond was constructed for rearing those of the aquatic order. Suitable hot-houses were also erected.

As early as 1762 Hope presented a petition to the Treasury which affords interesting sidelights on the condition of the Physic Garden. As 'Keeper of H.M. Physick Garden at Edinburgh,' Hope possessed two small gardens, one allowed him by the town and the other forming part of the gardens of Holyroodhouse, which had been granted by the Duke of Hamilton, the Hereditary Keeper. But the situation and condition of both were 'very improper for cultivating of plants necessary for lectures on botany.' Hope explains that the plants in the Physic Garden were purchased for the public use from the heirs of his predecessor—Dr. Charles Alston. To these he had added his own. He had also built a hot-house at his own expense. But all his efforts were ineffectual because garden and greenhouse were 'utterly incapable of

being made such as is requisite for promoting that branch of medicine and natural history so essential to keeping up the character of the School of Medicine at Edinburgh.'

Hope therefore strongly urged removal to a more satisfactory site. At least four or five acres would be required for 'a proper botanic garden,' the purchase of which would, he estimated, amount to £600 stg., while the enclosing of the garden, and the erecting of greenhouses and other buildings, would absorb another £700.

On 8th November 1762 Hope's petition (supported by Lord Provost Drummond; Sir Alexander Dick, President of the Royal College of Physicians, Edinburgh; William Robertson, Principal of the University; and Alexander Wood, Deacon of the Incorporation of Surgeon Apothecarys [*sic*] of Edinburgh) was remitted by the Treasury to the Barons. The latter reported on 8th March 1763 that although the making and maintaining 'a proper botanic garden' would amount to a large sum, the expense would be counterbalanced by advantages to the public and the town. The project therefore was a desirable object for His Majesty's bounty.

Hope had brought round the Barons to his way of thinking, but the Treasury proved adamant. All that seems to have resulted from his petition was a yearly allowance of £69, 3s. for the maintenance of the old Physic Garden. But Hope did not belie his name: he was not discouraged. On the contrary, he pursued his object even more earnestly than before, and eventually the removal of the Botanic Garden to a more congenial site was accomplished. A sasine, recorded 27th March 1764, makes it clear that there was purchased on his behalf from Walter Jolly and George Spankie, tailor burgesses of Edinburgh, thirteen acres two roods of the lands of Broughton, the superiors of which were the Governors of Heriot's Hospital. The site of the new Botanic Garden was on the west side of Leith Walk. The sasine states that Hope acquired not only the ground but the 'trees and growing

timber thereon,' which, as can readily be imagined, would be a considerable asset. The site is described as being bounded by the King's highway from Calton to Leith on the east, by a portion of Jolly and Spankie's lands on the south and west, and by the lands called the 'Fluirs' and the Gallowlee, both possessed by Henry Anderson, on the north-west and north.<sup>1</sup>

One of Hope's distinguished successors in the Chair of Botany was Daniel Rutherford, M.D. In 1809 he petitioned for an additional £50 of salary, 'which would do no more than place him on an equality with other professors whose duties do not require by any means the time and attention that the Professor of Botany must necessarily give.' Rutherford explains that, in addition to the grant of £69, 3s. obtained by Hope, another £50 was allocated in 1776 and a further grant of £100 in 1783. But notwithstanding these and other

<sup>1</sup> There is a conflict of evidence as to when the actual removal to Leith Walk took place. The date 1776 is given in the account of the career of Professor Hope contained in Sir Alexander Grant's *Story of the University of Edinburgh* (vol. ii. p. 323), and is repeated in the article on Hope in the *Dictionary of National Biography*. Hugo Arnot, a contemporary authority, mentions no date, while in James Grant's *Old and New Edinburgh* it is stated that 'about 1766' Hope obtained 'such aid and countenance from Government as enabled him to accomplish the object he had so much at heart' (vol. iii. p. 162). This, however, need not necessarily mean that the transference took place immediately thereafter; indeed could not. On the other hand, the fact that the same was recorded in 1764 tends to lend force to the suggestion that the removal may have taken place in or about the year 1766. On this hypothesis, a period of from eighteen months to two years would thus have been spent on the necessary preparations of the new site, including the erection of various buildings. The *Ordinance Gazetteer of Scotland* (1901) fixes 1763 as the date of removal. In that year, as has been indicated, the Barons reported favourably on the scheme, and this may have led to the supposition that the actual removal took place in that year. Again, the statement in the official guide to the Royal Botanic Garden, Edinburgh, that there were no important developments between 1712 and 1789, 'when both the original gardens were abandoned and a new site was acquired in Leith Walk,' is obviously erroneous. By 1789 Hope had been dead for several years. On the whole, the writer is of opinion that the date 1766 has most authority behind it.

allowances, Rutherford argues that without an extra sum of £250 yearly the garden in Leith Walk 'must decay and become totally unfit' for its purpose. Moreover, his salary of £50 per annum was 'the same enjoyed by the King's Botanist for more than a century past.' Rutherford was successful so far as his salary was concerned. But the allowance of £250 yearly for the maintenance of the garden the Treasury regarded as quite another proposition, and the Barons were instructed to investigate the whole matter, and to advise 'what additional sum it might be expedient to grant.'

#### NELSON MONUMENT AND WINDOW TAX

On the highest point of the Calton Hill stands the curious butter-churn structure by which an unæsthetic public saw fit to perpetuate the memory of that greatest of British sea-captains—Horatio, Viscount Nelson. Shortly after the battle of Trafalgar, the citizens of Edinburgh resolved to raise a monument by public subscription. The site was early chosen, but owing to a change in the Government and other circumstances the original projectors allowed the scheme to languish and the monument remained unfinished for some years. In 1814 the movement was revived under the auspices of Sir John Marjoribanks, Bart. (the Lord Provost), and Sir William Johnstone Hope, Commander of the Fleet in Scotland. A new subscription was promoted for finishing this 'tribute to Bravery and the renown of British Arms.' The honorary treasurer was Robert Johnston, an Edinburgh merchant. As the result of the efforts of himself and others, he believed that sufficient money had been secured for discharging the debt incurred by the original committee and for finishing a tower 'which is held in veneration by all who look upon it, and is considered no small ornament to the Metropolis of Scotland.'

But Johnston's expectations were too sanguine. While the work was still in progress it was found that several hundred pounds were still wanting, and Johnston, unwilling that the completion should be again interrupted, carried on at his own risk. Already persons were being allowed to ascend the monument 'to enjoy a view of the vast scenery around it, which is considered equal to the Bay of Naples,' but the fees so derived were mortgaged to a banker who had discharged the debt.

In due course Johnston presented a petition to the Treasury praying that the Nelson Monument should be exempt from house and window tax. He explained that in the rooms at the base were loopholes that were glazed and served as windows. This accommodation was used only for the sale of fruit, ices, etc., the custodian residing in a cottage about fifty yards distant. Nevertheless the surveyor of taxes classed the monument as an inhabited house and returned all the loopholes as windows. Various attempts were made to obtain exemption but without success, and the monument continued to be regarded as exigible for house and window duties, though there was no money to meet them.

The Barons, reporting on the petition, mentioned that in 1815 the surveyor of taxes assessed for house and window duties 'a person who lived in the apartments in the base of the monument,' which were used as 'a Pastry shop and Tavern.' An appeal was entered, but it was found that the action of the surveyor was in order. Notwithstanding this, however, Johnston applied on 27th November 1817 for repayment, which the Barons refused. None of the loopholes in the tower itself had been assessed. Accordingly Johnston was not entitled to relief. So the monument reared on the summit of the Calton Hill 'to the Memory of the Great Nelson,' however laudable in intention, did not escape the house and window duties.

## ST. CUTHBERT'S GLEBE LANDS

To feu certain glebe lands in order to increase the value of the living was the proposal put forward in May 1822 in a memorial from Sir Henry Moncreiff Wellwood and David Dickson of Persilands, ministers of St. Cuthbert's parish. On the face of it, their petition seemed not unreasonable, but as the ground lay at the base of the Castle Rock, and, moreover, was immediately below the powder magazine of the Castle, the proposition was not so simple as it looked. In the event of the proposal being approved, the expectation was that the site would be used for the erection of houses, if not of factories. That being so, the proximity of such buildings to a powder magazine imparted an element of real danger, and the Barons would have been remiss had they not pointed this out.

In a Bill promoted in Parliament in 1822, the memorialists prayed that inquiry should be made respecting the rights and interests of the King as patron of St. Cuthbert's parish, and, provided the proposal did not impinge on these, it was craved that His Majesty's consent might be signified. A report was called for from the Barons, who informed the Treasury that tenants of the lands adjacent to the glebe had asserted that the Bill in its progress through the Committee of the House of Lords had been materially altered. It was now proposed to empower the ministers of St. Cuthbert's Church to feu for building purposes *the whole* of the glebe lands, including a piece of meadow or marsh land close to the Castle Rock, whereas in the Bill as originally drafted it was expressly stated that that part of the glebe was to be sold to the owners of property in Princes Street in order to be laid out as a garden for their own use.

The Barons saw no objection to His Majesty giving his consent to the original Bill, but, as amended, it appeared to

them to be prejudicial to the interests of the Crown. The erection of buildings on the meadowland would increase the risk of fire, and, what was vastly more important, would endanger the safety of the public owing to the nearness of the powder magazine. Further, if the amended Bill were passed, the situation that would arise would be detrimental to the tenants of the Castle lands. The Barons therefore counselled the withholding of His Majesty's consent. If, however, it were thought proper to allow the ministers of St. Cuthbert's parish to feu their glebe, it should only be on condition that the ground below the powder magazine was not built on. Their interests would not suffer thereby, since the Princes Street proprietors were willing to buy that portion of the glebe and to make use of it in a way from which no danger whatsoever was apprehended.

The advice of the Barons was taken, and by Act 3 George IV c. 27 (1822) the petitioners, Sir Henry and Dr. Dickson, were prohibited from granting a feu for building on 'any part of the said glebe lands lying to the east of the churchyard of St. Cuthbert's, or to the east of the road leading from the south gate of the said churchyard situated between the two manse towards the Grassmarket.'

While the Exchequer report stresses, very properly, the great danger that would result, owing to the proximity of a powder magazine, were building operations permitted at the base of the Castle Rock, it is strangely silent on the question of amenity. Apparently the Barons were not troubled by æsthetic considerations; they were not appalled at the prospect of houses and factories in such a neighbourhood. The fact that the Castle Rock was, as Ruskin said, 'simply the noblest in Scotland conveniently approachable by any creatures but sea-gulls or peewits,' had little significance with a community which, a few years before, had considered in all seriousness a project for placing the jail in Princes Street.

#### 'MAN OF FEELING' AND HIS EMOLUMENTS

These gleanings from the Scottish Exchequer reports may fitly close with a memorial relating to one of its own officials. After twenty-six years' service as Attorney for the Crown, during which, owing to the diminution of smuggling, there had been a marked shrinkage in emoluments pertaining to the office, Henry Mackenzie, better known as 'The Man of Feeling,' petitioned for compensation in April 1792. He stressed the fact that as the Court of Exchequer was regulated by the law and practice of England, the duties of Attorney for the Crown entailed a laborious and expensive education that could only be acquired by diligent study of English law books or by attendance at the courts in London. Being always the prosecutor, the Attorney had to frame his procedure in a manner that would not be open to objection. This was particularly difficult, for there was no lawyer with whom he could consult, the department of the Attorney for the Crown being too circumscribed to make it worth the while of a Scots counsel to inform himself of the forms of practice obtaining in the Court of Exchequer. Mackenzie also made much of the fact that the suppression of smuggling had been detrimental to his income. His fees from this source alone had dropped by nearly £300 per annum, and his absorption in the duties of Attorney for the Crown precluded him from undertaking other professional work. Furthermore, the table of fees for legal proceedings in the Court of Exchequer had never been altered since the constitution of the tribunal immediately after the legislative Union, in spite of the fact of the depreciation of money during the eighteenth century.

The Barons reported that when the Court of Exchequer was created there were two Attorneys for the Crown who were each in receipt of £50 per annum. Mackenzie had

'acted many years with ability and integrity,' and since 1774 had had the sole charge of the Court. The Barons pronounced his claim a just one, and suggested that he be allowed an annual sum as compensation for the diminution of his fees.

W. FORBES GRAY.

## THE STORY OF PIERSHILL

Abbreviation:—E.S.=Register of Sasines for County of Edinburgh (followed by date of recording).

THE Barony of Restalrig extended eastward from the shore of Leith to the Fishwives' Causeway, and westward to the Calton Hill and the Canongate boundary, embracing the lands of Lochend, Barbersburn, North Park, Craigentenny, Fillyside, Wheatfield, Cow Park, Piersfield, Piershill and Threesteps. Craigentenny has already been dealt with,<sup>1</sup> and it is with the story of the last two properties that this article is concerned.

In Grant's *Old and New Edinburgh*, vol. iii. p. 142, occurs the following statement:—'About the middle of the last<sup>2</sup> century, Colonel Piers, who commanded a corps of horse in Edinburgh, occupied a villa built on the higher ground overlooking Restalrig and a little way north of the road at Jock's Lodge. In the *Courant* for February 1761 it is described as being a house suited for a large family, with double coach house and stabling for eight horses; and for particulars as to the rent, application was to be made to Mr. Ronald Crawford the proprietor, who names it Piershill House. This villa occupied the exact site of the present officers' quarters, a central block of the spacious barracks for two regiments of cavalry built there in 1793 from stones excavated at Craigmillar.' The *Ordnance Gazetteer* (1883) under the item 'Jock's Lodge' describes it as 'a village . . . on the road from Edinburgh to Portobello . . . extends somewhat stragglingly a quarter of a mile along the road; consists chiefly of a spacious cavalry barrack and two lines of dwelling-houses. . . . The

<sup>1</sup> vol. xxii. p. 201.

<sup>2</sup> i.e. eighteenth.

barrack, on its north side, was built of Craigmillar stone in 1793. . . . It bears the name of Piershill after Colonel Piers who occupied a villa on the exact site of the officers' quarters in the time of George II and commanded a regiment of cavalry then stationed in Edinburgh.' Both descriptions are inaccurate. How Grant got his story is not known, but search has failed to trace the existence of any Colonel Piers, or other officer of that name, in charge of any military unit associated with the district; and even if there had been such a person, he did not give his name to Piershill.

The first recorded owner of Piershill has been traced as follows. James Elphinstone, third son of Robert, third Lord Elphinstone, was in the year 1603 created Lord Balmerino, and in 1605 obtained a charter from the Crown of the lands and barony of Restalrig, in succession to the Logans who had possessed these lands for over 200 years.<sup>1</sup> His successor John, second Lord Balmerino, granted a precept on 9th February 1633<sup>2</sup> for infefting George Melvill as heir to his father, Sir Andrew Melvill of Garvock, in ten acres of land in Restalrig called Peirishill, and piece of meadow belonging thereto lying on the south side of the collegiate church of Restalrig on either side of the lone thereof; and in the sasine taken thereupon on the same date it is narrated that these lands had been disposed to the said deceased Sir Andrew Melvill by the deceased Robert Melvill skipper in Leith, who had been infeft therein as heir to the deceased David Melvill his grandfather,<sup>3</sup> to whom the subjects had been disposed by the deceased John Logan of Restalrig. Now the retour of service of the above Robert Melvill is recorded on 14th August 1588,<sup>4</sup> and is to the effect that David Melvill, burgess of Edinburgh, great-grandfather of Robert Melvill, died infeft in ten acres of the

<sup>1</sup> See *Book of Old Edinburgh Club*, vol. xxii. p. 201. A full account of the family is given in Major Logan Home's *History of the Logan Family* (1934).

<sup>2</sup> E.S., 21 Feb. 1633.

<sup>3</sup> Mistake for 'great-grandfather.'

<sup>4</sup> Services of Heirs, i. 178.

lands of Restalrig with piece of the meadow of Restalrig belonging thereto lying beside the church of Restalrig on both sides of the lone thereof, and that the lands were held of the heirs of Sir John Logan of Restalrig in blench farm, and were then (1588) in the hands of Robert Logan of Restalrig by reason of nonentry since the death of said David Melvill, who died in December 1520, thus being in nonentry for a period of 66 [*sic*] years and 7 months.

So the piece of ground known as Piershill was a distinct heritable subject at the very beginning of the sixteenth century; and although the appellation 'Piershill' does not occur in the 1588 retour, it appears in a feu-charter dated 20th August 1580, preserved in the Register House.<sup>1</sup> By this charter John Logan of Coitfield, with consent of Robert Logan of Restalrig, granted to his cousin, Elizabeth Logan, widow of Robert Logan, indweller in Restalrig, in liferent, and to James Logan their son and his heirs in fee, the lands called Peirishill with meadow thereof then pertaining to her in tack, along with three acres of the barony of Restalrig which she also held in tack. It is important to note the boundaries given in this charter; for as will be seen from later descriptions, they prove that the lands of Piershill and Three Steps have been inseparable from the beginning, and that the 'piece of meadow' of the 1588 retour (and in Melvill's possession before 1520) was none other than the property later called Three Steps. The boundaries are as follows:—(Peirishill) between the common way from the town of Restalrig to the town of Duddingston commonly called the Loneheid on the west, the common way from the burgh of Edinburgh to the town of Musselburgh on the south, the lands commonly called Fergussons Croft on the east, and a strip and yards pertaining to the prebendaries of Restalrig on the north; (Three acres on the west side of the Loneheid) between said lone on the east, said common way from Edinburgh to Musselburgh on the south,

<sup>1</sup> Reg. House Charters, No. 2562.

lands of Persounknowis occupied by James Harte on the west, and the common way from the burgh of Edinburgh to the town of Restalrig and the meadow of Restalrig on the north.

On 9th October 1644<sup>1</sup> Henry Cunningham, portioner of Restalrig, was infeft in the 10 acres of land called Peirshill with piece of meadow belonging thereto, in terms of disposition by Eupham and Elizabeth Melvills, daughters of the deceased John Melvill, brother-germane of the deceased Robert Melvill, indweller in Kinghorn, as heirs to their father's brother, dated 26th January 1632 and 19th April 1634. About six weeks later<sup>2</sup> Margaret Cunningham, Henry's daughter, who had obtained right to the subjects, granted a charter in favour of George Elphinstone of Selmis, of 10 acres of land in Restalrig called Peirishill and Thriestoppis (this is the first mention of that property by name) with piece of meadow belonging thereto lying on the south side of the church of Restalrig on the south side of the lone thereof; and also of those ten acres of the lands and barony of Restalrig called the Meddowschot. There are other writs about this period indicative of the fact that the lands of Piershill and Meadowshot were subject to the claims of bondholders; but these can all be summed up in the following deed.

On 22nd December 1676<sup>3</sup> Thomas Stark, master at Leith Mills, elsewhere described as Thomas Stark of Bandine, took sasine on a charter granted in his favour the previous day by John, Master of Balmerino, of the ten acres of land called Peershill and Three Steps with piece of meadow belonging thereto, bounded as follows, viz., (1) the acres of Piershill by the way leading from Restalrig to Duddingston on the west, the way from Edinburgh to Musselburgh on the south, the lands called Fergussons Croft now pertaining to Sir Patrick or Alexander Nisbett beyond the Peersback on the east, and the stripe running from Edinburgh through the meadow of Restalrig on the north; and (2) Three Steps

<sup>1</sup> E.S., 12 Nov. 1644.

<sup>2</sup> E.S., 4 Jan. 1645.

<sup>3</sup> E.S., 28 Dec. 1676.

bounded by the road from Restalrig to Duddingston on the east, the road from Edinburgh to Musselburgh on the south, the lands now of the glebe of the Parson of Restalrig<sup>1</sup> on the west, and the great meadow of Restalrig on the north<sup>2</sup>; and (3) ten acres of Meadowschott bounded by the acres sometime belonging to Laurence Balfour and now to his heirs on the east, the way from Edinburgh to Restalrig on the north, the lands sometime belonging to William Borthwick and now to Sir William Purves on the west, and the great meadow of Restalrig on the south: Which whole subjects pertained to the deceased Henry Cunningham, portioner of Restalrig, and Mr. William Cunningham of Broomhill, and were apprised from them by David McCall, merchant burgess of Edinburgh, whose daughters and heirs assigned and disposed the same to Richard Cunningham, son of the deceased William Cunningham, W.S. Richard Cunningham, son of the said Richard, again sold and disposed the subjects to the said Thomas Stark.

Stark did not long retain his possession, for on 22nd January 1677<sup>3</sup> he resigned the whole of the above subjects in Balmerino's hands as superior, and Balmerino refeued them on 18th March 1680<sup>4</sup> to Mr. Peter Paterson in Restalrig. They are simply described as 'the lands and acres of Peirishill and Threesteps lying on both sides of the highway from Restalrig to Duddingston, namely Three Steps on the west side and Peirishill on the east side,' all bounded as above. Paterson also got infeftment in the house called the Deans House of Restalrig and the croft sometime pertaining to William Fairlie of Bruntfield. The ownership of the Deans House can be traced back over the century, and Paterson parted with it in 1704<sup>5</sup> to Mr. Patrick Leith of Craighall,

<sup>1</sup> Where the repair sheds of St. Margaret's now stand.

<sup>2</sup> Vicinity of Piershill station.

<sup>3</sup> E.S., 7 July 1677.

<sup>4</sup> E.S., 4 Feb. 1681.

<sup>5</sup> E.S., 29 July 1704.

advocate. Paterson is then described as 'portioner of Restalrig and minister of the Gospel in Henlie in England' (Henley-on-Thames), his wife being Jean Melvill.

The next stage in the history of these properties is when, on 4th May 1715, Paterson granted a disposition<sup>1</sup> in favour of Robert Douglas, elder, soapboiler in Leith, in liferent, and James Douglas his grandchild, third lawful son of Robert Douglas, younger, soapboiler in Leith, in fee, selling to them for the sum of £6400 of Scots money (£533, 6s. 8d. sterling) the lands of Peirishill and Three Steps with three houses and a yard. . . . Also 'all and hail that yard, consisting of two acres, enclosed with a ditch and dyke and three houses built thereon, lying on the south side of Peirishill, and which are a part thereof . . . the said houses bounding with the houses belonging to Hugh Mathie, vintner in Jocks Lodge, on the west.' . . . Also a meadow 'lying at the foot of the said lands of Peirishill upon the north parts thereof, with the yard lying on the northside of the said meadow called the Meadowyard or Meadowholm . . .'; also six houses in a row lately built upon the last-mentioned property by the said Mr. Peter Paterson. All these subjects were anew disposed by the said James Douglas on 23rd February 1726<sup>2</sup> in favour of Robert Douglas, late brewer in Canongate, his brother-germane; and on 22nd September<sup>3</sup> of that year Robert Douglas, 'now vintner in Edinburgh,' sold them for 10,000 merks (about £555, 2s. 0d. sterling) to Robert Smith, merchant in Edinburgh and residenter in Leith, then treasurer to the Incorporation of Traffickers in Leith, for behoof of the said Incorporation<sup>4</sup>; the disposition being signed at Waterpans near Jocks Lodge. Resignation having been made in the hands of Balmerino as superior, the three transactions above mentioned were con-

<sup>1</sup> E.S., 21 June 1715; Reg. of Deeds (Durie), 5 Dec. 1726.

<sup>2</sup> E.S., 23 Oct. 1728.

<sup>3</sup> *Ibid.*,; Reg. of Deeds (Durie), 5 Dec. 1726.

<sup>4</sup> An association of merchant-traders founded over a century earlier.

firmed by his charter of 27th August 1728<sup>1</sup> in favour of the Incorporation, now represented by Walter Scot, merchant in Edinburgh and residenter in Leith, their treasurer, who took sasine thereupon on the same day.

The Incorporation retained possession all through the troublous times of the '45, which, however, brought changes in the superiority of the Barony of Restalrig. John, fifth Lord Balmerino, died on 5th January 1746, and was succeeded by his half-brother Arthur, sixth and last Lord Balmerino. Born in 1688, Arthur fought at Sheriffmuir in the Royalist army, but immediately thereafter espoused the Jacobite cause; and after an absence of eighteen years on the Continent he joined the forces of Prince Charles, and fought at Culloden. Surrendering to the Grants, he was taken to London, tried on 28th July and beheaded at Tower Hill. His whole estates, comprising the Baronies of Balmerino, Coupar and Restalrig, were forfeited. The Restalrig estates of which he had the superiority included Piershill, Kilnacre, Parsonsknows, Gardenneuck, Hawkhill, Lochend, subjects in Leith, and what were known as the South-east Room, Middleroom, and North-east Room.<sup>2</sup>

Certain other parts of the Barony of Restalrig came into the possession of John Hay, W.S. (second son of Alexander Hay of Huntington), by his marriage to Anne, daughter and heiress of James Elphinstone of Restalrig. Hay took an active part in the '45, and was attainted on 18th April 1746. He escaped abroad, and remained in the service of the Prince in France and Italy until December 1768. He was created knight and baronet on 31st December 1766 by 'King Charles III,' and returned to Scotland in 1771. His estates in Restalrig included Coatfield and houses in the village of Restalrig, besides the mansion house occupied by himself, with garden and grass park of about five acres. In June

<sup>1</sup> See Note 3, p. 68.

<sup>2</sup> Forfeited Estate Papers, in Reg. House; *Scots Peerage*, i. 572-5.

1748 this house, garden, etc., had been sublet to Mr. Ronald Craufurd, who expended considerable sums in repairing the walls, gates and doors.<sup>1</sup>

All the Balmerino estates, and also the estate of John Hay, were offered for sale in February 1753 and purchased by John Mackenzie, W.S., acting for James, eighth Earl of Moray, who was a nephew of the fifth and sixth Lords Balmerino. The Barons of Exchequer granted disposition to him on 4th February 1755, and the Crown charter confirming the same is dated 24th February 1755.<sup>2</sup>

The day arrived, however, when a new owner was found for Piershill. On 27th March 1760 the Incorporation of Traffickers in Leith granted disposition<sup>3</sup> of the lands of Peirshill, Three Steps and Meadowholm to Ronald Craufurd, W.S., to whom reference has already been made. He was a brother of Patrick Craufurd of Auchinnames, and other brothers were Mr. James Craufurd, merchant at Rotterdam, and Colonel John Craufurd of the Royal Volunteers.<sup>4</sup> Besides acquiring other portions of the barony of Restalrig, he also purchased many estates in the West and South of Scotland; and among other ventures he held a lease from the Duke of Queensberry of mines at Wanlockhead and Leadhills. His tenure of all these possessions was, however, very short, for his death took place in July 1762,<sup>5</sup> while his children were under age. One transaction, however, during that brief interval must be noted, in relation to subsequent events. In the *Caledonian Mercury* for 11th February 1761, and one or two subsequent issues, the following advertisement appears:

'To be Let or Sold and entered to immediately, The House, garden and offices of PEERSHILL nigh Jock's Lodge on the Musselburgh road,

<sup>1</sup> Forfeited Estates Papers.

