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FROM THE GIFT OF

WILLIAM ENDICOTT, JR.

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OF BOSTON

HISTORY
OF THE
BURGH OF CANONGATE.



THE TOLBOOTH, AND COUNCIL CHAMBER.

HISTORY

OF THE

STATE OF

NEW

YORK

FROM 1614 TO 1784

BY

JOHN

BRITTON

HISTORY

OF THE

BURGH OF CANONGATE,

WITH NOTICES OF THE

Abbey and Palace of Holyrood.

BY

JOHN MACKAY,

AUTHOR OF "THE BARONY OF BROUGHTON."

EDINBURGH:
SETON & MACKENZIE.

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William Endicott, Jr.*

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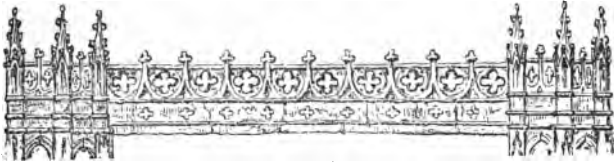


SOME years ago we published a small volume, entitled "HISTORY OF THE BARONY OF BROUGHTON," a district which possessed an independent jurisdiction from that of Edinburgh until a recent period, but now incorporated within the boundaries of the City of Edinburgh. Broughton, as well as the Canongate, originally belonged to the Abbey of Holyrood; and, while examining the old Records, we found its history so closely connected with that of the Burgh of Canongate, and containing matter of much interest not hitherto published, as to induce us to take a few notes thereof. The Canongate, from its proximity to the Abbey and Palace of Holyrood, and having contained the residences of many of the Scottish Nobility and attendants of the Court, was the scene of numerous historical and momentous events; but on the departure of the King, Court, and Nobility, and after the Union of the two Kingdoms, it experienced the

consequent vicissitudes of fortune, from Courtly splendour to neglect and silence. Going over the notes lately, and taking into consideration the fact, that, while various Histories of Edinburgh incidentally notice the Canongate, no separate account of the Burgh has been written, we thought a narrative of these events, and a description of its most memorable localities, as illustrating the many changing phases of Religion, Manners, and Municipal Government, extending over a period of seven centuries, might be of interest to the general reader. And while soliciting the indulgence of our readers for omissions and imperfections on our part, we express the hope, that, however feeble the attempt, it may be considered as a stone added, by a native of the Burgh, to the cairn of remembrance of the Chronicles of the Canongate.

J. M.

EDINBURGH, *May 3rd, 1879.*



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HISTORY
OF THE
Burgh of Regality
OF
CANONGATE.

CHAPTER I.

FOUNDATION OF THE BURGH UNDER GRANT BY KING DAVID THE
FIRST OF SCOTLAND TO THE ABBEY OF HOLY ROOD, OR "DOMUS
SANCTÆ CRUSCIS."

THE CANONGATE of Edinburgh is one of the most ancient Burghs of Regality in Scotland, having been founded in 1128, in virtue of powers contained in a Charter, by King David the First of Scotland, to the Abbacy of Holy Rood. After conferring various lands, gifts, and privileges the King gave leave to the Canons "to establish a Burgh between that Church (Holyrood) and my Burgh (Edinburgh); and I grant that their Burgesses have common right of selling their wares and of buying in my market freely, and quit of claim and custom, in like manner as my own Burgesses. And I forbid that any one take in their Burgh, bread, or

B

ale, or cloth, or any ware, by force, or without consent of the Burgesses. . . . I will, moreover, that they hold all that is above written as freely and quietly as I hold my own lands." That Charter was confirmed by King William the Lion (1171), King Robert the First (1327), and by Charter of Confirmation granted by King David II., 30th December 1343, it is stated, "And we will that they have, hold, and possess all their foresaid lands and free Regality in all and by all as freely and quietly as any Regality is held or possessed by any one in our kingdom." He also appointed the Abbot and Convent to the Chaplainry of the Chapel Royal, so that the Abbot should be principal Chaplain.* The bestowal of the grant was ascribed to an incident which occurred to King David the First when hunting in the grounds near to where the Abbey was afterwards erected.

The legendary account of the foundation of the Abbey, from the narrative of Hector Boece, as given in Bellenden's translation,† is as follows :—

"Eftir deith of Alexander First, his brothir David com out of England, and was crownit at Scone the yeir of God MCXXIV. yeiris, and did gret justice eftir his coronation in all partis of his realme. He had na weirs during the time of King Hary, and was so pietuous that he sat daylie in jugment, to cause his puir commonis to have justice ; and causit the actionis of his nobles to be decidit be his other juges. He gart ilk juge redres the skaithis that come to the party be his wrang sentence ; throw quhilk he decorit his realme with mony nobil acts, and ejeckit the venomus custome of riotous cheir, quhilk wes inducit afore be Inglismen quhen thay com with Quene

* *Vide* Charters and other documents of the City of Edinburgh : "Scottish Burghs' Records Society."

† Bellenden's "Cronikles of Scotland, the twelf Buke," p. 297

Margaret ; for the samin wes noisum to al gud maneris, makand his pepil tender and effeminat.

“ In the fourt yeir of his regne this nobill Prince com to visit the Madin Castell of Edinburch. At this time all the bounds of Scotland were ful of woddis, lesouris, and medois ; for the coudre wes more gevin to store of bestiall than ony production of cornis ; and about this Castell was ane gret forest, full of haris, hindis, toddis, and sic-like maner of bestis. Now wes the Rude day cumingly called the Exaltation of the Croce : and, because the samen was ane hie solemne day, the King past to his contemplation. Eftir the messes wer done, wi’ maist solemnitie and reverence, comperit afore him many young and insolent baronis of Scotland richt desirous to haif sum plesur and solace be chase of hundis in the said forest. At this time wes wi’ the King ane man of singular and devoit life, named Alkwine Channon eftir the ordour of Sanct Augustine, quihilk wes lang time Confessour afore to King David in Ingland, the time that he wes Erle of Huntingtoun and Northumberland. This religious man dissaudit the King, be mony reasonis, to pas to this huntis ; and allegit the day was so solempne, be reverence of the haly croce, that he suld gif him evar for that day to contemplation than ony other exersition. Nochtheles his dissuasion wes litell as nilit ; for the King wes finallie so provokit be inoportune solicitatioun of his baronis, that he past, nochtwithstanding the solempnite of this day, to this huntis. At last, quhen he wes cumin through the vaile that lyes to the gret eist fra the said Castell, quhare now lyes the Canongait, the King past throw the wod with sic noyis and din of raches and bugillis, that all the bestis were rasis fra thair dennis. Now wes the King cumin to the foot of the crag, and all his nobilis severit heir and thair fra him at thair game and solace ; quhen suddenlie apperit to his sicht the faerist hart that ever wes sene afore be levand creatour. The noyis and din of this hart rinnand, as apperit, with awful and braid tindis, maid the King’s horse so affrayit, that na renyeis micht hald him ; but ran perforce our mire and mosses away with the King. Nochtheles the hart followit so fast that he dang baith the King and his hors to the grund. Than the King kest abak his handis betwix the tindis of this hart, to haif savit him fra the straik thereof ; and the holy croce slaid incontinent in his handis. The hart

fled away with gret violence, and evanist in the same place quhare now springis the Rude well. The pepil richt effrayitly returnt to him out of all parts of the wod to comfort him eftir his trobil ; and fell on knees devoutly adoring the haly croce ; for it was not cumin but some hevinly providence, as weill appeiris ; for thair is na man can schaw of quhat mater it is of, metal or tre. Sone eftir, the King returnit to his Castell, and in the nicht following, he was admonist be ane vision in his sleip, to big ane Abbay of Channonis regular in the same place quhare he got the croce. Als sone as he was awalknit he schaw his visione to Alkwine his Confessoure : and he nathing suspended his gud mind, but ever inflamit him with maist fervent devotion thairto. The King, incontinent, sent his traist servandis in France and Flanderis, and brocht richt crafty masons to big this Abbay ; syne dedicat it in the honour of this haly croce. The croce remanit continewally in the said Abbay to the time of King David Bruce, quhilk wes unhappily tane with it at Durame, quhare it is halden yit in great veneration."

The Abbey was endowed for behoof of the Canons regular of St. Augustine established at Scone in 1114 by Alexander the First, brought from the Priory of St. Andrews. This order became a very wealthy and numerous one, and had at one time under control no less than twenty-eight monastic institutions, comprising those of Scone, St. Andrews, Inchcolme, and Isle of May. Its revenues at the Reformation amounted in money to the yearly sum of £2926, 8s. 6d. Scots, 27 chalders and 10 bolls of wheat, 50 chalders and 10 bolls of bear or barley, 34 chalders and 15 bolls, 3 pecks and $\frac{1}{2}$ of oats ; 501 capons, 24 hens, 24 salmon, 12 loads of salt, and a number of swine. The relic of the Holycross referred to in the preceding tradition was placed within a chapel in the Castle of Edinburgh until the completion of the Abbey, when it was transferred thither, and remained

until the year 1346, at which time King David Bruce carried it with him on an expedition into England ; but having been defeated in battle at Neville's Cross, near Durham, and taken prisoner, the " Holycross " was seized and placed in Durham Cathedral ; but it disappeared about the time of the Reformation.

From the sanctity attaching to such buildings as the Abbey of Holyrood, and the number of vassals holding possessions from the Abbacy, the houses in the Burgh soon increased, and acquired the name of Canonsburg, or popularly Canongait, and in 1500 was of some importance. Previous to that date the Scottish monarchs had occasionally resided within the Abbey as guests, but there was no building known as the Palace. James the First and his Queen resided in the Abbey ; and the succeeding monarch was born, crowned, married, and interred within its precincts. In the narrative of the proceedings attending the marriage of James the Fourth to the Princess Margaret, daughter of King Henry the Seventh of England, the word " Pallais " is first used ; but the building known as the Palace, and as distinct from the Abbey, was not erected for some years subsequent to this period. The account of the festivities states that the Queen was escorted by the way of the Canongate to Holyrood, and " the houses and windows were full of Lordes, Ladyes, and Gentlewomen." Dunbar, the Scottish poet, graphically describes the rejoicings of the citizens in the allegory of " The Thistle and Rose." Holyrood Palace at that time, and long afterwards, was almost entirely surrounded by woods, or grounds free of buildings, and, being so near the capital, it became a favourite residence of

Royalty, and consequently the Canongate acquired greater importance:—the residences of a number of the Nobility, as well as Ambassadors from foreign Courts, being situated within the Burgh.

It is by no means clear what Scottish Prince first built a Palace, properly so called, in the precincts of this renowned seat of sanctity. The Abbey, endowed by successive sovereigns and many powerful nobles with magnificent gifts of lands and tithes, came in process of time to be one of the most important of the ecclesiastical corporations of Scotland; and, as early as the days of Robert Bruce, Parliaments were held occasionally within its buildings. We have evidence that James the Fourth had a royal lodging adjoining to the cloister; but it is generally agreed that the first considerable edifice specially erected for the accommodation of the Royal Family was by James the Fifth, about the year 1525, the greater part of which still remains, and forms the north-western side of the existing Palace. The more modern buildings, which complete the quadrangle, were erected by King Charles II. The nave of the old conventual church was used as the Parish Church of the Canongate from the period of the Reformation until James II. claimed it for his Chapel Royal, and had it accordingly fitted up in a style of splendour which grievously outraged the feelings of his Presbyterian subjects. The roof of this fragment of a once magnificent church fell, in the year 1768, and the building has remained ever since in a state of ruin.

Down to the accession of James the Sixth to the throne of England, the Burgh of Canongate continued to enjoy the substantial benefits derived from its

proximity to the Court and the presence of its nobles ; but on the King's departure to England—the acquirements of residence there by the members of the Court and their followers—it became somewhat shorn of its grandeur. In 1618 it is thus described by Taylor, the Water poet, in his narrative of a visit made to Edinburgh :—“ From the port (Netherbow), the street which they call Kennygate is one quarter of a mile more down to the King's Palace, called Holyroodhouse, the buildings on each side of the way being all squared stones five or six stories high, and many bye lanes and closes on each side, wherein are gentlemen's houses, much finer than the buildings in High Street, where the merchants and tradesmen do dwell ; but the gentlemen's houses are obscurely founded in the said lanes.”

On the extinction of the Scottish Parliament, the opening of new approaches to Edinburgh from the east, and the extension of the city northwards, the “Town” of the Canongate was almost entirely deserted by its nobility. The once palatial habitations of the old Burgh, in whose halls Scotland's beauties and gallant cavaliers passed the fleeting hours in gaiety or intrigue, have now almost disappeared, and what were formerly terraced gardens are now covered by manufactories or tenements divided into small houses crowded with inhabitants.

With the exceptions of a few of the old buildings, and the names given to several of its lanes and closes to denote what were once the entrances to the dwellings of several of the nobles of Scotland, little remains to remind one of its former grandeur.

Allan Ramsay, the poet, lamenting over the changes that occurred in his time, says,—

“ Oh Canongate, puir eldrich hole,
 What loss, what crosses, dost thou thole !
 London and death gars thee look droll,
 And hang thy heid ;
 Wow but thou hast e'en a cauld coal
 To blaw indeed.”

Like the adjacent Barony of Broughton (on part of which is the New Town of Edinburgh), and holding likewise from the Abbacy of Holyrood, the independence of the Canongate as a Burgh has been swept away, the jurisdiction of its former magistracy abolished, and the entire area merged within the city.

To use the words of one who steadfastly upheld the duty of preserving the landmarks of olden times :—
 “ Amidst all its changes, the Canongate has a sort of sacredness in it, independent of more distant recollections, such as containing the residences of many of the nobility of Scotland,” &c.*

In giving the following short account of the history of the Burgh and a few of the old buildings, however crude and imperfect the account may be, it may serve to assist in preserving some reminiscences of the Old Town of the Canongate.

* Lord Cockburn's Memorials of his Times, p. 452.





CHAPTER II.

DESCRIPTION OF THE BURGH.

ALTHOUGH from an early date the town of Edinburgh was surrounded by fortifications, the Canongate was comparatively unprotected. In 1513 it was enclosed within walls, but these were of so slight a nature that no attempt to resist an enemy was ever made. Edinburgh on the north was defended by a marsh or bog and a sheet of water called the "Norloch," which lay between the base of the Castle rock and what was known as the "Lang-row" or "dykes," now the site of Princes Street. The loch extended to the foot of Halkerston's Wynd (a close immediately east of the North Bridge); a road or pathway from Moutrie's Hill (James' Square) led to the foot of Leith Wynd, at which a "port" giving access to the city was made in 1640. From the foot of Halkerston's Wynd a rampart extended to the north-west end of Leith Wynd, thence southwards to the Netherbow Port, St Mary's Wynd, (now St Mary's Street) the Cowgate Port, and then westwards. The town of the Canongate on the north was bounded by a roadway skirting the wall of the

gardens of the houses, and which roadway commenced near the foot of Leith Wynd and extended to the Water-gate or Water-Yett, from which, by Abbey Hill, it joined the Easter Road, at that time the principal access to Edinburgh from Leith and other towns on the east coast. The only opening to the main street of the Burgh between Leith Wynd and the Water-Yett was by Rae's Close. On the south, the walls of gardens in rear of the houses on that side of the main street extended to the Parks and what is now called the "South Back of Canongate," and which will be seen from Gordon of Rothiemay's Map of Edinburgh, dated in 1646. As already mentioned, though the Canongate was surrounded by walls and had a gateway called the "Water-Yett," it was incapable of being defended, and when an enemy attacked Edinburgh, possession was at once taken of the Water Yett and Canongate, and an assault made on the city at the Netherbow Port. Numerous references are made to this Port in the accounts of the many conflicts during the wars with England and the struggles of contending parties in Scotland. When at war with England in 1540, Edinburgh was ordered to be put into a state of defence, the wall at Leith Wynd and the houses there being in a state of dilapidation, the citizens were called upon to "repare honestlie thair waste and ruinous houses, quhilk if not dune it sall be lawful to cast doune and big ane honest substantial wa' frae the foot of the Netherbow Port to the Trinity College," then situated at the foot of the Wynd. The east side of the Wynd being also in disrepair, the Bailies of the Canongate were ordered to "get sic dune upoun the east side," as it lay within

their jurisdiction. In 1544 the Earl of Hertford, in command of the English army, attacked Edinburgh. Entering the Canongate by the Water-Yett, he assaulted the Netherbow Port and forcing it, obtained possession of the city ; but the Castle having resisted all attempts at capture, he was obliged to retire. The City was set on fire by him in various quarters, and great damage inflicted on it and the Canongate. The Abbey was likewise sacked and plundered. A few years later, Hertford again attacked Edinburgh, but was unsuccessful in his siege of the Castle. The city was set on fire, Leith and the villages for about seven miles round Edinburgh suffering the same calamity. The Canongate was the scene of many a deadly skirmish. On one occasion, Lord Kilwinning and about fifty of the Queen's soldiers were treacherously slain by the forces under the command of the Earl of Morton. When the Reformers and the adherents of Queen Mary of Guise held respectively the towns of Edinburgh and Leith, horse and foot frequently fought together in the streets and wynds, the French auxiliaries in the service of the latter often pursued the forces of the other party up the Canongate and Leith Wynd to the Netherbow Port. The houses of the unfortunate inhabitants were frequently plundered, and their occupants slain in these raids : during the wars with England, and when the Castle was held by the gallant Kirkcaldy of Grange for Queen Mary. Much damage was sustained by the houses both in the City and Canongate, and many having, through such attacks, become utterly ruinous, or fallen into such a state of disrepair through the inability of their owners to lay out the necessary funds for their repair, it was

by an Act of the Parliament held at Holyrood, 30th April 1573, declared that the proprietors of the dwellings "demolishid, wrakit and brunt be hes hienes declarit tratours and rebels, being within the Castle and Burgh of Edinburgh, and thair assistares, should not be oblised to make compleit payment of the annualles awin furth thair of." In 1606, the Netherbow Port was taken down and a new one erected. The gateway or port was placed in the centre of the street, and on each side of the port were towers and battlements, the southmost having a wicket for foot-passengers. The port was two stories in height, having a spire in the centre. It was removed in 1764.* A view of the "Port" is sculptured on the front of a new tenement below John Knox's Church, near the site where the Netherbow Port stood.

In the attempt by the citizens to support King Charles the Second, and when after defeating the Scottish army under Leslie at Dunbar, the Protector Cromwell made a successful attack on the City and stormed the Castle, the Canongate again sustained much damage, batteries of cannon having been erected at the head of the Canongate and on the Dow Craig—a rock on which the house of the Governor of the Calton Jail now stands. Cannon were likewise placed at the head of the Pleasance to aid in the seige of the Castle. In the rebellion of 1745, the Canongate was taken possession of by the advanced guard of the Highlanders, who captured the City of Edinburgh by surprising the watch at "Netherbow Port," and during the month of September of that year the Burgh for the last time suffered the evils of warfare; but the in-

* See Wilson's Memorials of Edinburgh.

habitants were spared the infliction of needless injury by arrangements made between Prince Charles Edward—then occupying the halls of old Holyrood—and the Governor of the Castle. Since that period, a number of the old houses have been removed and replaced by spacious shops and tenements of dwelling-houses; and of later years great changes have been effected on the dwellings within the Burgh, which are now of a much more commodious character, and tenanted by a superior class of inhabitants. The grounds around the Palace and Park have been much improved since it begun of late years to be favoured by the occasional residence of Royalty. St. Mary's Wynd, at one time one of the narrowest and most squalid thoroughfares in the old town, has been entirely demolished on its eastern side, and rebuilt in the fine old Scotch baronial style, while the wynd has been widened to the breadth of a handsome street, and now called St. Mary's Street. The style of these buildings is most effective, and ornament has been introduced to some extent. Sculptured on a panel of the new tenement fronting the High Street is a stag's head with a cross between the antlers, as illustrative of the traditionary incident through which the Burgh of Canongate derives its origin; and an inscription above the entrance to the houses states that the street was the first erected under the late Improvement Act.





CHAPTER III.

CONSTITUTION OF THE BURGH—MODE OF ELECTION OF MAGISTRATES AND COUNCIL.

THE grant by King David the First to the Abbey of Holycross, permitting the erection of the Burgh of Canonsburgh, or Canongate as now termed, was confirmed by succeeding Monarchs. One of the Charters dated in 1594 is as follows:—"Our Soverane Lorde and Estates of this present Parliament, ratifies, approves, and for hes hiennis and hes successors perpetuallie confirm the erection of the Burgh of Cannogait, with the hail auld privileges, immunities, and liberties granted to the said Burghe, Superioritie, Burgesses, Craftismen, and Inhabitants of the samyn; be hes hiennis and hes predecessours in ane tyme by-gane befor the date hereof, in all and sundrie clauses, articles, privileges, and circumstances, quhatsumevir specified and contenit thairin, providing alwees that the Magistrates tak sufficient ordour anent the removin of the common and idle beggars, of the gait and street thereof."

From the last clause, the Burgh apparently was a favourite resort of the common and idle beggars, attributable in a great measure to its being in the

vicinity of the residence of Royalty, and of the nobility of Scotland. Alms-giving was liberally bestowed, and a recognised obligation on the community when under the guidance of the Roman Catholic Church, but at this period, like the present, taken advantage of by the "common and idle." Although various acts had been passed against them, and severe punishments inflicted on the "vagabonds, or idle beggars," and those who harboured them in their houses; they had greatly increased both in the City and Canongate, so much so, that no citizens could "stand and confer upon the streets, nor under stairs, but they are impeshit by numbers of beggars."