<sup>2</sup> Register of Great Seal.

<sup>3</sup> E.S., 28 Sept. 1763.

<sup>4</sup> Reg. of Deeds (Dalrymple), 16 July 1762.

<sup>5</sup> Services of Heirs, 7 Oct. 1762.

fit to accommodate a large family, being but about a mile's distance from the town may answer the purposes both of a town and country house, to such gentlemen whose affairs don't require a constant residence in Town. There are in the offices a laundry and servants room, double coachhouse, stabling for eight horses, wine vault, beer cellar, and other conveniences; the whole in the best order. What grass ground is wanted may also be had either to purchase or in lease. For particulars as to the rent, enquire of Mr. Ronald Craufurd the proprietor. A servant attends to show the house.'

When his son Patrick took sasine in 1763<sup>1</sup> of the estates, including Piershill, etc., the deed runs: 'all and haill the lands of Peershill together with that large new built house situated thereon.' The question arises, when and by whom was this house built? Ronald Craufurd had acquired the site less than a year before the date of the advertisement, and building must have been expeditious if such a substantial dwelling was now ready for sale. There is mention indeed of a house already built on the property; for as far back as 21st November 1710<sup>2</sup> Mr. Peter Paterson sold to Hugh Mathie, vintner at Jocks Lodge, 'the house lately built by him on that piece of ground commonly called Peirshill, and little house adjacent thereto.' Mathie in 1729<sup>3</sup> gave a bond to James Muirhead, merchant in Edinburgh, for 900 merks, secured over the said house; and on 10th May 1735<sup>4</sup> Muirhead obtained from him a full disposition thereof. But the 'large new built house' of 1763 could not apply to Mathie's house. It is quite possible that Craufurd, whose house at Restalrig was not altogether satisfactory, may have begun operations some time earlier, in view of the purchase of the site. In any event, whether built by himself or some previous speculator, the new dwelling does not seem ever to have been occupied by Ronald Craufurd<sup>5</sup>; for at the

<sup>1</sup> E.S., 28 Sept. 1763.

<sup>2</sup> E.S., 23 Feb. 1711.

<sup>3</sup> E.S., 23 Sept. 1729.

<sup>4</sup> E.S., 14 May 1735.

<sup>5</sup> It has, in fact, been discovered that he paid window tax for the house at Restalrig till his death.

term of Whitsunday 1760 he paid down £650 sterling as the price of 'the lodging or dwelling house being third story of that new tenement of land lying on the south side of the Cowgate opposite the foot of Marlin's Wynd,' which he had purchased<sup>1</sup> from John Adam of Maryburgh, architect in Edinburgh, and which was part of a tenement acquired in 1729 by William Adam, father of the said John. This house and its furniture he left for the liferent use of his four daughters, by settlement dated 10th March 1761<sup>2</sup>; and there is no mention therein of the Piershill house at all, but he desires his son Patrick and his four daughters to reside together while unmarried.

Patrick Craufurd, advocate, who was served heir to his father on 7th October 1762<sup>3</sup> in various properties throughout the country, on 23rd September 1763<sup>4</sup> took sasine of parts of Restalrig, including Piershill etc. (as has already been stated). He died 18th October 1767<sup>5</sup> at Leadhills, and was buried at Restalrig on the 23rd. His four sisters entered into possession of the estates. They were Margaret, who became wife of Patrick, Earl of Dumfries; Jane or Jean, who married William Berry, merchant in London<sup>6</sup>; Annabella, who became the wife of William Fullarton of Rosemount; and Catherine or Katharine. She is elsewhere called Katherine Forbes Craufurd, and died unmarried in December 1796, aged 42.<sup>7</sup> They

<sup>1</sup> Reg. of Deeds (Dalrymple), 20 Dec. 1763.

<sup>2</sup> *Ibid.*, 16 July 1762.

<sup>3</sup> Services of Heirs.

<sup>4</sup> E.S., 28 Sept. 1763.

<sup>5</sup> Services of Heirs, 14 Mar. 1768.

<sup>6</sup> This marriage took place on 30th October 1768 (Reg. of Edin. Marriages).

William Berry was third son of David Berry, merchant in Edinburgh, by his wife Agnes, daughter of James Ferguson, bailie of Inverkeithing. Robert Ferguson of Raith, James's first son, died without issue on 18th December 1781, and was succeeded by his nephew, the above William Berry, who assumed the surname of Ferguson. Their great-grandson, Ronald Craufurd Munro Ferguson, was created Viscount Novar in 1920.

<sup>7</sup> Restalrig Bur. Register. She was named after her mother, Katharine, daughter of John Forbes of Newhall.

granted a disposition on 3rd March 1772<sup>1</sup> to James Veitch of Ellicock, one of the Senators of the College of Justice, of part of Restalrig called the Cowpark, extending to over 22 acres, bounded on the west by the lands of Peershill 'belonging to the said James Veitch'; and another disposition dated 13th February 1774<sup>2</sup> in his favour of 'these parts of the lands of Piershill with the large house and office houses built thereon, presently possessed by the said James Veitch, and also the lands of Three Steps' presently possessed by him and Lewis Cauvin and Thomas Johnston.

Lord Ellicock's association with Piershill had thus already extended over some years. In point of fact, he must have become tenant of Craufurd's new house shortly after it was advertised, for in March 1762 he is paying tax on its 45 windows for the period Mart. '61 to Whit. '62. He obtained a full title to it in 1774 from the Craufurd heiresses, as previously stated. Probably this life-long friend of the Emperor Frederick the Great, upon relinquishing his seat in Parliament as member for Dumfries in 1760 and being elevated to the bench on 6th March 1761, found it a desirable country residence, conveniently near the city. He had previously resided in a house in Covenant Close, on the south side of the High Street, where for neighbours he had Lord Braxfield, who removed to George Square, and Andrew Pringle, who became Lord Alesmere and went to live at Hawkhill, beside Lochend, thus continuing in close proximity to Veitch. The following incident, reported in *Edinburgh Evening Courant*, 26th November 1763, furnishes evidence of Ellicock's connection with the district and gives a picture of the rural environment at that period<sup>3</sup>:

'On Thursday last, the 24th inst. about a quarter after eight o'clock at night, the post boy, riding with the mail dispatched from

<sup>1</sup> E.S., 8 Oct. 1772.

<sup>2</sup> E.S., 10 Mar. 1775.

<sup>3</sup> Grant's account in *Old and New Edinburgh*, iii. 142, is so inaccurate that it is best to give the exact details furnished by the press at the time.

the General Post Office for London, was stopt and attacked a little beyond the Abbey hill, at Clock miln park dyke, by a middle sized man, who, after taking hold of the horse's bridle, call'd to the boy, "Come off, and be damn'd"; which he not immediately complying with, he received from the man two strokes on the head with a stick, and saved a third blow with his arm.

The boy still keeping on his horse, the man took hold of him by the left foot, and threw him off; upon which the fellow mounted the horse, and rode off with the mail towards Jock's Lodge. The boy run on to that village, calling out that he was robbed, and alarmed that neighbourhood.

The post horse was soon after observed on the road between Jock's Lodge and Duddingston, which made it believed that the robber had taken that road; upon which several people, and particularly some of Lord Ellick's servants, went in quest of him and of the mail, and in about an hour after, or thereabouts, having gone into an inclosure belonging to Lord Abercorn, about a quarter of a mile from Jock's Lodge, they discovered the mail cut open from end to end, and proceeding a little further they observed some papers on the ground, and immediately after saw the robber himself, lying flat on the ground on the side of a ditch. One of them gave him a stroke with a stick, upon which he made some resistance, but the rest coming up, he was directly secured, and conducted to Lord Ellick's house at Jock's Lodge, and his Lordship having granted a warrant for his commitment, he was carried to the Tolbooth of Edinburgh, and it is not doubted he will soon suffer the just punishment due to so flagrant a crime. He had cut open two bags, containing the London and foreign letters, and had rifled and tore open a good many of them, but by much the greatest part were entire, as he was so recently seized, and in the very act.

The entire letters were immediately forwarded to London from Jock's Lodge, and those that were opened and mutilated, were carried to the General Post Office for a particular examination, and the greatest part of them hath since been either delivered back to the owners at Edinburgh, or forwarded by last night's Post. This fellow turns out to be one Walter Graeme, alias Nicol, an old offender, having in April 1758 been tried and condemned at Dumfries for house-breaking, theft and robbery; but he afterwards received a remission, on condition of banishing himself from Britain and Ireland, never to return, otherways the pardon to be void.

In a shorter account in *Scots Magazine*, Nov. 1763, 'Graham' is said to have been 'for some time past a quarrier at Salisbury Craigs.'

By disposition and settlement dated 26th March 1785<sup>1</sup> Lord Ellick made over to his trustees, William Ferguson of Raith, Gilbert Mason of Moredun, and others, the lands of Piershill and Three Steps, along with the Cowpark, and his lodging in Covenant Close; with power to sell. Accordingly, after his death on 1st July 1793, unmarried,<sup>2</sup> his various estates were set forth in Articles of Sale dated 12th March 1794,<sup>3</sup> Lots 1 to 5 consisting of properties in Dumfriesshire; Lot 6 'all and whole those parts of the lands of Pearshill with the large house and office houses built thereon as the same were possess by the said deceased James Veitch himself' (upset price £1200); and Lot 7, a feu-duty of £8, 7s. 11½d. sterling from the lands of Three Steps belonging in property to Mr. Lewis Cauvin, teacher of French, and John Johnston, wright (upset price £170). On the same day, after advertisement, Lot 6 was purchased by Anthony Barclay, W.S., for the sum of £1560<sup>4</sup>; and on 16th April<sup>5</sup> the trustees foresaid granted disposition and assignation to him of the said subjects, as before described. The rest of the story is contained in a disposition and conveyance<sup>6</sup> dated 26th August 1799 (over five years later), wherein Barclay narrates 'that the purchase aforesaid was made by him for behoof of Government for a station for Barracks to be erected for the accommodation of His Majesty's troops, according to instructions given me by Major General Oliver De Lancey, Barrack Master General to

<sup>1</sup> Reg. of Deeds (Dalrymple), 8 July 1793; E.S., 23 Apr. 1794.

<sup>2</sup> According to *Dict. of Nat. Biography*, which however is wrong in stating that Henry Veitch of Ellick was his nephew; he was only a distant cousin. There is mention in Restalrig Bur. Register of a daughter Mary who died in 1776 aged 23, but nothing further is known about her parentage.

<sup>3</sup> Reg. of Deeds (Dalrymple), 13 Mar. 1794.

<sup>4</sup> Reg. of Deeds (Durie), 6 Sept. 1797.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*, 26 Aug. 1799.

His Majesty's Forces, and by the Right Honourable Robert Dundas, Esquire, of Arniston, His Majesty's Advocate for Scotland, to whom I signified by letters at the time that on being relieved I should denude of and convey of [*sic*] the purchase as I might be directed'; that he received a draft for the price from Colonel Alexander Baillie, Assistant Barrack Master General for North Britain; and 'that I never had possession of the subject matter of purchase aforesaid, as the same immediately after the roup and sale was entered to and taken possession of by the barrack master general and those authorised by him for behoof of Government, and in consequence Government removed the large house and office houses at that time thereon and built and erected Barracks and other necessary buildings and accommodations on the grounds which have since been occupied by His Majesty's troops.' He thereupon denuded himself of the right standing in his person, and disposed in favour of William Windham, His Majesty's Principal Secretary at War, and his successors in that office 'the aforesaid parts of the lands of Piershill, barracks, buildings and accommodations thereon and walls enclosing the same, all built and erected by Government and occupied by His Majesty's troops.' Windham took sasine on 10th September<sup>1</sup>; and his successor, Charles York, was infeft on 1st September 1801,<sup>2</sup> in terms of disposition by William Simpson, Cashier of the Royal Bank of Scotland, heritable proprietor of the two grass fields lying immediately towards the east of the present east wall of His Majesty's Barracks at Piershill, in 'that strip or portion of land immediately to the east and adjoining part of the present east barrack wall, for making a drain and erecting a new wall of at least eight feet in height beyond the drain . . . the said strip of ground being 49 feet at the bottom east from the garden wall of the barrack hospital and running south,' etc.

Through the courtesy of the Town Clerk the writer has

<sup>1</sup> E.S., 11 Sept. 1799.

<sup>2</sup> E.S., 2 Sept. 1801.

been enabled to extract from the titles a contract for the building, dated 1794, in which the estimate for erecting the officers' barracks is given as £3772, 18s. 11d., and the cost of the soldiers' barracks as £12,567, 2s. 3d.

There is very great doubt, however, about the large house having been removed. The difference in the 'weathering' as between the stone of the old building and the wings attached to it was very distinct, and went to prove that they were not of the same age. Other features which were observed and noted before the barracks were knocked down, such as the position of the chimneys and the cellars, all pointed to the officers' quarters being the mansion formerly occupied by Lord Ellick. No light could be shed on the matter at the Scottish Command, the War Office, Record Office, or National Library.

At the time of the erection of the barracks the commander-in-chief of the Forces in Scotland was Lord Adam Gordon, who had as his aide-de-camp his grand-nephew Francis, sixth Earl of Wemyss; and Major W. Nairn, husband of the Baroness Nairne, the ballad writer, was Assistant Inspector General of Barracks in Scotland.

The lay-out of the premises then was very different from what it was at the time of the demolition, as a complete change had to be made when the railway cut through. The officers' quarters, however, and many other features remained unaltered. The ground floor of what was believed to be the much-advertised mansion consisted of the officers' mess, billiard room and recreation room, with wine and beer cellars below. The first and second floors contained the officers' bedrooms on one side, and batmen's rooms opposite, with a corridor between and a bathroom at each end on both floors.

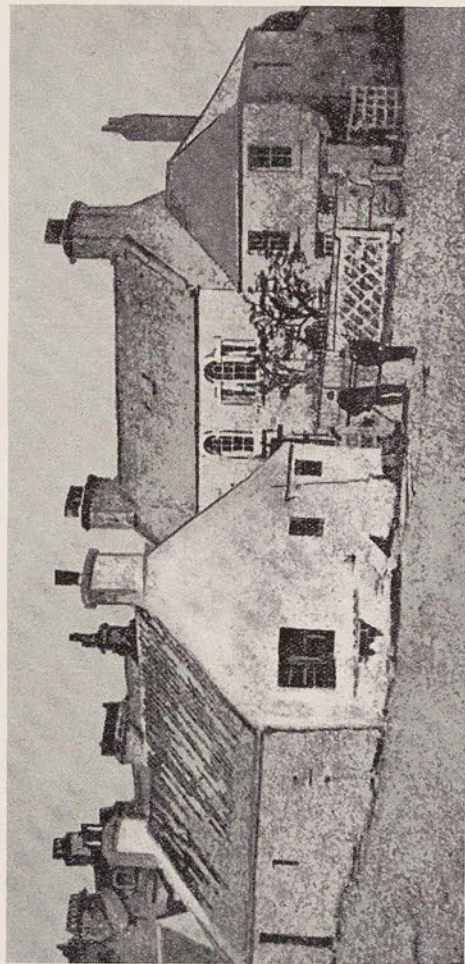
The sergeants' mess and quarters occupied the east wing attached to the officers' quarters; and on the south side of the quadrangle there were the church, guard room, brigade officers' quarters, cells, and gun sheds.

The east and west sides of the square were composed of rows of two-storied buildings, having stables below and barrack rooms above, where the cavalymen slept. As these conditions were not regarded as very sanitary, the cavalry were removed and the Royal Field Artillery substituted, without much, if any, improvement, as horses and men had still to sleep and rest in juxtaposition. The ultimate result was the erection of new barracks at Redford, which are reckoned to be the principal military quarters in Scotland.

The passing of the North British Railway Bill was the cause of the configuration of the barracks being considerably altered. The construction of the railway involved the cutting of a passage through the barrack grounds, which at that time extended much farther north than in later years. To meet their requirements the North British Railway acquired from the officers of H.M.'s Ordnance a portion of ground on the north side of the barracks in exchange for an equivalent area on the east side. This excambion involved the transference of the Riding School, Gymnasium, Hospital, Mortuary, and all the other buildings situated on the north side to the new ground on the east.

In June 1846 the railway was opened for traffic, and, on the ground which the Railway Company acquired, the old Army Hospital was allowed to stand for many years, being used, first as a school for the villagers, and afterwards as dwellings for a number of families. A further expansion of the railway necessitated its removal a number of years ago, and only recently the mortuary, which also had been converted into a dwelling-house, was demolished, the line of its foundations being all that is now visible as a reminder of the grim service it once fulfilled.

The barracks have now disappeared, and on their site the Corporation of Edinburgh have erected a good type of tenement dwelling, embracing 342 houses, which provide accommodation for about 1500 persons.



JOCK'S LODGE, EDINBURGH, AS IT USED TO BE  
An old photograph showing the position of the Toll-Bar Gates. The triple marks on the building at the left indicate the position of an old gate-post.

## THREE STEPS

As has been already mentioned, these lands had been inseparably connected with Piershill from the beginning of the sixteenth century, and references to them have been included in the preceding part of this article. Portions of them began, however, to be feued out in the early part of the eighteenth century, about which the following notes may be of interest. On 10th November 1715<sup>1</sup> Robert Douglas, elder, disposed to William Johnston, wright at Jocks Lodge, a rood or 40 falls of arable land 'of those three acres of land called Three Steps'; and when the Traffickers acquired the remainder of the three acres, they feued to Robert Maxwell in December 1736<sup>2</sup> 'that part and portion of the lands of Three Steps consisting of one acre of ground, bounded with William Johnston, wright in Jock's Lodge, his dyke and houses on the west in a parallel line with the said dyke, the King's highway leading thro' Jocks Lodge to Musselburgh on the south, the road leading to Restalrig on the east, and the arable lands sometime belonging to the Traffickers in South Leith on the north parts, measuring from the Bleugowns Lodge commonly called Jocks Lodge amongst the east part to the north limits of the said acre 99 ells and from the King's highway on the south alongst the said William Johnston's houses and dyke to the north parts 66 ells in length in a parallel line with the said dyke.' About ten years later (May 1747)<sup>3</sup> they disposed to him another piece of the said Three Steps consisting of one acre three roods three and nine-tenth falls, bounded 'by the common road leading from Restalrig to Jocks Lodge on the east, by the minister of South Leith his glebe on the west, by the aforesaid first acre and part of the ground holden in feu of the said Incorporation by the said

<sup>1</sup> E.S., 17 Mar. 1716.

<sup>2</sup> E.S., 17 Feb. 1737 (and compare E.S., 12 Apr. 1791).

<sup>3</sup> E.S., 13 May 1747 (and cf. *ibid.*).



William Johnston on the south, and by the Meadow of Restalrig on the north parts.' Maxwell went bankrupt,<sup>1</sup> and the whole of Three Steps (except the small bit owned by Johnston) was disposed by him on 20th February 1754 to trustees for his creditors, who in turn granted a disposition thereof on 10th and 13th May 1758<sup>2</sup> to 'Lewis' Cauvin, teacher of French in Edinburgh. When Joseph Cauvin, the eldest son, afterwards a W.S., took service on 14th September 1779 as heir to his father Louis, he made up titles by procuring confirmation on 6th November 1788<sup>3</sup> from his superior, James Veitch of Ellick, of the foregoing dispositions of 1754 and 1758.

So far as affects Three Steps, it is only with the elder Louis Cauvin that we are concerned. An account of him and his family is given in Kay's *Portraits*, vol. ii. pp. 420-424. It is stated that not many years after his arrival in Edinburgh he became tenant of a small farm at Jock's Lodge. As is clear from the preceding paragraph, he really became owner of the property<sup>4</sup>; and if it is the case that his children were born 'in the house (opposite the Jock's Lodge toll-bar) which occupies the angle formed by the Portobello and Restalrig roads' (*op. cit.*, p. 420), then the house, afterwards known as Jock's Lodge House, stood more or less on the site of the original Jocks Lodge otherwise called Bluegowns' Lodge. Farm buildings occupied part of the ground to the rear.

It is of little use to speculate on the name Jocks Lodge; evidently in the early part of the eighteenth century it was reckoned to have a connection with that fraternity known as Bluegowns (from the habit they wore), a sort of licensed beggars who once a year were recipients of the royal bounty.

<sup>1</sup> He procured a lease in 1744 from John Hay of Restalrig of the parks of Coatfield, and got into financial difficulties which involved sundry appeals to the Commissioners for the Forfeited Estates.

<sup>2</sup> E.S., 30 Oct. 1758.

<sup>3</sup> E.S., 12 Apr. 1791.

<sup>4</sup> He paid tax on a house of 13 windows.

Whether one or more of them dwelt in a hut or cottage at this vantage point, or whether he or they were successors of some form of mendicancy associated with the religious foundation near-by, can probably never be known. There was, however, a hamlet at the intersection of the roads from at least the middle of the seventeenth century; for Nicoll in his *Diary* records (July 1650) that 'the enymie also advanced the lenth of Restalrig, and thair placed thair haille horse in and about the toun of Restalrig, his foote at that place callit Jokis Ludge and his cannoun at the foote of Salisberrie Hill within the park dyke.' In the *Register of Privy Council* for the years 1684 and 1686 there are references to repair of the road leading from Musselburgh towards Edinburgh 'by Joks Lodge.'

JAMES SMITH.

The illustration, reproduced by kind permission of the Editor, *Weekly Scotsman*, shows the toll-bar and Cauvin's house as seen from the northern end of the road to Duddingston (now Willowbrae Road).—[Ed.]

## THE NEIGHBOURHOOD BOOK

THE earliest volume of the Neighbourhood Book preserved in the archives of the City of Edinburgh opens with the statement at the top of the first page that it is *Liber actorum et decretorum decani gilde burgi de Edinburgh super linationes terre infra dictum burgum confectum in tempore Johannis Adamsoun decani gilde burgi in anno domini millesimo quingentesimo vicesimo nono*. In the margin have been added by a different hand the words 'Nichbourheid buik' and, in what is possibly yet another handwriting, the contracted form of the word 'visitations.' Immediately below begins the first entry, dated 29th April 1529. It is obviously not the first volume of the record, as it contains no statement of the composition or duties of the court or of the manner of its creation. Also, curiously enough, the heading does not even hint at the existence of a court, but seems to suggest that the Dean of Gild alone was responsible for the acts and decrees contained in it. The first entry, however, gives a list of members present at the meeting.

For the date of the inauguration of the court the Edinburgh records give no guidance. The earliest mention of a gild court is found in the Council Minutes under the date 28th January 1500-1, where it is recorded that the Provost, Bailies and Council consented that the Gild Court should begin on the following Friday and 'swa continow throw the haill toun for the commoun proffit and honour of the kirk.' The word 'begin' is misleading in this place. The Town was recovering from an outbreak of pestilence, and the act merely records an order that the court should meet again after prorogation on account of the sickness. There is, however, no indication whether the court's business was neighbourhood

## THE NEIGHBOURHOOD BOOK

cases or not. Still, the heading of the Neighbourhood Book would seem to be explicit enough and not open to question, while an Act of Council in March 1584-5, recording the duties of the Dean of Gild and his council, places first on the list of their duties the decision of neighbourhoods. In the Protocol Book of John Foular, under the date of 8th February 1502-3, is recorded a case where the Dean of Gild with other 'liners' gave judgment for the removal of encroachments upon a neighbour's land. From such evidence it has been concluded that the Dean of Gild's right to adjudicate in such cases was both ancient and indisputable, and a claim has been made that the Dean of Gild Court was the oldest judicial court in Scotland. Even in the case of Edinburgh alone this is made doubtful by the imperfect record of the Burgh Court, dated 1507.

While there is no desire to dispute the age and importance of this court, something must be said as to its probable relation to the Town Council. This is necessary in view of the claim that the Dean of Gild, as head of the Merchant Gild, held a preponderant place in the burgh, since until 1469 the election of the Magistrates and Council lay with the Gild. The implication of this claim is that the Dean, if not superior to, was in large measure independent of the Council. To refute this claim a study of the exact status of inhabitants of a burgh royal must be made. The *Statutes of the Gild of Berwick-on-Tweed* imply, without actual statement, that the Gild chose the council of twenty-four with the Mayor and Bailies. The *Burgh Laws*, attributed to David I, state that the Bailies were to be chosen by common consent of the 'honest men' of the burgh. It is presumable that these were synonymous, but the very existence of a dual qualification modifies the claim for the Dean of Gild's preponderance in the burgh. This renders it possible that all the Dean's duties were not his of right, but that some were delegated to him by the Council.

That his duties in connection with neighbourhood were

in the latter class seems to be borne out by evidence. Indeed it is possible to show that the Town Council, either as a whole or by certain members, exercised these duties even after the Dean's office was associated with them. The Burgh Laws legislate for the appointment of 'liners,' whose duty it was to see that boundaries were preserved as between neighbour and neighbour, and against whose decision there could be no appeal. These persons were to be appointed by the Provost and Council. This renders it possible that the Dean of Gild and other liners, mentioned in Foular's Protocols, were nominees in terms of the Burgh Laws. From the Council records it appears that neighbourhood cases were decided by the Council, without apparent reference to the Dean of Gild and his court. The earliest of these, dated 27th February 1497-8, shows that the Bailies and Council adjudicated in Leith over a question of encroachment on the street leading to their harbour. This is not a typical case, as it concerns the interests of the town, but there is evidence in later years that the Council, though rarely, submitted such cases to the court. An act, dated 26th January 1509-10, records the decision of the Provost, Dean of Gild and eleven other liners as to boundaries. Another, dated 28th August 1511, shows a burgess agreeing in presence of the Provost, Bailies and Council to take down a land in Booth row. On 4th May 1527 an instrument is recorded in the Council Minutes of a friendly agreement between neighbours as to several points of neighbourhood. In 1553 an act of Council ordered that any person found injuring a neighbour by the rebuilding of his lands should be dealt with by the Dean of Gild and the Council. It is improbable that the entry refers to the Dean of Gild Court, for in that case the words would have been 'his council,' and it is not till 1585 that the name 'council' appears in connection with the Dean of Gild. In any case, an act of 18th October 1566 ordered that the Provost, Bailies and Council should meet each Friday to receive old 'bills' of

neighbourhood, visit the grounds concerned and give judgment. On 15th January 1579-80 the Provost, Bailies and Council, having decided a case in Council, ordered it to be inserted in their Neighbourhood Book, while a few months later a long act dealt with wanton breaches of good neighbourhood and the penalty and fines to be collected by the Dean of Gild. Subsequent to the constitution or reconstitution of the Dean of Gild's Council in 1585, neighbourhood cases are found occasionally in the Council Minutes. All this goes to prove that the Council concerned itself with the question of neighbourhood, but does not obviate a very early establishment of a court to deal with the same subject. Still, this concernment raises the probability that such a court was nominated by the Town Council. Indeed, towards the end of the sixteenth century it became the practice to elect the Gild Council shortly after the annual elections.