The Sett. or Constitution of the Burgh, granted by the Abbots of Holyrood, and as confirmed by the Crown, consisted in the nomination of two Bailies, Treasurer, and Deacons of the Trades, as Council, who were empowered to frame such Laws in conformity with the Statues of the Kingdom as would enable them to conduct the affairs of the community, hold Courts, civil and criminal, elect Burgesses, Craftsmen, and Freemen, and for services of heirs, hold inquests, with privileges of Chappellarie and Chancellarie, within the foresaid boundaries, and enjoy all rights and immunities, fully and freely as onie uther Burghe of Regalitie within the Kingdom. The privilege of nominating the Bailies was resigned by the Abbots in favor of the community, under reservation of their right to the office of Heritable Bailie of the Regality, and also of the Barony of Broughton, both combined and represented by a "Baron Bailie;" and to the feu-duties and casualties within the Burgh.

According to Minute of date 30th October 1561, the election or appointment of the Bailies was carried out in the following manner:—"The quhilk day, the Counsaill and maist part of the communitie of the Burghe hes continuit the said Johnne Harte, and James Wilkie in the office of Baillie for the Burghe for this present yeare, and als hes chosin to be with thaim, Johnne Logan, Johnne Achesoun, and William Quhite, Bailies, Treasurer and Deacon for the said year, and the foirsaid Johnne Harte, James Wilkie, Johnne Logan, Johnne Achesoun, acceptit the said office upoun thaim, and maid faith in jugement, to exerce in thair offices lielic and trulie, and ordains the said William's Aith to be tane;" and which was done on the 8th of the same month as per Minute.* On the 23rd October 1567, an alteration was made by the following Minute:—"The quhilk daye it was statuit and ordainit be the Baillies and Counsaill, that in all tymes comin this ordour be tane anent the chusin of the Baillies, that is to say, upoun Fuirisdaye befor the Heid Court of Michaelmes, the new Counsaill to be chosen be the auld, and on the Tyisdaye thaireftir, and immediatlie befor the Heid Court, the auld and new Counsaillis withe the diaconis to cheise the Baillies and the rest of the officiaris, sae thaye be all of the Kirk of God, and that the nummer of the Counsaill be yearlie xiiij persouns comptain the twa auld Bailies with the new gif thaye happen to be changit with the Deacons.†

* Register of the Burgh of the Canongate. Maitland Club Publications, vol. ii. p. 285.

† Ibid. p. 302.

The common box of the Burgh, kept in the Council Chambers, had three locks upon it, and the keys were held by different individuals. By Minute of 29th January 1567, it is stated that "upoun the quhilk daye, the three keis of the Common Box was deliverit to the persounes following, to wit, ane kei to Johnne Harte, ane to George Barbour, Deacone of the Smyths, and ane ither to the Theasurer,"

"On 23rd October 1567, Johnne Schort, Thesaurer. The quhilk daye the Baillies and Counsaill ordains Johnne Schort, Thesaurer, to gif in all his compts of the yeiris and termes by past comptan the Mertinnes terme next to come, this day sax weeks, and thane to mak full compt and payment."

While the Abbots of Holyrood, as Superiors of the Burgh, resigned their right of nominating the Bailies, and did not interfere in the election, by the community, of the officials of the Burgh, they nevertheless took an interest in the administration of the laws by the Bailies, and the Baron-Bailie as their representative. Under date 5th November, 1561, it is recorded that "upoune the quhilk daye comperit Johnne Gibsoun, and producit in judgment ane writin directed to the foresaid Baron Bailie, as Justice of the said Regalitie, subscribit with the hand of Robert, Commendator of the Abbey of Holyroodhous, of the quhilk the tenor follows:—

"Justice of the Regalitie and Baronie of Bruchtowne, Greeting. For as meikle as Johnne Young was unlawit befor ye for the non-entrie of Johnne Gibsoun, as suretie for him to underlye the law for the allegit mutulatioune of Johnne Smythe, of hes richt tholme,

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and as the said Gibsoun deservit to be denouncit our Soverane Ledy's rebell for hes non-comperance. Albeit, in veritie, it is clerlie knawn to us that the said Johnne Gibsoun, the time that he was unlawit was sicke, liand in the Merse, and in peril of hes life, and mycht not travell. It is oure wull, heirfoir, and we charge you that ye tak new suretie of the said Johnne Gibsoun, that he sall compeir at sic ane certain daye as ye pleis assigne, and put him to the knowledge of ane assize for the said cryme, and in the meantyme that ye discharge the Clerke of our said Regalitie, to give nae actis furth of hes buikes against the said Johnne (sic) and his sureties in the actionne foirsaid, as ye will answer to us thairupon.

“Subscrivit with our hand at Edinburghe, the fift daye of November, in the yeare Im. Vc. LXI. yearis.”

“After the reading of the said writin, the said Justice assignit to the said Johnne Gibsoun and John Smythe, Frydaye next to cum to compeir before him in the foirsaid Tolbuith, to underlye the law ayther o' thame of the crymes contenit in ayther o' thair letters raisit thairupoun; and the said Johnne Gibsoun found Davide Scroghe, and the said Johnne Smythe, Robert Muir, sureties for thaim to compeir the said daye to the effec foirsaid, under the panes contenit in the last Act maid thairupon.”

John Gibson, on 8th October 1561, had been accused by John Smith, a baker in the Canongate, of committing an assault upon him in his bakehouse, and “mutulating the tholme of hes rycht hand, and woundan him on his heid.” “Mutulation” at that time was a crime severely punished,—any found guilty

being in most cases condemned to lose his right hand, and pay a heavy fine besides. A counter charge of assault was made by Gibson, and at the diet fixed for the trial, neither Young the cautioner, nor Gibson appearing: Young was fined, and Gibson adjudged. "Our Soverane Ledie's rebell put to the horn and all his moveable goods escheat (forfeited) to the Lord of the Regality's use as a fugitive from the law for the foirsaid crymes." After obtaining the writ above quoted from the Commendator of the Abbey of Holyrood, the parties appeared at the bar on 20th November following; but an arrangement had been made between the parties, as, on the charge of "mutulation" against Gibson being called, Smyth "would nocht persue him thairfor." The case was again brought up before an assize, consisting of fifteen jurymen, when Gibson was convicted for the "cumin upon Johnne Smyth, baxter, upon the 13th day of July last, bipast in the backhous of the bak land of the said Johnne Gibsoun's land within this Burgh, quhil he was lauborand at ane bache, with ane drawn sword, and thairwith strykan and woundan him on his tholme, on the rycht hand, and on his heid, to the effusion of his bluid in gret quantities; utherwyis nor he aucht upon law. For the quhilk cause he is adjudgit in ane amerchiament of Courte secklik as he aucht to tyne upoun law amend to the party, and to be punishet for his faut, and acquites the said Johnne Gibson of the mutulation of the said Johnne Smyth of his tholme, and that givin for dome.

"The quhilk daye, Johnne Smyth is convic be the foirsaid assize, for the crewall strykan of Johnne

Gibsoune upon the 13th day of July last, bipast foiranent the bakhous of the bak land of the said Johnne Gibsoune, with ane battoun, woundan him thairwith in his heid and twa of his medmest fingaris of his left hand, to the effusion of his blude in gret quantitie, utherways nor he aucht upoun law. For the quhilk caus, he is adjudgit in ane amerchiament of Courte, sicklike as he aucht to tyne upoun law amend to the party, and to be punishet for his faut and is acquit of the hurting of him upoun set purpose passione, and forthocht fellounie, and that givin for dome."

Various instances are recorded in the old Register of the Superiors supporting the Bailies and the community of the Burgh, and even personally making complaint to the Privy Council, when the Incorporations of the City of Edinburgh interfered in any way with those of the Canongate; of these cases notice will be taken hereafter.

None of the Superiors of the Burgh interfered with the actings of the Bailies, or other officials of the Canongate, or their elections, until the year 1620, when Sir William Bellenden of Broughton, the then Superior of that Barony and the Regality of the Canongate, attempted to control the election of the Bailies; but he was resisted by the inhabitants, and a decision was given holding that Sir William Bellenden had "nae right to the property of the said Burgh, in haill, or in pairt, but the same having been constructed and biggit by the inhabitants and thair predecessors they had peaceably bruikit and enjoyed the same past memory

of man, by yearly electing their Bailies, Council, Clerk of Burgh, Sergeant and Officers, making of Freemen Crafts, Deacons of Crafts, setting down of laws, and constitution for government of the said Burgh, keeping of Courts, directing of brieves, and the same yearly authorised by the said Sir William and his predecessors, so renounces and discharges in favour of the said inhabitants, the said action of Improbation, and all other actions that may be called in question, or their rights quarrelled or impugned in any time hereafter, and presently declares the said Burgh of Canongait to be a free Burgh of Regality, and that the property and jurisdiction thereof properly pertains to the inhabitants thereof, and nae utheris, and the Superiority only to the said Sir William Bellenden and his heirs, and therefore the said Burgh, with the hail jurisdiction thereof, shall be freely bruiked by the said inhabitants and their successors, in plain property as a free Burgh of Regality, but without prejudice of the Superiority with the hail liberties and privileges thereof."*

Down to the year 1640, shortly after the acquisition by the City of Edinburgh of the Superiorities of the Canongate and Barony of Broughton, as more particularly after-mentioned, the Magistrates and Council were thus elected by the community; but in that year the City, as Superiors and as possessing the right of appointing a Bailie to represent them for Broughton, and Courts held for both places in the Tolbooth of Canongate,—at a meeting held on 13th March of that year, at which the Charter under the Great Seal, 2nd

* Municipal Corporations in Scotland, Vol. I. p. 324.

December 1639, granted in favour of the Lord Provost and Magistrates of Edinburgh, giving them right to the Superiorities of the Burgh of the Canongate, North Leith, and Pleasance, was read in a Court duly fenced, they appointed the then Baron-Bailie of Broughton as their representative in the Burgh, Regality northwards of the Bridge of Leith and Pleasance, and Officers were also appointed. From that date down to 1856, the Baron-Bailie was annually appointed by the Town Council of Edinburgh, and that official along with the other two Bailies termed resident Bailies, elected by the community of the Burgh, acted as Magistrates. By an Act passed on the 23rd of June of that year, entitled "The Edinburgh Municipal Extension Act," the boundaries of the City of Edinburgh for municipal purposes were enlarged, and the Magistracy of the Burgh of Regality of the Canongate, Calton, and Portsburgh abolished, and all trusts or grants held by them declared to be transferred to the City. Various provisions were also made as to the customs and other dues formerly levied at the Watergate of the Canongate, the stipends payable to the ministers of the parish church, and for the maintenance of the public buildings in the Canongate. In this manner the existence of the Burgh of Canongate came to an end after a duration of nearly 700 years. During this long period the Burgh had experienced all the progressive phases of municipal government,—of the Church, the Crown, and Baronial power.



CHAPTER IV.

THE SUPERIORS OF THE BURGH.

THE Abbots of Holyrood while allowing the community of their Burgh of Canongate to elect their own Magistrates and Council, reserved right to the feu-duties and other sums payable to them as Superiors, and also right to nominate an Heritable Bailie, or as was latterly termed a Baron-Bailie, for the Regality, as well as for the Barony of Broughton and other possessions held by them, and which was done until the time of the Reformation. At the Reformation, and when the Act abolishing Monastic Institutions was passed, its operations was specially declared not to extend to the Revenues or Superiorities of the Abbey of Holyrood.

A short sketch of the Superiors of the Burgh and Regality of the Canongate will now be given. In 1566 Sir Robert Stuart of Strathdon, a natural son of King James the Fifth, obtained a grant of the Supe-

riorities of the Abbey of Holyrood from Queen Mary; but in 1569 he exchanged with Adam Bothwell, Bishop of Orkney, these superiorities and other incomes derivable therefrom, for those of Orkney and Isles adjacent.

The Bishop of Orkney's life and character, associated as he was with the leaders of both of the contending parties of Queen Mary and the Reformers, form an interesting portion of the history of that period, and in which he played an important part. At first the Bishop was a close adherent and attendant at the Court of Queen Mary, and a supporter of Bothwell in his ambitious schemes. As Bishop and Clergyman of the Chapel of Holyrood he celebrated within that Abbey the marriage between the Queen and Bothwell. Queen Mary's star being on the decline, the Bishop then joined the party of the Lords of the Congregation, by whom he was employed to crown the infant King James, then under the guardianship of the Regent Murray. On the Queen's surrender at Carberry, and the subsequent flight of Bothwell, the Bishop personally aided in the attempt to capture his old associate Bothwell. In 1568 he formed one of the deputation from the Scottish Government to Queen Elizabeth of England, as to the complaints against Queen Mary, then a prisoner. Though zealously assisting the Regent's party, he was looked upon with suspicion, and latterly accused by them of committing various offences, amongst others, that of marrying "the divorced adulterer Bothwell to the Queen; simoniacally exchanging the Bishopric of Holyrood Abbacy, and other crimes against the laws

of the Kirk." He was suspended from all clerical duties for some time, but having expressed contrition, was reinstated in his charge, after "publickly confessing his errors before sermon in his Church at Holyrood." In 1581 he resigned the office of Commendator of the Abbey of Holyrood in favor of his son John Bothwell, afterwards created Lord Holyroodhouse, and in 1587 surrendered to the Crown his rights, as Superior of the Burgh of Canongate, and Barony of Broughton, in favour of Sir Lewis Bellenden, then Lord Justice Clerk. The Bishop died in 1593, and was interred within the precincts of the Abbey of Holyrood, where an inscription on one of the pillars may still be seen, setting forth in a most elaborate manner his talents and numerous virtues, and thus concluding :—

" Thine aged corpse interred here now lies,
Thy virtues great forbid your name to die ;
Go happy soul, and in thy last repose
Vanquish thou death and all its fatal blows ;
Thy fragrant fame shall thus eternal be,
With thy countrie and all posteritie."

The above is a good specimen of the laboured flattery of the period, but will not be considered by modern readers a true character of the time-serving Prelate.

Sir Lewis Bellenden, whose town residence was situated within the ancient Burgh of Canongate, was the eldest son of Sir John Bellenden of Auchnoul. Sir Lewis held the office of Lord Justice Clerk, to which he was appointed in 1578. He was a favourite of King James the Sixth, and sometime Ambassador

to the Court of Queen Elizabeth, by whom he was induced to urge the prosecution of the complaint by the Regent against Queen Mary. On returning to Scotland with Sir Edward Wooton, Queen Elizabeth's Ambassador, he aided in promoting the alliance between the two Governments. In 1589 Sir Lewis accompanied King James to Denmark, on the occasion of his marriage to the Princess Anne, and returned in the following year to Scotland, along with the Royal party. Sir Lewis Bellenden was, like his King, a believer in witches and wizards; and, in the autumn of 1593, while residing in his own house in the Canongate, he consulted a noted wizard called Richie Graham, whom it was said could, among other wonderful things, "raise the devil." This feat had apparently been attempted, but in whatever shape or form his Satanic Majesty appeared, the result so "terrified Bellenden that he took sickness, and thereof died."*

Sir Lewis was succeeded by his son James, who married a sister of Lord Roxburghe. On Sir James' death, his son William was a minor, and his uncle, Lord Roxburghe, along with Lady Broughton, were appointed his guardians. Sir William Bellenden, Superior of Broughton, and proprietor of that estate and others, was also Superior of the Burgh of Canongate, and as such granted various charters and renewals to the Incorporations of the latter. He attempted, as already mentioned, to interfere with the election of the Magistrates, but was successfully

* Sir John Scot's "Staggering State of Scots Statesmen," p. 131.

opposed. In 1627 Lord Roxburghe,—who had acquired from his nephew the unsold portions of the lands of Broughton and Superiorities, as well as those of the Canongate,—on 15th August, 1630, obtained a charter from the King, by which the Burgh of Canongate was incorporated with the Barony of Broughton, and made to hold of a subject Superior. Lord Roxburghe's mansion was situated in the Canongate, and the title thereto had certain privileges of a peculiar nature. He was a favourite of King James the Sixth, to whom, and his son King Charles, he was a consistent and loyal subject. When Lord Roxburghe, he accompanied King James to England on his accession, and was created Earl of Roxburghe in 1616, and appointed Keeper of the Privy Seal. In consequence of aiding in the attempt to rescue King Charles from the hands of the Parliamentary leaders, he was deprived of the office of Keeper of the Privy Seal, and only survived for a few months the execution of his King and patron.

A great portion of the lands and Barony of Broughton and Superiorities, having been acquired by the Governors of George Heriot's Hospital, the Governors of that Institution, in the year 1636, made arrangements with Lord Roxburghe, whereby a transfer of those held by him, as well as his rights as Lord Superior of the Burgh of Canongate, was effected in their favour. The majority of the Governors being Magistrates of the City of Edinburgh, it was considered advisable to obtain the Superiorities of the Canongate for the City; and on payment of a small sum to the Governors of the Hospital, they were accordingly

transferred to the City of Edinburgh, and the transaction subsequently ratified by Parliament.

The City of Edinburgh thus became, and still continues to be, the Superiors of the Burgh of Canon-gate; and, as such, had right to hold Courts and exercise all the civil and criminal jurisdiction and powers formerly possessed by the Superiors of it and the Barony of Broughton, through their representative, the Heritable or Baron Bailie.





CHAPTER V.

THE MAGISTRACY—EXTRACTS FROM MINUTES—ACTS—CASES
BROUGHT BEFORE THEM—ETC.

THE Magistrates were particularly zealous in maintaining their own dignity and that of the individual members of the Council of the Burgh, and in meting out due punishment to those who attempted to dispute their authority, or did not show proper respect. Under date 25th January, 1575, there is on the margin of the Minute the following:—"Gilbert Wat, to sit doune on hes kneis and ask forgiveness." The Minute itself then proceeds: "The quhilk daye Gilbert Wat, flesheour, bein wardit within the Tolbeuth of this Burgh for the injuring and blasphemying of James Harte, Baillie, as the said Gilbert confessit, he was ordanit to sit doune on hes kneis and ask the saidis James Harte's, Baillies', and Counsaill's forgiveness, and in lyke maner to do the saymn on Setterdaye nixt to cum in the Session of the Kirke; and the said Gilbert obleist him of his ain consent that gif ever he be

convic in the lyke offence to onie Magistrate of this Burghe, to tyne hes fredome and remove himselfe furth of this Burghe during the Baillies' and Counsaill's will." On 24th February following, the "Magistrates ordanit Johnne Smythe, baxter, to remain in ward durin their will for the injuring of George Skaithie, Treasurer, in their presens, saying to him all things he spak wes ane lot of lesings, and thairfore decernit him to paye an unlaw of fiftie schillins; and in case of the saidis Johnne committin the lyke faut in ony tyme cumin, neir to bruik office in the Counsaill thaireftir."

Smith was Deacon of the Baxters, or Bakers, and the representative of the Incorporation at the Council Board. He had differed in opinion from the worthy Treasurer of the Burgh, and had given utterance to expressions derogatory of the wisdom and truthfulness of the statements made by him,—an offence which, though committed by a brother Councillor, could not be overlooked by the Magistrates.

Several persons had been charged and convicted of "injuring or blasphemying" the Bailies and other officials of the Burgh, and as these offenders had increased, the worthy Bailies and Council, considering that a small fine was ineffective, adopted more severe measures.

"7th August, 1582, anent injuring or blasphemying of the Bailies.—The quhilk daye, Johnne Achesoun, Johnne Schoirt, Mr. Johnne Harte, Andro Borthwick, Thomas Hunter, Johnne Kello, Johnne Smyth, Johnne

Blak, William Porteous, Mr. Archibald Wilkie, Thomas Blair, and Johnne Sinclair, Baillies and Counsaill of the Burche of the Cannogait, sittand in judgment, comperit George Skaithie, burgess of the said Burche, quha being accusit of the blasphemying and injuring of the saidis Andro Borthuik and Thomas Hunter, Baillies, saying that thaye had dune the said George wrang in the pronouncin wrangaslie of ane decret agains him at the instance of James Douglas in Innerask, quhilk offence the said George grantit and confessit, and thairfoir become in the said Baillies' and Counsaill's willis ; and for amendment thairof, the said George, according to the ordinance, askit God and the said Baillies' and Counsaill's openly forgiveness, and thairfoir the saidis Baillies and Counsaill of consent of the said George, statuit and ordainit that quhatsum-ever persoun or persouns heireftir beis convic of the injuring or blasphemying of the saidis Baillis, or onie uther Baillies for the tyme in the executioun of thair office, that thaye sall be poynded for ten pundis of unlaw to the puir for the first faut, and tynsal of thair freedom, and payment of uther 'ten pundis for the second faut, with all rigour. And the said Baillies and Counsaill consent that the said accusatioun sall noways be prejudicial to the said George hereftir in respect of the satisfacioun foirsaid."

The Bailies and Council shewed great forbearance to "George" in allowing him to go free, so that in the event of his being again accused of a similar offence he would be charged and punished as for a first offence. Skaithie was the same person who held office as Treasurer of the Burgh some time previously,

and who himself had been the object of "blaspheming" while he held that office. He must have been a person of some importance in the Burgh.