So far nothing need controvert the opening statement of the book, that it contains the acts and decrees of the Dean of Gild. It is, however, in the volume itself that facts are found which render this attribution to him alone puzzling if not actually incorrect. These are that the majority of the acts are given in the names of the Provost, Bailies and Council, and that only in a small proportion of cases did the Dean of Gild appear to have presided. It is not possible for the purposes of this article to give an analysis of all the meetings of the court, and a few examples must suffice. Until 19th June 1557, when the first volume closes, out of approximately two hundred and eighty-two meetings the Dean of Gild, usually with the Bailies, but named before them, presided twenty-four times. The Provost presided one hundred and sixty-two times; the Bailies presided seventy-five times, and once the president, in place of the Provost, and the Bailies. When the Provost or Bailies presided the Dean of Gild usually was present. Several times he is named before the Bailies, a practice which was not habitual. In addition, 'a part of'

the Council, varying in number, was present, in which number, curiously enough, the Treasurer never is included. It is barely conceivable that the Provost and Bailies could be subordinate to the Dean of Gild in his court, but, were that the case, it is impossible that decisions would have been given in the formula 'the provost, bailies, dean of gild and council decerns. . . .' For lack of further evidence no conclusion is possible, and it should be remembered that our ancestors lacked the inflexibility of modern procedure. Until a much later date the Town Council may be found delegating certain duties and then proceeding to carry out these themselves, while the earliest records of other burghs show no definite discrimination between the proceedings of Town Councils as such and of their Burgh courts. That the Town Council carried out the work of the Dean of Gild in neighbourhood cases does not prove that it was not his province. Neither is there any proof that it was *ultra vires* on their part to do so. A tentative explanation may be found in the act of 1553 ordering that 'cognitioun' of neighbourhood cases should be made by the Dean and the Council. Possibly they examined and reported on some cases, and their decision was confirmed afterwards by the Council. This, however, is dubious, for, in the Neighbourhood Book, the majority of cases appear to be direct appeals to the court.

With regard to the composition of the court, it appears also that its membership could be reinforced with those who were not on the Council. 'Liners,' as various records show, did not need to be members, but could be chosen from those persons who lived near to the property in dispute. But it is recorded on 20th February 1544 that 'neighbours' sat with the Provost, Bailies, Dean of Gild and a part of the Council to decide a batch of cases, all dealing with the damage done to Clement Little's lands by his neighbours' drainage. There is no reason, expressed or obvious, for this reinforcement of the court by the weight of public opinion. It is, however,

a point of interest. By the date of the entry, it cannot be that Mr. Clement Little whose library formed the nucleus of the College Library, but may have been his father. In any case, he must have been a man of some importance if such attention were paid to his complaint.

While there must remain a little doubt as to the jurisdiction in the court, the Neighbourhood Book leaves none as to its duties. There is no single modern word to describe them collectively except, perhaps, the word 'amenity.' That is inadequate, and the contemporary phrase which was the justification for all the court's proceedings is the most apt. 'According to good neighbourhood' formed the basis upon which all complaints were made and all judgments given. This covered everything, from the precise share of a mutual gable to interference with the repairing of the street, from obstructing entrance to a close to impounding balls from an adjacent tennis court. Building, drainage, if such a term may be used, encroachment upon streets or adjoining property, boundaries and such are common to ancient and modern times, but the old court was also a body to which complaints were brought by private persons—to which even the Council, as representing the inhabitants as a whole, made representation as to their rights, real or fancied. The Neighbourhood Book consists for the most part of the latter cases, which now would be a matter for lawyers and the courts.

It is doubtful to what extent appeals or decisions were governed by any established code of regulations. It is probable that these were to a great extent elastic, a practical application of a general understanding of what might constitute a nuisance to individuals or to the community. This is consistent with the general attitude of a period when the Council's own acts and statutes had not yet been codified and when much was done according to precedent and tradition. In this connection it is noteworthy that about a hundred years later only was it statute by the Council that the sanction of

the Dean of Gild was necessary before the construction of any buildings within the burgh. The fact that no such condition existed accounts for many entries in the Neighbourhood Book. Since no plans of buildings had to be submitted for approval, it was not till the work had progressed to a certain stage that it could be seen how far it conformed to the standards of good neighbourhood. Hence many acts are found enjoining offenders against the rights or conveniency of others to 'reform' what they had begun, a word implying anything from alteration to demolition.

In the present article the material used is taken from the first volume of the Neighbourhood Book. Apart from the cases mentioned previously, no earlier records are to be found. The number of cases in it of the earlier years is comparatively small. It would be unwise to draw conclusions from the scantiness of cases in any particular year either that the inhabitants were law-abiding or that the times were too troubled for private affairs. But certain gaps in the record are due either to pestilence, invasion or civil war. With reference to invasion, it may be noted that the Neighbourhood Book tends to bear out the belief that the reputed burning of Edinburgh by the English in 1544 was less complete than has been supposed. That volume and the protocol books of the period admittedly show an increase of ruined property, described as burned in the 'burning of England,' but nothing to imply a complete devastation of the town.

Even in 1529 Edinburgh had grown far beyond the early burgh where small houses, each with their cultivable yards and orchards, lined the street. Enclosed as it was to be for two centuries more within the wall, the increase of population had begun to require building on all available land in the burgh, while the Boroughmuir took the place of the yards as arable land. It is true that yards and 'waste' lands are mentioned fairly frequently, but the implication with regard to the latter is usually that they had been built upon before.

If not, the mention may be coupled with the statement that the owner intended to build at some future date. This increase of building is shown by allusions to forelands and backlands, which do not refer merely to houses at wynd and close heads, but to those fronting on such passages. It is found also in descriptions of boundaries to properties, showing that a land might be hemmed in by adjoining buildings without a frontage either to the main street or to a close or wynd.

It was doubtless this increase of building which produced the Neighbourhood court. While buildings were few, complaints necessarily must have been limited to such matters as boundaries and perhaps the eavesdrop from houses, to encroachment on the main street and to questions of that street's condition. But with the increasing number of houses many other problems were bound to arise, and, as such problems recurred and became complicated, it is a natural step to the appointment of a court to deal with them and to relieve the Council of the work. Such, indeed, was more and more their practice, while they reserved to themselves the right to intervene when they chose.

There is naturally much repetition in the record with regard to the type of cases brought, without, however, complete similarity in the judgments given, thus proving that questions were decided on their own merits, not by application of definite rules. As in other court books, the actual wording of the complaints is given very rarely. An abbreviated statement of the points at issue is followed by the judgment of the court. The principal subjects of dispute were rights to mutual gables, to fix joists in an adjoining wall, the position of stairs, shops and new buildings. The question of windows always assumed considerable importance. The breaking-out of these was examined by the court in relation to existing buildings and gardens, and even to the possibility of new houses upon ground, waste at the time of appeal. Much attention was given to the primitive sanitary arrangements

of the burgh, showing that the Council and inhabitants had the will, if not the means, to be cleanly. The situation of Edinburgh, far from the sea or any running water, rendered the problem insoluble in the sixteenth century and for long afterwards, but the Neighbourhood Book shows the inhabitants alive to the need for adequate gutters and sewers and for the repair of 'closets' and 'jower holes,' their position in houses, and to the nuisance, actual or potential, arising from them. The paving of streets was also a subject of appeal and dispute, inevitable in a day when the heritors were responsible for the paving of the passages in front of their own property. Boundaries and the dykes round property came up for adjudication and settlement fairly frequently. There was also the question of free 'ische and entry' to properties which had no frontage on a street or wynd, or to houses in a land reached by a stair not recognised as common property. With regard to free entry from closes, the position was complicated by the fact that closes originally had been private property and that the principal owner frequently considered himself entitled to place gates, not only at the close head or foot, but across the passage at any point convenient to himself, and even to build across it. In addition to these principal subjects of dispute are a variety of cases, falling into no definite category but showing that 'good neighbourhood' had a wide interpretation and the court a comprehensive idea of its powers to intervene between contending inhabitants.

Given the similarity of so many cases, it is needful only to illustrate the business before the court by a few examples. With regard to the divergence of judgments upon apparently identical cases, it should be noted that judgments were based, not only upon what appears in the court's proceedings, but upon its knowledge of the circumstances of each case, reinforced in many cases by a special examination upon the spot. Also—and this is part of the fascination of the book—it is

possible, by following out the persons who appear frequently before the court, to find motives for the judgments and an impression of the characters of the persons themselves. An example of this occurs between the years 1555 and 1557, where a series of decisions against one man show him as a persistent offender against good neighbourhood.

Between August 1555 and January 1557 one Allan Dickson, in Aikman's Close, was four times in court. The first time Francis Tennent, at one time Provost, Alexander King, an advocate, and John Mosman, one of the goldsmith family, heritors of part of the close, protested against his intention of building a gate under the cross-house at the north end of the close. They showed by their titles that they were entitled to free ische and entry, and won their case. Less than three months later Allan brought a claim against his neighbours for dumping their refuse and middens in the passage of the close opposite his cross-house. The heritors were ordered to remove all refuse by the close foot. At the same time Allan was enjoined to leave open the gate opposite the yard beside his house to enable the heritors to carry out the cleansing. From the wording of the act, this gate was not the one alluded to in the earlier case. About a year later Allan was again in court, protesting that the same neighbours were hindering his building in the close. They asserted that the work had been stopped by the Magistrates and Council, asked that the building might be inspected again, and then that the Council should decern according to good neighbourhood. The court accepted the defenders' plea and forbade Allan to proceed till the ground had been inspected once more. Two months later it appears that Allan's projected buildings had been approved. The heritors, however, remained doubtful, probably of his interpretation of the permission to build, and two protests were recorded, one by Alexander King on behalf of Mr. David Makgill, heritor of the third part of the back cross-house, the other by Mr. John Marjoribanks on behalf

of the Queen for a dwelling-house which he alleged was owned by her on the east side of the close. Allan Dickson evidently was one of those who made the Neighbourhood court a necessity. An earlier decision in 1551 had ordered him to build up the west dyke of his yard at his own expense, even though the adjoining owner was ordered to keep that dyke free of the water which ran on to it through her property, an arrangement which shows that Allan had been trying to get more from the court than he was entitled to by law.

A frequent cause of dissension was the exact right to utilise the wall or gable of an adjacent house for building, repairing or heightening another. This is interesting, as showing the development of continuous ranges of buildings. Illustrative of it is the entry of 17th October 1554, when it was found that Agnes Blackstock had done no wrong in placing the end of a joist in the east side wall of Nicol Blythman's land in the Over Bow, because it was proved that there had been another in the same place previously. Such a judgment was not invariable. In November 1555 a claim of neighbourhood was given in by Christal Eiston and John Kyle against Robert Synclair for encroachments. The court found that the latter had done wrong in setting the south jamb of his 'turngrice' stair in the gable of Christal's house, and ordered him to remove the stair. Robert also was guilty of setting out a buttress in the middle of his side wall and blocking the passage to Kyle's land. That, too, was to be removed. Stairs in the narrow closes and wynds were obviously even more a difficulty than on the main streets. A case dated 7th March 1555-6 shows an attempt to regulate the proportions of one of these. Thomas Craig, baker in Bell's Wynd, was ordered to build his turngrice no further forward than the gauge to be given him by the Council and Dean of Gild, to be measured from the wall of his land.

A variation in the proceedings with regard to buildings is found when parties appeared in court not to obtain a decision but to record an agreement. One is noted in August

1553, when Mr. Thomas McCalyean, later Provost, acknowledged a contract made between himself and John Simson by which he was bound not to build nearer than 12 feet to the side wall of Simson's foreland, since any closer distance would block the light of the gallery and windows in the wall. In presence of the court and Simson, he engaged anew to keep the contract, acknowledging that the wall which he was building was by favour alone and promising to make it no higher than the height of a door.

Another offence which marks the extent to which buildings were increasing concerned the making of windows. An act of 30th March 1530 allowed Mungo Tennent to 'brouk and jois' his window in the east side wall of his little north chamber. The grant was without prejudice to the neighbour, whose land it overlooked, to build his west side wall as high as he pleased, while Mungo might make no more windows in his wall and must allow the gutter built by him to serve both lands. An act of June in the same year was less indulgent. John Purves was ordered to remove the two windows on the west 'baksyd' of his new land opposite Francis Spottiswood's land. He was allowed, however, to make other windows, with the sills on a level with the 'couples' of his land and as high in the thatch as he pleased without further permission from Spottiswood. On 31st May 1532 occurs another window case. The widow of John Vaus was declared to have done no wrong in making a window on the east side of her land, overlooking the garden of the Provost of St. Giles. She was ordered only, and agreed, to heighten the sill eight inches, to glaze it and have it barred. A neighbour, Marion Brown, owner of a waste land also overlooking the garden, seized the opportunity to protest that when she happened to build, as she intended, she should have similar permission.

A couple of cases as to windows are found in August 1543. The first concerned Mr. Robert Galbraith, rector of Spott, and Robert Rannald. The latter was accused of having made

windows in his west side wall opposite the inner lands of Mr. Robert's west tenement, opposite the meal market. He was ordered to close the three 'roundis maid in manner of O' in his lower land with iron cross-bars and glass. A new window, where once a gallery had been, was to be blocked entirely, upon a neighbour's oath that no window had been there before, but only in the north gable of the gallery. Yet another window had to be altered and glazed. The second case was simple: John Arres was allowed by Andrew Murray of Blackbarony to make two windows in his inner land at the Netherbow, east of Murray's land. These were to be made 'abone ane mannis hecht' from the ground and to be barred, and the permission was revocable by Murray or his heirs. In November 1554 the court decerned one James Forret to alter the little square window in his land into an 'O' and to bar and glaze it. Finally, an act of April 1546 gives an indication of the possible size of windows. In a list of the 'aisiamendis' in the lands belonging to the heirs of John Foular is found the mention of a great 'cross' window 6½ feet high by 3 feet 2 inches broad. This was ruinous, and the owners were ordered to take it down so far as the 'traves' or cross-piece, or to the sill, if necessary, for fear of harm to a neighbour's entrance. If that were counted a large window, how small must have been the little ones.

Another sore subject was shops. It seems possible that the occurrence of cases regarding them may have been due to the gradual conversion of timber-fronted houses with galleries to solid masonry. This not only would prevent the placing of booths under the galleries, but by encroachment upon the width of the street made the further projection of shops undesirable as a hindrance to traffic, in the same way as stairs. The following cases show some of the problems involved. In June 1553 Agnes Cockburn, widow of Walter Chepman the printer, was ordered to remove the shop built by her on the west of her backland next to the land of James

Frissell so far as it projected beyond his gable. He, for his part, engaged to keep her land harmless from the eavesdrop of the 'tofall' he intended to build there. On the same day Andrew Davidson, flesher, was ordered to remove his new shop opposite the Muse well, because it encroached on the street beyond his own side wall and hindered light and entry to the adjoining land. An act of 7th August 1556 hints at a Council scheme for collecting all the shoemakers' shops in one part of the Cowgate, and, apparently, at another scheme for making them uniform. The court ordered that the easter shop, built by John Henrison, cordiner, in front of his land under the east stair, should be made of timber as formerly, without prejudice of its removal when general alteration should be made on the shops in the Cowgate. His west shop, built under his west stair, was to be removed.

Another matter upon which there were appeals was ruinous houses. Old age may have accounted for the condition of some, neglect for others and probably the English invasion for several. In 1546 the conjunct fiars of a land were ordered to take down their chimney and part of their west side wall, ruinous and decaying, and to prop up the rest, which otherwise might damage the lodging of Mr. James Foulis. Failing action on their part, the work would be done by others at their expense. A case on 15th November 1552 narrates how the Provost, Bailies and a part of the Council visited the house of Janet Brown on the east side of Todrig's Wynd. They reported that it was likely to fall, by no fault of Janet but because a sewer on the east side of the house had undermined the wall; but they apparently left the matter unsettled. Another case, on 29th March 1555, required urgent measures. The east gable of George Kincaid's house, on the west side of Snowdon's Close, was ruinous and a danger to passers-by. Kincaid was 'out of the realm,' presumably on his lawful occasions as a merchant, so the court ordered his brother-in-law, who was responsible for his affairs, to prop the gable till

Kincaid's return, when steps might be taken. About the same time the state of William Napier's land opposite the Butter Tron necessitated more drastic action. The court found that it endangered Frances Little's land and the inhabitants, and ordered Alexander Napier, William's brother, to take down the building.

The reputation of Edinburgh for dirt is so well known and so firmly established that to write of such matters almost requires an apology. Still, in justice, it must be repeated that it was not for lack of trying that Edinburgh was not spotless. It had the disadvantage, shared by few Scottish towns, of being built upon neither a river nor the sea. In consequence it was difficult to dispose of the dirt. It may not be a savoury subject, but quite a number of people are interested in the question how our ancestors coped with indoor and outdoor sanitation. The old system in Edinburgh was simple enough, no more unsavoury than that of other towns, save that it was incomplete. For, while the authorities were exacting about the adequacy of 'conducts' and 'syvours' down streets and closes, they left it at that. On the north side of the town this mattered little: wynds and closes drained into the North Loch. But on the south side everything ran into the Cowgate, and nothing but torrential rain could have washed that street clean.

In 1535 the tenants and inhabitants of the foreland and backlands of Halkerston's Close were ordered, each for their own part, to pay for a 'syour' from the head of the wynd to the foot. In 1537 Sir Henry Mow, chaplain, was found to have done wrong in making a 'conduct' from his land to the gable of John Wicht's land in Bess Wynd. The drain had undermined Wicht's gable 'quhairthrow' the chaplain's 'closettis and the closettis abone his said land' flowed into Wicht's cellar. Sir Henry was ordered to 'reform' the same. An act of 1539 gives another vivid picture of the state of things. Isobel Boyis was ordered to remove the 'stopis'

of her stair at a house in Liberton's wynd 'swa that the standand watter that consumis the sidewall thair of may haif passage throw the condite of the watter gang . . . as the same had of befor.' The building propensities of the inhabitants caused endless variants of this offence. In 1556 James Henryson, maltman, had blocked the foot of 'Crammyis' Close to use it as a house with the result that he caused 'the filth to stand in the fute of the said clois toward the Cowgait.' He was ordered to remove encumbrances and leave the passage open. In October 1551 six heritors of Dick Hopper's Close referred their complaints to the court. One, David Somer, later the Town's master of work for re-building the Tolbooth, complained of the harm done to his dyke by blocked sewers from the closets of the other heritors. The court, after consideration of the matter, ordered the heritors to carry all rubbish out by the foot of the close and keep the dyke free from future overflow. One man had no 'conduct,' and he was informed that if future harm came to the dyke he would be held responsible. One last entry is given because of the heights of eloquence to which it rises. In 1574 David Kinloch, baker, complained before the court that Robert Gray, merchant, 'of very malice and in contempt of all policie within burgh,' had kept open for three years a great 'coble' in the middle of Blacklock's Close, in which David's lands were situated. The coble was 'standand full of filth' and into it several of the King's lieges had fallen at various times and 'bayth fyllit and hurt theme selffis grevouslie.' Presumably the baker had been one of the lieges and spoke from experience. The court, knowing the complaint to be true, ordered Robert to clean the coble and repair the calsay at once. Failing immediate obedience the Town officers were ordered to see to the repairs, to double the cost to the merchant and, if need were, to poind his goods for payment of the workmen. In addition, he was fined 40s. for contempt in not obeying previous orders to the same effect.

The expansion of building in the Town led to difficulties over entrances to property not situated on the streets and passages. Inconvenience was caused too by the increasing subdivision of lands and consequent disputes over rights to stairs. A typical case is that of James Rynd on 24th October 1549. He complained that his entrance to an over loft and chamber lying in the head of his new foreland between the Tron and the Cross was hindered by the inhabitants of the backland. They had 'stoppit and steikit' the turnpike in that backland which should have been left open for his convenience. The court found that the head of the turnpike should be left open, or that, at least, he should have a key, because there was no other entrance. Another case, on 24th February 1551-2, concerned the entry to a waste land belonging to Andrew Murray of Blackbarony. Its only entrance was by the 'yett' of William Lindesay's foreland to which the court found Murray was entitled. They based their decision on the facts that no other entrance was known and that it was a stone yett, probably implying by the adjective that the gateway, being substantially built, must have been authorised. A few weeks later they decided the exact rights to a passage beside the Magdalen Chapel, granting to the adjoining proprietor the exact route he might take to his land, and no other rights in the close beyond that of entry.

Beside these activities the powers of the court were wide and varied. Some of the acts give vivid pictures of the life of Edinburgh in the sixteenth century, such as one, already quoted elsewhere, forbidding a woman to keep geese in an upper storey, and another authorising the owner of a tennis court to retrieve lost balls from adjoining property. Others, perhaps less picturesque, may be picked at random. An act of 16th March 1551-2 ordered the owners of a booth to 'joist' it, to 'cleyth' the stairs sufficiently and to make it watertight before Whitsunday. Failing their obedience, the tenants were authorised to do this for themselves, when the cost

would be allowed them in the rent of the booth, which they might occupy free till they had been repaid. An act of 17th December 1555 found that Marjorie Aikinhead, widow of James Wood, had done wrong in digging a well within her land near the wall of James Nicoll and Katherine Borthwick. She evidently had struck water easily and thereby had flooded the house belonging to them. The court's decision was that she fill in the well and make everything as it was before.

The Magdalen Chapel figures again in an act of 15th December 1554, when a curious incident is recorded. It was found that John Rynd had done wrong in striking off Isobel Mauchan's arms from a stone which had been put up at the chapel. He was ordered to have them cut again at his own expense and to be punished further at the will of the Council, a judgment which shows how serious his offence was considered. While no explanation is given as to the reason for Isobel Mauchan's arms at the chapel, it is possible that she had been a benefactress to the hospital. The name of the offender suggests some relationship to Janet Rynd, known as the foundress, and, should that be the case, the affair may resolve itself into jealousy for the honour of the family. But that is pure speculation.

There is only one entry to show that the court exercised powers in deciding whether furniture was to be considered as part of the structure or as movable. It is probable that they were within their rights since the case was submitted to them. The story occurs on 15th November 1553. A house belonging to the late Leonard Stevenson passed to his daughter and heiress, Janet. His widow, Marion Coupland, laid claim to an 'almery' or cupboard as part of her share of the deceased's goods and persisted in keeping the keys. The quarrel was submitted to the Neighbourhood Court, who decided that the almery was so fixed in the house that it was not movable, that it was, therefore, the property of Janet Stevenson and that the widow must give up the keys.

It is the difficulty in writing a short article that the interest and importance of the Neighbourhood Book can only be suggested. Even copious extracts could not show the exact proportion of the subjects indicated which came before the court, and it is impossible to give a correct impression of its duties without printing the book *in extenso*, that ambition of all interested in research. Extracts and quotations may be both valuable and entertaining, but only from the complete text is it possible to study accurately social conditions, to watch the incidence of different types of cases and the treatment awarded to them. Failing that, for the present, this small survey must suffice.

MARGUERITE WOOD.

#### NOTES ON AN OLD LAWSUIT ABOUT DUDDINGSTON MILLS

**A**MONG the Court of Session Records preserved in H.M. General Register House there are some papers relating to a dispute about interference with the supply of water to the Mill of Duddingston in the latter part of the sixteenth century. There are interesting features about the case, which perhaps justify a somewhat detailed account. First of all, it illustrates the fact that the great political and religious upheaval of 1560 did not break the continuity of the administration of justice to the people of Scotland, whatever their degree or station. The case also brings one into touch with personalities in the district at a period when records are not too plentiful, and especially two families who had a long connection with the place. Then the particulars are set forth in the quaint diction of the time, nevertheless with conspicuous clarity and picturesqueness. The most significant feature, however, is the attempt of a contemporary draughtsman to delineate on a plan or map, and that in colour, the salient points mentioned in the process. His cartography is crude, but it will be seen from the accompanying reproduction (uncoloured) that several landmarks are depicted, such as Duddingston Church, the Park dyke, the house at Niddrie-Marischal, Restalrig Church, and in the far corner the Chapel of St. Anthony. The Mills are of course represented, with the rival lades deriving from the Figgate Burn; and an important feature is the delineation of old roads in use in Queen Mary's time.

Decree was pronounced by the Lords of Council and Session some time in March 1563-4 (that is to say, 1564 in our reckoning); but the action was raised as early as April 1559. It will

be best to narrate what is set forth in the Summons, employing the native language where necessary, and thereafter to fill in details from some of the other papers and from the recorded Decree itself.

The action was raised at the instance of Andrew Murray of Balvarde and Thomas Thomsoun, burgess of Edinburgh (the Decree describes him as 'ypothegar of Dudingstoun and burges of Edinburgh'), and narrates that Murray had at the time of the spoliation in September 1551 [*sic, lege* 1558] and still has the half lands of Wester Duddingstoun with the half mill thereof, with pertinents, lying in the regality of Kelso and sheriffdom of Edinburgh, holding feu of the abbot and convent of Kelso; and likewise Thomsoun had and has since July 1552 that part of the lands of Easter and Wester Dudingstownis which pertained sometime to Robert Bertoun, with the other half of the said mill, also holding in feu of the said abbot of Kelso and his convent as part of the patrimony of the abbey. The complainers have, like their predecessors, been in possession of the said mill and uplifted the dues thereof, and have also been in possession 'of ane dam maid of stane<sup>1</sup> athort the burn callit the Figgat burn abone and besowth thair said miln with ane clowse<sup>2</sup> thairintill quhairthrow thair descendit fra the said principall burn<sup>3</sup> ane small watter quhilk ran thairfra be ane small leid and wattergang<sup>4</sup> wrocht and maid be mennis handis throw the saidis landis of Dudingstoun onto the said miln and servit the same of wattir,' and they have been in continual possession 'be ane vail<sup>5</sup> litill bewest the said burn of the said dam clowse leid and wattergang passing to the said miln be maner and passing fairsaid and of that parte of the saidis landis quhairthrow the said leid and wattergang passit.' Nevertheless Robert Lawsoun of Humby, by himself and his servants and others at his command, upon the 2nd, 3rd and remaining days of August and beginning of September

<sup>1</sup> (x) on plan.