We give other two instances of convictions for offences against the Bailies :—

"20th September, 1588.—Anent disobedience of the Magistrates and Members of Court.—The quhillk daye, Thomas Russell, baxter, being accusit befor the Baillies and Counsaill, for disobedience of James Eistoune, Baillie, upoun the third daye of September instant, after that the said Baillie himself and the Officiaris of this Burghe, in our Soverane Lord's name, and my Lord Justice Clerk, had commandit the said Thomas to pass to waird for the cruel stryking and dinging of James Dik, Wilkeyne Pott, and James Martine, smyth, burgesses of this Burghe, and divers utheris with ane pistolet upoun their heids, faces, and schoulderis, divers bangs and strakes, to the effusione of thair bluid in gret quantitie, and thairby contempt- and and disobeyed the said Baillies and Officiaris, eftir that the said Thomas was commandit as said at the stairfute of the Tolbuith of the said Burgh, saying the devil ane fute wald he gane to waird, and thairefter being put up the stair, and quhan he cam to the Tolbuith dure, thair declarit he wald gane nac farder ; and beand commandit be the said Baillies to pass up the stair and enter his persoun in waird for the offences he had committed in denying of the foirsaidis persounes, refusit, saying the said Baillie sayit falslie, aswel dang and menassit Patrik Speir and Robert Craufurd, officiaris, in executioun of thair

offices, as in the dittay given in thairupoun at mair length is contenit. Quhilk being verified sufficientlie be famous witnesses, the said Thomas Russell was convic of the said offences, and contentis of the said dittay, and thairfoir was decernit in an unlaw of ten pundis money and tinsel of his fredome and libertie, and be debarred thairfra during the Baillies' and Counsaill's will, and also was ordained to sit doune on his kneis and ask God, and the said Bailyie and Officiaris' forgiveness for the saidis offences.

“The saymn daye comperit Thomas Ramsay, and beand accusit be dittay, grantit and confessit that he had injurit James Eistoune, Bailyie, in his ain hous sayin that eftir he was sent for to come to speik and agree with ane callit Tennant, dwelland in Nidrie, the said Thomas sayd and declarit that he sould be even with the said Bailyie thairfoir within ane schört tyme, and sae menassit the said Bailyie, the said Thomas beand then accompanit with Francis Trotter, servant to my Lord Bothwell, etc., for the quhilk offence the said Thomas was decernit in an unlaw of ten pundis and tinsel of his fredome and libertie during the Bailyies' and Counsaill's will.”

While the Magistrates thus took care to maintain the dignity of the office—that the individual members of the Council were not only of “guid repute,” but acted as such—they also took precautions to secure that the streets were kept clean, and several Acts were passed regulating them. One on 8th November, 1583, is headed :—“That Swyne be keepit in fastnes.—The quhilk daye, the Baillies and Counsaill conventit,

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has statuit and ordanit that all maner of persounes, inhabitants within this Burghe, haven onie swyne, that thai keip the saymn in fastnes, sae that thaye cum nocht upoune the Hie Street, and gif thaye be fund in onie yaird or neichtbouris skaith, it sall be leassum to the persoun to whom the skaith is dune, that thai may apprihend thame within the bundis of the saymn, to slay the said swyne without onie recompence to be made be the slayer thairfoir, and also the owner of the swyne to pay the soume of xviijs. of unlaw." At that time the City of Edinburgh was in such a deplorable state in regard to sanitary arrangements, that the swine ran about the streets, and the Magistrates of the Canongate adopted stringent measures to prevent such an evil in their Burgh.

The Magistrates likewise attended to the conduct of the citizens in their keeping good hours, and more particularly their deportment on the Lord's-day.

From the number of Acts passed about this time, drunkenness must have been very prevalent in Scotland, and many attempts were made by the Legislature, the Kirk, and other authorities, to abate the evil. Even at the time of King James the Sixth of Scotland, it was enacted that "nae man in Burche be fundin in tavernis of wine, aill, or beer, after the straike of nine houris of the bell that sall be rung in said Burche. The quhilks for dayin, the Alderman*

* "Alderman" was the name of the officer now holding the position and name of Provost.—"Chronicles of Edinburgh," by R. H. Stevenson, p. 40.

and Bailies, sall put thame in the King's prison, the quhilk if thaye do not, thaye sall pay for ilk tyme thaye be fundin incapabil befor the Chamberlaine fiftie schillins."

By an Act of Council, dated 20th January, 1568, the Bailies of the Canongate decreed "that nae persoune drink in tavernis or house, upoune Sundaye doune to the tyme of preaching, and the quhilk daye it is statuit and ordanit be the Baillies and Counsaill that nae mañer of persoune inhabitants within the Burghe, ventaris of wyne, bowstaris, or taptstaris of aill, nor uthers quhatsumevir, thole or permit onie maner of persoune or persounes to drink, keip companye at table in common tavernis or houses upoun Sundaye doune to the tyme of preaching, frae this daye furth, under the penalty of forty schillingis to be uptane of the man and wyfe, quha aught the saidis taverns and houses, sae aft as thaye fa."

In 1617 Drunkenness was so common that Parliament "taking into consideratìon that that vile and detestable vice was daily increasing to the high dishonour of God, and the great harm of the whole realm," made an enactment to the following effect :—" That all persons lawfully convic of drunkenness, or of haunting of taverns and alehouses after ten hours at night, or any time in the day, except in time of travel or for ordinary refreshments, shall for the first fault pay three pounds (Scots), or in case of inability, or refusal, be put in the jousgs or jail for the space of six hours; for the second fault pay four pounds, or be kept in stocks or jail twelve hours, and for the third

fault to pay ten pounds, or be kept in the stocks or jail twenty-four hours, and thereafter if they transgress, be committed to jail until they find caution."

In an Act passed in the first Session of the Parliament of King Charles the Second, the fine ordered to be inflicted for drunkenness was, for a nobleman, 20 merks; baron, 20 merks; gentleman, heritor, or burgess, 10 merks; yeoman, 40 shillings; servant, 20 shillings; while a minister was to forfeit a fifth of his stipend. These enactments, and others of a like restrictive character, were from time to time passed and enforced by the Bailies. One dated 13th March, 1701, was of a comprehensive nature, and is inserted here to show in what manner the Magistrates of the Burgh of Canongate at that time considered the Sabbath day ought to be kept. The Act is headed "Act for preventing the profanation of the Lord's-day," and thus proceeds,—“At Canongate the 13th March, 1701 years. The which day, the Bailies and Treasurer of the Canongate, being convened in Council in prosecution of the several Acts of Parliament, Acts and Statutes of this Burgh, and for the more effectual prevention of the profanation of the Lord's-day; ratify and approve of all former Acts made against the same and other immoralities, and particularly an Act against profaneness, dated 9th August, 1693, and another Act, dated the day of , 1699, do further prohibit and discharge all keepers of taverns, ale houses, victualling houses or cellars within the Burgh, and liberties thereof, to entertain any persons or furnish any kind of drink to them within doors at any time of the Lord's-day, with this exception, that victualling

houses may furnish victuals and so much drink as shall be necessary thereto betwixt sermons, and betwixt six and eight of the clock at night allenary, and that only to strangers or such as have not houses of their own in the place, under the penalty of half a rix-dollar to be paid by the master or mistress of the house for each person that shall be entertained therein as do this, and this without prejudice to the exacting of the penalties contained in the Acts of Parliament against drunkenness from the persons guilty of excessive or unreasonable drinking on that, or any other day. And in the like manner they do strictly prohibit and discharge all persons whatsoever to carry through the streets, or from house to house any kinds of cloaths, periwigs, shoes, or other apparel, at any time of the day, under the penalty foresaid, to be paid by the master of the servant, or any other that shall be found to have employed him in this work; discharging also hereby, barbers or others, to trim or shave any person either in their own houses, or shops, or elsewhere, at any time of the day, and that under the penalty foresaid, to be paid by the barber for such transgression committed by himself or his apprentice or servant, declaring always that if any barber or his servant shall be found carrying about from place to place any of their utensils for trimming on said day they shall be holden and repute as guilty, and liable to the fine as above mentioned. And siclike they do strictly prohibit and discharge all persons whatsoever to stand idly in the streets, or walk in the fields; or upon the Castle hill, on the Lord's-day, under the penalties foresaid, and ordains these presents to be

published in the usual manner.—(Signed) Henry Ferguson, B.B., David Denovan, B.”

From the above, it would appear that the Magistrates preferred having the unshaved and untrimmed at church, rather than permit the barbers to carry on their calling on the “Lord’s-day,” and members of the community who would not attend Divine service were compelled, under a penalty, to remain indoors. The worthy Bailies, however, could define the term *bona-fide* traveller, by construing it as applicable to “strangers, or such as have not houses of their own in the place,” and graciously permitted these persons certain privileges, by allowing them to be supplied with “victuals, and so much drink as shall be necessary thereto.” But whether the “stranger” or the “publican” was to be the judge of the quantity of “drink as shall be necessary” to the victuals, the Act is silent.

The earlier records of the Burgh also comprised matters relating to the Barony of Broughton, and had consisted of several volumes. Some of these have apparently been lost; while others are in a state of great dilapidation, worm-eaten, and torn, and the ink in many places so faint as to be hardly legible. Containing curious and valuable information, it is a pity that measures had not been adopted for their better preservation. The title of some of the books were, “Court Book of the Regalitie and Baronie of Brouchtoun and Burghe of Cannogait, contenin aw actiounis and causis belangin to the saidis Courtis and utheris belangin thairto.” The Bailies sat as judges, but the decisions in cases specially brought before the Baron-

Bailie were marked on the margin "Bar.-Bail.," followed by the name of the pursuer and defender. The following are a few extracts from the earlier volumes of cases brought before the Magistrates, showing the nature of the complaints and the decisions. Under date 22nd October, 1561, there are thus noted :—

"*Margaret Symssoun.*—The quhilk daye the Baillies foirsaidis decernit and ordanit Margaret Symssoun to content and pay to William Robesoun, furtie-six and eight pennies for the mail (rent) of ane dwellan hous of the said William's land within the Burgh occupit be her tae the terme of Whitsundaye last bipast."

"*Robert Davidsoun.*—The quhilk daye the foirsaidis Baillies assoilzied Robert Davidsoun, baxter, frae the claim of Robert Johnstoun of the sum of eight merks, as price for ane quhite hors pertainin to the said Robert Johnstoun, and allegit be him that he wes hurt be the said Robert Davidsoun, and hes leg broken quhar thro' the said hors died within seven dayes thaireftir, quhilk he committit be the space of ane yeire bipast, or thairby, and that be virtue of the said Robert Davidsoun's aith maid thairupoun, referrit thairto be the partie."

"*William Young.*—The quhilk daye the foirsaidis Baillies decernit and ordanit William Young to content and pay to Elizabeth Torrens eight and six pennies within terme of law for certain aill bocht and ressavit be Catharine Cuthbertsoun, the spouse of the said William, frae the said Elizabeth Torrens be the space of six weeks last bipast, or thairby."

On the margin there is noted, "*James Davidsoun and Alexander Steele, banist.*" The sederunt bears, "The quhilk daye James Davidsoun and Alexander Steele apprehendit wi ane black cloik, and becaus thaye culd get nae warrant thairto, wer banist of thair ain consent the fredome of this Burghe durin thair lyfetymes."

"*David Scrougie.*—The quhilk daye the Baillies foirsaid assoilzied David Scrougie frae the claim of James Spottiswoode of ane quhite web as bocht be the said David, the space of eight dayes last bipast, for the sum of IVs. the score be virtue of the said David's aith maid thairupone and referrit thairto be the pursuar."

"*Patrik Arnot.*—The quhilk daye the foirsaid Baillies decernit and ordanit Patrik Arnot to content and paye to Elizabeth Aitken XXVIIIs. within terme of law for meit and drink furnisheit be the said Elizabeth to him within her dwallin hous within Edinburghe frae Sanct Giles' last bigane ane yeare to Sanct Andrew's daye next thaireftir, and that be virtue of hes ain confessioun maid thairupoun in jugement."

"The quhilk daye the foirsaidis Baillies decernit and ordanit William Murray to content and paye to James Laurie, burgess of Edinburghe, XXs. within terme of law for twa stanes of irone bocht and ressavit be the said William frae the said James, within the Burghe of Edinburgh be the space of twentie dayes bipast, and that be virtue of the said

James' aith maid thairupoun referrit thairto be the partie."

"26th November, 1561.—The quhilk daye the foirsaidis Baillies, sittan in judgment, decernit and ordanit William Dawson to content and paye to Thomas Wecht thirtie schillins within ane moneth eftir the dait heirof, quhilk sum the said William becom cautioner and dettour for ane Inglishman, to paye the saymn to the said Thomas at ane certain daye bipast, and that be virtue of hes confessionne maid thairupoun in jugement."

The following is given as being somewhat curious. A reference having been made to the defender's oath, and he not appearing, the pursuer's oath was taken. The pursuer was a resider in Edinburgh, while defender was within the Royalty of the auld Burgh, and the Bailie thus gave the defender every chance, although absent after citation :—

"*Walter Young*.—The quhilk daye the Baron-Baillie foirsaid, sittan in jugement, decernit and ordanit Walter Young, in Pleasance, to content and paye to Robert Quentine, burgess of Edinburgh, the sum of fortie-aucht schillins, within terme of law, for ane boll of ry and ane half, bocht and ressavit be the said Walter frae the said Robert Quentine, within the Toun of Leith, in the moneth of June last bipast, becaus the said Walter warnit to gie hes aith thairintill, and he bein warnit thairto failyit thairintill, and thairfoir the said Robert's aith was tane thairupoun, quha maid faith he bocht and ressavit the said ry frae him, the tyme foirsaid, for the said sum above written."

“The quhilk daye, befor the foirsaid Baron-Baillie, decernit and ordanit James Brown to content and paye to Johnne Arthur the sum of XXXs. within terme of law for the Mertimes mail of ane dwellan hous in Pleasans last bypast, sett be the said Johnne to the said James, and that be virtue of the said James' confessioun maid thairupoun in jugement.”

“March, 1634.—Decerns Johnne Brown, indwellar in Cannogait, to paye to Marion Hall, widow in Bruchtoun, three pundis of monie for meit and drink furnisheit be the said persuar to the defender twa yeiris syne. William Wallace, Officiar.”

Under “Saturdaye, Februar, 1635,” there is noted,—
“Andrew Moir to be hangit for steelin George Mellis' gear.”

“20th January, 1637.—Decerns Isobel Lauder and Wa. Smyth, cloikmaker, her spouse, for hes interest to paye to Walter Adamson, schulemaister, pundis for teaching and instructin o' Johnne Smyth thair son, to read, wryte, and lay compts in years 1635–1636, and expenses.” On 28th January of same year, there is another action and a decree given at the instance of the said “schulemaister” against Walter Pennie, “wrycht,” “for seven poundis, for teachin and instructin of Walter Pennie his son, to read, wryte, and lay compts, and for furnishein the said Walter with ink, pens, and paper, frae the month of January, 1635. Gibson, Officiar.” And on 10th February of same year, another decerniture against “John Wilson, wabster, to pay three pundis for instructin of twa of his bairns, frae Januar, 1636, to Januar last.”

The "puir schulemaister" must have fallen very low indeed in circumstances, and taken recourse to "beer and aill" to alleviate his sorrows: for on the 12th of April, 1637, decree was pronounced against him in an action at the instance of James Menzies and Isobel Babbie, for a small sum, "as balance of ane greater sum for beer and aill furnishit by the persuars to the defender ane yeare bygane."

The Magistrates continued to decide civil causes like the preceding, as well as others usually brought before Bailies of Burghs. They had Law Agents duly admitted, enrolled, and entitled to practise before the Court; but the powers of the Bailies of Canongate having been gradually circumscribed, while those of the Sheriffs and Justices of the Peace were enlarged, the practice of the agents before the Burgh Court dwindled away, and services of heirs latterly became the most important business adjudicated upon; and to this branch of their duties notice will now be taken, —the cases quoted being considered as sufficient to show the general character of the claims brought before the Bailies of the "auld Burgh."





CHAPTER VI.

SERVICES OF HEIRS BEFORE THE BAILIES.

AS previously stated among other matters of jurisdiction, "Services of Heirs" were brought before the Magistrates of the Canongate,—the forms of procedure there adopted being a mixture of the antique and comic, and a subject worthy of the pen of Cervantes or Dickens. The service of a worthy burgess of the Canongate as heir to his father, or other relative as the case might be, or of services by persons outwith the Burgh, took place in the Council Chambers or Court Room, and were generally conducted in the following manner. On a dais, under an open canopy, was placed the judge's chair, in which the Bailie sat, arrayed in official robes and chain, while at his right hand stood the Officer of Court, also in official costume, with halbert in hand. The Clerk of Court was seated at a desk in front, and ready to "prompt" the worthy Bailie when occasion required. To form a jury, several of the shopkeepers and tradesmen had been

cited, and the Court then proceeded to hear the evidence, that the claimant was the nearest and lawful heir male of his lately deceased father, or as the relationship might be to the defunct. The Bailie listened with dignified mien to the proceedings, and at the close of the performance, with much gravity, pronounced the word "Served." An account of the proceedings was afterwards recorded in the books of Court, and an extract engrossed on vellum or parchment issued from the Chancery Office, constituted the title as heir.

As services were generally of an *ex parte* nature and seldom opposed, many were carried through which would not now stand the ordeal of the Court of Chancery; and as these were readily accomplished in the Burgh Court of the Canongate, it was frequently made use of. As illustrative of the manner in which that Court afforded facilities for carrying through such services, the famous case of Humphreys or Alexander, who claimed the title of Earl of Stirling, is one in point. In that service Alexander Humphreys or Alexander claimed to be, and was served as, lawful and nearest heir in general and special to William, first Earl of Stirling, and he took the title and emitted the requisite oaths, so as to enable him to vote at the election of Representative Peers of Scotland, and accordingly voted at such elections in Holyrood Palace in the years 1831 and 1835. An action was brought by the Officers of State to set aside the service on the ground that certain deeds on which the service was stated to have been granted were forgeries. In December,

1838, Humphreys was judicially examined, when he explained how he had come into the possession of these documents. The service was set aside, and Alexander or Humphreys was then indicted before the High Court of Justiciary for forgery, and after a trial, which lasted from 29th April to 3rd May, 1839, the jury returned a verdict by a majority of "not proven" as against him personally, but found that the principal deeds upon which he maintained his relationship and had served as heir were forgeries. When the jury returned their verdict Humphreys fainted, and was carried from the bar insensible, and the judges, on medical advice, refrained from enforcing his attendance when the verdict was formally read by the Clerk of Court, and they dispensed with the "dismissal" of the accused from the bar. It came out in evidence during the trial that some of the deeds and other documents used in the "service" had been obtained by Humphreys from a Miss Maria Annie Normand, bookseller and "fortune-teller in Paris." One of the "old" deeds bore to have the signature of an individual as "witness," but who, on a careful enquiry, was found to have died *before* the alleged date of the deed.

The procedure in services of heirs was changed in 1847, and are now conducted by the Sheriffs of Counties, or the Sheriff of Chancery in Edinburgh, by lodging a petition detailing the pedigree of the claimant and his propinquity to the deceased, and after a proof, decision is given by the Sheriff. The jurisdiction of the Bailies of Canongate, in so far as services were concerned, was abolished, which no one

could regret,—the conducting of such before the Magistrates of the Canongate being notoriously known as very lax. The Edinburgh Municipal Extension Act of 1856, however, swept away the last shreds of the Burgh's independent existence; still, when it is remembered that, during an existence of some seven centuries, it had struggled on from the darkness of the middle ages through the stormy scenes of the Reformation—the great rebellion—the domination of Cromwell—the affairs of the '15 and '45, and that, notwithstanding all these changes of men and things, its Constitution under the Superiors and the Crown sufficed for the good government of the people,—it must be admitted that there is truth in the sentiment uttered by a great statesman, when he said that in our early municipal institutions are to be found the roots and germs of the liberties we now enjoy.

The Bailies, after their arduous labours were over, refreshed themselves with the claimant, jury, and friends in an adjoining tavern. When election times drew nigh, the worthy Magistrates and Council oft did meet, and in a happy, easy, and social manner, discussed the affairs of the Town, and settled the leet of Magistrates and other officials for the ensuing year, for in the "gude auld times" the auld Council elected the new. Many traditions and anecdotes are extant as to the "doings" and "sayings" of the Bailies when administering justice, more particularly on examining witnesses, or asking questions at the agents conducting cases as to the meaning of legal terms used by them; and although credence may be given to such sayings, some of them are so absurd as to be placed

in the category of myths, and derogatory to the wisdom of the Bailies; and had the utterers of such been living in the days of old, and when the worthy Magistrates had the power, a severer punishment than being fined and "ordered to sit doune on kneis and ask forgiveness of the Baillies and Counsaill" would have been inflicted under the "Acts" against "injuring or blaspheming the Baillies."





THE BURGH SEAL.



CHAPTER VII.

OFFICIALS OF COURT—THE CLERK—TREASURER—OFFICERS—
THE DOOMSTER OR DEMPSTER—PIPER—DRUMMER—AND
BELLMAN.

This is almost unnecessary to state that a Town Clerk is a very important official, and many duties are imposed upon him involving great responsibility and careful management. The Burgh of Canongate always had such a Clerk; and various "Acts" were passed by the Bailies defining the duties, and much caution was exercised in the appointment of such an official, whose legal knowledge and aid could be depended upon by the Magistrates. As a matter of fact, up till the extinction, or rather absorption of the "auld Burgh," these officials were men of note,* thoroughly conversant with the Town's affairs; and from a very early date every reliance was placcd

* The last Clerk of the Burgh of Canongate (the late William Fraser, jun., Writer to the Signet, long a partner of the firm of Messrs. Jardine, Stoddart, & Fraser, W.S.), occupied the position for upwards of 25 years; and performed the duties of the office to the satisfaction of every one connected with the Burgh and otherwise, and was much esteemed.

by the Bailies,—when administering justice on the Bench, or sitting at the Council Board,—on the Clerk's opinion ; and no meetings were held without his presence, or one authorised to act for him.

In 1572 it was " Statuit and ordanit be the Baillies and Counsaill, that in aw tyme cumin the Clerk or hes assistant be present every Tuesdaye wi' aw processes, depositions of witnesses and productionis of witnesses, to be advisit and examinitt be the Baillies." Not only was the Clerk's presence required on business occasions, but he was considered so important an official that at banquets and civic demonstrations either given by the Bailies, or the Provost and Magistrates of the City of Edinburgh, or other corporate bodies, the invitations comprised one for the Clerk ; and the same courtesy was shown to the City Clerk when the Magistrates of the Canongate, or Society of High Constables, gave entertainments.

The Treasurer was also another important official in the Burgh, and various extracts have been given from the old Registers of the Burgh of his duties ; and it is worthy of special notice that the accounts of the Treasurer, while at times showing great difficulties overcome, up to the last had a balance to the credit of the " auld Toun."

The following are sufficiently illustrative of the multifarious duties incumbent on the Treasurer in the olden times :—

"27th November 1567.—The quhilk daye the Baillies and Counsaill consented that thair Common Seil sould

be appendit to Alexander Durrume's Chartour, maid to him be Sir George Masoun, upoun the alienatioune of William Younge, cuttellar, for land lyand foir anent the Girth Croce quhairto thai ar patrounes, in token of thair consent. And ordains the Thesurer to ressaif XI. thairfoir, and delyverit to him the Chartour Seilit." And of same date, authority was granted to the "Thesurer to buy ane full pund-wecht of bras, contenan aw sma wechts thairintill to be put in the Common Box, to remain thairin as just wechts in tyme cumin, that the inhabitants within the Burghe may ressaif thair wechts thairbye." And an ordinance was pronounced, ordaining "Officiaris to warn aw hucksteris and stall-keepers to compeir befoir thaim thes daye fifteen dayes, and produce aw wechtes and measures to be seen and considerid, that ordour may be tane thairin as effeiris."

To the Officers of Court, or those who waited upon the Bailies and enforced their warrants, attention will now be directed.

"THE OFFICIARIS."

To render due honour to the Bailies, execute their decrees, and maintain decorum in Court, certain officials were appointed, designated "Officiaris;" and sundry "Acts" were passed by the Council, regulating their duties and the dress in which they were to appear when on duty. On 4th June, 1569, the following "Act" was promulgated:—

"The quhilk daye it is statuit and ordanit be the Baillies and Counsail of the Burghe, to preserve

ordour among the Officiaris of the saymn in tyme to cum, that everie Officiar haif and beir upoune the breist of his coitt or doublatt the armes contenit in the common Seill of the Burghe, imprentit in silver, quharby thaye may be knawin be our soverane lieges and utheris quhatsumevir, and strangeris, as Officiaris of Burghe."

Following the example of the City of Edinburgh,—the Town Council of which had, sometime previously, ordered that four Sergeants, armed with halberts, should attend the Provost when on official duty,—the Council of the Canongate, on the same day on which the previous order was passed appointing Officers of Court, "Statuit and ordanit that everie ane of the said Officiaris beir about with thame everie daye, ane sword, exceptin onlie Sundaye; and upoune everie Court daye to be halden within the Burghe, ane halbert on their schoulderis quhen the Baillies ryse frae the Court-daye in the Tolbuith, wi the Dempster, at ix. houris, and afore the incumin of the Baillies. The quhilk daye it is statuit and ordanit that nane of the said Officiaris hae thair heids coverit in fensit Court, bot that thaye stand at the Bar bareheidit sae lang as the Court haulds, without onie speakin, bot quhen thaye are demandit be the Baillies."

Of the same date the Bailies "Statuit and ordanit that the saidis Officiaris, eftir thaye resaif the 'Actes' or Decreittis of onie persoune or persounes, that thai and ilk ane o' thaim put the saymn to deū executioun, conform to the tennour thairof, at the ische

of the terme contenit thairintill, or at the furdest within viii dayes thaireftir; or else that thaye cum to the Baillies, and declar that thair is nae guidis poyndible, or otherwayis that thaye haif gotten ane deforcement; and failin heirop, the saidis Officiaris to be wardit aye and quhill the non-fulfillin of the saidis Decreittis of the readiest of thair ain guidis and geir, or utherways that the partie defender satisfie the saymn to the perseuar. And in lykwise, that the saidis Officiaris use the dyettes of appryings without onie delaye to be hard thairintill, to wit, every Monndaye, Frydaye, and Monndaye next thaireftir convictioun be the special dyettes of apprying, and that thai mak offer to the partie of the guidis to be apprysit sa sune as thaye obtane thaim, without one fraude or delaye; and gif thaye refuse to resait the guidis as thaye sall happen to be apprysit, that the saidis Officiaris produce thair apprying in wrytin to this Court and law, the daye immediatlie thaireftir to be buikit under the panis foirsaidis."

The worthy Bailies, while allowing no one to escape due punishment for contempt of Court, protected their Officers from any interference when executing their duties, as the following example will show:—

"18th June, 1568.—The quhilk daye, in presens of James Gray, Baillie, Thomas Smyth, bein wardit in the Tolbuith of this Burghe, for deforcng of Johnne Sprot, Officiar, and was detenit in ward thairfore at the Baillies' and Counsaill's pleisour and command. For the quhilk offence, the said Thomas became obleist and acted of hes ain consent, gif evir he beis

funden capabill of sicklyke offences in tyme cumin, that he sall tyne hes freedome and burgesschip, and submitted to the Baillies' and Counsaill's will in the punishing of hes bodie at present for the said offence. Quhairfoir the said Baillies, with consent of the hail Counsaill, remitted and freed the said Thomas to libertie."

The Officer here mentioned got "into difficulties" the following year, through committing an assault upon one of the Bailies. Under date 4th June, 1569, there is the following entry:—

"Johnne Sprot, Officiar, to ask forgiveness of the Baillie.—The quhilk daye, the Baillies, eftir the accusin of Johnne Sprot, Officiar, for injuring of James Hairt, Baillie, dune be him upoune the xxvii. daye of Maye last bye-past, on the Craigs, haif and on consideratioune thairof, ordains the said Johnne to ask the said Baillies' forgiveness; and the said Johnne obleist him, in case ever he be funden injurin onie Baillie or Magistrate within this Burghe, in word or in deed, in onie tyme hereftir, to tyne his office of Sergendrie, and never to bruik office eftir he be convic in maner foirsaid."

THE DOOMSTER, OR DEMPSTER.

Among the officials attached to courts of justice in the olden time, that of Doomster or Dempster appears to have been the most curious. This official seems to be distinct from the common hangman, although both offices were occasionally held by the same individual.

There was one attached to the Bailie Court of the Canongate, who was also one of the ordinary "Officiaris of Court," and performed the duties for a number of years,—his name frequently appearing as the Officer who had served the citation, or complaint ; and also in a case where the parties had been charged with the crime of murder.

Under date 11th November 1637, William Wallace, holder of the office of Dempster, is mentioned, who, according to formula, repeated the sentence or finding of the Court. In that instance, which is fully detailed, the accused were declared "innocent, guiltless, free, and quit of the deathe, slauchter, and murder of the deceasit." After sentence of death was pronounced by the Judge, the Dempster repeated the same, and then added the words, "And this I pronounce for doom." In the Notes to "The Heart of Midlothian," Sir Walter Scott gives a graphic description of the duties of this official,—his grotesque costume, and appearance at criminal trials in the seventeenth century.

THE PIPER, DRUMMER, AND BELLMAN.

At an early period the Burgh had a player on the "Clairsach," and also a Piper. There are many entries of payments to these individuals in the Rolls of the Treasurer. What a "Clairsach" was, has puzzled many, but it is supposed to have been a sort of harp ; others again think that Clairsach was another name for the bagpipes. In the Flemish or Low Dutch, when our troops were in Belgium, the people called the pipers the "Doodle Sachers." In the accounts

of the Burgh for the years 1574-76, the following entries are among others of a like nature :—

“To Robert Wetherspoon, quha wes dressit in the pyper’s claise, Xs.”

“For makin of the pyper’s claise, and pasments thairto, XIII^s. and VIII^d.”

“To ane pyper befor James, now oure pyper, wes entiret at command of the Baillies, XIII^s. and III^d.”

There are also entries of payments to sundry persons for “playing on my Lordes’ Swasche.” What kind of a musical instrument this was, it is difficult to say. Jameson* calls it a trumpet; but this cannot be correct, as there is an entry following the above of a sum in payment for “twa Sticks tae the Swasche,” which would rather lead one to infer that the Swasche was a drum.

Like other ancient towns, the Burgh of the Canon-gate had at one time a Drummer as one of its officials, whose duties, amongst others, comprehended that of duly proclaiming at the Cross, and through the Town, the rouping or letting of the Common Muirs,—“Rolping of the Wyne of the Customs,” and dues authorised to be levied for “the common guid,” &c.

One of the Commons or Muirs which belonged to the Town, was the Gallowlee or Gallowley, situated on the north side of what is now Leith Walk. Part of it was used as a place for public executions, and during the persecution of the Covenanters many of

* Jameson’s “Scottish Dictionary.”

them suffered death at this spot. Under date 31st December, 1587, there is an entry to the following effect in the Minute Books. It is entitled the "Roupin of the Gallowlee" :—

"The quhilk daye, the Baillies and Counsaill ordanit the haill nechbours be sound of drum to be warnit againe this daye xiii. dayes to compeir to the Roupin of the Gallowlee."

Of the same date there follows the appointment of the Drummer for the year :—

"The quhilk daye, the Baillies and Counsaill agreit with Johnne Thomsoun, flescheour, to serve and pass thro the Burghe wi' his drum at four houris in the morning and aucht at e'en, for the space of ane year heireftir, for the auld deutie, and fand James Eistone, cautioner, that he should keep hes houre, wind and wedder, under the pain of XII^s. of unlaw sae aft as he failzit."*

It is difficult to understand the reason for having the Drummer so early astir at the period of the year noted. The Drummer was an important personage in most burghs and towns in Scotland, and performed many duties. When vagrants, common beggars, or persons of a suspicious appearance were brought before the Bailies, and could not give a satisfactory account of themselves, they were occasionally sentenced by the judge to be "set upoune the croce," or placed in the pillory or jugs for an hour or two, and thereafter "banished frae the Toune." In carrying out the

* Registers of Canongate. Maitland Club Papers.

latter part of the sentence, the Drummer accompanied the officer in charge of the culprits to the outskirts of the Burgh, and "drummed" them out of the boundaries. In more modern days the services of the Drummer, Town-crier (or Bellman as he was latterly termed), were called into requisition for giving notice when articles of value were lost, sales by auction, or roupings under judicial authority, etc. After the Drummer ceased to act as a Burgh official, a Bellman was appointed by the Magistrates to perform similar duties. He was termed "ringer of the ten-hour bell;" and there are various entries in the Records of the Burgh relating to his duties, and "Acts" regulating these were from time to time passed by the Bailies. The bells were placed in the Tolbooth of the Burgh, of which a description is given hereafter. There are two bells,—the smallest one, now very seldom used, bearing date 1608. In 1699 drinking in taverns was prohibited after ten o'clock at night; and constables had authority to enter into "suspected houses," and if persons were found there after the "tolling of the ten-hour bell," the tavern-keeper was subjected in a penalty of ten shillings for every person so found. The Magistrates considered the ringing of the bells so essential to the citizens, that, by an Act passed on 30th September of that year (1699), it is stated,—“The quhilk daye, George Mitchell and Angus Black, Baillies of the Burgh of Canongate, and Archibald Campbell, Treasurer thereof, taking into their consideration the great prejudice the inhabitants of the Canongate sustain through the want of the ringing of the bell thereof at ten o'clock at night, and that this having been partly occasioned by the entry to the bell being

within the Canongate Prison, and seeing that the ringing of the bell every night at ten o'clock is most necessary for the inhabitants and others resorting to and from the place, and that it is also recommended that there be a constant wage or salary allowed to the keeper of the clock and ringer of the ten-hour bell : Therefore, the said Baillies and Treasurer hereby adds twenty punds Scots to the keeper of the clock and ringer of the bell's salary, and ordains the Treasurer of the Canongate and his successors in office to make payment of the additional fee hereby allowed, commencing from and after Michaelmas last. (Signed) George Mitchell, Baillie." The bells were also made use of in "ringing up" the inhabitants to their daily avocations, and on Sundays and fast-days previous to each diet of worship, so that the citizens might be duly kept in remembrance of their religious and secular duties.





CHAPTER VIII.

NOTICE OF A FEW OF THE PARISH CLERGYMEN—THE CHURCH
—THE BURIAL-GROUND, AND MONUMENTS THEREIN.

THE Abbey of Holyrood, or rather Chapel, was at the Reformation declared to be the Parish Church of the Canongate, and continued to be so used until the year 1672, when King James the Seventh ordered the Abbey Church to be set apart as a Chapel Royal, and an Act of the Privy Council was passed, declaring it "to be His Majesty's Chapel in all time coming;" but it was not until 1687 that the parishioners had to remove to Lady Yester's,—which was a Church of the same name, and near to where the present one now stands in Infirmary Street,—till a new Church could be procured for them. In 1688, an application was made to compel the Town Council of Edinburgh to build a Church for the Parish out of certain funds bequeathed in 1649 by Thomas

Moodie. This was granted, and the Magistrates of Edinburgh bought the ground for the Church, and a church-yard or burial-ground, adjacent to the Council Chambers of the Burgh; and the present building was erected at a cost of about £2400. There were two charges,—the Crown having the appointment of the first, or principal charge, and the Town Council of Edinburgh and proprietors of property in Canongate, had the right of presentation to the other charge, or second minister. The Church is now placed under the ministrations of one clergyman. A Chapel-of-ease, in the year 1794, was erected in New Street. The late Reverend William Nisbet (afterwards of John Knox's Free Church, Netherbow), was for sometime minister thereof. Among other ministers of the Chapel-of-ease were the Reverend David Dickson, father of the late D.^r Dickson of St. Cuthbert's; the Rev. Mr. Kennedy; the Rev. Mr. Kay; the Rev. James Millar (afterwards Chaplain of Edinburgh Castle); the Rev. James Stormonth.

The first minister of the Abbey or Parish Church was John Craig, who afterwards became the colleague of John Knox. Craig, as after-noted, proclaimed the bans of marriage between Queen Mary and Darnley in 1565. John Brand, at one time a Monk in the Abbey of Holyrood, succeeded Craig. In 1594, Mr. Henry Blyth was appointed his colleague. The first minister who had charge of the present Church was Dr. Thomas Wilkie, who died in 1711, and to whose memory a tablet was erected on the east gable of the Church. Among others who had charges was Hugh Blair, D.D., who was very popular and author of

various works on Divinity. He was elected to the second charge in 1743, presented to Lady Yester's Church in 1754, and transferred to the High Church in Edinburgh, in the year 1758. In 1762 he was the first who held the Chair as Professor of Rhetoric and Belles Lettres in the University of Edinburgh. In 1784, the Rev. Robert Walker, then minister of Cramond, was presented to the first charge in Canon-gate. The Reverend Henry Garrioch, who died on 22nd January, 1820, held the first charge for eight years, and to whose memory there is a fine tablet erected in the Church Burial-ground. In 1821, Dr. Lee was appointed, but was transferred in 1825 to Lady Yester's, and in 1835 was appointed one of the ministers of the Old Church in the City; and after holding various appointments, was in the year 1843 elected Professor of Divinity in the University of Edinburgh. "He was one of the most remarkable and estimable men of his time. His intellectual attainments and acquisitions of knowledge were of the most varied and extensive kind. On almost all subjects he was admirably well informed, and in some departments he was unquestionably the most learned man of his age and country. He was more than all this,—he was a most pious Christian minister, and one of the most friendly and affectionate of men." *

Dr. John Gilchrist succeeded Dr. Lee in the first charge, and was a colleague of Dr. Buchanan, who for a number of years was minister of the second charge and to whose memory a beautiful tablet is erected in

* The late Lord Neaves, in his opening Address to the Royal Society of Edinburgh, 5th December, 1859.

the Churchyard. The Reverend John Clark, sometime of the Chapel-of-ease in New Street, succeeded Dr. Buchanan, and was afterwards transferred to the Old Church of St. Giles. The Rev. Andrew Bonar, the author of a collection of "The Poets and Poetry of Scotland," and various religious publications, was also one of the ministers of the Parish Church of Canon-gate, having been transferred from Fogo in Berwickshire in 1845, and on the death of Dr. John Gilchrist, was appointed to the first charge,—the Rev. Mr. Macfie having the second charge. On Mr. Bonar's death it was reduced to a single charge. The Reverend Mr. James Macnair, M.A., is the present minister of the Parish Church.

The Churchyard or Burying-ground contains monuments to many eminent individuals; amongst others, on the west side of the Churchyard and near to the entrance gate, is that erected to the memory of George Drummond, who was for six successive periods Lord Provost of the City of Edinburgh, and to whom the City owes much of its present celebrity for beauty. He was the projector of the Royal Exchange, the scheme for the New Town, and the extension of Edinburgh southwards of the High Street. The foundation stone of the North Bridge was laid by him with masonic honours in 1763, and to whom also the City is principally indebted for the institution of the Royal Infirmary.

Near his monument is that of Adam Smith's, the author of "The Wealth of Nations," &c. The inscription on the tablet bears "Here are deposited the

remains of Adam Smith, author of 'The theory of Moral Sentiment, and Wealth of Nations,' &c. He was born 5th June, 1723, and he died 17th July, 1790."

On the west gable of the Church is a neat tablet in memory of the brothers Alexander and John Runciman, the historical painters, and it bears to be "erected by the Royal Scottish Academy, in memory of the two brothers eminent as historical painters."

Almost opposite to this is a tombstone on which is the following inscription:—"This stone for the Society of Coach Drivers in Canongate; it was chiefly erected by Thomas Jamieson, Robert Murray, Treasurer, 1765." There is carved on the stone the representation of a coach with four horses and a driver crossing a bridge.

Closely adjoining this memorial there is the tombstone erected in 1787 by Robert Burns to the poet Ferguson. The epitaph by Burns, and the only one he ever wrote to a literary man, is to the following effect:—

HERE LIES

ROBERT FERGUSON, POET.

Born September 5, 1751.

Died October 16th, 1774.

No sculptured marble here, no pompous lay,
No storied urn nor animated bust;
This simple stone directs pale Scotia's way
To pour her sorrows o'er her poet's dust.

On the other side of the stone there are the following words :—

By special grant of the Managers to Robert Burns, who erected this stone. This Burial-place is to remain for ever sacred to the memory of ROBERT FERGUSON.

Robert Burn's petition for permission to erect the monument, is in the following terms :—

*TO THE HONOURABLE BAILIES OF CANONGATE,
EDINBURGH.*

GENTLEMEN,

I am sorry to be told that the remains of Robert Ferguson, the so-justly celebrated poet,—a man whose talents for ages to come will do honour to our Caledonian name,—lie in your Churchyard among the noble dead, unnoticed and unknown.

Some memorial to direct the steps of the lovers of Scottish song, when they wish to shed a tear over the "narrow house" of the bard who is no more, is surely a tribute due to Ferguson's memory,—a tribute I wish to have the honour of paying.

I petition you, then, gentlemen, to permit me to lay a simple stone over his revered ashes, to remain an unalienable property to his deathless fame.

I have the honour to be,

Gentlemen,

Your very humble Servant,

ROBERT BURNS.

By minute of meeting of 6th February, 1787, the Bailies, "in consideration of the laudable and disinterested motion of Mr. Burns, and the propriety of his request," gave the desired permission to erect the stone.