<sup>2</sup> i.e. sluice.

<sup>3</sup> A on plan.

<sup>4</sup> B on plan.

<sup>5</sup> i.e. valley.

1558 'has biggit and alterit the said dam and closit the said clowse thairrof, stoppit the watter to discend thairthrow to the said leid and wattergang as it usit to do of befor during the said space, and hes biggit ane new clowse upoun thair said dam and hes thairthrow drawin the said watter of the said burn quhilk servit the saidis Andro and Thomas miln fairsaid be the said ald leid and wattergang fra the said ald passage thairrof immediatlie beneth the said clowse and hes causit the samyn discend fra the said dam and damheid be ane uther heichar leid and passage<sup>1</sup> ane grete space bewest the said ald leid and wattergang quhilk the said Robert hes causit mak throw and langws the commoun passage lyand fra the sowth to thair said miln be quhilk all personis resortand thairto fra besowth the same usit to pass with thair laidis during the said space, swa that the said ald leid and wattergang is thairthrow in onder the said ald clowse becum dry or at the leist thair discendis nocht nor rynniss thairthrow samekill watter as is abill to serve the saidis Andro and Thomas miln and gar the same gang as it did of befor'; and they also 'maisterfullie and violentlie brak the commoun gait and passage<sup>2</sup> quhilk passis fra the said Westir toun of Dudingstoun to the eistir toun thairrof and hes drawin the said watter throw the same, molestand thairthrow the saidis Andro and Thomas' and their tenants in their possession of the said 'gait,' they being of before in possession of the said passage 'as ane commoun gait fra that ane of thair saidis landis to that uther as is abone specifit.' Likewise during August and September aforesaid the said Robert Lawson and his servants 'hes wrangowslie violentlie and maisterfullie biggit ane miln within the ground of the saidis landis of Dudingstoun ane litill abone the said Thomas miln,' and have pastured their cattle and goods upon part of the said lands, and through their action as above described have deprived Andrew and Thomas of their profits and multures by the said space, ex-

<sup>1</sup> C on plan.

<sup>2</sup> (h) on plan.

tending daily to a half boll of malt price of the boll 30s., and two bolls of flour price of the boll 35s. The defender was cited to appear at Edinburgh on 12th May next to answer, and to be decerned to restore all as before and pay damage and expenses. George Myll, Adam Diksone, John Thomsoun, Andrew Reidfurd and Alexander Thomsoun are also cited as witnesses. The Summons was dated at Edinburgh, 17th April 1559, and served on Lawson on the 19th, in presence of (among others) Francis Dowglas of Borg, John Cockburne of Ormistoun, and John Creichtoun of Bruntistoun.

On 24th May Lawson appeared, and alleged that he was 'on the point of passing to the Bordouris with the Commissioneris.'<sup>1</sup> In consequence of this the case was evidently delayed, and nothing happened till 11th March 1561-2, when Mr. Richard Strang appeared on behalf of Lawson and alleged that his client 'hes the landis on either side perteing to him in heretage and thairthrow mycht draw the watter as he plesit.' The Court thereupon admitted the summons to probation, and ordained Lawson to prove 'that he hes ane boundand charter within the quhilk bowndis the mylne biggit be him lyis be vertu of the quhilk he hes bene in possessioun be himself and his predecessouris be teling and sawing of the saidis landis to preif *hinc inde* the ferd day of May in sa fer as concernis Thomas Thomsoun.'

A year later (16th March 1562-3) the Lords sit again and continue the action, ordain Thomson to cite witnesses, and assign a term to Lawson to produce his bounding charter 'boundand certane landis on every syd of the Fegett burn wythin the quhilk boundis the new myln and myln led beggit be hym is includit.' Letters of same date are issued on Thomson's behalf for citing some sixty witnesses, and on Lawson's behalf twenty-six; and their depositions were taken at various dates during the year 1563. Meanwhile on 31st

<sup>1</sup> In what capacity is not known. The ordinary record sources do not mention his name.

July warrant was granted to the Provost of Corstorphine, the Parson of Flisk, Sir Robert Carnegy of Kynnard and Mr. Henry Balnavis of Halhill 'as examiners' to proceed on Sunday, 21st November next, in the afternoon, to the ground and take with them the charter produced by Lawson.

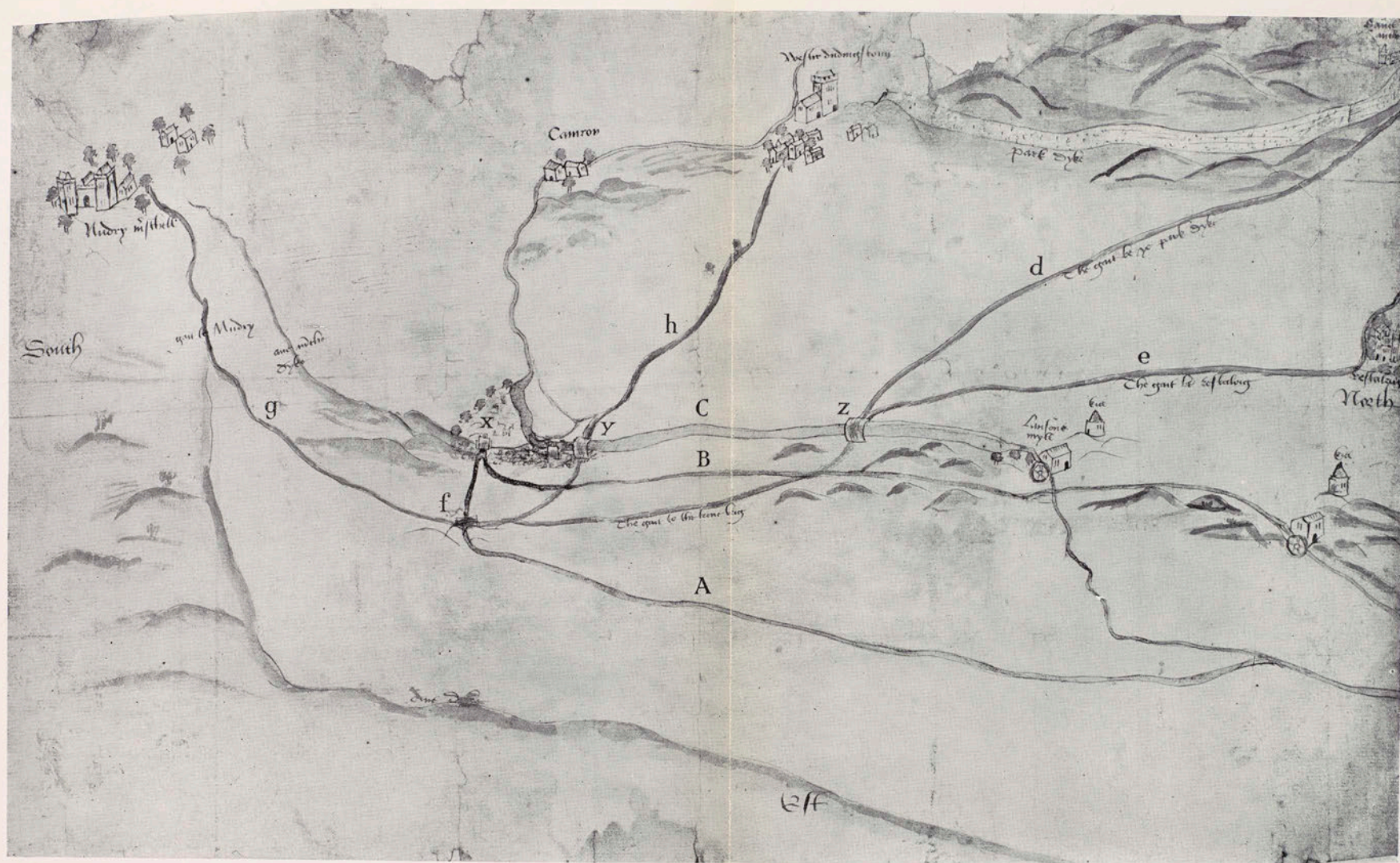
Among the witnesses deponing were the following. Robert Henderson, barber, burgess of Edinburgh, aged 40, married, knew the old mill, but did not know who possessed the whole mill, except that the deceased James Lawsoun had the Abbot's part thereof before John Barton got it in feu; 'and as to the vaill libellit deponis that as he understandis betuix the auld wattergang of the burn and the bray on the north west side thair of fra the auld dam to the auld mylne wes unlaborit and kepit for gerse as it is yit'; and deponed that the common gate between Wester and Easter Duddingston is cut through by the new lade, 'and sayis quhair the new brig is maid<sup>1</sup> and the leid drawin it wes ane commoun hard hie gait and the deponar usit sindrie tymes to play at the rowbowlis thair-upoun.' Sir John Wilsoun, chaplain, servant to Archibald Douglas of Kilspindy, aged 50, was for eleven years servant to Barton after he got the feu of Duddingston, and Barton and Lawson as his tenant and tacksman possessed the mill for over 20 years prior to 1558. Robert Scaithwy, burgess of Canongate, aged 56, married, knew the old mill and dam for the past 40 years 'be inspectioun of his awin ene,' and was present when Lawson and his men altered the 'clouse' and made a new one bewest the old, and cut the common gate 'and biggit ane brig of tre quhair the gait is cuttit.' Sir Thomas Cheslie, reader in Duddingston, aged 56, born in Duddingston and has lived there ever since, deponed that a piece of common ground, 'ever held commoun to the toun,' extended for 100 feet between the tilled land and the old dam; and the burn 'is callit the Figget fra it cum fra Craigmillar.' Alexander Wardlaw of Kilbaberton, aged 40, married, has

<sup>1</sup> (z) on plan.

known the mill for 30 years, and knows a new brig 'maid our the new leid' between the two touns of Duddingston where there was no brig before; was born and has ever dwelt in Liberton, his own heritage, with his father. Alexander Ross, in Leith, aged 50, married, stated that the gate 'is mikle war of the bigging of the briggis nor it wes of befoir,' and carts and wains that went easily before will not go now.

Among local witnesses were, Richard Yule in Wester Duddingston, aged 50, who had dwelt there for 40 years; Thomas Cheslie there, aged 60; Archibald Robesoun, aged 40, a native; James Broun, aged 50; Steven Rowe, aged 50; and Archibald Young, aged 40, married. Patrick Bower in Nether Liberton, aged 60, married, was born in Wester Duddingston.

On 11th March 1563-4 decree was pronounced. Murray had withdrawn from the action for the time, reserving his right to pursue of new when he pleased; and the Lords 'decree and deliver' that Robert Lawson has done wrong in the violent and masterful alteration of the said dam, closing and destroying of the said old 'clowse,' stopping of the water to descend therethrough as it did of before, drawing the water from the old lade by means of the new channel, breaking the 'commoun gait' and so molesting Thomson in his possession of the said gate and passage from the one toun to the other; and therefore they decern him 'to desist and ceise fra the premissis and every part thairof and to restoir the said Thomas to his possessioun of the said dame and clowse leid wattergang passage and use thairof, gaitis and passagis befoir rehersit . . . and to reform the alteratioun of the said dam and destroy the said new clowse leid and wattergang'; but they absolve Lawson from that part of the summons alleging him to have done wrong 'in the biggin of the said myln upoun the ground and landis forsaidis at the part tharof abone specifit the said tyme and in the spoliatioun thairthrow of the said Thomas of his possessioun of the said part of the saidis landis,'



PLAN OF WATER SUPPLY TO DUDDINGSTON MILLS  
 From original in Court of Session Process, 11th March 1564, in H.M. General Register House

because Lawson alleged he had a bounding charter shewing his right to land on both sides of the burn within which bounds the new mill and lade were included, and he 'previt samekill thair of as wes sufficient for victorie of cause for preving absolvitour fra that part of the said summondis.' He is also absolved from payment of damage and expenses contained in the summons, because Thomson passed therefrom for the time, reserving right to pursue before the judge competent.

At Lawson's request his charter and sasine lying in process were delivered up to him on 18th February 1565; and thus the case ended. I suppose the upshot of it all was, that Lawson could have his mill, and a lade too, which however would have to take a course that would not interfere with the water supply to Thomson's mill.

The sketch plan, to which there is no allusion in the Process, and whose author is entirely unknown, is defective in some ways. It locates the mills out of all proportion to their real distance from the roadways and bridges; and it fails to delineate the road from Easter Duddingston to the mills. Probably the Figgate Burn was forded at (f), after the junction of the Niddrie-Marischal road with that from Easter Duddingston, which would run somewhat on the lines of the present Milton Road. The road marked (h) is probably out of position; if there was a bridge at (y)—of which I am doubtful, for only in one place in the Process is there mention of more than one 'brig'—then perhaps the road ran towards the south-east, through part of what are now the Abercorn policies. If, however, there was just the one bridge, at (z), then probably the road (h) ran more towards the west, roughly on its present line. The 'brig of tre' at (z) was evidently the real obstruction, both as regards the road from Easter Duddingston and that from Wester Duddingston; the difficulty being that it narrowed the track and prevented carts and waggons from having easy passage.



Until the annexation of Church Lands to the Crown in 1587, the lands of Easter and Wester Duddingston, with the mills, were part of the patrimony of the Abbey of Kelso. John Barton, referred to in Henderson's deposition, was the son of Robert Barton of Over Barnton, skipper of the *Great Michael*, afterwards Lord High Treasurer of Scotland and Master of the Mint. John in 1538 got a feu charter from Kelso of the above lands and half of the mill; and in 1542 resigned these subjects in favour of his son and heir, Robert Barton, who ten years later sold his possession to Thomas Thomson, the apothecary, who had married Margaret, Robert's sister.

Thomson died in 1572, having disposed his estate in the previous year to his younger son Alexander. The elder son, Adam, who followed the same avocation as his father, became burgess of Edinburgh in 1603, and was the father of Rev. Alexander Thomson, minister of Tinwald, in Dumfriesshire.<sup>1</sup> Alexander, the younger son, graduated M.A. and practised as an advocate. He married in 1595 Margaret Preston, daughter of Sir Simon Preston of Craigmillar, provost of Edinburgh, and widow of Walter Cant of St. Giles Grange. Their son Thomas was created a baronet of Nova Scotia in 1636, styling himself Sir Thomas Thomson of Duddingston; and his son, Sir Patrick, disposed the estates in 1673 to the Duke of Lauderdale, and died in 1674. The later Thomsons of Duddingston have, according to Baird,<sup>2</sup> failed to trace connection with the above line.

Baird's first reference to the Lawsons as owners of the lands of Figgate is in 1630, when John Lawson of Humbie was retoured to the estate. But there were several generations before this.<sup>3</sup> The lands of Humbie, in the shire of East

<sup>1</sup> It is interesting to note that Tinwald had been under the patronage of Kelso.

<sup>2</sup> *Annals of Duddingston and Portobello*, by William Baird (1898).

<sup>3</sup> Nisbet's *Heraldry*, ii. App. 92-3, gives a most unreliable account of the family.

Lothian, were held of the Abbots of Kelso, and leased to Richard Lawson and his son Richard some time early in the sixteenth century. The younger Richard had a Crown charter of lands in the barony of Salton in 1505.<sup>1</sup> His son James Lawson, in 1534 described as *in Humby*,<sup>2</sup> got a feu charter on 30th October 1539 from the Commendator of Kelso of the lands of Hundby<sup>3</sup>; and he is mentioned in a decree of 1550.<sup>4</sup> It is he who had possession of the Abbot's mill of Duddingston till 1538, in which year his son Robert became Barton's tacksman when the latter got his feu charter. This Robert Lawson of Humbie was the defender in the Process. His death took place on 14th February 1581-2. He had married Margaret Brown, evidently one of the Browns of Colstoun, and she died 1st August 1596, by which time their eldest son, James Lawson of Humbie, was also deceased. His son James was served heir to him in 1602; and to him succeeded Sir John Lawson of Humbie in 1630. Soon afterwards the lands were acquired by Mr. Adam Hepburn.

Andrew Murray of Balvaird and Arngask, the other pursuer in the Process, had been served heir in 1553 to his father David Murray of Balvaird, who in 1534 was infeft in the half of the lands of Wester Duddingston and half of the mill.

Apart from the Process altogether, the sketch plan indicates one or two features of special interest. Chief of these is the road marked (d) labelled 'The gait be the Park dyke.' This seems to prove that there was a road or path which led up the slopes towards the point where Parsons Green School now stands. While there are now streets of recent origin covering part of the ground, there is no trace on early maps of any road in this vicinity, other than the road to Restalrig (e). The Park dyke is very distinctly marked, and the road (d)

<sup>1</sup> *Reg. of Great Seal*.

<sup>2</sup> *Ibid.*, and *Laing Charters*.

<sup>3</sup> *Reg. of Privy Seal*, ii. No. 3195.

<sup>4</sup> *Acta Dom. Conc. et Sess.*

as distinctly lay outside the bounds of the Park until it reached the neighbourhood of Muschat's Cairn.

'Sanct Anthon' Chapel is depicted with its tower, and the gabled roof. The tower has, however, rather a detached air, and the artist places it at the wrong end of the structure. Perhaps he put it in as an afterthought, and found he had no room for it at the right end!

Duddingston Church is faithfully portrayed, with the tower facing west, and its embattled roof.

With regard to the house of 'Nudry Marschell,' as illustrated in the plan, it is worthy of note that Messrs. M'Gibbon and Ross state<sup>1</sup>: 'Although the oldest part of the present house only dates from about the beginning of the seventeenth century, we learn from a MS. notebook in the charter chest at Niddrie that there once was a castle, a little to the east of the present house, of unknown date and large size . . . which was destroyed by a mob from Edinburgh at the end of the sixteenth [sic] century.' I wonder if the features delineated in the plan suggest anything about that earlier edifice? On p. 65 they write: 'From the background of a portrait in the dining room we can form an idea of the appearance of Niddrie Marischall about that time. . . . We also observe that the house had a great courtyard extending in front, with high walls, having arched entrance gateways. . . .' The road to Niddrie-Marischal (g) appears on old maps, and existed until recent years.

HENRY M. PATON.

<sup>1</sup> *Castellated and Domestic Architecture of Scotland*, vol. ii. p. 62.

## ST. LEONARDS LANDS AND HOSPITAL<sup>1</sup>

Abbreviation:—E.S.—Register of Sasines for County of Edinburgh (followed by date of recording).

THE Lands of St. Leonards, like a crescent moon, enfold the whole western border of the King's Park. In former times, before the southward extension of the city, an observer from the top of Salisbury Crags would see the Pentland Hills, the Braids and Blackford Hill, the gentler slopes of Grange and Newington, approaching like successive waves the island mass of Arthur Seat. They would seem then to spend their force in a small tumultuous ridge, upon whose topmost crest a little chapel stood. This was St. Leonard's Hill.

In those days the boundary line of the lands of St. Leonards seem to have been roughly as follows. Beginning near the Abbey Gate it passed westward along the south side of the highway leading to the Cowgate, until it reached the road afterwards known as St. Leonards Loaning, Lane, Street, Vennel, or Wynd (it is described by all these names), and now called Pleasance. This ancient thoroughfare from the south leading towards Leith formed the western boundary of St. Leonards as far as the foot of what is now Drummond Street; and the line then passed somewhat irregularly in a south-westerly direction towards the southern end of Potterrow, and thence by the east side of the old road leading to Liberton,

<sup>1</sup> The late Mr. John Smith prepared certain articles relating to Edinburgh, some of which have been printed in the *Book of the Old Edinburgh Club*. Others are preserved in the Edinburgh Public Library (Edinburgh Room); among these one on St. Leonards, of which the present article is an amended and extended version. Paragraphs dealing with Mr. Smith's remarks on particular points are indicated by the use of square brackets.

which skirted the margin of the South or Burgh Loch. It followed this road till it reached a narrow lane that led eastwards towards another little shrine or sacred spot, hence called Mounthooly Lane (now Preston Street); and then turning south it followed once more what was called the 'easter road' (at this part now Dalkeith Road) till it reached the march of Priestfield, and thence to the King's Park, whose wall or dyke eventually became (for the most part) the eastern boundary of the lands of St. Leonards.

All the district embraced within the above limits formed part of the Barony of Broughton, which was bestowed by King David the First upon the monks of Holyrood. This barony continued in their possession until the Reformation, and while many Church lands were then appropriated 'two parts to the devil and the third between God and the devil,' the lands of Broughton were expressly excluded, and the revenues were continued to the existing owners and occupiers. The Commendators of Holyrood, Robert Stewart, Adam Bothwell, and his son John Bothwell, held successively the superiority until the year 1587, when the whole of the Church lands were annexed to the Crown. The King granted a charter of Broughton on 28th July of that year in favour of Sir Lewis Bellenden of Auchnoule, Justice-Clerk, in recognition of services rendered by his father<sup>1</sup>; and this grant was confirmed on 12th August 1591.<sup>2</sup> Dying just a fortnight later, he was succeeded by his son Sir James Bellenden of Broughton, and he in turn by his son Sir William Bellenden at the close of the year 1606. Sir William did not attain majority till 1625 or 1626; in 1661 he was created Lord Bellenden of Broughton, and died unmarried in 1671.<sup>3</sup> The superiority of Broughton had, however, long passed from his hands, for on 6th October 1627 he granted a charter of the whole barony<sup>4</sup> to Robert, first Earl of Roxburgh, his

<sup>1</sup> *Reg. of Great Seal.*<sup>2</sup> *Ibid.*<sup>3</sup> *Scots Peerage.*<sup>4</sup> E.S., 28 Nov. 1627.

mother's brother. This charter was confirmed by the Crown on 15th August 1630.<sup>1</sup> Nine years later (11th December 1639) two Crown charters<sup>2</sup> were granted in favour of the Magistrates of Edinburgh; (1) to the Good Town, for behoof of the community, of the Burgh of regality of Canongate, etc., and 'the village, houses and yards of that part of St. Leonards lands called the lands of Diraneuch *alias* Pleasance'; and (2) as Governors of Heriot's Hospital, of many other parts of the Barony of Broughton, including 'the lands called St. Leonards lands.' Thus the larger part of the lands of St. Leonards remained under the administration of the Governors of Heriot's Hospital; but various parts eventually came into the possession of the Town, as will appear later.

In most of the documents above referred to, the subjects enumerated include (besides 'St. Leonards lands') Ironside, Dishflat, Meadowflat, Pleasance and Dearenough. Details regarding these and other lands, parts at one time or another of the lands of St. Leonards, are given later in this article.

#### I. THE CHAPEL AND HOSPITAL

In his little book entitled *An Account of the History and Antiquities of St. Leonards* (1865), George Forrest describes certain excavations on St. Leonards Hill in 1854-5 which resulted in the rediscovery of the ruins of a chapel understood to have been erected in the year 1493 on the instructions of Robert Bellenden, Abbot of Holyrood. Forrest hints at the existence of an earlier structure, but gives no documentary evidence except the reference in Bellenden's deed of mortification to an ancient almshouse.

A large number of hospitals and chapels in Scotland were dedicated to St. Leonard, Abbot and Confessor, a French saint of the sixth century, whose memorial day was 6th November. Besides St. Leonards College, St. Andrews,

<sup>1</sup> *Reg. of Great Seal.*<sup>2</sup> *Ibid.*

there were chapels and/or hospitals at Ayr, Dunfermline, Lanark, and in the shire of Roxburgh; and there were also at least two in the County of Midlothian, namely, one in the neighbourhood of Polton and the other in the vicinity of Edinburgh. There is no doubt that a hospital under the protection of this saint stood on some part of St. Leonards Crag long prior to the end of the fifteenth century. Among charters and other documents preserved in H.M. General Register House there is a Notarial Transumpt (made on 20th July 1467)<sup>1</sup> of certain documents including a Bull of Pope Clement VII which confirms a charter by King Robert III dated 18th January 1390-1<sup>2</sup> in which it is narrated that there were shown and read to the King certain charters of the late King David, founder of the monastery of Holyrood, granting in perpetual gift to the abbot and convent the Hospital of St. Leonard near Edinburgh with the pertinents. King Robert ratifies and renews the gift in perpetual alms of the said Hospital of St. Leonard 'annexed to the barony of Brochton' in consideration of a mass to be said weekly at the altar of the Holy Rude and three masses to be said weekly 'in *ecclesia dicti hospitalis*.' There is also thus clear evidence of a chapel attached to the hospital.

That the monastery's claim to possession of the hospital from an early date is not fictitious is supported by another piece of evidence. The Rev. Dr. Lockhart, of Colinton, in a paper read before the Society of Antiquaries on 14th May 1894,<sup>3</sup> drew attention to an early thirteenth-century deed relating to St. Leonard's Hospital, printed in the Register of Charters of Dunfermline Abbey.<sup>4</sup> The Church of St. Cuthbert and church lands in the Parish of Hailes (Colinton) had been bestowed by Ethelred, brother of King David I, upon the monks of Dunfermline. About the end of the

<sup>1</sup> Reg. House Charters, No. 406. <sup>2</sup> Reg. of Great Seal, i., Appendix ii, 1668.

<sup>3</sup> Proc. of Soc. of Antiquaries of Scotland, vol. xxviii. p. 254.

<sup>4</sup> Reg. of Dunfermelyn (Bann. Club), p. 137.

twelfth century a title to the teinds of the Mill of Dreghorn in that parish had been granted to the 'brethren of the hospital of St. Leonard of Edinburgh,' but the parson of Hailes seems to have objected to the gift and carried his complaint to the Papal court. Order was given for the matter to be investigated, and the deed referred to gives the decision of the arbiters. The brethren of the hospital are to hold the teinds in perpetuity, but to pay 3s. a year for maintenance of lights in the foresaid church of St. Cuthbert.