A number of the older monuments to the memory of merchants and tradesmen in the Burgh have sculptured on them the emblems of their respective trades. The burial-ground of George Chalmers, plumber in

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Edinburgh, who died on 10th March, 1836, leaving his money under the charge of the Faculty of Advocates, for the purpose of founding an hospital for the sick and hurt, and which has been erected in Lauriston, Edinburgh, is situated on the south-west of the Churchyard. A tablet to "Bishop Keith, 1756," historian of the Episcopal Church of Scotland, is in the vicinity. At the north-west is situated the tomb of Dugald Stewart, Professor of Moral Philosophy in the University, and to whose memory there is a monument on the Calton Hill. On the east side of the Churchyard, in an enclosure, is a tablet erected by the Trustees of the Fettes Endowment, in memory of Sir William Fettes, Baronet, 7th May, 1836, who left his estate to found the College now erected at Comely Bank, designated Fettes College. The inscription is as follows :—

Sacred to the Memory
of
SIR WILLIAM FETTES
of Comely Bank, Baronet,
Lord Provost of the City of Edinburgh
in 1801 and 1802 ;
and a second time in 1805-1806.
Born 25th June 1750, died 27th May 1836.
Also of MARIE MALCOLM, his WIFE,
who died 7th May, 1836 ;

and
WILLIAM FETTES, Advocate, their only SON,
who died at Berlin, 13th June, 1815,
aged 27 years.

Over the grave of its Founder
the Trustees of the Fettes Endowment
have erected this Monument
in grateful recognition of the enlightened benevolence
which devoted the acquisitions of an honourable life
to the useful purpose of providing
for the children of his less-fortunate fellow countrymen
the blessings of a sound and liberal education.

There are tablets to the memory of various clergymen who held charges in the Parish Church. Nobles, merchants, and tradesmen, are all represented; but many of these monuments are in a state of dilapidation. Here are the family burial-grounds of well-known merchants and tradesmen in the Burgh:—Aitchison, Arnot, Berwick, Blair, Campbell, Drybrough, Muir, Smith, who were Magistrates, Councillors, or otherwise held positions of official importance. The following families also connected with the “auld Toun” have private ground:—John Carfrae, coach-builder; Miller Crabbie, merchant; William Crabie, merchant; Benjamin Bell, surgeon; John Ford, flint glass manufacturer; John Hughes, printer; Peter Lawson, seed merchant; Peter Robertson, merchant; Andrew Slater, slater, Canongate; and various others of note.* At the north-east end of the Churchyard there is a neat tablet, bearing the following inscription—

SACRED TO THE MEMORY
OF
MICHAEL TAYLOR,
SERGEANT, 50th (QUEEN'S OWN) REGIMENT,
who died suddenly on 14th April, 1878,
Aged 34.

This Tablet is erected by his Brother Sergeants
to mark the spot where a departed Comrade rests.

Many gallant British soldiers who fought and bled in their country's cause are interred in the centre

* To Mr. Allison, Recorder of Canongate, thanks are due for his courtesy, and allowing inspection of the Session Books.

of the square at the northern part of the Burial-ground ; and although no special tablets have been erected to their memories, they are none the less mourned for by their friends, but wait the "trumpet sound," when noble and ignoble must account for the "talents" with which they were entrusted.





CHAPTER IX.

EXTRACTS FROM THE ABBEY OF HOLYOOD AND PAROCHIAL
REGISTERS, ETC.

THE Abbey Church of Holyrood, and Parish Registers, contain many historical and otherwise curious entries, and of these we select the following:—Under date, July 21, 1565, there is the proclamation of the marriage between Queen Mary and Darnley.—“Ye quhilk daye, Johnne Brand, Mynister, presented to ye Kirk ane writtin writin be ye Justice-Clerk’s hand,* desyring ye Kirk of ye Cannogait and Mynister thair of to proclaime Harie, Duk of Albayne, Erle of Roiss, &c., on ye ane pairt, and Marie, be ye Grace of God, Queene of Scottis, Soverane of this Realme, on ye uther pairt. The quhilk ye Kirk ordains ye Mynister so to do wi- invocatioune of ye Name of God.” On 29th July of the same year, there is the entry of the said parties having been proclaimed:—“Harie, Duk of Albayne,

* Sir John Bellenden of Auchnoule, father of Sir Lewis Bellenden, Superior of the Burgh of Canongate and Barony of Broughton.

Erle of Roiss, Marie, be ye Grace of God, Queene Soverane of this Realme, 1. 2. 3.," with a *notandum*, "Mar. in ye Chappell."

The murder of Rizzio is referred to in the following terms :—" Monsr. Singnior David wes slane in Halyruidhous ye IX. daye o' Merche anno 1565."*

An entry referring to Darnley's death is also made, viz. :—"The King's Grace blaun up wi' pudr. in ye Kirk o' Field, ye X. o' Februar, 1566."

On 6th August, 1564, the Kirk Session divided the Parish into four quarters or districts, and appointed two Elders and two of the Deacons of the Trades for each, "baith to visi ye seick and for ye berialles, and also ye Deikans tae uptake ye puris siluer, quhilk is geven volantaryie be faythfull men." The names of the "faythfull," and the sums given, are for several years thereafter duly reported.

From the "Buik of ye Kirke off ye Canogait, beginning ye 20th August, 1564, and ending 16th August, 1567, contenin ye Baptismes, Mariages, and order Actes maid anentis ye guid ordour o' ye Kirke, and punyement of offendaris," the above and following extracts are given :—

3rd September, 1564.—"Ye quhilk daye ye Kirke havin knowlege how syndrie brethern o' Craftis beand oute at ye Communioune, and sum orderis under promis, hes absentit thamselvs frae ye last Communioune ; sum orderis that hes beine at it, frequentis

* In Scotland, previous to the year 1600, the year ended on 24th March.

nocht ye sermonis bot rether tae pastyme, playand and drinkin, quha suld gif gude exampell unto utheris. Thairfoir, ye Kirke maist hartfullie exhortis ye Deakins o' ye Craftis wi ye rest o' ye faythfull to resone wi thair brethern on ye occatioune o' ye former fauts, and to exhort thair brethern to amend in tyme cumin, quhilk gif thai do, ye former fauts sall nocht be rememberit. Failyng o' ye saymn that onie be stubborn, quhilk will nocht bear brotherlie admonyishing, to be certified that ye Kirke wull proceed unto publick admonyishing, and thaireftir wull proceed to further sensure as God's Word does require, requirying ye Deakins to report ye ansuer of those of quhom he certifiet, and this to endure for aw tyme cumin."

9th September, 1564.—"Ye quhilk daye also it is ordanit that nae persone get onie almose (alms) excep that thaye haif bein at ye Communioune,—safand infantis, faderless, and seike persones as are into extremye seikness and in extreme povertie."

16th September, 1564.—"James Russell, ane child, Alexander; hes witness, Alexander Wode. Ye said James, under promis to cum to ye Lordis Tabell becaus he refranit sa lang."

"Ye last daye o' September, 1564.—Mr. John Balfour, ane child called Isaike; hes witness, my Lorde Sanct Colme."

"Ye quhilk daye comperit Meikle Lyndsaye, quha haldis ane hous wi ane woman unmerritt, for ye quhilk ye Baillies, assistan wi ye Kirke, commandis him to

remove off the 'Gait within fortye-aucht houris eftir he be chargit under ye pane o' warding o' hes persone."

7th October, 1564.—“Ye quhilk daye comperit Daid Persone, quha confessit that he had carnal deill wi ane woman callit Isobell Mowbray, beand servand to Robert Kircaldy, dwellan instant in Dame Lytell's hous in William Hiltray's Clois, for ye quhilk ye Baillie, assistant that instant wi ye Kirke, ordanes ye said Daid to be brankit, and to stand three houris therein, and gif evir ye said Daid commit sik cryme again to be banesit perpetuallie.”

“Ye quhilk daye comperit Isobell Mowbray, who confessit for ye quhilk ye Baillies ordanes ye said Isobell to be banishet ye gait within fortic-aucht houris under ye pane o' schurging, and sicklike tae thame that haulds ye said Isobell in thair hous.”

14th October, 1564.—“Ye quhilk daye Andro Broderstone and Cristian Gentleman, beand callit befoir ye Kirke for committin of fornicatioune, baith ye saidis parties confessit ye saymn, submittin thaimselfes tae ye Kirke, and content to compleit ye bond o' matrimony, desyred ye Kirke to proclaime thame, promisin to maik thair repentance openlie in ye Kirke quhan thai are requirret. Ye Kirke charges thaim thairto for ye 21 daye o' Octobre.”

4th November, 1564.—“Ye quhilk daye also Johne Hardie and Janet Cowan beand twice proclaimed in ye Kirke o' carnal deill, are ordanit to cum and make open repentance afoir thaye be merriat.”

11th November, 1564.—An Act was passed by the “Kirke, the Baillies assistan, that nae man in no wayis sett, nor for maill let hous or houses till onie persone or persones that committis fornicatioune, or uther wickednesses quhilk is hurtful to ye comon weilfare, or schame to ye Kirke of God, under ye pane of XI. for ye first faut. Ye second to underlye sic punishment as ye Baillies wull devise to lay to thair charge.”

Midwives were ordered to report all cases coming under their charge to the “Mynister, Elders, or Deikins” under a penalty “for ye first faut, ye second enduring ye Baillies’ and Counsaill’s wull.”

1st January, 1565.—“Ye quhilk daye ye Superintendent bein present with ye Assemblie for ye order desyring ye repentance makin of Margorie Brisone, quaha had committit ye horribell cryme of murther, in slaying ane man, &c., as at mair lengthe is confessit in her humble supplicatioune to ye General Kirke of Scotland at dyerse tymes, to ye actioun beand remittit to ye Superintendent of Loudiane. Ye said Superintendent, efter ye advisement, ordains ye said Margorie to be reprevat in maner following :—To be visitit for ye space of three Sundayes, afoir noon and eftir; that ye said Margorie sall cum to ye place appointed for publick repentance, barefit and bareleggit, with ane petticoat quhite, without collar or sleives, or claith upoun her heid, with ane knif maid o’ tree dippit in blude, and thane beand callit upoun, humblie sall request for Godes mercie and forgiveness of brethern, and that thaye may call upoun thair God

for her, to pardone her hevie offence. And on ye third Sundaye to resaive her again to ye Kirke, in taking of ye quhilk ane Elder of ye Kirke sall resave her be ye hand, and take ye knif frae her, knawing her to have gotten remissionne o' ye Princes and parties satisfit."

25th May, 1566.—“Ye quhilk daye Johnne Stenson, *alias* Sr. Johnne Brand, beand callit and requirit quhy he joins nocht unto ye Tabell o' ye Lord Jesus, considerin that he teches ane schuile withine Burche, ansueris: ‘I have ministerit ye Tabell myself, and wull do it againe, God wullin. Bot I have nocht communioune wi you, be reasone o' sum actiones I have againes sum persones that hes offendit me. To ye doctryne that it is techit, I confess to be o' treueth, and ye Sacramentis to be rychtlic ministret, accordin to my jugment.’ Quhan instantlie ye Kirke requirs him, knawin him to be a favorer o' ye treueth, to caus hes bairnis to cum to ye Kirke forenoone and eftirnoone, to ye sermonis o' ye Sabbothe daye, accordin to hes deutie to, and as uther faythfull maisters does. Ye quhilk he promisit to do.”

Domestic quarrels between husband and wife, also betwixt neighbours, were taken cognisance of by the Kirke Session, who made remits to arbiters, and after hearing evidence the party in error was “admonsshet” and ordered to behave better for the future, under threat of being “put out o' ye Kirke.”

9th February, 1565.—“Ye quhilk daye Thomas Barone beand openlie warnit in ye Kirke to compeir

afoir ye Sessioune quha disobeyit ye said warning and ye Kirke hafan tane for tryell ye said Thomas for beand at ye Mess (Mass) efter he had bein tyce at ye tabell (Communion). For ye quhilk ye Kirke ordanes ye Mynister openlie in the morn in ye Pulpit to denunce him as ane that is renuncing Jesus Christ, and thairfoir aucht nocht to be comptit ane o' thairs. Wi certificatione gif he turn nocht eftir to repentance that thai wull proceed to ye sentence o' excommunicatione."

The following extracts of Baptisms are selected :—

7th April, 1565.—"Johnne Brand, Mynister, ane madyne, callit Elizabeth ; hes witnesses, Johnne Wastone, Johnne Modie, Johnne Seton."

8th July, 1566.—"Johnne Brand, Mynister, ane madyne, callit Janet ; hes witnesses, Johnne M'Neill, Harie Birall, Johnne Schort."

2nd December, 1564.—"Johnne Roger, ane madin, callit Dorathy ; hes witness, William Porteous. Ye Kirke gies ane admonishione to ye said Johnne that he in no wayis comitt ye said bairne to ye care o' hes wif, becaus she afoir, in drukeness, smorit (smothered or overlaid during sleep), twa former bairns, and if he be negligint in keeping o' hes bairn, that they wull persue him as ane common murtherer o' children."

29th January, 1564.—"Johnne Broune, ane child, James ; hes witness, ye Lorde o' Rykertoune."

17th July, 1566.—"Symond Lokart, ane child, James ; hes witness, James Henderson. Ye said bairn resavit in ane faythfull witness."

There are several entries where the same expression is used, "ane faythfull witness."

A number of persons were called before the "Kirke and Baillies" for having got their children baptised "in Papestrie;" and pleading guilty, were rebuked with a caution, and after "makin openlie repentence in ye Kirke."

During the three years over which the volume from which the preceding extracts are taken extends, a very great number of female offenders against morality were punished by being "branket and set upone ye croce," and one of the latest is here given as being somewhat peculiar, she having been charged as connected with the French Ambassador. Her name is stated as "Katherine Linton," and she was sentenced to be "branket, her heid coverit on ye ane side, and clippit on ye uther side, to be set upone ye croce, and thair to remane ye space o' three houris, and thaireftir be open proclamatioun to be banishet, wi certificatione that gif ever she beis funden in ye Canogait she sall be burnt on ye cheek, and schurged, and thaireftir baneshit."

The following extracts show where the aid of the civil power was called into operation by the Church :—
 "Vecessimo die mensis, Januar 1568. — The quhillk daye, in presence of the Baillies and Counsaill, William Harrat, younger, baxter (baker), became actit of hes ain fre motive, will, as cautioner and suretie for George Harrat, that the said George sall remove and devoid himself furth of this Burche and fredome thairof, within

the space of xv. days next, and immediatlie following the daye and dait heirof, and nocht to be funden thairintill in cais the saidis George associat nocht himself to the Religioun of Chrystis Kirk, and satisfie the Kirk in makin of repentance as effeirs within the said space under the pains of Xi. And the saidis George obleist him to relieve the saidis William, his said suretie, anent the payment of the said soume at the hands of the said Baillies and Counsaill." Again, as another specimen, there is, under date 2nd January, 1639: "Wednesday, per dispensatioune Dom. Consilie decerns David Eabercrombie, elder, of Pitlaussie, within forty-eight hours heirefter, to flit and remove himself, wyfe, bairns, servants, famelie, guids and gear, furth and frae ane dwellin hous wi' the pertinents possessit by him of the lands of William Hay, in Sanct Leonards, within the Parochin of Sanct Cuthberts, and Sherifffdom of Edinr., persued be John Hew, heritor in Pleasands, ane of the Deacons of the hail Session of the said Kirk, and to desist and cease thairfrae to that effec, and this in respec of the lawful warning made to the said defender by James Rattray, Officiar, to have comperit this daye and been heard, and seen himself decernit to remove frae the said hous and bounds as ane excommunicant frae all Chrystian societie for his obstenance and contempt of the authoritie, laws, and constitution of the Kirk of this kingdom and Acts of Parliament, as ane obdurate heretic and Papist, condemner of God's Word and publick worschipe, as ane certificate thairof product in judgment under the subscription of Wa. Wallace in place of the Beidel of the said Kirk, and in respect of

the vacancie thair of, the said Baillie decernit in manner foirsaid with 26s. 8d. of expenses.”

During the persecutions of the Covenanters, and also of the Roman Catholics, many were imprisoned within the Tolbooth of the Burgh of Canongate, and soldiers comprised the guard; but, despite of these, prisoners occasionally escaped. In May, 1681, James Park, Keeper of the Tolbooth, and Gordon, his servant, were imprisoned because they suffered one Weir, who was a prisoner for being engaged in the Rebellion of Bothwell Bridge, to escape.* Several persons called “Sweet Singers” or Gibbites, followers of one John Gibb, who held most extraordinary opinions of religion, were imprisoned in the Jail, and on the occasion of the Duke of York (afterwards James II. of England) passing up the Canongate from Holyrood, threw some broken ware out of the windows at him, for which they were severely lashed.† On 16th Oct. 1681, six persons who had been confined in the Jail were hanged at the Gallowlee, between Leith and Edinburgh; and they were executed there, because the multitudes of the executions at the Cross and Grassmarket drew such a number of spectators, who were so much moved at the conduct of the sufferers, that it was thought expedient to put them to death where the most notorious malefactors used to be executed. On 26th October, 1684, one William Hanna was imprisoned in jail, in a dark pit under the prison, for nine days, for nonconformity; and his son, William, a youth of sixteen, was tortured with the

* Fountainhall’s “Decisions,” May 4, 1681. † Ibid. June 23, 1681.

thumbkins, and then loaded with irons. After an imprisonment of a year and a half, he was transported and sold in Barbadoes as a slave. It is said he returned after the Revolution, and was a minister in Scarborough.* In August, 1684, eight or ten persons confined in the prison for rebellion and refusing to take the oath of abjuration, managed to escape by breaking one of the barred windows, and passing through it to the roof, and thence to the adjoining house on the west. A council of war was held on the soldier on duty at the part of the Jail where the window was situated through which they had escaped. He was condemned to be shot, and the Magistrates were threatened to be fined for allowing the prisoners to escape.

In 1685† a number of prisoners died in the Jail. On 16th February, 1686, several persons in the Canongate Jail for refusing to take the Test, were sent to the plantations (banished); 24th July, same year, several others were banished to the plantations—the women being burnt in the cheek before they were sent abroad. Cutting off the left ear of prisoners who had been in the “Rebellion with Argyle” as it was termed, was not an unusual punishment, and this was done by the common hangman. After the Rebellion in 1715, when severe enactments were made against those holding the Roman Catholic faith, numerous persons charged with the crime of meeting together for worship, were apprehended and put in jail. On 24th January, 1720, about thirty persons, mostly females, were

* Defoe's “Memoirs of the Church of Scotland,” vol. 2, p. 157-8.

† Ibid, ante. pp. 348, 404, 406.

seized within the lodgings of the Dowager Duchess of Gordon, whose house was then almost opposite the Council Chambers and Jail of the Canongate, charged with being Papists and assembled together for worship, and committed to prison. The Records, after reciting the names of the persons *inter alia*, bear that, "We the said Magistrates having called all of them, furth of the Tolbuith, before us, in our Court House, and there caused read the formula in their hearing, and desyred all of them, one by one, to take and swear the same in the terms of the Act of Parliament, which they all refused to do, except the before-designed Janet Murray (she was a servant to David Jamieson, merchant in Edinburgh), whereupon we caused return them to prison till they should fynd caution in terms of the said Act of Parliament. Archibald Wallace, Baillie ; Adam Thomson, Baillie."

As illustrative of the disordered condition in which Scotland was during the years 1650-1651, and more particularly when Edinburgh was in the occupation of Cromwell and his army, the following entry from the Register of Marriages of the parish is given :—"There were no parties married within the Kirk of Holyrood-hous from the 23rd August, 1650, till the 26th June, 1651, by reasoun of the English armie in and about the toune."

Undernoted are a few extracts from the Register of Baptisms, viz. :—

24th July, 1666.—There is as follows :—"Baptism of a daughter, Marie, to Earl of Wintoun, and Marie, his Countess. Witnesses,—Earle of Dumfries ; Alex-

ander, Viscount of Kingston; Lord Bellenden, Treasurer-Depute; Sir John Gilmour, Lord President."

25th February, 1668.—"Baptised to John Bellenden (one of His Majesty's Life Guards), and Elizabeth Trotter, a daughter, named Margaret. Witnesses,—Lord Bellenden, Treasurer-Depute; Lieutenant Mungo Murray; Sir Alexander Hume of Kintoun."

28th November, 1669.—"Thomas Lord Dunkeld to Dame Margaret Thomson. Witnesses,—William Lord Bellenden; Sir William Thomson; Mr. Thomas Gray, minister."

The above are noticed principally from the Bellendens being witnesses,—the family of that name, for several generations, being Superiors of the Burgh.

19th June, 1668.—"Baptized, a child found on Sundaye the 16th June, 1668, named 'Theophilus.' On the breast of the child, affixed to its dress, was a paper, on which was written, 'For Jesus Christe's saik, Bap.'" On this occasion the child had as godfather David Patoun, designed as "one of the gravediggers of the Kirkyard," and whose name appears on various occasions at the baptisms of foundlings.

Tuesday, 30th July, 1672.—"The quhilk daye there was baptized in the Kirk of Holyruidhous a child that was found at St. Leonard's Craigs, named Jean, presented by John Meikleham. Witnesses,—James Taylor, John Barclay." On the margin of the book there is noted, "The child was found at the Park Dyke in St. Leonard's Craigs."

On Tuesday, 18th February, 1676, an illegitimate child was baptized, the reputed father being one

Alexander Mackenzie, and the mother Margaret Patoun. The entry bears that "it was baptized 'Agnes,' be a letter received from Alexander when he went away with the Blue coats."

Saturday, 10th March, 1677.—"Margaret Thomson, a son, named John, begotten in fornication with George Ross, souldier." There is, in addition to the entry, the following :—"This woman fled out of the parish before she made satisfacioune."

At this period also, unmarried persons who had begotten children had to appear before the Kirk Session, confess their misdeeds, and be rebuked. If not willing to marry, they were ordered to be punished, sometimes by being placed in the Pillory or "jougs" for a certain time, fined, or made to appear in church during service, and sit in a place set apart for such offenders, and be publicly rebuked by the officiating clergyman. The male offender had also to find caution to appear in Court before the Bailie, whenever called upon, to fulfil the law's demands, so as the child might not become a charge or burden upon the parish. It is unnecessary to give any further illustrations of these cases.

In January, 1701, "the Bailies appointed the Treasurer, immediately to cause to be erected upon the Burgh charges, ane pillorie or rackstool upon the south side of the High Street of the Canongate, a little above the Cross, opposite to the middle of the old walls, betwixt Sarah Maxtone's Land and Gillies-toun's Lodgings."

For many years after this, the punishment of being "placed in the Pillory" was frequently pronounced on offenders against the law.



CHAPTER X.

WITCHCRAFT, AND THE WITCHES OF THE CANONGATE.

IN the "olden times" the Burgh of the Canongate, like numerous other places in Scotland and England, had, as residenters, "Witches" and "Warlocks," several of whom were tried by the Privy Council and the Magistrates. As a historical fact, it is recorded that one of the Superiors of the Burgh,* Sir Lewis Bellenden, Lord Justice Clerk, died in the autumn of 1591 from fright, occasioned from seeing certain ceremonies and enchantments performed in the Courtyard of his house in the Canongate by a noted "warlock," called Richie Graham.

About that period a general belief existed that such persons as Richie Graham possessed supernatural powers, and the greater proportion of trials for witchcraft, sorcery, and using incantations, occurred. King James the Sixth, by his writings on "Demonology" and personal presence at the trials of the accused,

* "Senators of the College of Justice," p. 196.

—who were frequently put to the torture under his orders and superintendence;* the denunciations of the ministers of the Kirk; the readiness of the judges to condemn their victims to the flames or gibbet, at sametime quoting passages from Scripture as their warrant,—all tended to confirm the multitude in their opinion. The indictments, at first framed by the Lord Advocate, and founded upon the Hebrew law against Witchcraft, were prosecuted by the Clergy or Kirk Sessions, to whom commissions were granted, as well as to the Privy Council and Magistrates of Burghs. The accused comprised all ranks, from the highest to the lowest, but the majority were of the poorest class of society. The charges made in the “dittay,” or complaint, were of the most extraordinary nature; and one can hardly believe that any credence could have been given to them by the King, Judges, Kirk, or people. The records of cases brought before the Judges, and as given in detail by writers on criminal trials, show too vividly that such, nevertheless, was the fact.

Richie Graham figures conspicuously in several of the trials, and according to the “depositions” or “confessions” of the accused, was recognized as one of the principals. Janet Cunninghame, Lady Bothwell, is indicted “as ane auld indytit wytych of the fynest stamp.” While Richie is described “as a notoure and knawin necromancer.” On 12th February, 1592, he was so libelled, tried, and condemned, and shortly thereafter burnt to death at the Cross of Edinburgh.†

* History of King James the Sixth, p. 243.

† Pitcairn’s “Criminal Trials,” vol. I., p. 358.

Catharine Campbell, designed "the wytchwyfe dwellan in the Canogait," was known to be "a notorious wytch." One of the complaints was directed against Janet Stewart, a witch, residing in Canongate, who, along with other three females, were charged and convicted of witchery, sorcery, and using incantations. The complaint is dated 12th November, 1597, and so far as directed against Janet, was made by "Andro Penny-cuick of that Ilk, quha being in ill health," had visited Janet in the Canongate for the purpose of getting her advice as to his sickness. He stated that she had "dune him nae gude, and believit that she had wytchit him," that she had said "he wud never haif a daye tae dae weill." Janet was also accused of and "'convict' for cuming to Bessie Inglis in the Kowgate, 'she bein deadlie sik and lycht,' that she tuk aff her (Bessie's) sark that was thane upon her, and her mutch, and waischit thame in a south ryan water, quhilk she did, as she said, at command of umquhile Michael Clarke, Smyth in Lasswade; put the sark wat upoun her at midnight, and said thryis oure, 'In the Name o' the Father, the Son, and the Holy Ghaist,' fyrit the water,* and burnt stray at ilk neuk o' the bed, as the said Michael had learned her, quhilk was dune under pretext and collour of Wytchcraft. Item, for hailing (healing) of women of the wedonynpha,† and specially of Bessie Aytken, and sundrie others be taken o' ane garland o' green wudbyn, and causin o' the patient to pass thryce through it, quhilk thereafter she cuttit in nyne pieces and cast in the fyre, quhilk she affirmit

* Put a hot poker or bar of iron in the water.

† Weed, a disease peculiar to women in childbed.

she learnt wi' aw the rest o' her cures frae ane Italian callit Maister Johnne Damiet, ane notorious knawin enchanter and sorcerer, quhilk was likewyse dune under pretext o' wythcraft. Item, for hailing o' sundrie persouns deceasit o' the fallen evill, be hingan o' ane stane about their nek fyve nychts, quhilk stane she affirmit she got frae the Ledy Crauford, and sae for abusing o' the people under the pretext of Wythcraft." Janet was also accused of *curing* other persons by the application of certain herbs and Spanish seeds, made into poultices, draughts composed of white wine, &c. Bessie Aytken, after being cured by Janet Stewart, had in the like manner treated and cured others, for which cause she, along with Janet, was accused of witchcraft and using incantations, and condemned to death, but pleading pregnancy, was reprieved, and after childbirth, and sustaining "lang punishment be famine and imprisonment," was subsequently banished for life. Janet and her other two companions were condemned to be "worrit at ane stake, their bodies then burnt to ashes, and moveable gudes to be escheit," which sentence was carried into execution.*

By special Act of Parliament, the Judge or Bailie, before whom the accused were brought for trial and condemned, got any effects which belonged to the criminals as a perquisite of his office. Maitland, the historian, in his observations on the trials for witchcraft, states that "wherefore it is not to be wondered at, that innocent persons should be con-

* Pitcairn, Vol. II., p. 25-29.

victed of a crime they could not be guilty of, when their effects fell to the judge or judges." *

In 1643 it is recorded † that Witchcraft abounded so much at this time,—no less than thirty persons having, in a few months, been burnt in Fife alone,—the General Assembly of the Kirk named a Committee to examine into the nature and cure of that "dreadful sin;" and in 1649 "very many witches were taken and burnt in several parts of the kingdom." On 26th September, 1679, Janet Hill, having been indicted to appear and stand trial for witchcraft, hanged herself in prison, whereupon her body was dragged at a horse's tail to the Gallowlee, and buried under the gallows. ‡

The Gallowlee here mentioned, and previously referred to, was one of the common muirs which belonged to the Burgh of Canongate, and situated where Shrub Place and Shrub Hill, Leith Walk, are now ; and long used as a place of execution, "as being conveniently situated for the Burgh of the Canongate, the Barony of Broughton, and Leith," part of the latter being within the Regality of the Canongate.

What is here termed "Barony of Broughton" originally belonged to the Abbey of Holyrood, then to the Bellendens and Earl of Roxburghe; and, for long independent of the City of Edinburgh, comprehended among other lands the whole of what is now

* Maitland's "History of Edinburgh," Book I., p. 98.

† Stevenson's "History of the Church of Scotland."

‡ Fountainhall's "Decisions."

the New Town of Edinburgh,—Coates, Broughton, Warriston, Pilrig, Bonnington, Hillhousefield, and others adjacent, the greater portion of which were purchased by the Governors of George Heriot's Hospital upwards of 200 years ago, and annually return a large sum to the trust estate.*

The last occasion on which burning at the stake for the "crime of witchcraft" occurred was in 1772† in Dornoch, Sutherlandshire, when an old woman was the victim. The barbarous treatment which she received, and the extraordinary nature of the charges of which she had been convicted, created an immediate revulsion in public feeling; and shortly thereafter indictments for witchcraft, sorcery, and using incantations, became things of the past.

* *Vide* "History of the Barony of Broughton."

† John Hill Burton's "Narrative of Criminal Trials," v. I., p. 309. Pitcairn's "Criminal Trials."





CHAPTER XI.

THE INCORPORATED TRADES OF THE BURGH.

THE Burgh of Canongate had Trade Incorporations with various privileges, conferred both by Charters obtained from the Crown, and grants by the Lord-Superiors of the Burgh; and these privileges were zealously maintained by their respective Deacons and the Magistracy of the Burgh, and the Incorporations on various occasions had the personal support of the Lord-Superior. In asserting the claims of 'the Freemen' as against those of the City of Edinburgh, the following cases will show the interest taken by the Bishop of Orkney as Superior, in a complaint to the Regent and Privy Council in 1569:—

“Anent the supplicatioune presented to my Lord Regent's Grace and Lordis of Secreit Counsall be oure Reverend Fader, Adame, Bischop of Orkney, Commendatore of Haliruidhous, and utheris, his fre tenants and inhabitants of his Regaltie within the Cannogait, Leith, Barony of Broughtoun, and thair pertinentis next adjacent to the Burgh of Edinburghe, makin mentioun: That quhar it is nocht unknowin

to my Lordis Regent's Grace and Lordis of Se greit Counsall how the said Abbacy of Haliruidhous has thir monie and divers yearis bi past fre Regalitie within all the Toune's baronyis, and pertinents thair of in quhatsumevir part of this realme, and has been in continuall and peciabil possessioun of the samyn thir monie yearis bi past as said is, quhile lattlie in the moneth of Decembre last, or thairby last bipast, the said Reverend Fader beand with my Lordis Regentis Grace in the partis of Ingland, certane of the Baillies of the Toune of Edinburghe cam to the Cannogait, and by way of deid, thair beand accompanit with a nummer of the communitie of thair Burghe, brak and kast doune thair senyeis of wyne, expres against all ordour, the said Cannogait beand ane fre Burgh of Regalitie, and evir in possessioun of selling of wyne for serving of the lieges of the realme; and beand humely requirit be the Baillies and nyctbouris of the said Cannogait, that thaye wald desist fra thair said way of deid, specilie in respect that it was nocht unknawn to thame how thair was a process in dependance befor the Lordis of oure Soveranis Sessioun thair- anent, answered that thaye wald knaw nathing of the said process in dependance, but wald execute thair enterpryse quharfoir thaye were than cuming to the Cannogait. And sicklike lattlie, becaus the fremen Cordiners of the Cannogait and Leith, within the said Regalitie, wald nocht contribute with the fremen of thair Burghe, thaye maisterfullie and be way of deid refra Andro Purvis and William Porteous, Cordiners and fremen of the said Burghe of the Cannogait, thair maid schune and utheris wares, quhilk thaye had to selle in the Mononday's fre mercat in Edinburghe. And sick-

like lattie take and imprisonit certane of the Cordiners dwellan in the said Toune of Leith, within the Regalitie foirsaid, and in special, ane callit David Robertsoun, for the refusin to contribute with thame as said is, and daillie continues in thair molestatioune foirsaid of quhatsumever nyctbouris of Craft alsweil of Taylyiours as Smyths and utheris Craftismen, and wull nocht desist thairfrae, howbeit the nyctbouris of the said Burgh of the Cannogait and Regalitie above written be in no wayis subject to onie jurisdiction inferioure under the Prince, except to thair ain Lord and his Baillies."

"And anent the charge given to William Littell, Adam Fullartoun, and Alexander Clerk, Baillies of Edinburghe, to compeir befoir his Grace and Lordes of Sessioun this daye afternoon, to answer this complaint. Baith the parties comperan personallie, thair reasons and allegatiouns beand heard and understood, —My Lordis Regentis Grace and Lordis of Secreit Counsall, ordanis and commandis bath the saidis parties to desist and ceise frae all attempting of onie thing against uthers be violence or way of deid in tyme cuming, bot to perseu all thair actionis, causis, and controversis be ordour of law and justice under all hieast pane, charge and offence, that thaye and ilk ane of thame may commit and inrin aganis our Soverane Lord in that behalf." *

Again, in 1576, a supplicatioune at the instance of the "Baillies, Counsall, inhabitants, and haill communitie

* "Registers of the Privy Council of Scotland," Vol. II. p. 33. Edited and abridged by John Hill Burton, LL.D., Historiographer Royal for Scotland.

of the Cannogait, against the Provost, Baillies, Counsell, and communities of the Burgh of Edinburghe," was heard in Holyrood House on 22nd December of that year, before the Regent Morton and Privy Council, in reference to a charge of 3d. per lade on malt bought by the browstaris (brewers and retailers of ale) in the city from the merchants in the Canongate, and delivered to the purchasers without first presenting it in Edinburgh Market and paying the said dues; but it was decided against the Canongate.*

About the same time the Bailies passed a statute decreeing that none of the Deacons receive any freeman with them into their Crafts, "afore he be admitted Burgess be the Bailies," and whoever did, should be "poynded for that man's Burgessschip that shall happen to be admitted." "Four pundis" Scots was the fee for admission at the time.

The Incorporations were eight in number: Wrights, Hammermen, Shoemakers, Tailors, Weavers, Fleshers, Bakers, and Barbers. The Incorporation of the Cordiners or Shoemakers was a very old one. Letters of Licence, dated 6th August 1554, having been granted by the Bishop of Orkney, Commendator of Holyrood and Superior of the Burgh, to "Andrew Purves, Dekin and Boxmaister of the Craft," to levy dues from "craftismen within our Regalitie within the Toun of Leith, Sanct Leonardis Gait, and Baronie of Broughtoun," as well as Canongate. The Burgh Register or Council Minute in 1574 contains a notice of the election of "William White as Deacone of the

* "Registers of the Privy Council of Scotland," Vol. II. p. 577.

Cordiners." The Incorporation from an early date was in possession of several properties in the Burgh, and had a hall in which meetings were held; but having fallen into debt and the buildings heavily mortgaged, became insolvent in 1743, and was obliged to dispose of the heritable properties. The Incorporation of Tailoures or Tailors had also Letters of Licence of same date and to the same effect granted by the Bishop in favor of "James Galbraith, Dekin." The Fleshers were incorporated in 1610, but they had paid certain dues to the Town long previously. It appears that upon 24th June, 1594, they had been in arrears for these dues, for upon the "quhilk daye the Baillies and Counsaill all in ane voce ordanit the haill Flescheauris to be commandit in warde until thaye paye the Mertimes and Whitsundaye maills, and also ordains William Persoun to remain in warde for his offence in cuming and denying of thair acts of Counsaill quhair he was actit of befoir for payment of XIs. for hes stok maill, during thair willis."*

The Seal of Cause, dated 6th April, 1612, erecting the Wrights and Coopers into an Incorporation, was granted by Sir William Bellenden, Baron of Broughton, as Heritable Bailie and Superior of the Burgh of Canongate; but as he was at the time under age, the Charter had the concurrence of Dame Lady Elizabeth Ker or Bellenden, his mother, who was a sister of the then Earl of Roxburghe. It erects "the vocatioune and airts of Wryghts and Couperis of the Cannogait into ane fre airt and vocatioune, onlie to be usit

* Registers of the Burgh of Canongate. Maitland Club papers, Vol. II., p. 330.

and exercised be fre men and those quha be the Deacone of the said Craftis and sae monie of the Maisters, as are of the samyn ; sall be elected and admitted inhabitants within the said Burgh, contein- ing the privileges and liberties of chusing ane Deacone and Box Maister, and of taking in under thair liberties the haill fremen of Masons, Couparis, Glasin Wryghts, Stockers of Guns, Sparingers, Painters, Pantoun-heel Makers, of befoir to the said Crafts, by ane gift or donatioune, alsweil within the said boundis of the Burgh of Cannogait, as within the boundis of Saint Leonard's Gait and New Saint Ninian's Chappell, with Saint Andrew's Port, Pleasance, North syde of the Bridge of Leith, Canonmylnes, Quhytehous, Bruchton, and haill uther lands as lye within the said Baronie of Bruchton," &c. A Charter under the Great Seal of King Charles the First, dated at Whitehall, 12th April, 1627, ratified the above and contained an erection of new. The individual members of the Incorporation of Bakers of Canongate,—also one of the oldest Incorporations,*—were bound to go to the Mills at Canonmills, "to have their corn ground thairat." The Bakers of the Canongate being, in legal phraseology, "thirled thairto." Canonmills—situated on the north side of the City of Edinburgh, now included within the second Municipal District, or "Broughton Ward"—was at one time a village within the Barony of Broughton, the Mills there having originally belonged to the Canons of Holyroodhouse, hence the name of Canonmills. There is at present one mill in full working order at Canonmills, and where a good business is done. The machinery is driven in the old

* Mr. Menelaws, Baker, Canongate, who died lately, was, it is believed, the last surviving member. He was much respected in the Burgh, and held office as a Bailie for several years.

way—water power, the water being conducted by lade from the “River of the Great Water of Leith,” as it is termed in the old deeds.

Disputes were of frequent occurrence between the Trades of the Canongate and those of the City of Edinburgh, on account of the members of one Craft attempting to execute work within the liberties or bounds of the other. The Incorporations were extremely jealous of each other; and when ever a “Ratification” of a Charter was granted, “Protestatioun,” was taken either to Parliament or to the Magistrates and Council, “that the granting of the samyn should be no ways prejudicial to the privileges and liberties of the Trades and the remanent of the Incorporation” of the opposing party.

It would be superfluous to notice the numerous occasions when such disputes took place, or to enter into details of these, many of which are contained in decrees pronounced at various dates by the Lords of Session. One or two, however, may be given to show the nature of the differences between the Incorporations of the City and Burgh of Canongate. A decree, dated 29th March, 1632, granted authority to any Member of the Canongate Incorporation of Wrights to “work and mak coffins and deid kists to onie gentleman living within the Burghe of Edinburghe for the tyme, and to utheris not being Burgesses of the said Burghe.” Another against one of the City Incorporations, required and ordained the members thereof “to desist frae makingonie stop to the Deacone and Wryghts of the Cannogait, in presenting thair wark to the mercat

of Edinburgh, and selling the saymn thairupone the ordinary mercat dayes, and frae troubling thaim in working outwith the said fredome of Edinburge to onie inhabitant within the said Burgh, and in bringing the wark sae wrocht be thaim, and setting up the saymn to the amier at all tymes quhan occasioun should present." In 1677, the Town Council of Edinburgh, by "Act," appointed the Cordiners and Skinners "to visit and inspect the skins and hides of beasts slain in the Canongate, and bring into the market and punish the owners who had the same holed or of bad leather;" and, following upon that visit, some of the Fleshers in the Canongate were fined and imprisoned. This was done by the City of Edinburgh as Superiors of the Barony of Broughton and of the Burgh and Regality of Canongate; but on a suspension being raised before the Court of Session at the instance of the Incorporation of Fleshers of Canongate, it was held that, as Superiors of the Canongate, the City could appoint a Baron Bailie, or visitors to represent them as such, but had no right to interfere in the way attempted with the Incorporations of the Canongate, or in making their own laws as conferred by the Charters from the previous Barons or Lord-Superiors. The Incorporations of the Canongate were thus held to be independent of the City, and free from control. None but freemen and burgesses were allowed to carry on business within the Burgh, and it was essential to become a member of the particular Trade or Incorporation. To obtain admission, the applicant must have served an apprenticeship, and on his application "to pass" was obliged to give tests or show specimens of his handiwork and pay certain fees.

The fees, fines for non-attendance at meetings, subscriptions, and other payments, with the returns derived from investments held by the Incorporations, formed a fund from which annuities and such-like grants were made to members arriving at a certain fixed age, and for allowances to widows and children of members. These payments varied in accordance with the capital of the Incorporations. Any one attempting to commence business in the burgh without admission as a freeman or burgher was at once interdicted, and numerous actions were instituted before the Court of Session and the Bailies of the Burgh, with deterrent effect. The "trade privileges" granted to Incorporations were successfully encroached upon in various districts throughout Scotland. In 1807 the Hammermen of the Canongate attempted to prevent John Carfrae, coach-builder, in the Burgh, from carrying on business, as he had not become a member of their particular craft. He kept a smithy, and employed a number of men in working iron for the purposes of his trade as a coach-builder, but neither himself nor his men were members of the Incorporation of Hammermen. It was maintained in defence that coach-making was a new art, that the smith work required was only adapted for coaches, and unknown when the Incorporation was erected. The hammermen were defeated, and Carfrae conducted a most successful business for years afterwards in the Canongate. Showing the evils of these "close incorporations" as affecting trade, by preventing improvements in machinery, and thus lessening hand labour, another case may here be noticed as illustrative of many others. In 1809 a Mr. Dunn had made a cotton

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machine called a "mule jenny," and was interdicted from using it, unless he joined the Incorporation of Wrights, but on an appeal to the Court of Session it was held that, as the machine was a work of science, and not composed of the work of any one man or trade, he was found entitled to manufacture and use the jenny. One of the judges in his remarks on the claims made by the Incorporation stated—"He is an engineer who makes a 'jenny'; that the maker of a 'jenny' must possess an art of which the ordinary workman knows nothing; there is not one wright who could even make an essay piece." This worthy judge did not appear to have any sympathy with incorporations, and held the skill of the individual members in little estimation.* Government conferred at this time also, certain benefits on soldiers retired from actual service, by authorising them to carry on business in burghs, as freemen, and independent of the Incorporation or Trade they might follow; which likewise had the effect of diminishing the ancient rights and privileges of these bodies. One of the cases tried, from its peculiarity is worthy of notice, as showing the strenuous endeavours made to maintain "the privileges." It was at the instance of the Incorporation of Tailors. James Kirkwood, had commenced business on his own account as a tailor, without becoming a member. He had formerly been in the Militia for three years, and after his discharge, had married. The complaint was brought before the Bailies, who, after a discussion, decided against Kirkwood. The latter had maintained

* Incorporation of Wrights of Glasgow *v.* Dunn, Feb. 24, 1809.

that by section 56 of the Act 37 George III. cap. 103, he was entitled to set up and exercise any trade in any town or place within the kingdom of Great Britain. On an appeal by Kirkwood to the Court of Session the Incorporation pleaded that, as he was not married when in the Militia, and had not been in actual service, he was not qualified. The Incorporation maintained that by the terms "actual service" service in action was meant,—or, at least, such service as exposed a man to be maimed or wounded. The Court, on 19th January 1811, disregarded the pleas maintained by the Incorporation, and remitted to the Bailies to alter their interlocutor, and Kirkwood was thus found entitled to carry on business independent of the Incorporation. These were amongst the first successful attempts to set aside the "trade privileges" of Incorporations, and which were abolished by Act of Parliament (9th and 10th Vict. cap. 17, 1846), but allowed the Incorporations to retain their corporate character and any other privileges not involving the exclusive right of trading.