The next mention of the hospital is about a hundred years later, when on 24th June 1334 letters were ordered to be issued ratifying the appointment made by Edward, 'King of Scots,' of his clerk, Thomas of Wakefield, as chaplain to the hospital of St. Leonard near Edinburgh.<sup>1</sup> Then there is King Robert's renewal of the gift to the monastery of Holyrood in 1391, above mentioned, when the chapel and hospital seem to have been in good condition.

Then follows a long period of silence. Fully a hundred years pass by ere we come to the later chapel and hospital. In a period of building activity and reconstruction, when castle and palace were taking new shape, it entered the heart of Robert Ballantine (or Bellenden), Abbot of Holyrood, to do something for the structure on St. Leonards Hill, which seems to have fallen into neglect. Perhaps the following document furnishes a reason for the Abbot's interest in this matter. On 2nd May 1472 a Bull was obtained at the instance of the Scottish King for dissolving the union of the hospital of St. Leonard, in St. Andrews diocese, with the monastery of Holyrood, and for the appointment of a rector for said hospital according to constitution of Pope Clement V.<sup>2</sup> Whoever the 'rector' was, he seems to have had royal support in his endeavour to erect the hospital and its revenues into a separate cure, for personal benefit. Meanwhile, however, Abbot Archibald

<sup>1</sup> Bain's Calendar of Documents relating to Scotland, vol. iii. p. 204.

<sup>2</sup> Dr. A. I. Cameron's Papal Camera and Apostolic Benefices, p. 172.

(Crawford), restorer of the Abbey Church whose ruins still exist, had set machinery in motion, the transumpt of 1467 being evidently an instance, for obtaining confirmation by Pope Paul II of certain rights and privileges belonging to Holyrood, and among others the ratification on 3rd February 1469-70<sup>1</sup> of the Bull of Clement VII, 28th May 1391, confirming Robert III's charter of 18th January already mentioned. It would seem, therefore, as if in the end the would-be rector's scheme miscarried, and the Bull of 1472 did not take effect.

At any rate, on 18th July 1493 Abbot Archibald's successor Bellenden sealed a Deed of Mortification,<sup>2</sup> in which he describes an almshouse on the south side of the chapel of St. Leonard the Confessor near the burgh of Edinburgh, within his territory and barony of Brouchtoun, founded of old for the maintenance of six aged and invalid poor men, which by passage of time, wars and other inconvenients, had become waste and uninhabitable; and with the intention of repairing and restoring the 'chapel and its almshouse' to their original state he thereby provided for six poor and infirm old men, to each of them a wooden bed, two blankets, a coverlet and a pillow, and 4d. per day to be paid by the cellarer of the Abbey. Along with this he granted to them and their successors living in the said almshouse two crofts, one called Le Terraris Croft and the other Le Hermitis Croft,<sup>3</sup> in the territory of St. Leonard beside the said chapel on the south side thereof, on the east side of the common passage leading to the Common Muir of Edinburgh; also an annual of 20s. from the tenement of land of Patrick Richardson, the Abbot's servitor, lying in the burgh of Canongate on the

<sup>1</sup> *Calendar of Papal Letters*, vol. xii. p. 734.

<sup>2</sup> *Reg. of Holyrood* (Bann. Club), pp. 234-44.

<sup>3</sup> Wrongly printed Hunts Croft in the Bann. Club edition of the *Register of Holyrood*. It is hoped to deal with the story of these properties in a further article.

south side of the high street thereof, between the land of Ingram Wyld on the east and the land of John Lange on the west, for provision of fuel and other necessities for the said six men. He also appointed a fit chaplain for service of the said chapel and almshouse, and assigned to him 'the great mansion lying beside the gate of the monastery on the north side of the high street of the Canongate,' with an annual of 33s. 4d. from the land of Thomas Carsen, mason, on the south side of the said high street.

For this provision the six 'bedemen' were enjoined to recite and celebrate in honour of God and the wounds of Christ Jesus in private manner each day before noon, for the souls of King James III and Margaret his consort, King James IV and his successors, as also the souls of the founders, the abbots and monks, and so forth, fifteen paternosters and three credos, and in the afternoon to tell their beads and perform other private orisons as conscience prompted. The chaplain for his part was to celebrate mass, daily if he chose, but at least once in every fortnight, when in health, with other offices as occasion required. A procurator was also to be elected, for the part of the abbey, to collect and administer the offerings for the maintenance of the chapel and its lights, ornaments and vestments, and for the upkeep of beds, etc., in the hospital.

The prince who first took up his residence in the near-by palace, and who was so soon to fall on Flodden field, now and again graced the little chapel with his presence. The Accounts of the Lord High Treasurer show that it received from time to time a share of his customary benefactions. On 16th May 1506 there are two items: 'To the Kingis offerand in Sanct Leonardis, xiiijs.' and 'To tua priestis said mes to the King in Sanct Leonardis, ijs. viijd.' The gift of 14s. was repeated on 29th May 1507, and twice in the year 1508. In 1512 one Alexander Rynde left donations to an altar in St. Giles', with pittances for thirty-six poor persons, two of whom were to

be bedemen of St. Leonards hospital.<sup>1</sup> It had other emoluments, such as 13s. 4d. of annual from a property at Leith Wynd head belonging in 1558 to John Cristesoun.<sup>2</sup> Apart from these references there is little recorded about the chapel or hospital until the eve of the Reformation, except for the incidents dealt with in the next two paragraphs.

[The late Mr. John Smith, referring in his article to his *Extracts from the Records of the Hammermen of Edinburgh* (publ. 1906),<sup>3</sup> took the view that the craft or gild, for the greater part of the period from 1494 to 1563, 'met here without fail in the first week of May to elect their deacon for the ensuing year and hear the boxmaster or treasurer's statement of their funds.' He goes on to say: 'On the morning of the day appointed they proceeded to Sanct Gellis Kirk where they had an altar dedicated to St. Eloi and served by their own chaplain, who handed over a box containing the saint's "geir" including the missal used at their daily services. The saint's banner at the altar was placed in their keeping, and with this and the Craft's own one forming a prominent feature in the function they next visited the abode of the boxmaster, who brought out the box holding their securities and cash, closely guarded by that official and the three keepers of the separate keys. A number of them were on horseback, and these, with the various members of the different branches composing the Hammermen Craft, formed themselves into processional order, and so marched from the Cowgate by the Pleasance to St. Leonards Hill. How this function arose is not known, but it was faithfully carried out year after year, and it only ceased when the hammermen acquired full possession of the Magdalen Chapel and Hospital in the Cowgate about 1560.<sup>4</sup> It is certain they were allowed permission

<sup>1</sup> *Reg. of Colleg. Church of St. Giles*, pp. 195-6.

<sup>2</sup> John Robesone's Prot. Bk., 9 Nov. 1558.

<sup>3</sup> Though in the book itself he says nothing about St. Leonards and the procession.

<sup>4</sup> The Craft's interest in the Magdalen Chapel began in 1544.

to transact the business part of their gathering within the Chapel of "Sanct Leonardis," as on one or two occasions they made contributions of money indicating some acknowledgment for the privilege granted.' The items to which he refers are:—

- '(1495) Given the day of the count making to the beidman at Sanct Leonards that kepis the kirk, at the command of the craft . . . vj d.
- (1498) To the belmond of St. Leonards that day the dekyn was chosen . . . vj d.
- (1501) For ij lib. iij unce to the twa caddil (candles) Sanct Loys and Sanct Leonards of new wax ekit to the ald wax, the pair . . . v s. vij d.'

The Hammermen Records, which begin in 1494, show that from that year onwards till 1521, with three exceptions, the Craft gathered 'at St. Leonards' in the beginning of May to choose their deacon and kirkmaster. In 1509 and 1518 they gathered 'at Plesaunce,' and in 1510 'at the Blak Freris of Edinburgh.' From 1522 onwards they gathered 'at St. Leonards Hill,' and from 1547 to 1558 'at St. Leonards Craggs.' The occurrence of the above items in these records goes therefore to support Mr. Smith's contention that certain members of the craft met in the chapel, at least during the end of the fifteenth and earlier part of the sixteenth century.]

Another event, definitely recorded as having taken place near the chapel, is worth noting. Chalmers in his *Caledonia*, vol. iv. p. 615, states that 'on the 2nd of February 1528-9 the Douglasses held a meeting at St. Leonards Chapel near Edinburgh to concert the assassination of their sovereign, and it was agreed by them to enter the King's bedchamber and close the scene by a mortal blow. . . . The assassins who met on that traitorous design were Archibald Douglas, the uncle of Angus, James Douglas of Parkhead, Robert Leslie, and Sir James Hamilton, the bastard of the Earl of Arran, and of late the King's favourite. They were to enter the palace

by a window at the bedhead, which was pointed out by Sir James Hamilton who used to share the King's bed. . . .'

There are several notices of the event in the Records of Parliament, but only in one of them is any date given, where the indictment reads that Robert Leslie convened with Archibald Douglas of Kilspindie and James Douglas of Parkhead 'beside Sanct Leonardis chapell situate beside the burgh of Edinburgh aboute the fest of the purificatioun of our Lady the yeir of god jm v<sup>c</sup> xxviiij yeris.'<sup>1</sup> The precise day is therefore uncertain; and it is not stated that the plot took place within the chapel. The Latin version is '*apud capellam*,' and in the vernacular 'beside' is used three times, and 'at' twice. The conspirators may thus have met on the hill-top, where so many duels and combats took place in later days.

The names of the earliest 'bedemen' or 'hospitallers,' as they were called, to occupy the new buildings and enjoy the fruits of the crofts annexed thereto have not been found on record. There is no reason to doubt that the full quota of six was maintained while the hospital continued to function; and in a deed of 1561, to be mentioned later, six persons are mentioned by name. There is, however, a very interesting entry in one of the protocol books of John Robesone, notary public (preserved in Reg. House), of date 17th March 1554-5, a translation of which runs thus:

'Instrument narrating that in presence of the notary and witnesses compeared Sir John Ramsay, prior of Holyrood near Edinburgh, within the chapel of Saint Leonard near the said burgh, who declared that he was commanded and charged by Robert, Commendator of said monastery, by word of mouth, that at the first death of the brethren hospitallers of the hospital of the chapel of St. Leonard he should receive and admit John Stewart as one of the hospitallers of said hospital in place of the defunct, with all rights belonging to him. Wherefore the prior according to the mandate of the Commendator

<sup>1</sup> *Acts of Parliament*, vol. ii. p. \*423b.

gave and delivered the hospitallership of the said hospital, then vacant by decease of John Brown the last and one (*ultimi et unius*) of the hospitallers, with all rights, fees, lands, annualrents and profits, to the said John Stewart, by the giving and delivery of a rosary (*oraculorum*) then in his hands, and in name and behalf of the Commendator and convent of the said monastery taking him by the hand and admitting him. Moreover the prior passed with John Stewart to the vestibule of the said chapel and there assigned him a place where he might put his bed and provision, and caused him to know his own garden. Further the said John Stewart touching the Gospels faithfully promised to observe and keep all the statutes made by the Commendator and convent of the monastery concerning the said hospitallers, under the penalties contained therein. The said John Stewart then craved instruments. Done within the chapel; witnesses being, John Wilson, one of the brethren of the said hospital, Henry Lummsdene, servitor to the said prior, and Francis Johnsoun, sergeant of the regality and barony of Brochton.'

When Brown is described as '*ultimus*' the word is probably equivalent to a contemporary vernacular phrase 'that last deceissit'; it certainly does not mean that only one hospitaller then occupied the building, for another is mentioned as witness to the deed. The pointing out of a sleeping place from the vestibule leads one also to infer that the chapel and hospital were actually connected and not separate buildings. It is interesting also to note the reference to the newcomer's special bit of garden, suggesting that each bedeman had his own part of the two crofts to tend.

A little farther on in the protocol book there is another instrument of admission, with slight variation. It is dated 17th September 1556, on which day Richard Scheves, indweller in the burgh of Canongate, compeared before the Prior and presented a precept by the Commendator in these words: 'Prior, our will is efter the sicht heirof that ye enter our dailie oratour Rechart Scheves in the nixt beidmanschipe that sall happin to vaik in our hospitale of Sanct Leonardis, and this we wald ye did as ye will have our speciale thankis:

Subscrivit with our hand at our abbey of Halierudhous the xxviii day of Merche the yeir of God j<sup>m</sup> v<sup>e</sup> liiij yeiris.' Whereupon the Prior gave and delivered the hospitallership then vacant by decease of John Achesoun, 'last and one' of the hospitallers, with all its rights and profits, to the said Richard by delivery, etc., as before.

On 19th February 1557-8 there is a further instrument narrating that Sir Alexander Smeberd, vicar of Urr, acting in absence of the Commendator (who was abroad), compeared in the chapel of St. Leonard and in virtue of the commission granted to him by the Commendator and convent gave and delivered the hospitallership then vacant by decease of the late John Mudy, 'last and one' of the hospitallers, to Alexander Brakre, an old servitor in the Abbey, by delivery of beads then in his hands, etc., as before. Among the witnesses were Richard Scheves and John Stewart, hospitallers.

As the next reference to bedemen is associated with the manse assigned to the chaplain, some account of it may be given here. In Bellenden's foundation it is described as 'the great mansion lying beside the gate of the monastery on the north side of the high street of the Canongate'; and the next we hear of it is in connection with building operations in the Castle of Edinburgh. A new 'munition house' was being constructed, and also a place for storing the national records. The work was in charge of John Drummond, master wright. In the Lord High Treasurer's Accounts, under date 2nd November 1541, there is this item:

'Delivered by Charles Murray to James Dog 3000 pikes of white ash, 500 pikes of Spanish ash, and 500 halberts, and given for the carriage of the same to a house "att the abbay yett" pertaining to the priest of Sanctt Leonardis, extending to 41 draught price of the draught 16d. summa 54/8; item for "grathing" of the same house and breaking down two walls of mud and clay therein, 6/6; item for two locks to the doors thereof, 8/-.'

During the years 1539-42 payments were made to Sir Alexander Boyd, chaplain of St. Leonards, for the rent of the house pertaining to his chaplainry, at present occupied by John Drummond 'in the King's name,' 'to the King's behoof,' etc.; and in 1542 it is referred to as a 'tymmerhous.' Fifty shillings was the sum allowed each year. The manse was therefore used as a temporary store for arms, which were eventually carted away to the Castle. As much of the material was transported from the port of Leith, the store formed a convenient half-way house on the 'Easter road' route.

The mansion's days of usefulness as a suitable residence were now over, as will be seen later. That, however, did not prevent its being the subject of negotiation, and on 20th June 1556 Sir Andrew Bartrahame, chaplain of the chapel of St. Leonard the Confessor beside the burgh of Edinburgh, with consent of Robert, Commendator of Holyrood and his convent, patrons of the said chapel, granted a feu charter<sup>1</sup> to William Bell, burgess of Stirling, and Sibilla Drummond his wife, of 'all and whole the great mansion and bigging under and above with the yards thereof and their pertinents pertaining to the foresaid chapel lying beside the yett of the abbey of Holyroodhouse on the north part of the King's street<sup>2</sup> of the Canongate in the east end of the said burgh,' to be held of the said chaplain and his successors in feu farm for 8 merks yearly.

Then came the Reformation, and with it the subversion of the old order of things, and a scramble by churchmen and laymen alike to get what they could from the ruins. The next two documents are given in some detail, as they illustrate the position and prepare the way for winding up the story. On 10th October 1561<sup>3</sup> Mr. Alexander Chalmer went to the chapel of St. Leonard and there produced a charter by

<sup>1</sup> Reg. of Feu Charters of Kirk Lands (Reg. House).

<sup>2</sup> The deed was not recorded till 1586.

<sup>3</sup> John Robesone's Prot. Bk., fol. 135.

Robert, Commendator of Holyrood and his convent, dated 9th March, 'granting to our servitor Mr. Alexander Chalmer, chamberlain of our said monastery, all and whole our chaplainry and service of the chapel of St. Leonard . . . whenever the same shall happen to vaik and fall in our hands by resignation or demission of Sir Andrew Barthrame,<sup>1</sup> chaplain and last possessor thereof, with all rents and revenues connected therewith; doing therefor during his lifetime the cure and rule of the said chaplainry in terms of its foundation'; and empowering the notary to instal him in possession. Whereupon the notary inducted Chalmer; done 'upon the ground of the foresaid chapel' at 12 noon, before these witnesses, Andrew Chalmer, John Sprott, Thomas Dwn and Donald Muschat. On the following day<sup>2</sup> Andrew Donaldson, acting as bailie on behalf of the Commendator and sacristan foresaid (Chalmer) and the poor and hospitallers of the said chaplainry, compeared 'at a mansion or building with yards thereof belonging to the said chapel, lying beside the port of the Abbey on the north side of the highway at the east end of the Canongate,' and produced a feu charter of even date by the said Commendator and sacristan and John Wilsoun, Richard Scheves, Robert Wilsoun, Robert Roger, Alexander Brakre and Donald Muschet, poor and hospitallers of the said chapel, narrating that the said mansion was destroyed and totally burned by the English and has never been rebuilt and restored, and now the old and ruined walls will crumble to the ground by the effect of rain unless funds are forthcoming for their repair, wherefore they grant and set in feufarm the foresaid great mansion or building with the yards thereof and also their two crofts of the lands of St. Leonards now occupied by Robert Muir called Terraris croft and Hermitis croft lying on the south side of the said chapel,

<sup>1</sup> Bertram held other benefices, including the prebend of St. Anne at Kirk of Field.

<sup>2</sup> Robeson's Prot. Bk.; Reg. of Feu Charters of Kirk Lands.

to Andrew Chalmer and his heirs and assignees holding of the Commendator, for payment to the foresaid Mr. Alexander Chalmer and his successors, sacristans of the said chaplainry, of £5 Scots yearly for the mansion, and paying yearly for the said two crofts to the said poor and hospitallers and their successors £4 Scots as the old ferme, and 8s. for grassum, and 2s. of augmentation, extending to £4, 10s. Dated at the monastery 11th October 1561. Sasine was given by the said bailie at the said mansion and on the said two crofts at 8 a.m. before witnesses, Donald Moresoun, Thomas Dwn, Donald Muschat, and the said Mr. Alexander Chalmer.

Chalmer must have put the house in condition, for in 1570 officers were sent to 'that greit mansion land or bigging pertaining to Andrew Chalmer and new biggit be him lying beside the abbey yett,' to distrain for payment of an annual due therefrom.<sup>1</sup>

The manse must have stood very near, if not on, the site of the Sanctuary Tea Rooms. In a sasine of 1559 a property possessed by William Forman is described as lying in Canon-gate near the common gate thereof called the Watteryet, between the tenement of land pertaining to the chaplains of the chapel of St. Leonards and the garden thereof and the garden of the sacristan of the monastery of Holyrood on the east, the King's highway on the west and south, and the said garden of the sacristan on the north.<sup>2</sup> Now the St. Leonards manse is stated to be on the north side of the Abbey Port; so it is probable that the manse garden lay between Forman's tenement and the manse.

It was not intended that the poor should suffer by the changes taking place in ecclesiastical government, and an Act of Parliament of 1578 directed that the state of the revenues of the hospitals and the feu charters relating thereto should be examined, as the revenues had been converted 'so

<sup>1</sup> Regality of Canongate, Court Book, 3 May 1570.

<sup>2</sup> Robeson's Prot. Bk.

that the poor and bederalls has small or na thing to leif upon.' In 1581 a further stage was reached by the appointment of a commission for reformation of the 'hospitals masondewis almoushoussis and beidhoussis' and reducing them to their first institution. Representation having been made for the poor of the realm that the present possessors of sundry benefices under colour of reformation of religion have appropriated the whole livings of the said hospitals, etc., to their own uses and have let the lands and rents thereof for great sums of money to others in feufarm, and have demolished the godly houses that were appointed for receiving and lodging of the poor, commission was therefore granted to certain noblemen and others to take cognisance of the matter and see that the said hospitals, etc., 'be brocht reponit and reductit in and to the ordoure and estait of thair first foundationis according to the mynd and intentioun of their godlie foundatoris safar as may stand aggreabill with the lawes of this realme and christiane religioun presentlie professit within the same.'<sup>1</sup>

In accordance therewith on 31st October 1578 John Wardlaw, son of Henry Wardlaw, writer, was appointed master and provost of the hospital of St. Leonard lying beside the burgh of Edinburgh, which office 'vaiked' and pertains to the Crown by decease of Sir Andrew Bartrum, last possessor thereof (Alexander Chalmer is unaccountably omitted), 'provyding that he do and performe the pointis of the foundatioun safar as is allowabill be the present lawis of this realme and not repugnant to the trew religion of Jesus Chryst now publictlie precheit and ressavit within the same.'<sup>2</sup>

It would seem that the chapel and hospital continued to function for a period of time. Reference is made in a deed of 1578 to a property bounded 'by the road leading to the chapel of St. Leonard' (*Book of Old Edinburgh Club*, vol. iii. p. 103).

<sup>1</sup> *Acts of Parliament*, vol. iii. p. 219.

<sup>2</sup> Reg. of Presentations to Benefices (Reg. House).

Maitland states (p. 176) that James VI granted to the magistrates of Canongate the ground and revenues of St. Leonard's chapel and hospital on 31st December 1591 for the use of St. Thomas' hospital at the Watergate—a statement I have not been able to verify on account of the present inaccessibility of the Burgh records.<sup>1</sup> It is probable, however, that by this time, or very soon after, the buildings on St. Leonards Hill were deserted, and other accommodation found for any of the inmates that survived.

On 2nd February 1637 the magistrates of Edinburgh made over to the Minister and Kirk Session of Canongate the ground annuals, pittances and pittance silver due from subjects in Canongate and St. Leonards, etc., for pious uses, in consideration of their undertaking to pay 300 merks of salary to Mr. Alexander Gibson, master of the grammar school of Canongate. Among these dues may have been some that were formerly mortified to the chapel and hospital.<sup>2</sup> When in 1625 one of the Crichtons got a charter of the lands of St. Leonards, it was with reservation to the Abbot of Holyrood and his successors of the chapel of St. Leonard with its offerings, and gift of the chaplainry thereof and right of 'inputting poor hospitallers of the almshouse of the said chapel' as often as a vacancy occurs, and also reserving to the said poor and hospitallers two crofts on the south side of the chapel.<sup>3</sup> These crofts had, however, before this time passed into the hands of a feuwar and were no longer laboured by inmates of the hospital<sup>4</sup>; and as similar reservations occur in titles at dates when the old order of things had definitely ceased, it would appear that they were but vain repetitions

<sup>1</sup> [Smith makes a curious mistake in his MS. article, p. 71, when he says that four bedemen and a master are mentioned as occupants of the hospital in 1596, and in 1645 a master is appointed. The hospital referred to is that of St. Leonards in Ednam, in the shire of Roxburgh, with which strangely enough the family of Crichton of Lugton also had associations.]

<sup>2</sup> Regality of Canongate, Reg. of Deeds, 10 Feb. 1637.

<sup>3</sup> E.S., 2 Aug. 1625.

<sup>4</sup> E.S., 23 Feb. 1625.

from older writs. At any rate, when Sir John Carstairs of Kilconquhar got a mortgage over the lands of St. Leonards, sasine was given to him on 28th November 1653 'first upon the northwest part of the ground of the said lands of St. Leonards,' thereafter upon the midst of the said ground, 'and last att the old ruinous hous or chappell of St. Leonards and lands thereabout.'<sup>1</sup> And in a sasine of 1682 embracing *i.a.* the Hill of St. Leonards exception is made of the 'vestige of the almshouse standing therupon.'<sup>2</sup>

After that, nothing more is said of the 'vestiges' until Forrest published his little book two hundred years later, giving more or less circumstantial details about the remnants of the structure which it seems now difficult if not impossible to verify. Even the site, though marked on the Ordnance Survey Maps of 1853 and 1877, cannot now be identified with certainty, except that part of it is now covered by the James Clark School. The vault alluded to by Forrest had nothing to do with it, and can be otherwise explained.

## II. THE LANDS

The earliest reference to the lands of St. Leonards, as such, is in a charter by King David II, dated 13th February 1345-6, to William Bartholomew, burgess of Edinburgh, of the lands of Quarrelpots, and of an acre of land lying between the lands of St. Leonards on the east and the lands holding of the Master of Soltray.<sup>3</sup> In the cartulary of St. Giles there is mention of an annual due to the Church of St. Giles from a croft in the Newgate on the south side between the croft of Soltre on the west and the croft of St. Leonards on the east; an annual from subjects in the Newgate of Edinburgh between the croft of Sir Roger Wigmore on the west and the croft of St. Leonard on the east; and an annual from the tenement of Nicol Stryngar in Canongate between the land

<sup>1</sup> E.S., 15 Dec. 1653.

<sup>2</sup> E.S., 12 Jan. 1683.

<sup>3</sup> *i.e.*, Soutra. See *Reg. of Great Seal*, i. App. ii. 920.

of St. Leonard on the east and the tenement of Andrew Youtson on the west. It seems impossible to determine where these crofts were situated; but compare a reference in *Reg. of Arbroath* (Bann. Club), pp. 57, 58, dated 1428, mentioning a croft near the chapel of St. Mary of the Fields between an acre of land of the house of Soltre on the west and land or acre of St. Leonards on the east.

It is not known at what date the lands were first feued, but certainly by the middle of the fifteenth century small portions on the east side of and adjacent to the highway called the street of St. Leonard (now Pleasance) had been disposed, as appears from an Instrument in Young's Protocol Book of the Barony of Broughton, which narrates that on 27th July 1485 John Lyile and John Mathesone, son and heir of Alexander M., deceased, resigned in favour of John Richardson, cooper, burgess of Edinburgh, and Margaret Inglis his wife, an acre of land '*in vico Sancti Leonardi*' on the east side of the transe thereof, between the half acre of John Crenistone on the south and the half acre of Adam Gray on the north, the lands of Dischflat on the east, and the transe of the said street on the west; sasine being given on the Abbot's behalf on 28th July. From that time onward references to crofts of an acre or less in extent along the east side of St. Leonard Street become more plentiful; and thus there grew the 'village of St. Leonard,' as it was sometimes called even as late as 1650. An alternative name was St. Leonard's Raw, or Row.

The fraternity at Holyrood found themselves running the risk of being deprived of part of their heritage through the excessive zeal of King James V, when in the year 1540 he selected a certain area for his royal park. This is alluded to in an action<sup>1</sup> raised on 20th March 1544-5 before the Lords of Session at the instance of Robert, Commendator of Holyroodhouse and his convent, etc., against William, Abbot of

<sup>1</sup> *Reg. of Acts & Decrees*, ii. 27. Cf. *Book of Old Edinburgh Club*, vol. xviii. p. 184.

Culross, Comptroller, Mr. Henry Lauder, Queen's Advocate, and others, narrating that the said Abbot and convent had certain lands in their possession until between March and August 1540 the late King, the time he caused 'big the park, intromettit with ane part of the landis of Sanct Leonardis, the hale Abbatismedow,' half an acre belonging to Robert Johnston, 'the hale land of Huntlyntoun and hale crag thereof, ane part of the landis of Cloksorrowmyln lying at the south part thair of, and inclusit the samyn within the said park and maid propirte thair of and spulyeit thame of thair possessioun of the samyn wranguislie'; and after the King's death the Government and Lords of Council enacted that all persons feeling aggrieved in their rights by appropriation without their consent should raise summonses against the Officers of State. The Lords referred the matter to the Lords of Council; but the upshot is not revealed. The Park dyke, erected in 1540,<sup>1</sup> continued, however, to make a cleavage in the lands of St. Leonard.

As has been already stated, the superiority titles of Broughton refer to lands 'called St. Leonards Lands' and also to 'Pleasance and Dearenough' as parts of the Barony. There is difficulty, however, in defining just to what extent the lands 'called St. Leonards Lands' were commensurate with the whole lands of St. Leonard, and it is probable that a more appropriate name for the former would be 'Crichton's Lands of St. Leonard.' The following remarks accordingly deal (A) with Crichton's Lands of St. Leonard, in their entirety; (B) with Pleasance and Dearenough; and (C) with other properties within the lands of St. Leonard.

#### A. CRICHTON'S LANDS OF ST. LEONARD

By far the largest feuar of St. Leonards, as appears by the stent roll of Holyrood, 1578,<sup>2</sup> was Patrick Crichton of Lugton.

<sup>1</sup> The Hammermen Craft were responsible for 12 roods (Smith's *Extracts from Records of the Hammermen*, p. 106).

<sup>2</sup> *Reg. of Holyrood*.

He was the son of Patrick Crichton of Kinglassie,<sup>1</sup> in Fife, the King's servitor, who in 1533 obtained from Geills Cranston, daughter of William Cranston of Rathobyres, her one-sixth part of the lands of Lugton, near Dalkeith,<sup>2</sup> and seems afterwards to have acquired the whole barony of Lugton, as well as lands in Selkirkshire. He married Margaret Hoppringle,<sup>3</sup> and on 20th January 1555-56 resigned his lands in favour of Patrick Crichton, his son and heir, and Elizabeth Leslie his wife.<sup>4</sup> No record has been found of a feu charter to the elder Patrick of the lands of St. Leonard, but there is reference to the lands of Patrick Crichton of Lugton as bounding an acre in St. Leonard's Wynd in 1551, and resignation by him in the hands of the Commendator of Holyroodhouse of a half acre there in 1554.<sup>5</sup> There is proof, however, that by 1557 his property extended as far as the Burgh Loch, as is shown by a memorandum in Harlaw's Protocol Book<sup>6</sup> narrating that on 26th June 1557 Sir Andrew Bartrahame, chaplain, was infeft in six acres belonging to Crichton and now occupied by Stephen Story, lying at the south end of Bristo and the east end of the South Loch of the burgh of Edinburgh.

Also on 18th July 1558 Crichton passed to the ground of the lands 'commonly called St. Leonards' lying near the burgh of Edinburgh, occupied by himself and his tenants, and gave sasine to John Bellenden of Pendreich of an annual therefrom.<sup>7</sup>

Margaret Hoppringle was a widow by May 1560, and in

<sup>1</sup> There appears to have been a family connection with the Crichtons of Cranston Riddell, for in a Crown charter to Mr. Robert Crichton, advocate, of lands in Perthshire in 1576 confirming a feu charter of 1565 there is remainder to Mr. James Crichton of Cranston Riddell, whom failing to Patrick Crichton of Lugton, whom failing to Edward Lord Crichton of Sanquhar.

<sup>2</sup> *Reg. of Great Seal*, 27 Aug. 1533.

<sup>3</sup> Mr. Pringle in *Records of the Pringles* (1933) places her as daughter of Adam Hoppringle of that ilk (Torsonce).

<sup>4</sup> James Harlaw's Prot. Bk., fol. 109; *Reg. of Privy Seal*.

<sup>5</sup> McNeill's Prot. Bk.

<sup>6</sup> fol. 137.

<sup>7</sup> Grote's Prot. Bk.

virtue of a decret arbitral a year later<sup>1</sup> she renounced her liferent claims to Kinglassie but retained her interest in Lugton; and because the decret enjoined her to 'bruike a reasonable terce' of all lands and annualrents of which her late husband died possessed, besides the above, she and her son divided the lands and houses of St. Leonards as follows. She was to have lands occupied by Stephen Story extending to six acres, by Harry Ra five acres, Mr. Archibald Grahame eight acres, Andrew Gilson two acres, extending in all to 21 acres; and the rest of the said lands 'outwith the Park dyk' extending to 42 acres to be 'bruikit' by Patrick Crichton as his heritage, of the which 42 acres Stephen Storie 'bruiks' one and Harry Ra another in addition to the above; and as to the lands of St. Leonards 'within the Park dyk' she is to have for her terce two rigs 'at the sone' and he four 'at the shadow'; and as for the rest of St. Leonards unarable, to be divided by 'sowmes gersing,' she to have one-third and he the remaining two-thirds. There is thus evidence that Crichton's lands of St. Leonard extended in 1561 to at least 63 acres, all outside the bounds of the King's Park, besides some ground inside the Park of which a considerable portion was uncultivated. In a sasine of 1637<sup>2</sup> they are described as extending to 60 acres of arable land 'called St. Leonardis aikers,' lying on the east side of the Potterrow; in a sasine of 1639<sup>3</sup> the extent is 72 acres; and in 1696<sup>4</sup> the extent is given as 77 acres exclusive of Hermits and Termits.

It would indeed appear, from a general survey of the evidence, that the lands belonging to the Crichtons lay largely to the south of the line now represented by Arthur Street. Dishflat and other lands to the north belonged to other proprietors.<sup>5</sup>

In addition to the lands of St. Leonard, Patrick Crichton

<sup>1</sup> Reg. of Deeds, 16 June 1561.

<sup>2</sup> E.S., 2 Jan. 1638.

<sup>3</sup> E.S., 10 Jan. 1640.

<sup>4</sup> E.S., 27 Apr. 1696.

<sup>5</sup> See p. 145 *infra*.

had also the feu of an acre at the back of the Potterrow called the Theifaiker<sup>1</sup>; and in the same record there are references in 1569 and 1570 to removal of tenants of certain acres belonging to Crichton and his mother, one of which shows that part of the service exigible from the tenant was carriage of some commodity or other from Canongate to Lugton.<sup>2</sup>

For a time Patrick's lands of Lugton passed into the hands of William Douglas of Lochleven, by transactions dating from 1565, who thereafter disposed his right to James, Earl of Morton, after whose forfeiture they were bestowed by the Crown on Captain James Fraser in 1581.<sup>3</sup> Fraser resold them for 2600 merks to Crichton,<sup>4</sup> and he got a Crown charter thereof on 29th July 1581. Immediately thereafter he is in conflict with the Commendator (Adam, Bishop of Orkney) who charged him to pay £10 for the relief of his part of the tax of £40,000, half of which was to be paid by the 'spirituality.'<sup>5</sup> According to the Abbot the lands of St. Leonard were twenty husband lands, but the said Patrick contended that they were only one merk land, and he as feuar was subject only to the feu duty twice in the year. The dispute was remitted to Parliament.

Patrick died on 21st August 1594, and there was due by him to Patrick Crichton, collector to the hospital of St. Thomas chapel, 'for the Mertimes mail of the defuncts chalmer' occupied by him, £4.<sup>6</sup> He was succeeded in the estates by David Crichton, his eldest son, to whom on 10th February 1590-1 he had granted a charter<sup>7</sup> of lands in Selkirkshire in terms of David's marriage contract with Isobel Cockburn. David had a younger brother, Patrick, and also a sister Margaret, whose contract of marriage with

<sup>1</sup> Regality of Canongate, Court Book, 4 May 1569.

<sup>2</sup> *Ibid.*, 11 Feb. 1569-70.

<sup>3</sup> *Reg. of Great Seal*.

<sup>4</sup> Reg. of Deeds, 17 July 1581; *Acts of Parliament*, vol. iii. p. 275.

<sup>5</sup> *Reg. of Privy Council*, 20 July 1581.

<sup>6</sup> *Edin. Testaments*, 3 Feb. 1594-5.

<sup>7</sup> *Reg. of Great Seal*, 28 July 1591.

John Dundas, son of James Dundas of Newliston, was signed on 18th August 1576.<sup>1</sup> David is mentioned in 1609<sup>2</sup> and 1634<sup>3</sup> as patron of St. Thomas' Hospital at the Watergate. He mortgaged his lands of St. Leonard in 1620 to James Winram of Liberton, Keeper of H.M. Signet, for 10,000 merks,<sup>4</sup> but the bond was called up in December 1625 and he pledged them anew for the same sum to John Byres of Coates, having on 1st June of that year made over the property to his son and heir, David Crichton.<sup>5</sup> This younger David had a charter in 1631 of the teinds of St. Leonard from the titular, John, Lord Holyroodhouse<sup>6</sup>; and on the occasion of King Charles' visit to Edinburgh in 1633 he was one of five who received the honour of knighthood conferred upon them at Seton on Sunday, 14th July.<sup>7</sup>

David Crichton, elder, of Lugton was dead by August 1641, when the Governors of Heriot's Hospital granted a precept for serving Sir David heir to his father.<sup>8</sup> Prior to this Sir David had borrowed money from various persons on the security of his lands of St. Leonard, and on his death between February 1648 and June 1649<sup>9</sup> his eldest son, David Crichton of Lugton (now described as Lugton or Lugton-Crichton in Fife), after completing his title to the lands and teinds of St. Leonard in July 1650, consummated the policy by disposing them forthwith to James Crichton, Sheriff of Nithsdale, a brother of William, Earl of Dumfries.<sup>10</sup> Sir David's widow, Janet Edmonstone, with consent of her son disposed the

<sup>1</sup> Reg. of Deeds, 17 July 1581 (vol. 20, pt. i. fol. 418).

<sup>2</sup> *Acts of Parliament*, vol. iv. p. 445 (by a curious mistake the rubric states 'St. Leonards Hospital').

<sup>3</sup> Regality of Canongate, Reg. of Deeds, 30 Jan. 1634.

<sup>4</sup> E.S., 16 June 1620.

<sup>5</sup> E.S., 29 Dec. 1625, 5 Jan. 1626.

<sup>6</sup> E.S., 29 Mar. 1631.

<sup>7</sup> *Shaw's Knights of England*, vol. i. p. lxiii.

<sup>8</sup> E.S., 26 Mar. 1642.

<sup>9</sup> *Reg. of Great Seal*, ix. No. 2102; Reg. of Deeds, 14 June 1649.

<sup>10</sup> E.S., 29 May 1650, 27 and 29 July 1650.

lands of Ednam in Roxburghshire in April 1652 to the said James Crichton 'with the rest of Lugtons estate,' for payment of creditors.<sup>1</sup>

James Crichton, now styling himself 'of St. Leonards,' continued the mortgaging policy by wadsetting the lands in 1653 for 10,000 merks to Sir John Carstairs of Kilconquhar,<sup>2</sup> and in that and subsequent years various parts of the subjects were appraised at the instance of creditors, among whom were Harry Osburn, W.S., and James and John Gairdens, sons of the deceased John Gairden, litster, burgess of Edinburgh.<sup>3</sup> In 1671, after James Crichton's death, his son David granted a bond to Margaret Crichton, daughter of the deceased Sir David Crichton of Lugton, for 5500 merks.<sup>4</sup>

The final references to the Crichton possession of St. Leonard are (1) when on 3rd February 1696 David Crichton of Lugton, a captain in the Horse Grenadiers, obtained a feu charter from the Governors of Heriot's Hospital of the 77 acres of St. Leonard<sup>5</sup> (in the same year he made up titles to his other estates in Midlothian, Roxburgh and Selkirkshire); and (2) when on 19th November 1709 he disposed three acres known as Penmans Land, being part of the said 77 acres.

Captain David Crichton died in March 1710, in the parish of Kilconquhar, leaving a widow Anna Forbes and four sons, the eldest of whom, Robert, was served heir to him on 10th July. Robert himself died in 1722, and his executor was Thomas Crichton, surgeon apothecary in Dundee, his brother germane.<sup>6</sup>

The name 'Crichton's Lands' stuck to portions of St. Leonards for the greater part of the eighteenth century.

<sup>1</sup> Reg. of Deeds, 6 Nov. 1663.

<sup>2</sup> Gen. Reg. of Sasines, 15 Dec. 1653.

<sup>3</sup> E.S., 12 Dec. 1653, 27 Jan. 1654, etc.

<sup>4</sup> Reg. of Deeds, 16 June 1671.

<sup>5</sup> E.S., 27 Apr. 1696.

<sup>6</sup> St. Andrews Testaments, 3 June 1710, 6 Mar. 1723.

## B. PLEASANCE AND DEARENOUGH

Just outside the old city wall there lay a triangular piece of ground, now very much intersected, whose original boundaries were the Flodden Wall on the north (and the passage skirting it, later Drummond Street), the road leading to the Chapel of St. Leonard on the east (later called Pleasance), and the Backrow on the west (afterwards represented by Roxburgh Place, Richmond Place, etc.). The apex of the triangle is at the head of Carnegie Street, at what Ainslie's map of 1780 calls the Cross House.

The record evidence dealing with this comparatively small area is, in the earlier stages, an utter tangle. From a charter of 1657<sup>1</sup> in favour of William, Earl of Roxburgh, of part of the ground, described as lying 'in Pleasance *alias* Deireneuch,' it would appear that the whole area of the triangle was by that time included in Dearenough, as the boundary on the north is the Town Wall. But it is clear from the researches of Dr. Moir Bryce (*Book of Old Edinburgh Club*, vol. iii. pp. 66, 72, 91 *seq.*), and from evidence hereafter to be noted, that the northmost part of the triangle, extending to about three acres, early became the property of the Order of Friars Preachers, and was known from the latter part of the fifteenth century as the Blackfriars' Croft. Various portions were leased or feued by them during the following century; and after the transfer of the property to the Crown a charter was granted on 31st January 1562-3<sup>2</sup> to John Gilbert, goldsmith, burgess of Edinburgh, 'of the croft and land which formerly belonged to the Friars Preachers of Edinburgh extending to three acres of land or thereby lying on the south side of the said place outside the wall of the said burgh between the said wall on the north, the lands of Plesance and Deiraneuch on the south, the highway leading to the said burgh on the east,

<sup>1</sup> E.S., 17 Mar. 1758.

<sup>2</sup> Reg. of Privy Seal, xxxi. 88.

and the lone leading from the gardens of the said Friars towards the south between the Theif Raw and the said croft on the west.' This seems definitely to restrict Dearenough and Pleasance to the southern part of the triangle, and to justify its position relative to the Blackfriars' Croft as delineated on the plan accompanying Moir Bryce's article above referred to (vol. iii. p. 79).

There is more, however, to it than that. Were Dearenough and Pleasance separate properties, or were the names interchangeable? When the magistrates of Edinburgh got their charter in 1639, the subjects included the Burgh of Regality of Canongate, 'and the village, houses and yards of that part of St. Leonards Lands called the lands of Diraneuch *alias* Pleasance'; and the Earl of Roxburgh's charter from Bellenden of Broughton in 1627 included 'Diraneuch *alias* Plesantis.' Frequently after this the subjects are similarly described; but prior to 1627 they are always referred to as 'Deiraneuch *et* Pleasance,' or sometimes 'Pleasance *et* Deiraneuch.' The strange thing is that for a long time, in deeds relating to land as distinct from a row of houses or a street, the two names are nearly always conjoined. Dear-enough appears by itself once in 1647.

Attention is now directed to the earliest mention of Dearenough, recorded in McNeill's Protocol Book of Canon-gate and Regality of Broughton under date 21st November 1537. It is necessary to quote part of the Latin, in which tongue nearly all the material for such an article as this is recorded. John McNeill, the notary, appears on behalf of William Glen, son and heir of the deceased Robert Glen, burgess of Edinburgh, and resigns in the hands of Robert, Abbot of Holyroodhouse, '*totam et integram croftam et terram nuncupat. Deyreneuch cum mansione domibus edificiis ortis orriis ustrinis puteo et lie cobill vocat. Plesante adiacen. dicte crofte,*' lying between the croft of the Friars Preachers on the north and the two roads leading to the church of St. Leonard

and the burgh muir; and thereafter sasine was given in the said subjects to John Henrison, burgess of Edinburgh, and Agnes Young his spouse. Here then we have the croft and land called Deyreneuch with dwelling-house, houses, buildings, yards, barns, kilns, 'steipstane' and coble called Plesante adjacent to the said croft. It is clear that the coble could not have been 'called Plesante,' and the only possible assumption is that the '*mansione*' and other accompanying buildings were the subjects intended by the description '*vocat. Plesante adjacen. dicte crofte.*' In a deed of 1650 there occurs a more or less corresponding vernacular version: 'with the houses biggingis yairdis barne kill steipstane and cobill of the samen' (another property is referred to)<sup>1</sup>; and one is reminded of a protestation in 1519 'that quhatsumevir persoun quhilk had the outsettis and akeris of the Borrowmure in few of the toun that had nocht fulfillit the biggingis and completit the samyn with barnys killis cowbillis and servandis with all necessar thingis to mak malt with, after the forme of the act maid thairupoun,<sup>2</sup> that the said landis and aikeris mycht returne agane to the tounne.'

We seem, therefore, to have two distinct features: a croft called Deyreneuch, occupying (for the time being) a situation south of the Blackfriars' Croft; and a house with out-buildings, etc. (the beginnings of a hamlet), fringing the road which led towards the chapel of St. Leonard and on to the Burgh Muir.

It is probable that Dearenough, variously spelled Deir-eneuch, Diraneuche, is the earlier name of the two, a name of which the origin is lost. More than likely it is a Celtic word, or combination of words; but to advance any theory about its meaning would be futile. It may have had some connection with the Gaelic 'doire' (pronounced 'deera'), a wood, especially an oak wood; and perhaps with 'niuc,' a nook or corner—appropriate enough for the site. Milne in

<sup>1</sup> E.S., 30 Jan. 1650.

<sup>2</sup> On 30 April 1510.

*Celtic Place-Names in Aberdeenshire* refers to the name 'Derahouse' as the residence of the 'dera,' who was the factor or land steward for property belonging to a religious house. It may also be remarked that a surname Derinach, or Derynoch, appears on record in the latter part of the fifteenth century.<sup>1</sup> Whatever its origin and signification it is unlikely to have anything to do with the present use of the words 'dear' and 'enough.'

Whether Dearenough is of Celtic origin or not, the word Pleasance is English, and has evidently the ordinary meaning of 'pleasance' or pleasure ground, a place of resort attractive to the eye, in contrast perhaps with less salubrious surroundings. The word occurs as a place-name in other parts of Scotland at least ten times, and never to all appearance in connection with a religious foundation. In the present instance the name (which occurs as early as 1509 in the Hammermen Records) was perhaps descriptive of that part of the way to the chapel of St. Leonard, because of its attractiveness as a walk amid the remnants of the oak trees and other survivors of the Forest of Drumselch. In any event, the reader will be well advised to relegate to its proper place the fiction foisted upon a credulous world by Maitland, who was addicted to much fantastic guesswork, and has been followed (and 'improved upon') by others who ought to have known better. He surmised that Pleasance took its name from a nunnery of St. Mary of Placentia founded in the vicinity. When any trace of the latter's existence has been found, in records or in stone and lime, it will be time enough to revise our ideas on the subject.

If Pleasance was at first a dwelling or farmhouse, growing into a hamlet, the name was soon applied to that part of St. Leonard's Wynd which fronted the eastern side of the triangle (and only to that part). In 1553 sasine is given of part of the Friars' Croft situated on the 'west side of the way called the

<sup>1</sup> *Reg. of Great Seal*, ii. Nos. 2251, 2509; *Red Book of Grandtully*, i. 36, 37.

Pleasance'<sup>1</sup>; in 1579 of a piece of the Croft 'lying in the wynd or common passage called Pleasance on the west side of the transe thereof.'<sup>2</sup> In 1589 reference is made to property 'lying in the vennel called St. Leonard's Wynd now called Pleasance.'<sup>3</sup> It was only in much later days that the name was extended to embrace the whole of St. Leonard's Wynd from the Cowgate Port to Crosscauseway, probably by mere caprice; and for no better reason the name St. Leonard Street is now attached to a southern extension with which it never had anything to do.

After the Reformation the lands, houses, churches, etc., belonging to the Black and Grey Friars were gifted to the town for religious and charitable purposes; and consequently when Dearenough *alias* Pleasance became town property in 1639, the *whole* of the triangular area was apparently known by that name.<sup>4</sup> It was then divided into two parts, North Croft and South Croft. Both were feued out in 1647<sup>5</sup> by Mr. Robert Ker of Broomlands (whose title so to do has not been traced), North Croft to James Haliburton, writer in Edinburgh, and South Croft to John Davie, indweller in Bristo. In 1657 the magistrates of Edinburgh granted a charter<sup>6</sup> of the North Croft to William, Earl of Roxburgh, with whose descendants it remained, being sometimes referred to as Roxburgh's Croft. The South Croft, extending to 2½ acres, passed to four generations of the Davie family, the last of whom in 1709 disposed<sup>7</sup> to Alexander Montgomery of Asloss, who disposed to his daughter Penelope. She granted a feu charter to Alexander Scouler, tanner, burgess of Edin-

<sup>1</sup> Reg. House Charters, No. 1582.

<sup>2</sup> *Ibid.*, No. 2508.

<sup>3</sup> Prot. Bk. of James Logan, 12 Mar. 1588-9.

<sup>4</sup> With still greater inconsistency a portion of the ground was in 1799 described in an advertisement for sale as 'that field or piece of ground lying in the Pleasance of Edinburgh and called Blackfriars' Croft or Dearenough . . . consisting of 3½ acres English measure.'

<sup>5</sup> E.S., 13 Dec. 1647.

<sup>6</sup> E.S., 17 Mar. 1658.

<sup>7</sup> E.S., 11 Dec. 1752.

burgh, in 1725<sup>1</sup>; and his grandson, also tanner, succeeded thereto in 1752, changing the name of the 'estate' and dignifying himself with the title 'Alexander Scooler of Southfield.'<sup>2</sup> Southfield it remained; and in the *Courant*, 9th May 1767, there is advertised to let 'a house called Southfield House . . . standing by itself with an entry from the Pleasance and another through a field from the back of Lady Nicolson's Park.'

At the apex of the triangle, where St. Leonard's Wynd and the Backrow joined forces, there stood a building known as the Cracklinghouse. It took the place of a 'Middingstead,' and was built about 1647, in which year a charter thereof<sup>3</sup> was granted by Mr. Robert Ker to Thomas Burne, deacon of the Candlemakers of Edinburgh, for himself and the brethren of the Craft. It is mentioned in titles till at least 1758. 'Cracklings' was tallow in the impure state, and must have been noisome, for Parliament in 1621 enacted 'that the candlemakers provide themselves of houses for melting their tallow and cracklings at some remote parts of the town from the common streets, closes and vennels of the same.' There is a sasine of 1719 referring to a Cracklinghouse at Dalkeith.<sup>4</sup>

Before leaving 'The Pleasance' it may be interesting to single out for special mention two places associated with it. One was the Quakers' Meeting House and burying ground, about which W. F. Miller in 'Notes of Edinburgh Meeting Houses' says that in March 1675 disposition was granted by Mr. James Nasmith and William Hog, writers in Edinburgh, in favour of David Falconer, merchant burgess of Edinburgh, for 860 merks, of two-thirds of an acre of land lying in the vennel of St. Leonards upon the east side of the transe thereof, between an acre of land of the deceased Robert Cairnes on the south, that acre of the deceased John Moffat on the north, the lands of Dishflat on the east and the common high street

<sup>1</sup> E.S., 30 June 1727.

<sup>2</sup> E.S., 2 Jan. 1753.

<sup>3</sup> E.S., 18 Dec. 1647.

<sup>4</sup> See also *Book of Old Edinburgh Club*, vol. xx. p. 130.

on the west. He also mentions the proposal in November 1681 to 'build a good large meeting house on the end of the burial ground towards the street,' which project (as is well known) was abandoned till 110 years later. The records show that sasine was taken by Falconer on 16th April 1675,<sup>1</sup> following upon a charter from the magistrates; and for some reason or other he took sasine afresh on the same charter, on 3rd February 1690.<sup>2</sup> Now it is interesting to note that occupation of this property can be traced back exactly 150 years before the sale of the ground to the Quakers. For on 13th April 1525 Cristall (Christopher) Wyntoun, burgess of Edinburgh, resigned<sup>3</sup> in favour of himself and Margaret Taillyfeir his wife, and their heirs, his two-thirds of an acre in the street of St. Leonard on the east side of the transe, between the acre of the deceased Robert Carnis on the south and the land of the deceased John Moffat on the north, the lands of Dishflat on the east and the highway on the west. From this it will be seen that the bounding proprietors of 1675 had been a long time dead! The property passed through many hands during the intervening period; but the drafters of the 1675 deed seem to have taken their description from the earliest writ in their possession.

The other association was with Dr. Thomas Ruddiman, Keeper of the Advocates' Library, and it has some connection with the preceding.<sup>4</sup> In the year 1740 Ruddiman's wife, Ann Smith, succeeded her grand-uncle, Thomas Young, merchant in Edinburgh, in two acres of land in St. Leonard's 'Raw,'<sup>5</sup> which in the following year she disposed of<sup>6</sup> in favour of William Miller, gardener at Holyrood.<sup>7</sup> His son George Miller succeeded to him in August 1747, and he disposed of the property

<sup>1</sup> E.S., 30 Apr. 1675.

<sup>2</sup> E.S., 14 Feb. 1690.