The Incorporation of Weavers, one of the oldest in the burgh—one of the renewed charters bearing date 1630—included the Trades of Dyers, Cloth-dressers, Bonnet-makers, and Hatters, and is still in existence, but only in so far as any benefit to members, in the way of allowances or annuities, are concerned. In 1845 the Deacon at that time—and which office he held for a number of years—was appointed by the Magistrates and Town Council of Edinburgh Baron Bailie of the Canongate, and was the last Deacon who held office as Baron Bailie of the old Burgh.

The various Incorporations had sittings allotted to them in the Parish Church of the Burgh; and on the Sunday immediately following the annual election of the respective Deacons these officials were duly churched,—the pews being decorated with flowers, and the Trades vied with one another in having a large “turn out” of the brethren. The sittings so set apart were recognised as the “Shoemakers’ Loft,” “Weavers’ Loft,” &c. Several of the Incorporations fell behind in their payments to the Kirk Session. In 1817, the Shoemakers were due £59, 5s.; and in 1819 the Bakers were indebted in a sum of £98, 3s. 6d.; but after time had been given them, as requested, these arrears were cleared off, but in one instance without interest being exacted.

The Conventry of the Trades of Weavers, &c., above noticed, is the only official body corporate now remaining in the old Burgh, and it is hoped may long continue to flourish; and although no special trade privileges exist to the Incorporations, the ties of the brotherhood nevertheless can be maintained “to help one another,” and otherwise profitably and socially enjoyed as in the days of yore. The present office-bearers consist of Convener, Second Deacon, Treasurer, and Clerk.*

* *Convener*—W. A. Thomson. *Second Deacon*—John Brown.
Treasurer—D. R. Collie. *Clerk*—Thomas Wilson.





CHAPTER XII.

THE HIGH CONSTABLES OF THE BURGH—FROM WHOM
ELECTED—MODE OF ELECTION—DUTIES, ETC.

PREVIOUS to the introduction of a “guard,” or police force, paid by tax levied on the community, the Magistrates of the Canon-gate, in order to the watching, warding, and preserving the peace of the “toun,” divided it into small districts. Including the Canongate proper, these comprised other parts of the Regality—viz., Roxburgh Street or Parks, Richmond Street, Arthur Street, part of the Pleasance, St. Leonards, and Abbeyhill. The “bounds” varied in number from ten to seventeen, and from each district the Magistrates selected certain citizens who were entrusted with the charge or superintendence over the resenterers in the “bound” or “quarter,” and who, from the comparatively small extent of their several districts, knew the general character of the inhabitants, and could, when re-

quired, give valuable information to the Bailies. At various times "Acts" of the Magistrates and Council were passed, giving authority to the persons so selected to remove all beggars from the bounds, and "such as hae nae lawfu' industrie," inspect lodging-houses, and see that no lodgers were allowed a residence who could not give an account of the manner in which they obtained "a livin'," and make up lists of all strangers. They were also to take measures for providing requisite necessaries for the truly destitute and sick. In 1568, when the Plague raged in Edinburgh and surrounding districts, the persons infected were ordered out of the bounds of the Burgh of Canongate, and a number "of the puir of the Burgh were on the hills," (parks surrounding Holyrood Palace, and the Calton Hill,) and much suffering and want was occasioned from the exposure. On 4th November, 1568, the Bailies selected nine of the citizens to relieve the wants of these persons, and the outlays were paid by the Treasurer of the Burgh. To such an extent had the dread of the Plague seized upon the inhabitants, that in January 1569 the Bailies passed an Act to the effect that "nae inhabitar within the Burgh tak upoun haund tae loge onie stranger in thair hous, but that they incontinent aftir the said stranger be resavit tae loge in thair said hous cum and shaw the saymn to the Baillies o' this Burghe, sae that the persones names be knawin to thame, under the pains o' deed" (death). A small staff of men called the "Guard," and having a captain, were afterwards formed and maintained at the expense of the inhabitants. In the Minutes of the Burgh there are various entries relating to the "Guard;" and during the Rebellion in 1715, an

application was made to the Bailies by certain residents in the Pleasance for leave to form a guard at their own expense, which was granted, under the proviso that the captain of the Canongate Guard should have the control over them. The duties of the High Constables of the Burgh, Pleasance, and Abbey consisted latterly in the making up of lists of the householders in the Burgh qualified to act as jurymen, and persons, not freemen or volunteers, to serve in the militia ; for the making up of the latter lists the Constables were paid a small sum. In 1831 there were twenty-three men sworn in as militiamen, being the number required to be furnished by the Burgh. The Constables were also obliged to have in readiness lists of those residents within the bounds whom they considered eligible to be sworn in as special constables in anticipation of any riot or emergency. One of the most important duties the Constables had to perform was that of acting as a "guard of honour" to the Magistrates and Council on civic demonstrations. The insignia were, for the Moderator, a gold chain and medal, and a silver-mounted ebony baton ; the Treasurer had also a chain ; and each constable, as a token of authority, had a small ebony baton, silver-mounted, called a pocket baton, which he was bound to carry with him on all occasions, and if not in his possession when the Moderator or other authority called for a "show of batons" at meetings of the Society, the delinquent was fined a small sum. A hard wood baton of about two feet and a half in length, having the arms of the Burgh painted thereon, was supplied to each constable. The Society was possessed of two large ram horns, used as snuff-mulls. These

were silver-mounted, and had the usual appendages—
 spoon, picker, brush, &c. The Moderator had the privilege of retaining the principal mull in his possession during the tenure of his office, and at the year's end the right of placing round the mull a silver band or hoop having his name and the year in which he held office engraved thereon. The election of the Constables was conducted in the same manner as those of the City of Edinburgh, and stated meetings were held in the Council Chambers of the Burgh. The office-bearers, consisting of a Moderator, Treasurer, Secretary, and Chaplain, were elected in September annually. At what date the first Moderator was elected cannot now be ascertained with certainty, as the earlier Minute-Books have been lost. The minutes of meeting of 28th August 1810 expresses to be a minute of the meeting of the Constables of Canongate, Pleasance, and Abbey—three members being present from the Pleasance district, two from the Abbey, and ten from the Burgh—the then Moderator being David Neilson, Alexander Berwick, Brewer, Treasurer; and Archibald Cameron, Secretary. An officer was re-appointed to wait on the Constables at their meetings, and to whom a small salary, of £1, 1s., was annually awarded. Fines were levied on the members when absent from meetings without leave, or being unable to show "good cause of absence," not having their small baton, &c. On the election of office-bearers, those on whom the honour was conferred paid sums varying in amount to £1, 1s. Persons on admittance paid a small fee. In 1813 the fee was 10s. 6d. Any one declining to take office when nominated had to pay a fee. These fines, entry moneys, &c., and a sum annually granted

by the Bailies of the Burgh out of the funds of the "common gude," were expended on petty expenses and a dinner on the occasion of the annual election, to which dinner the worthy Bailies, Treasurer, and Clerk of the Burgh, and Parish Clergymen were invited, and who generally accepted the invitation. The Magistrates of Easter and Wester Portsburgh and Calton (now abolished), and the office-bearers of the Constables of Leith also very frequently responded to the invitation of their brethren of the Canongate. The Lord Provost and some of the Bailies of the City were present on various occasions. The members of the Society being apparently of a happy and sociable disposition, every possible occasion, such as a procession, Royal birthday, annual election, enrolment of new members, was made an excuse for a dinner, "pic-nic," or other entertainment; and there are numerous instances of excursions to Roslin, Hawthornden, the Carlops, Newhaven, and Wardie—the two latter places being much appreciated by the members of the Society for fish dinners—the Minutes bearing that "the brethren enjoyed themselves all in the most delightful manner." By special Minute, dinners were ordained to be held as frequently as possible within the bounds of the Burgh, and the following places of entertainment are mentioned where such took place:—Lord Duncan's Tavern, Pleasance; Black Bull (Gunn's), head of St. John Street (afterwards Drummond's); Mackay's, Canongate; Morrison's, Macdowall Street. The extra dinner parties were sometimes held in the York Hotel, Nicolson Street; Hammermen's Hall; Café Royal; Waterloo Hotel; Turf Hotel, Princes Street. The annual dinner bill—after crediting the sum allowed

by the Magistrates, which varied from £5 to £12, according to the state of the Burgh finances—frequently amounted to more than the original subscription, but the difference was always heartily made up by the members of the Society. These extra dinners were considered most important affairs, so much so that a rule was made that those who could not give a sufficient excuse for their absence from dinner were to pay “a share of the bill.” In thus noticing the annual grant by the Magistrates of the Burgh of the Canongate to the Society, it is gratifying to record that the Burgh to the last paid its way, and never had to compound with its creditors.

While the Constables enjoyed themselves, they were not inattentive to their official duties, for they frequently received the thanks of the Magistrates for “turning out” when any riot or disturbance took place, or was threatened. It was on gala days, however, that the Society shone most conspicuously; and the following extracts from the Minutes will show how such were taken advantage of in the old Burgh, and what a display the Canogotians could and did make on these occasions. In making preparations for the visit of George the Fourth, in 1822, to Edinburgh, the Moderator moved that “a uniformity of dress should be observed by each member on the day of the procession,” which was approved of, and the following dress fixed upon:—“A blue coat, white vest, and white pantaloons.” An ornament of silver, in the shape of a St. Andrew’s Cross, was also ordered for each member. On the 16th of August, the day of His Majesty landing at Leith, the Constables joined the ordinary and special con-

stables of North Leith and the special constables of the Canongate; the Magistrates and Clerk being present, the banners of the Burgh were displayed, and bands of music were in attendance. The duties of the Constables being performed "entirely to the satisfaction of the Magistrates." On the 24th of the same month, the Constables were arranged in St. John Street, and then proceeded to the front of the Court House of the Canongate, and took their station on the right of the Magistrates. The whole street of the Canongate was lined with the different Incorporations and Societies of the Burgh, having Deacons and Preses at the head of each, with the banners and emblems of the respective Crafts displayed. At half-past twelve noon, the King and suite proceeded up the Canongate from Holyrood Palace to the Castle, and returned by the Calton Hill to the Palace, "after which the people of the Burgh returned to their respective homes in perfect peace and tranquility." The Society took part in various other demonstrations, all duly recorded, one of these being on 30th June, 1830, when they joined in the ceremony of the Proclamation of King William the Fourth at St. John's Cross, Canongate, from whence they proceeded to Holyrood. In March, 1831, "the Moderator and the Society of the High Constables of the ancient Burgh and Regality of Canongate" presented an address to the King, on the occasion of the passing of the Reform Bill, which was duly acknowledged by letter from Whitehall, dated 24th March, 1831, ending "And I have the satisfaction to inform you that His Majesty was pleased to receive the same in the most gracious manner." On 28th June, 1837, the Society attended

the Bailies of the Burgh to St. John's Cross, where they joined in the procession at the Proclamation of Her Majesty Queen Victoria's accession to the throne; attended the Magistrates at the laying of the foundation stones of various public buildings,—the last occasion being that when the foundation-stone of the National Gallery was laid by the late Prince Consort, on 30th August 1850. On 2nd May, 1856, after the conclusion of the war between this country and Russia, the Constables joined in the procession of the Magistrates of the City "to witness the interesting ceremony of proclaiming peace;"—on 29th May were present at the display of fireworks, and afterwards entertained by the Constables of Calton in the Calton Convening Rooms, Waterloo Place.

In concluding the extracts from the Minutes, we shall do so by noticing what occurred on the occasion of the last official meeting, as an appropriate termination to the records of the Society—the brethren of which so happily combined business and pleasure. After narrating the election of office-bearers for that year, 1856,* it states that the Constables dined together, "when the usual loyal toasts were given, after which song and sentiment went the round of the table in the most harmonious and happy manner, every one present being much delighted with the good dinner which had been provided and the happy way the evening had been spent. When the company was about to leave, Treasurer Slater very handsomely regaled all present with a glass each of champagne."

* The office-bearers elected at the last recorded annual meeting were George Swan, Pipe Manufacturer, Canongate, Moderator; Andrew Slater, Slater, Slaters' Court, Canongate, Treasurer; John Bain, Secretary; Alexander Inglis, Chaplain. The dinner took place in Kennedy's, Wardie Hotel, Trinity.

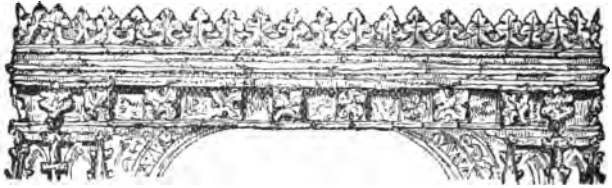
At this dinner Baron Bailie Ritchie, C.E., now deceased, Bailie Taylor, also now deceased, Bailie Menelaws, lately deceased, Treasurer D. Middleton, officials of the Burgh of the Canongate, were present as guests.

Thus ends the Minute-Books of the Society of High Constables of the Burgh of Canongate.

In 1856, when the Edinburgh Municipal Extension Act was passed, the Magistracy of the Canongate was abolished, and the City, including the old Burgh, divided into thirteen wards for Municipal purposes. The Society of the High Constables of the Canongate was thus rendered unnecessary, and was dissolved. The last Moderator retained possession of the principal baton and snuff-mulls, while the other members kept their small batons. The Minute-Books, as already stated, have, with a trifling exception, gone amissing, a circumstance much to be regretted, as there is little doubt they must have contained some curious and interesting information regarding the transactions of the Society in earlier days, connected as it was so closely with the Magistracy—the latter having to a large extent been members of the Society.

In thus recording the beginning and end of the Society of the High Constables of the ancient Burgh of the Canongate, we cannot refrain from expressing regret that such and kindred institutions have been swept away, as doubtless the genial intercourse of the members of these associations must have promoted much good feeling and happiness.





CHAPTER XIII.

NOTICE OF A FEW OF THE OLD HOUSES, AND OTHER BUILDINGS IN THE BURGH.

MANY changes have taken place in the appearance of the Burgh of Canongate, both in the approaches to it and the buildings within the "Auld Toun." As was said by Sir Walter Scott* when referring to the changes occurring in his time, "they have pulled her houses down, for indeed, betwixt building and burning, every ancient monument of the Scottish Capital is now likely to be utterly demolished." Since then, farther alterations have been made, more particularly under the powers conferred in the Improvement Act of 1867, principally obtained through the exertions of Dr. William Chambers, then Lord Provost of the City of Edinburgh. The wretched old buildings situated on the east side of St. Mary's Wynd and in the closes adjacent called Hume's, Boyd's, and Gullen's have been entirely swept away—the ground rebuilt upon by erecting commodious

* Chronicles of the Canongate, p. 396.

tenements of an architectural character suited to the "Auld Toun." Leith Wynd, which ran northwards in a line with St. Mary's Wynd, was very steep, and the houses in it and the closes eastwards, called Old Fleshmarket Close, Shepherd's Court, Ramsay Court, Coull's Close, and Midcommon Close, have also been removed, and in lieu thereof buildings similar to those on the south side of the main street of Canongate erected, or are in course of erection; and what was formerly termed Leith Wynd is now named Cranston Street, after one of the present Bailies of the City. In this street a public school has just been finished, built by direction of the School Board, with large accommodation and every way suited to the requirements of the district, and of a style of architecture corresponding to the other tenements lately erected. Another approach, running westwards from the head of the Canongate, and passing under two of the arches of the North Bridge to Market Street and Waverley Bridge, has also been formed, and called Jeffrey Street, in remembrance of Lord Jeffrey, but more familiarly known as Francis Jeffrey, one of the leaders of the Whig party fifty years ago, appointed Lord-Advocate for Scotland in 1830; in December 1832, under the Reform Act of that year, which he had introduced into Parliament as Lord-Advocate, returned to Parliament as one of the Members for the City of Edinburgh; appointed a Judge in the Court of Session in 1834; and died on 26th January 1850, in his 77th year.*

In the centre of Jeffrey Street there has been built

* Cockburn's "Life of Lord Jeffrey."

Trinity College Parish Church—part of the stones which composed the old Trinity College, at one time at the foot of Leith Wynd, and which was taken down when the ground there was acquired by the North British Railway Company, has been rebuilt somewhat in the style of the old College Church. The houses that stood at the Netherbow, betwixt Leith Wynd and John Knox's House, have also been removed, and a Church, called John Knox's Church, and buildings corresponding in design to those recently erected in the vicinity, have taken the place of the old ones.

SAINT MARY'S WYND, OR STREET.—This street derived its name from a chapel dedicated to Saint Mary, situated at the north-east end of the Cowgate, in connection with which chapel there was an hospital for infirm and bed-ridden persons, who in the olden times were supported by alms and oblations then freely given by the community and the various Crafts or Trade Incorporations, both of the City and the Burgh of Canongate. In 1550, each citizen in Edinburgh* had to make a day's visitation through the town, to collect alms for this hospital, and if he failed to perform this duty, he was fined. During the wars with England, and the rival party factions in Scotland, the buildings on the east side of the Wynd were frequently damaged. In 1650, a great number of these were demolished when the army under Oliver Cromwell was besieging the Castle of Edinburgh, then held for King Charles the Second. The wynd was in latter times long known as a mart for the sale and exchange

* Extracts from "Records of the Burgh of Edinburgh," p. 79.

of cast-off, or second-hand clothing and new garments of an inferior quality and low price, and as such was noticed by Ferguson the poet in his poem "Auld Reekie," in which he says:—

" Now gin a loun should hae his claes
In threadbare autumn o' their days,
St. Mary, brokers' guardian saint,
Will satisfy ilk ail and want,
For many a hungry writer there
Dives down at nicht in cleding bare;
And quickly rises to the view
A gentleman, perfyte and new."

The wynd or street is apparently regaining its old character in this respect, there being a number of "ready-made clothing establishments" and shops for the sale of second-hand clothing in it at present.

HUME'S, BOYD'S, AND WHITE HORSE CLOSES.—

These partly entered from St. Mary's Wynd and the main street of the Canongate. In one was situated the celebrated "Whitehorse Inn." On 17th August, 1773, Dr. Johnson and his famous biographer and travelling companion, Boswell, put up therein. The landlord, James Boyd, was a noted sportsman, and having been successful in winning a race with a white horse, which he had purchased and trained, in remembrance of the event called his inn "the White Horse," an appropriate signboard being affixed over the main entrance to the building. Landlord, guests, horse, and inn, have all passed away.

GILLAN'S CLOSE.—To the east of this there is a tenement erected about 1700, which, at one time, belonged to and was the residence of Charles, fourth Earl of Traquair, afterwards of his twin daughters,

Lady Barbara and Lady Margaret Stuart. Lady Margaret died in 1791, and her sister in 1794.* A part of the building was taken down a few years ago.

CHESELS' COURT.—This contained several self-contained houses, at one time occupied by a superior class of inmates, comprising some of title, but these tenements have, like others of a once similar character, been altered and divided into flats. For a number of years one of the houses was occupied as the Excise Office, where dues levied by Government and licences were paid, previous to the removal of that department to Drummond Place. At that time a villa, which had belonged to and been occupied by a former Lord Provost of the City,† was situated in the centre of what are now the gardens of Drummond Place. It was afterwards taken down when the railway to Scotland Street Station was formed, and the site included in the gardens. When the villa was built, there were not any buildings in close proximity, and the access to it was by an avenue along what are now called London Streets, and entering by Broughton Road.

LEITH WYND originally was the north-western boundary of the old Burgh of the Canongate. At the foot of the wynd a roadway ran eastward by the back of the Canongate to the Water Yett, or entrance port to the Burgh from the east. The Easter Road, still known as such, was, until the formation of the North Bridge in 1777, the main approach from Leith and the eastern districts to the City of Edinburgh *via*

* Wilson's "Memorials of Edinburgh."