<sup>3</sup> McNeill's Prot. Book.

<sup>4</sup> Ruddiman himself on his retirement built a house on Clelland's Feu, near the head of Broughton (E.S., 29 Mar. 1756).

<sup>5</sup> E.S., 26 Nov. 1740.

<sup>6</sup> E.S., 25 Mar. 1741.

<sup>7</sup> See *Book of Old Edinburgh Club*, vol. xxii. pp. 204-6.

to John Sharp, stabler in Pleasance, on 25th March 1748.<sup>1</sup> These two acres, which can be traced back to the middle of the sixteenth century, and later belonged to the Hart family, lay immediately to the south of the Quakers' ground, and within a very short distance of the end of the feued-out portion of St. Leonard's Wynd, the land to the south being apparently open ground till towards the end of the seventeenth century.

#### C. OTHER PROPERTIES WITHIN THE LANDS OF ST. LEONARD

The following properties, lying in the north-east portion of the Lands of St. Leonard, are dealt with in the present article: viz., Ironside, Dishflat and Meadowflat. Those situated within the southern extension of St. Leonards will, it is hoped, be described in a future article.

#### IRONSIDE

This is a triangular piece of ground snuggling in the south-east corner of the Calton Craig, between the railway bridge at Abbeymount and the North Back of Canongate. It makes its début in the records with a conflict regarding possession. In February 1488-9 Thomas Bell and his wife Alison were infeft in an acre of the lands of Irneside in terms of a precept from the Abbot; but apparently exception was taken to this by the wife of Walter Cuk, whose possession seems to have been invaded, and the ceremony of 'breaking of sasine' was gone through in the following month.<sup>2</sup> The next reference is in June 1568, when one Hugh Lauder acknowledged receipt from John Logan in Restalrig of 250 merks for redemption of a piece of land called Irnesyde with the marsh between the same and the highways toward the south and east.<sup>3</sup> In 1578 John Hart was the feuar,<sup>4</sup> and his son, Mr. John Hairt,

<sup>1</sup> E.S., 1 Apr. 1748.

<sup>2</sup> James Young's Prot. Bk.

<sup>3</sup> J. Foulis' Prot. Bk.

<sup>4</sup> Holyrood Stent Roll (*Reg. of Holyrood*).

doctor of medicine, on 31st May 1631 disposed to the Crown that piece of ground lying north and south 80 feet in length and 70 feet in breadth whereupon there is a pound to be made for washing horses and which is part of the bog called Brokhous Bog lying outwith the Wattergett between the arable land called Irnesyde pertaining to the grantor on the north, the King's high street on the south, and the west and east parts of the said bog on the west and east.<sup>1</sup> It was through this soft ground that there ran the 'strand' or 'strynd,' a runnel draining from the Nor' Loch down the North Back of Canongate and making its way through the Restalrig meadow.<sup>2</sup>

About the year 1650 Jean Hart, widow of Captain John Hart in Canongate and only daughter of Mr. John Hart, doctor of medicine there, with consent of her husband, Laurence Oliphant of Drum, sold to the Governors of Heriot's Hospital for 6800 merks 'that peice of land callit Irnesyid with that myre or boig callit Brokis boig,' and also the croft called Godbairnes Croft.<sup>3</sup>

In many of the later titles Ironside (Ernesyde, Arnesyde) is conjoined with the following subject of Dishflat, covering along with it an extent of eight acres (according to writs of 1666, 1667, etc.).

#### DISHFLAT AND MEADOWFLAT

In the majority of the early deeds (from 1485) relating to feus in St. Leonard's Wynd and Pleasance the lands called Dishflat form the bounding property on the east. They seem to have extended northwards to what is now Holyrood Road, and southwards as far at least as the line of Salisbury Street.

<sup>1</sup> Regality of Canongate (Deeds), 3 June 1635.

<sup>2</sup> Cf. article (*Scottish Geog. Mag.—Edinburgh Number*, vol. xxxv. pp. 309, 310) by Mr. F. C. Mears on 'Primitive Edinburgh,' but the swamp must have been larger than is there indicated. ? Anything to do with 'badgers'; or 'brockish'—foul, dirty.

<sup>3</sup> Original among Edin. Burgh Records (Dispositions) in Gen. Register House.

They extended eastwards to the Park Dyke, and were later intersected by the path which eventually became Dumbiedykes Road. North-eastwards they merged into Meadowflat, which property is frequently coupled with Dishflat in later title-deeds. In a deed of 1661 the combined lands of Dishflat and Meadowflat are described as lying between the back of the Canongate and the Park Dyke.<sup>1</sup>

Dishflat consisted of pasture land until well into the eighteenth century. In 1557 Sir John Bellenden of Auchnoule granted the property to his son Lewis Bellenden (along with the lands of Grotecroft)<sup>2</sup>; and in the Holyrood Stent Roll of 1578 Sir Lewis is assessed on a rental of 40d. for the lands of Dishflat and Meadowflat, while Irnesyde and Grotecroft then belonging to John Hart are assessed on a rental of 20d. Grotecroft seems therefore to have changed hands within the twenty years.

A century later one finds 'Dishingflatt' in possession of Mr. John Stewart of Kettilstoun, and in 1666 he disposes them to Adam Thomson, horsehirer, burgess of Edinburgh, along with the lands of Ironside and the Hill of St. Leonards (excepting the vestiges of the almshouse).<sup>3</sup> These properties passed in 1682 to Adam's eldest son, Thomas, and he dying was succeeded by his brother Adam in August 1691.<sup>4</sup> Less than two years later Robert Watson, W.S., is infeft therein (evidently in terms of a marriage contract),<sup>5</sup> and in 1703 his widow, Elizabeth Thomson, with consent of her husband, James Murray of Deuchar, resigned the subjects in the hands of the Governors of Heriot's Hospital.<sup>6</sup> On 12th December 1715 they granted a charter of the three properties in favour of William Smellie, mason, burgess of Edinburgh, 'under condition of building a house and byre thereupon before Whitsunday 1717.'<sup>7</sup> Smellie, who became deacon of his craft, remained

<sup>1</sup> E.S., 1 Aug. 1661.

<sup>2</sup> John Robeson's Prot. Bk.

<sup>3</sup> E.S., 1 Feb. 1665, 14 July 1666.

<sup>4</sup> E.S., 12 Jan. 1683, 18 Aug. 1691.

<sup>5</sup> E.S., 3 Apr. 1693.

<sup>6</sup> E.S., 30 Sept. 1703.

<sup>7</sup> E.S., 21 Mar. 1716.

in possession for a considerable time, and in 1740 disposed Dishingflatt to his wife and son, along with 'that tenement of land or houses lying at the south end of the Pleasants' built by him on Dishingflatt, consisting of two storeys and garrets, bounded on the north by the tannery belonging to William Miller, gardener at Holyroodhouse, the highway of Pleasance on the west, the arable land of the said William Smellie on the east and south.<sup>1</sup>

A part of the ground, known as Brierybault, on the west side of the Dumbiedykes road, was disposed in 1749 to Dr. John Learmonth of Plenderguest, physician in Edinburgh, to whom succeeded in 1753 John Sharp, stabler in Pleasance.<sup>2</sup> His son, Buccleugh Sharp, salt officer, Trodsham, Cheshire, entered heir to him in 1789, and disposed the subjects to Hugh Bell, brewer, Pleasance, in the following year.<sup>3</sup> Hugh's sisters, Margaret and Bethia Bell, were served heirs to him in 1802 in the property, along with the 'Tambour' manufactory thereon.<sup>4</sup>

Meanwhile the principal lands of Dishflat and Meadowflat, consisting of twelve and a quarter acres, had been feued in 1742 to Andrew Fletcher of Milton, Lord Justice-Clerk, to whom succeeded General John Fletcher Campbell of Salton, and his son, Andrew Fletcher of Salton. The last-mentioned got sasine in 1822.<sup>5</sup>

[JOHN SMITH.]  
HENRY M. PATON.

<sup>1</sup> E.S., 19 Mar. 1740.

<sup>2</sup> E.S., 19 Nov. 1789, 6 Sept. 1790.

<sup>5</sup> E.S., 3 Jan. 1822, 11 Mar. 1822.

<sup>3</sup> E.S., 25 Jan. 1754.

<sup>4</sup> E.S., 24 Mar. 1802.

## LORD KAMES AND THE NORTH BRIDGE

### NOTES ON THE SCHEME OF 1754

THE Earl of Mar, while an exile for his share in the '15, seems to have given some thought to '... ways of improving Edinburgh,' for, writing home in 1728, he proposed that a bridge be built '... from the High Street at Liberton's Wynd to the Multersey Hill.'

It was rather a formidable undertaking to build a bridge from the Lawn Market, where Liberton's Wynd<sup>1</sup> was one of the important ways to the Cowgate, and doubtless he meant Halkerston's Wynd, running from the High Street to, and almost opposite, Multersey Hill—for the line of his bridge was to be '... over the ground betwixt the North Loch and Physick Gardens.'

An earlier advocate for bridging the valley of the North Loch was the Duke of Albany and York, who, as Royal Commissioner to the Scottish Parliament (1679-82), lived at the Palace of Holyroodhouse. And to him, the last of the direct line of Stewart kings to occupy the throne, Lord Provost Drummond, when laying the foundation stone of the bridge in 1763, gave special credit and said, 'that he only now began what the Duke of York (afterwards James VII) proposed.'<sup>2</sup>

Lord Provost Drummond had himself been strenuous in

<sup>1</sup> Liberton's Wynd was situated at the east side of George IV Bridge. The front of the north-west corner of the County Buildings formed the eastern boundary, and being only 10 feet wide, the basement area and about a third of the pavement occupy the site of this road to the Cowgate. The steps leading to John Dowie's tavern were directly under the pavement opposite the south-most projection of the County Buildings.

<sup>2</sup> Kincaid's *Edinburgh*, p. 93.

forwarding the scheme, but it is in Lord Kames' report of 23rd December 1754, to the 'Commissioners for carrying out City Improvements,' that we find something definite with regard to the site ultimately adopted.

The thoroughfare, now known as the North Bridge, intended to carry high-level traffic across the valley, was before its formation subjected to various descriptions, such as 'Communication' with the fields on the north; 'Avenue' to the City from the north; 'Passage' from the High Street to the north; 'Street,' 'Bridge,' 'Mound,' and 'Mole.' But the general term was 'Bridge,' used in the same sense as we do when speaking of Heriot's Work Bridge—that sloping bank from the Grass Market to the Hospital, Geordie Boyd's Mud Brig, now the Mound, and the later South Bridge and George IV Bridge, neither of which is wholly composed of a series of arches.

With regard to providing an approach from the High Street to the bridge, Lord Kames suggested that '... after viewing the ground ... the space of the Cap and feather land should be employ'd in making a handsome passage for carriages in the centre, and a foot passage on each side of it leading to a street of thirty feet wide all the way from thence to the bridge to be built on the north.'

'The length from the street (High Street) to an abutment to be built for a bridge to be cast over the Lane leading from Leith wynd port by the back of the flesh mercat to the Castlehill is about 470 feet.'

This measurement corresponds with the distance from High Street to the abutment of the southmost archway of Mylne's bridge. The existence of the road called for a bridge and it also seems to have determined the design. Between Leith Wynd and the New Port, at the foot of Halkerston's Wynd, the Lane is shown on Edgar's plan of 1742 as running parallel to, and on the south side of, Trinity Hospital and the Physick Garden. From the New Port the road lay north

of the Flesh Market and quite close to the Slaughter Houses, adjoining the North Loch. Beyond the foot of Craig's Close<sup>1</sup> to our Mound Place the road was bounded on the north by gardens stretching down to the loch, after which Edgar, by dotted lines, indicates the road to the Castlehill.

Leith Wynd and the eastern portion of the Lane are now lost in the Waverley Station, but west of the bridge Market Street, Mound Place, and Ramsay Lane serve the purpose of the earlier road.

The report goes on to say 'this bridge we propose to be 150 feet long, 25 feet wide in the clear and 20 feet high to the spring of the Arch, which Arch should be semicircle or  $12\frac{1}{2}$  feet more or  $32\frac{1}{2}$  feet in whole from the level of the street to the underside of the said Arch.'

Leaving aside for the moment the figured length of the bridge as stated in the foregoing paragraph, it should be noted that the southmost arch of Mylne's bridge was only 20 feet wide between the abutment and the adjoining pier, and doubtless the height from Lane to soffit of arch was only 30 feet. Arnot, in his *History of Edinburgh* (1788), gives 20 feet as being the width of the small archways at either end of Mylne's bridge, and in both James Craig's plan (1785) for the lay-out of South Bridge district and another in the Gough Collection (undated)<sup>2</sup> the widths of these small through-gaits scale 20 feet only. The two plans referred to, as well as that by Edgar, agree as to 470 feet being 'about' the distance from High Street to the abutment for a bridge to be 'cast over the Lane.'

<sup>1</sup> The southern half of Craig's Close is almost wholly absorbed in the 1932 extension of the City Chambers (a plaque marks the High Street entry), but between Cockburn Street and Market Street it still exists. The northern end terminates in a narrow flight of steps to the west of the Waverley Garage in Market Street.

<sup>2</sup> An original print of this plan and sectional elevation of the North and South Bridges is in the Edinburgh collection of the Royal Scottish Geographical Society.

The alignment of the 'Area intended for a passage from the high street to the fields on the north' was to be 'through the land adjoining to Mill's square on the East, and should be carried from thence in a line running North East into the enclosure which lies North from the Orphan Hospital, and from thence in a straight line to Leith, having the Steeple of the New Church of Edinburgh to the South West and the Steeple of the Church of South Leith on the North East bearing on one Another in this direction—almost in a straight line.'

From High Street the orientation of the North Bridge inclines a little towards the west instead of being on 'a line running North East.' The enclosure 'North from the Orphan Hospital' extended from the north side of the Waverley Station to practically the centre of the General Register House, thus embracing the depth of the General Post Office, the width of Princes Street, the area up to and part of the 'Register-office.' From west to east it extended from West Register Street into Leith Street, where it broke almost due south through the buildings on south side of Leith Street, across Waterloo Place, and through the west wing of the Inland Revenue Offices to its southern boundary between Waverley Station and Post Office.

Taking the crossing of the North Bridge and Princes Street as a focus, it will be found that the New Church lies to the south-west and South Leith Church to the north-east. The three points are not, however, in a straight line, nor would they be, even if the bridge had been built 'in a line running North East into the enclosure,' but the directions are near enough to warrant the description and to show the further advantage which would accrue in having easy access to Leith Walk. Leith Street was as yet unmade, but it followed as a matter of course, and if it is too narrow, and the bottle-neck opposite the General Post Office dangerous for traffic, James Craig is not to blame, for the thoroughfare

which he proposed should be 80 feet wide is some 15 feet less.

The 'New Church of Edinburgh' was housed in the east 'jambe' or choir of the Kirk of St. Giles and is dealt with by Maitland in his *History of Edinburgh* (1753), wherein he says '... this Church is the Choir of St. Giles's, it is the handsomest and most beautiful Place of Worship in Edinburgh.' Edgar, in his plan (1742), describes this division of the High Kirk as the 'New Church Isle.' And Hugo Arnot, writing of the 'Church of St. Giles' and the different congregations it housed, says: 'The chief of these divisions is called the *New Church*. It is formed out of the choir of St. Giles's. In it are the King's seat, those of the Lord Provost and magistrates, and of the judges of the court of session, this being the principal church in the city.'

At first glance one might be of opinion that when the minute says 'this bridge we propose to be 150 feet long ...' a mistake was made by the clerk in writing 150 feet instead of 50 feet, for this latter figure approaches the proposed width of the thoroughfare, but the writer is inclined to the opinion that the figure should be 1150 feet, for that is practically the length from High Street to Princes Street.

In Arnot's *History* the distance bridged by Mylne is given as 1125 feet, the breadth between the parapet walls of the bridge proper as 40 feet, and the width of the road beyond the bridge to the streets at either end is stated to be 50 feet. *The King's Master Masons* (1893) agrees with the foregoing figures in all but length, where 1134 feet is the figure. The publication issued by the City in 1896 anent the laying of the foundation stone for the present bridge gives the same figure as Mylne in *The King's Master Masons*. Craig's plan of 1785 scales 1130 feet as to length, while the Gough Collection plan measures 10 feet more, i.e. 1140 feet, but is figured as being 1158½ feet, and Kincaid (1786) says, 'The North Bridge, from the High Street, is in length 1270 feet.'

The Ordnance Survey (1905 revision) scales about 1140 feet from High Street to Princes Street, but when the present North British Station Hotel was erected (1896-1901) the building line was brought further south by 10 feet, making a total length of about 1150 feet from High Street to the old line of Princes Street.

Lord Kames could only be speaking approximately as to the distance between High Street and the termination of the proposed bridge to a street on the north as yet unmade, but he was very near to the actual length if we are inclined to the suggestion put forward that the scribe, who wrote the minute nearly two hundred years ago, erred in writing 150 feet instead of 1150 feet.<sup>1</sup>

Having given dimensions of the bridge to be built over the Lane the minute continues: '... we propose forming the street or passage across the north loch of the rubbish that the Cap and feather land will produce, and of rubbish from other parts of the town, and to make it in the manner of a sloping bank at each side, with a road at top which we imagine can with ease be got from 40 to 50 feet broad. And in order to prevent the rubbish from spreading out upon Halkerston's Wynd to the East, or the Area upon the north side of the low flesh mercat to the West, wing walls must be built upon the sides to bound the bottom of the rubbish, which walls may be made 20 feet high next to the bridge and 6 or 8 feet at the upper ends next to the houses and of a sufficient thickness to resist the pressure of the said banks.'

The proposal to build 'wing' or retaining walls was a practical suggestion, for thereby the 'spread' of the embank-

<sup>1</sup> At one time the writer was inclined to consider 150 feet as being the length of the 'wing' walls, but this idea was discarded as well as the later thought that 150 feet referred to the length of a bridge proper, that is a stone-built structure composed of four arches—the first being 'cast over the Lane' and the other three over the east end of the North Loch. In this connection see p. 153 with regard to the Hon. Henry Home's suggestion, in 1763, for a four-arched bridge 'over the hollowest part.'

ment would be reduced in width.<sup>1</sup> In South Bridge and George IV Bridge, where, at the extremities, these thoroughfares were not arched by masonry, the 'bounding' of the rubbish would be performed by buildings on either side of the streets. The writer believes Lord Kames visualised, planned, and advocated for the 'communication' under review being constructed primarily as a 'passage from the high street to the fields on the north,' and for it being pierced at one place only, i.e. by the '... bridge to be cast over the Lane leading from Leith wynd port ... to the Castlehill.'

It is a far cry from 1680 to 1763, when Lord Provost Drummond laid the foundation stone of the North Bridge, and ideas with regard to spanning the valley must have been plentiful and diverse. Lord Mar suggested a bridge of three arches in 1728; Lord Kames, in 1754, it is argued by the writer, proposed a solid embankment, pierced at one point only, as a through-gait for the road from Leith Wynd to Castlehill; and again, in 1763, the Hon. Henry Home (Lord Kames) wrote to the Town Council suggesting that 'a bridge of four arches be erected over the hollowest part'; Mylne's bridge consisted of five arches plus three at either end, which latter arches were ultimately blinded by buildings erected at the sides. The present bridge is of three arches—as was proposed by the Earl of Mar.

In Mr. C. B. Boog Watson's *Notes from the City Minutes*, vol. 6, p. 191, there is the following comment regarding a meeting on 16th January 1765: 'The Committee on "Communication with the fields on the North" have advertised for plans for the bridge, offering 30 guineas for the best. They have also got plan and section made of Multrieshill, Bearford's Parks, etc., where the bridge or Mound is to be made, by John Laurie, surveyor, and abridged copies made of same

<sup>1</sup> The difference in height and thickness depended upon the height of the embankment. Towards the head of the slope, where the making-up was of little account, the retaining walls did not require to be high.

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for guidance of parties competing, sd. John Laurie to get 6 guineas.'

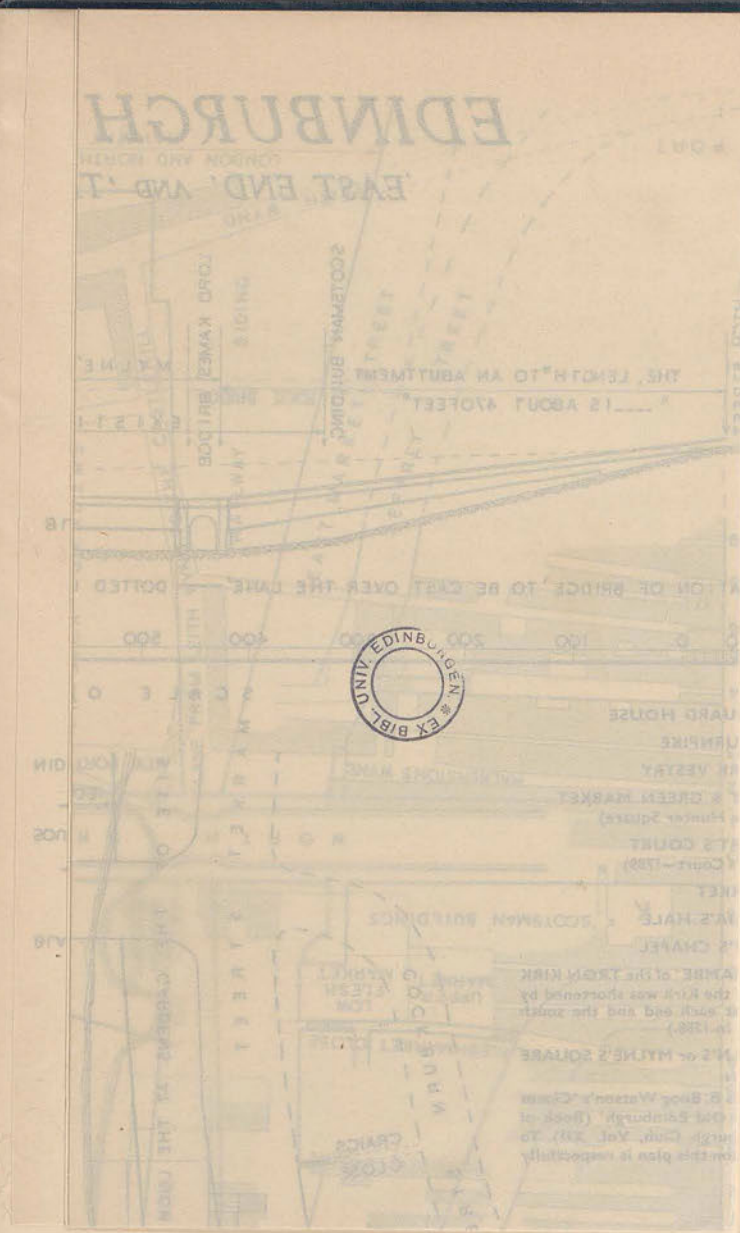
Occasional reference has been made to the Gough Collection plan of the City's property beyond the North Loch.<sup>1</sup> The plan, of which the writer has a photograph, is neither signed nor dated. Figures, seemingly relating to contour, have been added and alterations made in spelling before the photograph was made. The title is 'Ground Plan of the City of Edinburgh's Property on the North Side of the Town intended to be feu'd out for Building upon.' A note says: 'All within the dotted Lines Belong to the City of Edinburgh.' It cannot be John Laurie's production of 1765, for his work included a section of the ground 'where the bridge or Mound is to be made.'

In order that the proposals of 1754 may be the better understood, a composite plan has been prepared of the district under review. The area covered extends from St. James's Square to the Cowgate and from St. Mary Street to Waverley Bridge.

The plan is based on Edgar in so far as the ground west of the Bridge from High Street down to the North Loch is concerned; the feuing plan of the 'City of Edinburgh's Property' is the foundation for the area north of the Loch, to east and west of the Bridge; Craig's plan of 1785 provides information regarding the lay-out of the High Street, and in addition advantage has been taken of a large-scale survey made of the Tron district before South Bridge was formed. Upon this groundwork the streets of to-day have been superimposed to show the changes at the 'East End' and 'The Bridges.'

THOMAS McCRAE.

<sup>1</sup> This is the Map. No. II in pocket at end of this volume (see p. 7). A later impression of this survey map is preserved in the General Register House. The contour figures are printed and effect given to most of the corrections made regarding the spelling of names. A note says: 'N.B. the Figures denote the Feet under 0 in part of Wood's Farm.'



# EDINBURGH (1742-1941)

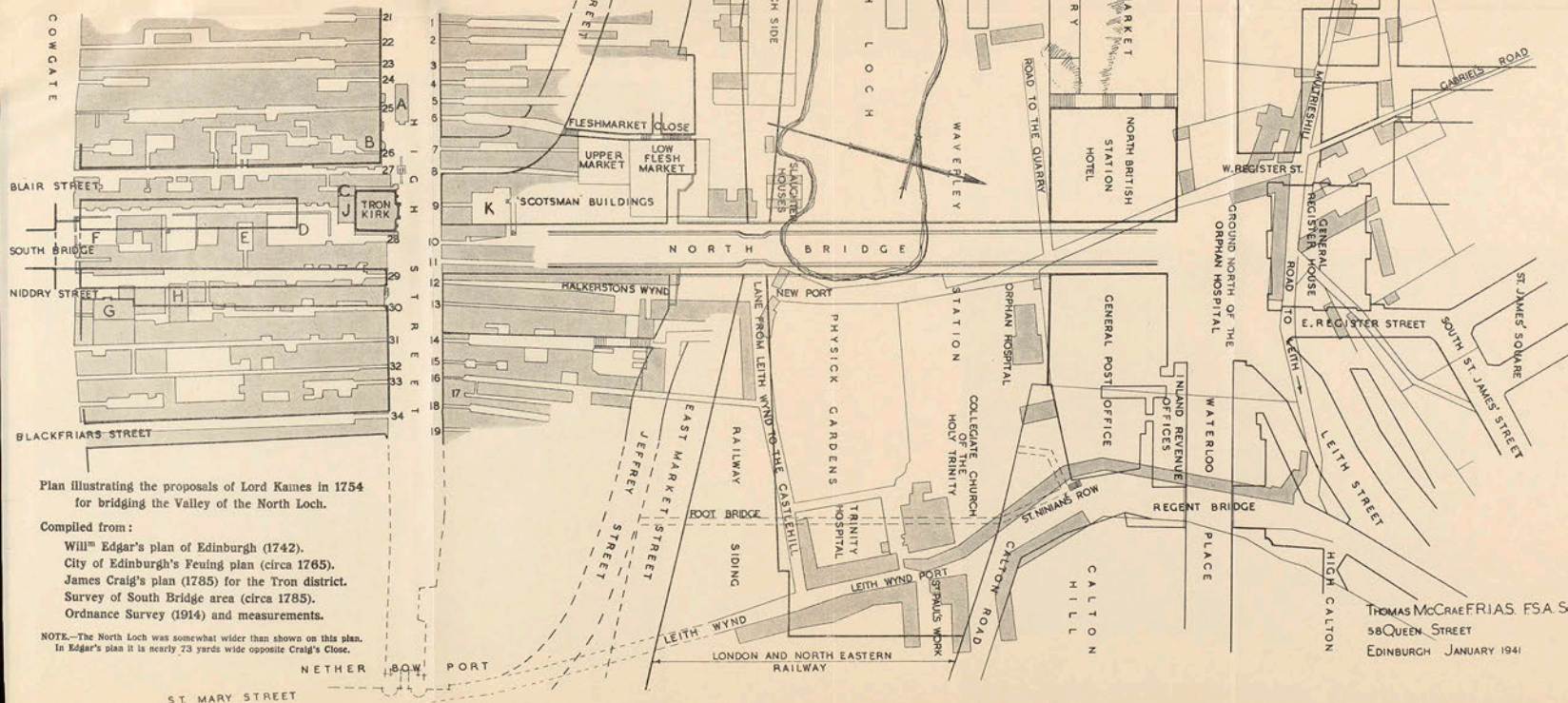
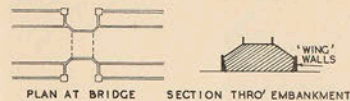
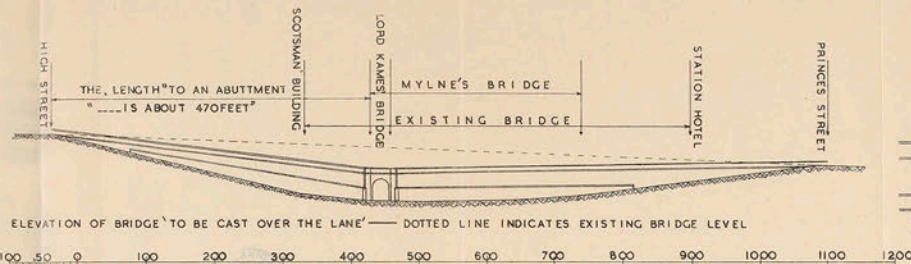
'EAST END' AND 'THE BRIDGES'

PLAN	HIGH STREET (NORTH)
1	233
2	229
3	221
4	215
5	209
6	199
7	*
8	*
9	*
10	*
11	*
12	*
13	*
14	135
15	129
16	125
17	( )
18	117
19	107

PLAN	HIGH STREET (SOUTH)
21	162
22	154
23	146
24	142
25	132
26	*
27	*
28	*
29	*
30	*
31	80
32	70
33	66
34	*

\* Closes not now existing.  
( ) Enters from North Gray's Close.

- A—TOWN GUARD HOUSE  
B—BLACK TURNPIKE  
C—TRON KIRK VESTRY  
D—POULTRY & GREEN MARKET  
(Now Hunter Square)  
E—LOCKHART'S COURT  
(Dr. Spens's Court—1785)  
F—FISH MARKET  
G—ST. CECILIA'S HALL  
H—ST. MARY'S CHAPEL  
J—SOUTH 'JAMBE' of the TRON KIRK  
(The facade of the Kirk was shortened by about 7 feet at each end and the south aisle removed in 1785.)  
K—MILL'S, MILL'S or MYLNE'S SQUARE  
L—THE TRON  
See Mr. Charles B. Boag Watson's 'Closes and Wynds of Old Edinburgh' (Book of the Old Edinburgh Club, Vol. XII). To Mr. Boag Watson this plan is respectfully dedicated.



Plan illustrating the proposals of Lord Kames in 1754 for bridging the Valley of the North Loch.

Compiled from:

- Willm Edgar's plan of Edinburgh (1742).
- City of Edinburgh's Feuing plan (circa 1765).
- James Craig's plan (1785) for the Tron district.
- Survey of South Bridge area (circa 1785).
- Ordnance Survey (1914) and measurements.

NOTE.—The North Loch was somewhat wider than shown on this plan. In Edgar's plan it is nearly 73 yards wide opposite Craig's Close.

THOMAS McCRAE FRIAS, FSA Scot.  
58 QUEEN STREET  
EDINBURGH JANUARY 1941

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## APPENDIX

### THIRTY-FIRST, THIRTY-SECOND AND THIRTY- THIRD ANNUAL REPORTS, Etc.

## Old Edinburgh Club

1938

### *Honorary Patrons*

THE LORD PROVOST, MAGISTRATES, AND COUNCIL  
OF THE CITY OF EDINBURGH.

### *Honorary President*

SIR ROBERT GORDON GILMOUR, OF LIBERTON AND  
CRAIGMILLAR, BART., C.B., C.V.O., D.S.O.

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THOMAS YULE, W.S., 16 East Claremont Street.  
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DAVID ROBERTSON, LL.B., S.S.C., City Chambers.  
JOHN RUSSELL, 2 Brunton Place.  
ERNEST SAVAGE, Public Library.

### *Honorary Auditor*

W. GLASSFORD WALKER, C.A., 22 Rutland Square.

## REPORT OF THE THIRTY-FIRST ANNUAL MEETING OF THE OLD EDINBURGH CLUB

THE Thirty-first Annual Meeting of the Club was held in the Old Council Chamber, City Chambers, on the afternoon of Thursday, 26th January 1939, at 4 o'clock.

Sir Robert Gilmour of Liberton and Craigmillar, Bart., C.B., C.V.O., D.S.O., Honorary President, presided, and there was a good attendance of members.

The Thirty-first Annual Report and Abstract of Accounts, which had been issued to the members, were held as read. The Report was in the following terms:—

The Council have pleasure in submitting the Thirty-first Annual Report of the Club.

The first consideration is its membership. During the year 1938 there were sixteen applications made by persons desirous of membership, which, with twenty-five brought over from 1937, made a total of forty-one. During the year there were twenty-six deaths and resignations, thus leaving fifteen applications to be dealt with at the beginning of 1939. The roll is at the fixed number of 350. The relatively large drop in the number of persons waiting for election, as compared with those in January 1938, is to be explained by an unfortunate increase in losses by death and a decrease in the number of applications. The Council hope that this condition may be removed during the present year, and that the present members will assist the Council by putting the interest and value of the Club before their friends. It should be added that the arrangement by which prospective members have the opportunity of attending the lectures and excursions is valued by them, and serves to maintain their interest until the date of their election, and many of them have expressed to the Secretary their thanks to the Council for the privilege.

During the past year there have been fewer occasions, practically none indeed, in which the Council have seen cause to do anything

either in the way of commending and assisting in the preservation of suitable types of ancient buildings, or of protesting against the proposed destruction of such places as contain embalmed in them so much of the history of old Edinburgh. The Council feel that perhaps it is not an idle boast that their care for the old town has been of some value in its preservation and has contributed to this state of things. There is still nothing very definite to be said about the Tailors' Hall Buildings or Bruntsfield House, an indication, it may be, of the difficulty of the problems connected with them. But it is gratifying to be able to report that the work on Gladstone's Land has now been completed. The Council may be allowed to congratulate the National Trust and H.M. Office of Works on the accomplishment of this excellent piece of restoration. It is interesting to learn that the building thus restored has been let in all its parts to suitable tenants, the Lawnmarket frontage having been (by a happy chance) taken by an antique dealer, who will furnish the rooms in appropriate fashion. It is known, however, that the very value of the work done, and the fresh discoveries made while it was in progress, have increased to a large and unexpected extent the cost of the reparation. It is to be hoped that the Trust may be encouraged to continue this interesting side of their activities in Edinburgh by receiving such subscriptions as shall complete the cost of Gladstone's Land, a work of which Edinburgh may well be proud, and to continue the work at Stenhouse, which has been as far advanced as funds allow.

Before the Annual Meeting the 'Book of the Club, 1938,' will be in the hands of the members. It is of the customary miscellaneous character, and contains (with one exception) the articles forecast in the Report for 1938. The Council have received with regret the announcement by Mr. Birnie, the Editor of the Book, that he does not find it possible, in view of his other commitments, to continue in that position, and his request to be relieved. The Council feel that they must, though unwillingly, accede to this request, and they report accordingly to the Annual Meeting and recommend that the resignation be accepted, and Mr. Birnie be thanked for his work, and for the excellent volume which he has produced.

Through the kindness and help of the officials in the City Chambers a home of modest dimensions has been found for the Club's possessions in one of the rooms of that portion of the Town Clerk's staff which deals with the Records of the City, an appropriate abode for volumes

which deal so much with the history of Edinburgh. The thanks of the Club are due to all those who have helped in this way to strengthen the bond between the Club and its Patrons, the Lord Provost, Magistrates and Council of the City and Royal Burgh of Edinburgh.

Three lectures and three excursions come into the year under review. On Tuesday, 18th January, the City Architect, Mr. E. J. MacRae, A.R.I.B.A., lectured on 'Town Planning in Edinburgh,' as seen in its older and its present manifestations. On Tuesday, 1st November, Mr. Chas. J. Cousland spoke on 'Broughton,' combining its early history and his own boyhood's memories in a most interesting way. Finally, on Tuesday, 6th December, Mr. R. T. Skinner, one of the Vice-Presidents, lectured on 'Edinburgh Characters,' as revealed by John Kay in caricatures and sketches. All three were fully illustrated by slides, and the Council warmly thank the lecturers. The excursions were held in the early summer. On Saturday, 28th May, a day typical of the wet year 1938, Moray House and Acheson House were visited by a large company. In Moray House an address was given by Mr. Boog Watson, and at Acheson House, Mr. Hurd, the architect of the restoration, was present and explained what had been done. Both places were examined in detail by the visitors. On Saturday, 25th June, the Club went further afield, and saw Hawthornden with all its antiquarian interest and all its literary associations. Dr. Meikle of the National Library was the leader, and spoke chiefly of a Diary of Drummond recently found. And three weeks thereafter, Saturday, 16th July, the Club journeyed to Craigmackie Castle, on the invitation of Mr. Douglas Croall, and were permitted to examine the building. Previous to this the very large company gathered on the lawn, and heard Mr. Forbes Gray speak of Jeffrey and the literary associations of Craigmackie. They were entertained to tea by Mr. Croall, and in thanking him, the spokesman of the guests handed over a small collection made by those present on behalf of the Garden Scheme for Scottish Nurses, of which Mr. Croall is a promoter.

Sir Robert Gilmour submitted the Report and Balance Sheet, which were adopted. Office-bearers were then elected for the ensuing year. Sir Robert Gilmour, Bart., was re-elected Hon. President.

# Old Edinburgh Club

## ABSTRACT OF ACCOUNTS OF THE HONORARY TREASURER

For the Year ended 31st December 1938

RECEIPTS		PAYMENTS	
I. Funds at 1st January 1938 :—		I. Miscellaneous and Postages, . . . . .	£13 18 9
In Bank on Current Account, . . . . .	£42 18 6	II. Printing and Stationery, . . . . .	14 4 1
Cash on Hand, . . . . .	0 6 2	III. Lecture Expenses, . . . . .	8 12 1
	£43 4 8	IV. Prints for next Publication, . . . . .	1 19 6
II. Subscriptions :—		V. Funds at 31st December 1938 :—	
Year 1938 :—		In Bank on Deposit Receipt, . . . . .	£150 0 0
Due 349 Members at 10s. 6d., . . . . .	£183 4 6	In Bank on Current Account, . . . . .	59 2 10
" 28 Libraries at 10s. 6d., . . . . .	14 14 0		£209 2 10
Less—Received in 1937 :—	£197 18 6	Less Balance due to Hon. Treasurer, . . . . .	209 1 3
10 Members, 3 Libraries at 10s. 6d., . . . . .	6 16 8		
	£191 2 0		
Year 1939—7 Members, 1 Library			
at 10s. 6d., . . . . .	4 4 0		
Year 1940—1 Member at 10s. 6d., . . . . .	0 10 6		
	195 16 6		
III. Volumes sold (10), . . . . .	5 5 0		
IV. Surplus from Outings, . . . . .	3 9 6		
	£247 15 8		

EDINBURGH, 11th January 1939.—I have examined the Intrusions of the Honorary Treasurer of the Old Edinburgh Club for the year ending 31st December 1938, of which the foregoing is an Abstract, and have found them to be correctly stated and sufficiently vouched.

HENRY LESSELS, C.A., Hon. Treasurer.

W. GLASSFORD WALKER, C.A., Hon. Auditor.

## Old Edinburgh Club 1939

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Col. H. L. WARDEN, C.B.E., D.S.O., 54 Great King Street.  
CHAS. A. MALCOLM, M.A., Ph.D., Signet Library, Parliament Square.

### Honorary Auditor

W. GLASSFORD WALKER, C.A., 22 Rutland Square.

## REPORT OF THE THIRTY-SECOND ANNUAL MEETING OF THE OLD EDINBURGH CLUB

THE Thirty-second Annual Meeting of the Club was held in the Old Council Chamber, City Chambers, on the afternoon of Tuesday, 6th February 1940, at 3.30 o'clock.

The Right Honourable The Lord Provost, one of the Honorary Vice-Presidents, presided, and there was a large attendance of members.

The Thirty-second Annual Report and Abstract of Accounts, which had been issued to the members, were held as read. The Report was in the following terms:—

The Council have pleasure in submitting the Thirty-second Annual Report.

The Council carried on the usual functions of the Club up to the declaration of war. No meetings or excursions have taken place since that date; and the Council have considered what should be done in the first part of the year, and have agreed that no lectures should be arranged meantime, but that if possible an outing might be held.

The membership of the Club has not up to this point been much affected, but the Council feel that the coming year may be a difficult one, and would impress upon the members the necessity of keeping up a steady flow of applications, so that the issue of the next volume of the 'Book of the Club' may not be delayed.

During the year there were twenty-five deaths and resignations, and eighteen elections were made, leaving the roll at 343, thus carrying forward seven vacancies into the year 1940. There are twenty applicants awaiting admission, whose number will be reduced to thirteen for the reason stated above. It is very probable that more resignations will come in at this period, therefore the call for more applications is not without cause.

The Council learned with great regret of the death of its Honorary

## THIRTY-SECOND ANNUAL REPORT

President, and adopted the following minute. The Secretary was instructed to send a copy to the Lady Susan Gordon Gilmour:—

'The Club during the past year has suffered a great loss by the death on 24th June 1939 of its Honorary President, Brigadier-General Sir Robert Gordon Gilmour of Liberton and Craigmillar, Bart., C.B., C.V.O., D.S.O. Sir Robert had long taken a great interest in the activities of the Club, and was proud of being its Hon. President. He was the representative of a landed and historical family, which had filled for centuries some of the most important offices in the City. As an officer in the Grenadier Guards, he had a most distinguished record, and served in the Zulu War 1879, in the Nile Expedition 1884-5, and in the Great War 1914-19. In addition, he was Adjutant and Captain of the King's Body Guard for Scotland (Royal Company of Archers), and was Gentleman Usher of the Green Rod in the Order of the Thistle.

'The Club gratefully remembers its visits to the Inch, and the kindly hospitality shown them by Sir Robert and Lady Susan Gilmour.'

The last Report stated that Mr. Birnie had not found it possible to continue in the office of Editor. The Council are glad to announce that Mr. H. M. Paton, of the Historical Department in H.M. Register House, has agreed to become Editor, and the Council thank him for accepting the position.

### 'BOOK OF THE CLUB'

It is hoped to publish during the present year the second volume of the New Series which was begun in the autumn of 1938. The volume will contain the following papers, which have been offered for the consideration of the Editorial Committee:—

I. The Planning of the New Town (Part 2), by Mr. Frank Mears and Mr. John Russell; II. The Story of Piershill, by Mr. James Smith; III. Gleanings from the Scottish Exchequer Reports, by Mr. W. Forbes Gray; IV. The Neighbourhood Book, by Miss Marguerite Wood; V. The Lands of St. Leonard's, by the late Mr. John Smith; VI. An Old Map of Duddingston Area, by the Editor. The Council express the hope that members of the Club who possess original material, or have special knowledge about the antiquities of Edinburgh and its environs, will contribute papers to the 'Book of the Club.' The aim which the Editor and his Committee have in view is to provide authoritative and



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1940

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CULZEAN CASTLE, AYRSHIRE.

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HENRY F. KERR, A.R.I.B.A., 16 Duke Street.

DAVID ROBERTSON, LL.B., S.S.C., City Chambers.

JOHN RUSSELL, 2 Brunton Place.

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CHAS. A. MALCOLM, M.A., Ph.D., Signet Library, Parliament Square.

### *Honorary Auditor*

W. GLASSFORD WALKER, C.A., 22 Rutland Square.

## REPORT OF THE THIRTY-THIRD ANNUAL MEETING OF THE OLD EDINBURGH CLUB

THE Thirty-third Annual Meeting of the Club was held in the Old Council Chamber, City Chambers, on the afternoon of Tuesday, 28th January 1941, at 3 o'clock.

The Right Honourable The Lord Provost, one of the Honorary Vice-Presidents, presided. Owing to the wintry weather the attendance of members was smaller than usual.

The Thirty-third Annual Report and Abstract of Accounts, which had been issued to the members, were held as read. The Report is in the following terms:—

The Council submits its Thirty-third Annual Report in the dread circumstance of war. The Club had the same experience twenty-five years ago, and it finds the same difficulties as then. The sudden check put upon its activities produces a paucity of material for a Report, and shortens its extent. That is not all. Two fears expressed in the last Report have been realised. The membership has been reduced, and the path of the Editor of the 'Book' has been beset with trouble. The Council sympathises with Mr. Paton in the difficulties he has met, which have so much delayed publication. Its value will be appreciated from the list of contents given in the Editor's note, and its issue, which will be made shortly, is awaited with interest. The roll of membership, which the last Report showed to be oscillating around the fixed number of 350, has this year fallen to 340, in the circumstances not a very heavy loss, but one which may not be allowed to increase. The Council looks for the support and effort of the members to maintain its numbers and efficiency during the war, that on its victorious conclusion a strong 'forward movement' may be made.

At the last Annual Meeting of the Club it was announced that the Most Honourable the Marquess of Ailsa had accepted nomination for the office of Honorary President, vacant on the death of Sir Robert

Gordon Gilmour, and the proposal was received with enthusiasm. The new President is as faithful to Scotland and Edinburgh, their past history and their present concerns, as was his predecessor.

The Council laments the deaths of some of its well-known members. Two among its officials must be referred to. Mr. W. Glassford Walker, C.A., gave his services for some years as a member and Honorary Auditor of its accounts. The Council expresses its regret at his death, and acknowledges the value of his work. Mr. Charles Maitland Smith, C.A., agreed to act for the remainder of the Session, and his appointment will be confirmed at the Annual Meeting. Francis Caird Inglis was an early member of the Club, and his name is appended in various volumes to illustrations, evidence of his fine taste and technical skill. Even as this Report was being prepared news came that Mr. Thomas Yule, W.S., had died, an old member of the Club, and often a member of Council. The particular niche that Mr. Yule filled in the activities of the Club by giving reality and recognition to some of the historical facts of our city is indicated in the short notice appearing in the *Scotsman* over the familiar initials, H. W. K. :—

In all matters of old history Mr. Yule was an ardent student, and although he never spoke or wrote for the public, in a quiet way he did much valuable service. This was appreciated by the Society of Antiquaries, of which he was a member of Council and a Vice-President. He was also a member of Council of the Old Edinburgh Club. Some years ago he received permission from the Town Council to mark by bronze blocks on the causeway of the High Street the outline of the Old Tolbooth—the fourteenth-century block at the east end, the seventeenth-century block, which took the place of the ‘auld towre,’ and the western annexe, later notorious as a place of execution. By marking the dates of all the portions, Mr. Yule enabled the passer-by to follow the history of the building. A few years later he marked the outline on the causeway of the old Netherbow Port at the original east end of the city. Here also the dates of the several portions are clearly indicated. As an earnest student of such things, he amassed a great fund of knowledge, which he gladly placed at the service of his many friends.

Mr. Paton, the Editor of Publications, supplies the following paragraph :—

When the previous Report was issued, the hope was expressed that

Volume XXIII, being the volume for the years 1939 and 1940, would be ready for distribution to members before the end of the year. Difficulties arising from war conditions, and from various other sources, have prevented the fulfilment of that hope; but every effort is being made to have the volume ready for issue either before the Annual Meeting of the Club, or very shortly thereafter. The List of Contents given in the 1939 Report has been rearranged as follows :— I. The Planning of the New Town (Part 2), by Mr. Frank Mears and Mr. John Russell; II. Gleanings from the Scottish Exchequer Reports, by Mr. W. Forbes Gray; III. The Story of Piershill, by Mr. James Smith; IV. The Neighbourhood Book, by Dr. Marguerite Wood; V. Notes on an Old Lawsuit about Duddingston Mills, by Mr. Henry M. Paton; VI. St. Leonards Lands and Hospital, by the late Mr. John Smith; VII. Lord Kames and the North Bridge, by Mr. Thomas McCrae. A special feature of the volume will be a full-size reproduction of Craig's original plan of the New Town, with a superposed transparent line drawing showing the feus of the earlier proprietors of the site before the New Town scheme was taken up.

The Editor and his Committee will be glad to receive material from members of the Club who have not hitherto contributed papers, and will be glad to give advice in the preparation of articles. As has been already stated in previous Reports, it is desirable that contributions should be authoritative and documented.

On another page the Honorary Treasurer presents the Accounts of the Club, duly audited.

The Chairman (the Lord Provost) submitted the Report and Balance Sheet, the adoption of which was moved by Sir Thomas H. Holland, Principal of Edinburgh University.

In a racy speech, Sir Thomas said that they in Edinburgh had conserved that phase of history which was probably the most important of all, and to which Emerson referred when he remarked that there was no history, only biography. Around biography the principles and activities of history had been built up. In supporting the view that science might be profitably taught through the medium of biography, Sir Thomas Holland described Edinburgh as the cradle of his own science-geology, and regretted that the Club had not taken more interest in a subject which had made Edinburgh famous through-



## Old Edinburgh Club

1941

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 Yule, Allan R., C.A., 16 East Claremont Street.

## LIBRARIES

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 Birmingham Public Libraries, Birmingham, 1.  
 Bodleian Library, Oxford.  
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 Cleveland Public Library, Cleveland, Ohio, U.S.A., per James  
 Thin, 54 South Bridge, Edinburgh, 1.  
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Royal Scottish Geographical Society, Castle Terrace, Edinburgh, 1.

Signet Library, Parliament Square, Edinburgh, 1.

S.S.C. Library, Parliament Square, Edinburgh, 1.

Society of Antiquaries of Scotland, Queen Street, Edinburgh, 2.

Speculative Society, per Secretary, Old University, Edinburgh, 1.

Toronto Reference Library, per Messrs. Gordon & Gotch,  
75-79 Farringdon Street, London, E.C. 4.

University Club, 127 Princes Street, Edinburgh, 2.

## CONSTITUTION

I. The name of the Club shall be the 'Old Edinburgh Club.'

II. The objects of the Club shall be the collection and authentication of oral and written statements or documentary evidence relating to Edinburgh; the gathering of existing traditions, legends, and historical data; and the selecting and printing of material desirable for future reference.

III. The membership of the Club shall be limited to three hundred and fifty. Applications for membership must be sent to the Secretary in writing, countersigned by a proposer and a seconder who are Members of the Club. The admission of Members shall be in the hands of the Council, who shall have full discretionary power in filling up vacancies in the membership as these occur.

IV. The annual subscription shall be 10s. 6d., payable in advance on 1st January. Any member whose subscription is not paid within four months from that date may be struck off the Roll by the Council.

V. The affairs of the Club shall be managed by a Council, consisting of the President, three Vice-Presidents, Secretary, Treasurer, Editor of Publications, and twelve Members. The Office-bearers shall be elected annually. Four of the Members of Council shall retire annually in rotation, and shall not be eligible for re-election for one year. The Council shall have power to fill up any vacancy in their number arising during the year, to make bye-laws, and to appoint Sub-Committees for special purposes. Representatives to such Committees may be appointed from the general body of Members. At meetings of the Club nine shall be a quorum, and at meetings of the Council seven.

VI. The Secretary shall keep proper minutes of the business and transactions, conduct official correspondence, have custody of, and be responsible for, all books, manuscripts, and other property placed in his charge, and shall submit an Annual Report of the proceedings of the Club.

VII. The Treasurer shall keep the Accounts of the Club, receive all moneys, collect subscriptions, pay accounts after these have been passed by the Council, and shall present annually a duly audited statement relative thereto.

VIII. The Annual Meeting of the Club shall be held in January, at which the reports by the Secretary and the Treasurer shall be read and considered, the Council and the Auditor for the ensuing year elected, and any other competent business transacted.

IX. The Council shall hold stated meetings in April and October, and shall arrange for such meetings throughout the year as they think expedient, and shall regulate all matters relative to the transactions and publications of the Club. Papers accepted by the Council for publication shall become the property of the Club.

X. Members shall receive one copy of each of the works published by or on behalf of the Club as issued, but these shall not be supplied to any Member whose subscription is in arrear. Contributors shall receive twenty copies of their communications. The Council shall have discretionary powers to provide additional copies for review, presentation, and supply to approved public bodies or societies.

XI. In the event of the membership falling to twelve or under, the Council shall consider the advisability of winding up the Club, and shall take a vote thereon of each Member whose subscription is not in arrear. Should the vote, which shall be in writing, determine that the Club be dissolved, the Council shall discharge debts due by the Club, and shall then deposit in trust, with some recognised public institution or corporate body, any residue of funds or other properties, including literary, artistic, and other material collected by the Club, for preservation, in order that the same may be available to students of local history in all time coming.

XII. No alteration of this Constitution shall be made except at the Annual Meeting of the Club. Notice of any proposed alteration must be given in writing to the Secretary, who shall intimate the same by circular to each Member not less than seven days prior to the meeting. No alteration shall be made unless supported by two-thirds of the Members present at the meeting.

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