† *Vide* "Barony of Broughton."

the Water Yett and the Canongate, the main street of which led to the Netherbow Port, situated at the foot of the High Street of Edinburgh. Another exit by Leith Wynd and Calton led to what was called the western road to Leith. The roadway known as the North Back of the Canongate was frequently used by Royalty in proceeding to and from Holyrood Palace to the City, instead of going up the main street of the Canongate to Netherbow Port. Queen Mary and King James the Sixth made use of this approach; and in 1593, in order to render it and the main street suitable for royal passage, and to avoid encroaching on the resources of the privy purse, King James the Sixth authorized the Magistrates of the Canongate to levy a tax on every cart entering by the Water Yett or gateway. The Act is intituled "An Act for the mending of the Calsay o' the Canogait and outwith the Water Yett," and is as follows:—"Our Sovereane Lord and Estates of the present Parliament understanding how necessary and expedient it sall be, alsweill for the decoratioune of the policie within this realme, as for the weil of His Heiness' lieges to repaire,beit, and mend the calsay betwex Hes Majestie's Palace Yett of Haliruid Hous and the Netherbow of Edinburgh, with the entries and passages quharby it is reparit to and frae the said Palace, and especiallie betwex the Clock Myln and the Water Yett, and thairfrae to Leith Wynd fute: And Hes Majestie's and Estates foirsaidis, knowin nae reddear means and way to sustene the expense of the said repairitioune and les hurtful to the lieges, nor to exact the customs and imposts underwritten as hes been observit, and be his great Majestie's noble predecessors, quhan the

like occasioun offerit: We, the saidis Soverane Lords and Estates of this present Parliament, gies, grants, and commits full power and commission to the Baillies and Counsail of the Canogait present and bein for the tyme, be thaimselfes and thair depute, ane or mair under thaim, quhain Hes Majestie's and Estates give thaim ful power to mak and create, to collec, gadder, intromitt wi', and uptak twa pennies usual monie of this realme off everie ful cart, wi' ane pennie off everie hors-laid that sall cum within the said Watter Yett to be sauld in the mercats, and if neid beis, to poynd and distrain thairfoir: Makin, constitutin, and ordenan the saidis Baillies and Counsail, present and bein for the tyme, and thair depute, ane or mair, undoubted and irrevocable collectors of the saymn for the space of three yeirs next eftir thair entrie thairto, quhilk sall be and begin at the daye and dait of these presents, and farder to continue during hes Majestie's wull, providen alweis the saidis Baillies and Counsail, present and bein for the tyme as saidis, befor the expiry of the saidis three yeirs, beit, mend, and repaire the said passages within the boundis foirsaidis, with sufficient calsay duly as effeirs."

PAUL'S WORK.—At the foot of Leith Wynd, and on the north-east end thereof, stood an Hospital, dedicated to the Virgin Mary, founded in 1479 by the Bishop of Aberdeen, for the reception of old men; but it was taken possession of by the City of Edinburgh at the time of the Reformation, and then allowed to fall into decay. Both before and after the Massacre of St. Bartholomew's Eve, when so many of the best citizens and skilled artizans in France and Holland

fled to England, comparatively few found their way to Scotland; but in 1609 a number of Flemings, under one John Van Hedan, settled in the Canongate, and engaged in the making, dressing, and lettering of stuffs, "givin gret licht and knowledge of their calling to the country people." * In the year 1619, a building called Paul's Work was erected for the manufacture of woollen cloths, but the speculation was a failure. The buildings were used in 1650 by General Leslie as an hospital for his wounded and sick soldiers, when he was in command of the Scotch army, and defending Edinburgh from Cromwell's forces. The place was subsequently converted into a penal workhouse or reformatory. Opposite to this stood Trinity College and Hospital grounds, and the Orphan Hospital, and a piece of ground known as the Physic or Botanical Gardens. A number of small houses called St. Ninian's Row, and included within the Barony of Calton, led to Leith. These were removed when the Regent Arch and Waterloo Place were formed. In carrying out the purposes of the North British Railway Company's Act, Paul's Work, Trinity College Hospital, and grounds above-mentioned were acquired by the Company, the whole buildings removed, and the ground appropriated for the station and sidings. Another building, also termed Paul's Work, at the east end of Macdowall Street and at the foot of what was Coull's Close, was long used as a printing office, and occupied as such by Ballantyne, the printer of the world-famed "Scott Novels."

HIGH SCHOOL CLOSE.—Among other closes which were situated eastwards of Leith Wynd, but now re-

* "Domestic Annals," vol. 1. p. 221; Smiles's "Huguenots," p. 127.

moved, was one adjacent to Coull's Close, which went under this name from a building at one time therein known as the High School, or Grammar School of the Burgh. This had originally been founded by the Abbots of Holyrood, and is referred to in a charter dated in 1529; and the Burgh Records, under date 5th April 1580, contain notice of a demission by "Gilbert Taylour, schole maister, who renuncit and demitted gift granted by Adam, Bischop of Orkney, of the right of the Grammer Schole durin his lyfetime in favour of the Baillies and Counsaill." As has been already observed, the Bishop was Superior of the Burgh, and this grant gave the Magistrates full power over the School; and accordingly, the purpose of the demission being served, they replaced the schoolmaster in his position, but "to be haulden of thayme as thaye quha hes undoubtit rycht to dispone the saymn." The School continued to be under the charge of the Magistrates until 1598, when it was remodelled; and from the patronage vouchsafed by King James the Sixth, called *Schola Regia Edinburgensis*, and removed to near the site of the Infirmary, in the street of that name, and was rebuilt in 1777. In 1825, the Royal High School, the splendid structure on the Regent Road was founded, and completed in 1829, at a cost of £30,000.

RAE'S CLOSE is situated a little farther down the main street of the Canongate. Over the archway, cut in the stone, are the words, "Misere mei, domine, a peccato probro, debito, et morte subita libera me, 1618." The inscription is now almost entirely hidden. In early times this close was the only one between Leith Wynd

and the Water Yett which had an exit to the North Back of the Canongate; and in the Records of the Burgh, under date 4th August, 1568, there is an order "to caus big up the fute of Rae's Close;" and on 18th October, 1571, "the Baillies and Counsaill beand convenit, ordanes thair Theasurar to big and put up ane yett (or gateway) upoun Rae's Close, and mak the saymn lok fast, and also to buy ane lok and kei to the Water Yett, quhilk sal be allowit to him in his comptis." Down to 1742 the houses situated on this side of the street had, with few exceptions, gardens behind them, bounded by a high wall which served as a protection from foes.

MOROCCO LAND.—The tenement known under this designation, and having the figure of a Moor placed in a recess in the front wall of the building, is said to owe its origin to an incident which took place during the second time the plague raged in the city of Edinburgh. The story, though romantic, is somewhat fabulous. It appears, however, from some of the old title-deeds, that one Gray was owner of it.* On the occasion of one of the riots in Edinburgh, which were of frequent occurrence, shortly after the accession of King Charles the First, the Provost was assaulted, his house broken into, and set on fire. On order being somewhat restored, the leaders in the riot were tried, convicted, and condemned to be executed. Amongst them was Andrew Gray, son of the Master of Gray. The last day of his life was drawing to a close; that same night he escaped by the assistance of a friend, who had conveyed to him a rope and file

* Wilson's "Memorials of Edinburgh."

A boat lay at the "Nor' Loch" (now the site of Princes Street Gardens, but then a sheet of water forming the northern boundary of the old town), in which he was conveyed to the north side and thence to the Firth of Forth, and embarking on board a vessel, at once set sail. Years passed, and the matter was forgotten; but one day a large vessel, armed, and of curious construction and rig, was seen sailing up the Firth, and cast anchor in Leith Roads. Experienced seamen declared the vessel to be an Algerine rover or pirate, and all was consternation both in the seaport* and in the capital. A number of the crew landed, and fully armed, proceeded to the City by the Water Yett, and passing up the Canongate demanded admission at the Netherbow Port. The Magistrates entered into a parley with the leader, and offered a large sum to prevent the plundering of the City, warning him of the plague and the consequent danger of entering, but all in vain. Sir John Smith, then Provost, withdrew to consult with the most influential citizens who volunteered large contributions. He returned to the Netherbow Port accompanied by several friends, among them being his brother-in-law, Sir William Gray, one of the wealthiest citizens. Negotiations were resumed. A large ransom was agreed to be received, on condition that the only child of the Provost should be delivered up to the leader till the ransom was paid. It seems that the Provost's daughter then lay stricken with the plague, of which

* The Port of Leith was not fortified till 1779, and when Paul Jones with his cruisers appeared, great consternation was caused. In 1656, three vessels of 250 tons and eleven of 29 tons only belonged to the Port. In 1692 it had a tonnage of 1762, and in 1778 ninety-six vessels in the home and foreign trade, with a tonnage of 10,146.

disease her cousin, Egitha Gray, had recently died. The names given, and the cause of the illness of the daughter, wrought an immediate change on the leader, who, after some conferences with his men, intimated his possession of an elixir of wondrous potency, and demanded that she should be entrusted to his skill, engaging, that if he did not immediately cure her, to embark with his men without any ransom from the City. After considerable discussion, the Provost proposed that the leader should enter the City and take up his abode in the Provost's house, but this was peremptorily refused, and offers of a larger ransom to depart peaceably were rejected. Sir John Smith at length yielded, the invalid was carried to the house in the Canongate now under notice, where she was tended by the leader, recovered from her illness, and restored to the delighted father. The leader and physician was Andrew Gray, who, having been captured by pirates and sold as a slave, afterwards won the favour of the Emperor of Morocco, and risen to rank and wealth. Gray had returned to Scotland to avenge his imagined wrongs, by punishing the Magistrates and the City, but to his surprise found the Lord Provost to be a relation. The remainder of the legend is soon told. He married the Provost's daughter, and settled down a wealthy citizen of the Burgh of Canongate. The house was adorned with an effigy of his royal patron, and the tenement still goes under the name of Morocco Land.

SEATON'S CLOSE.—At the head of this close, and till lately, stood a tenement having a wooden projection or front which formerly was the mansion of the Oli-

phants, one of whom, the second son of the fourth Lord Oliphant, was an adherent of Queen Mary. To the west of it stood the residence of Hay of Belton, son of the second Earl of Tweeddale. The mansion of the eighth Earl of Angus, afterwards of his son,—the last of the family of Douglas who held the title of Angus,—was situated to the north of Oliphant's house. These tenements are now numbered with the past, and new erections now occupy their sites.

NEW STREET.—This street, running in a northerly direction from the main street, was formed shortly before the extension of the city northwards from the High Street. The houses, as originally designed and occupied, consisted of self-contained dwellings of three and four flats and sunk areas. These were tenanted by members of the aristocracy and the *elite* of the citizens. The house situated at the top of the street on the east side, and which formerly had a garden or court in front to the main street of Canongate, but now built upon, was sometime tenanted by Henry Home, Lord Kames (son of George Home of Kames, in the county of Berwick), one of the Lords of Session from 1752 until 1782, a most eminent Judge and writer.* This mansion was considered at the time one of the best in the City. It was afterwards occupied by Dr. Hunter of the Tron Church, who resided in it until his death. Sir David Dalrymple of Hailes, Lord Hailes, also a Lord of Session from 1766 till 1792, resided in No. 23, near the foot of the street. On his death his will could not be found, and his heir-

* Tytler's "Memorials of Lord Kames."

at-law was about to take possession of the estates to the exclusion of a daughter. Some domestics went to shut up the house in New Street, and in closing one of the shutters of the window of a front room a paper dropped upon the floor, and which on examination was found to be a will, securing the estates to the daughter.* Sir Philip Anstruther and Dr. Young, a celebrated physician, occupied houses in the street. Miss Jean Ramsay, daughter of Allan Ramsay, the poet, resided for sometime in the second tenement from what was called the Chapel of Ease, erected in 1794. This chapel was erected partly on the site of the banking establishment of Douglas, Heron, and Company (whose failure created great loss to many citizens of Edinburgh) and the sites of several other old tenements, one of these being Henry Kinloch's, a wealthy burgess, to whose care Queen Mary in 1565 entrusted the French Ambassador, Monsieur Rambollet; and at an entertainment given in the Palace of Holyrood a few months previous to Darnley's marriage to Queen Mary, Darnley received "the ordour of the Cokill frae the said Rambollet wi' gret magnificence;" and upon the 11th of the same month of February, again "banketted the samyn ambassador." At a masque ball "the Queen's grace, and all her Maries and ledies, wer al cled in men's apperill, and everie ane o' thame presented ane quhanger brawlie and maist artificialle maide and embroiderit in gold to the saidis ambassadour and hes gentlemen." A close below Seaton's, and entering from the main street, is still called Kinloch's Close; and one of the old buildings therein has stone mouldings representing

* Chambers' "Traditions."

hunting horns, belts, &c. The houses in New Street are now divided into shops and separate flats, and what was a garden fronting the houses, is now occupied by the Edinburgh Gas Company Works.

PLAYHOUSE CLOSE.—Immediately opposite New Street is a good specimen of the style of the architecture of private dwellings between 1630 and 1650, having ornamental designs of roses, shamrocks, and thistles, and a double row of dormer windows. Entering by the court, and at the back of it in 1746, a new playhouse was erected, within which the public of Edinburgh were gratified by the actings of the greatest players of the time.* In 1736, however, Allan Ramsay had opened a theatre in Carrubber's Close, High Street, but it was found too small, and the one in the Playhouse Close was opened.† Ramsay lost money through this adventure. On 14th December, 1756, the tragedy of "Douglas," written by John Home, a clergyman of the Church of Scotland, was presented to an Edinburgh audience. On the extension of the city northwards, the theatre was shut, and a new one erected in the New Town. At what period the English Drama was introduced into Scotland is unknown, but it is supposed a company of actors came to Scotland with King James the Sixth, and performed before the Court at Holyrood. They are also found, from the Records of the Burgh of Aberdeen, to have gone north, and performed in that city. Some of the performers are said to have been contemporaries of Shakespeare. Burbage (a friend of

* Wilson's "Memorials."

† "Annals of Edinburgh and Leith," compiled by E. Henderson.



OLD PLAYHOUSE CLOSE.

Shakespeare's), and four others, servants to the Earl of Leicester, had obtained the first Royal licence to act plays; and a question has been mooted, whether Shakespeare himself may not have been one of his "Majesty's servants," and present both in Edinburgh and Aberdeen on the above-mentioned occasions. Some writers have averred, that unless Shakespeare had actually visited Scotland, he could not have given those descriptions of Scottish scenery in "Macbeth" unless from actual observation. The well-known passage,—

"Fear not, till Birnam Wood do come to Dunsinnane,"

and again when he speaks of the blasted heath, and asks

"How far is't call'd to Forres?"

all point to an intimate knowledge of localities and scenery, and which only one who had visited them could have acquired. Be this as it may, however, the most authentic record is, that the subjects of plays were originally Scriptural, and were called moralities. Some of these moral plays represented the Nativity of our Saviour; the massacres of Herod; a dramatic performance, called "Christ's Sufferings," was, so early as the fourth century, written in Greek by Gregory, Bishop of Constantinople. Such representations became so popular and common as to be complained of as a nuisance. Plays being afterwards composed on profane subjects were performed in the open air, and frequently exhibited scenes of the grossest indelicacy. After the Reformation, the licentiousness of the stage was almost as much detested by the stern Reformers as the mass itself, and was anathematised by the clergy in no measured terms. They were, however, compelled by the mandate of James the Sixth,—who took much delight in theatrical performances,—to drop their

censures. Suppressed during the civil wars of Charles the First, they were revived at the Restoration of Charles the Second, with the engaging novelty that women, for the first time, appeared on the Scottish stage,—female characters having previous to that time been represented by slender youths. Signora Violante was the first of strolling players who made appearance in Edinburgh. She was an Italian, celebrated for feats of strength, posture, and tumbling; and, along with some other English comedians, fitted up a theatre in Carrubber's Close in 1715, and for several years afterwards itinerant companies of comedians visited the city.* Up to the present time indeed, these Scriptural Plays have not entirely disappeared. At Ammergau, in Bohemia, there is held almost every year a Passion play, representing Christ and His Apostles, to which many persons from that country and from others assemble. The representation is given in an amphitheatre, and in the open air.

ST. JOHN'S CROSS.—Next the Playhouse Close and at St. John's Close, there formerly stood a Cross called St. John's, where Proclamations used to be made, and meetings of the Magistrates, Constables, and Incorporated Trades of the Burgh held, whenever civic demonstrations occurred. On 14th May, 1571,† it is recorded "that there was a Parliament holden in William Cocklie's house in the Canogait, near St. John's Cross, by such as maintained the King's authority, and ane uther in the Tolbuith of Edinburgh, by those that held for the deprived Queen" in which

* Stevenson's "Chronicles of Edinburgh," p. 384.

† Balfour's "Annals," I. p. 354.

Parliaments each of them "forfeited their enemies opposite." In 1617, King James the Sixth on his visit to the capital, where he was welcomed in a right royal manner by the inhabitants, on the 16th of May proceeded down the Canongate to Holyrood, and at St. John's Cross knighted William Nisbet of Dean, then the Provost of Edinburgh. A small circle in the causeway marks the site of the Cross. In St. John's Close, and on the right hand, is an old building, over the doorway of which there are cut in the stone, the words, "The Lord is only my support." These and similar inscriptions on the old buildings in the Burgh are almost entirely covered with lime, through what is termed cleaning or washing the fronts of the houses, closes, and stairs by the police authorities for sanitary purposes.

ST. JOHN STREET.—This, like New Street, is of comparatively recent date, having been commenced in 1768. At first the houses were self-contained, and many of the old Scotch nobility were occupants. Among these were the first Earl of Hopetoun and the Earl of Wemyss, the latter's house being on the west side and close to what is now Aitchison's Brewery. Lord Monboddo (James Burnet), one of the Senators of the College of Justice, occupied No. 13, where the poet Burns, a welcome and frequent guest, met the most distinguished of the country. His daughter, Eliza Burnet, immortalised by Burns, and celebrated for her beauty and accomplishments, was a great favourite of the poet's, and her early death formed the theme of one of his most pathetic elegies,—

" We saw thee shine in youth and beauty's pride,
 And virtue's light that beams beyond the spheres ;
 But like the sun eclipsed at morning tide,
 Thou left'st us darkling in a world of tears."

Campbell the poet, it is said, wrote the "Pleasures of Hope" while residing in one of the houses. No. 10 was occupied by Ballantyne, the printer and confidant of Sir Walter Scott. During the years 1780-85,* No. 2 was occupied by the Earl of Aboyne, Sir Charles Preston of Valleyfield; No. 4, Lord Blantyre; No. 5, Dr. Gregory; No. 6, Mrs. Grant of Prestongrange, afterwards by her daughter, Lady Suttie of Balgonie; No. 8, the Earl of Hyndford; No. 11, Lady Elizabeth Wemyss, of Wemyss; No. 12, Colonel Tod; No. 15, Andrew Balfour, Esq.; Robertson & Barclay, W.S.; No. 16, Rochied, of Inverleith; No. 17, Sir John Stewart of Allanbank. Several of the Clergymen of the Canongate Parish Church resided in the street, amongst these being Dr. Gilchrist-Clark, and the late Andrew R. Bonar, the author of "The Poets and Poetry of Scotland," and of various religious publications. The Earl of Hopetoun, previous to the year 1788, resided in the tenement fronting the main street of the Canongate, and having an access thereto by the turnpike stair on the west side of St. John Street, in the first flat of which afterwards resided Mrs. Telfer, the sister of Smollet, the author of "Roderick Random," &c., and who resided with her for some time. There is a story told of Mrs. Telfer, that, being devoted to cards, one of the Magistrates of Edinburgh,—and who was a tallow-chandler or candle-maker to business,—paid her a visit one evening, when she saluted him with "Come awa', Bailie, and tak' a trick at the cartes." "Troth, madam," said he, "I ha'e nae a bawbee in my pouch." To which she replied, "Tuts! man, ne'er mind that; let's play for a pund o' candles."

* Chambers' "Traditions of Edinburgh," p. 42.

The street maintains its character for respectability, and till the last few years a number of the principal merchants in the old Burgh had their residences in it. A few of the houses, however, have now been divided, and let as separate dwellings. The "Canongate Kilwinning Lodge of Freemasons," Number Two on the roll of lodges of the Grand Lodge of Scotland, possesses a hall called St. John's Chapel, situated on the west side of the street, where the brethren meet. Here, Burns was elected Poet-Laureate of the Lodge, and passed many a social hour with the "dear brethren of the mystic tie." A picture of this incident, containing portraits of many of the notabilities present on that occasion, is preserved in the chapel; and the Lodge-books contain the names of many illustrious brethren as members; among others, Burns, Sir Walter Scott, &c.*

JACK'S LAND.—Opposite St. John's Street is the tenement known under this designation, which, 150 years ago, was occupied by various persons of distinction, not only in rank, but one of whom, Susannah, Countess of Eglinton, was distinguished as possessing personal beauty, of a generous disposition, and other good qualities; so much so, as to inspire Allan Ramsay, one of the most gifted poets of the period, to dedicate to her Ladyship his pastoral of "The Gentle Shepherd." Hume, the Historian, in 1753 also occupied one of the flats, in which part of his "History of England" was written. Like others of note at one

* Dr. John Middleton, sometime Treasurer of the Burgh of Canongate—a well-known and esteemed citizen—is, at present, the R. W. M. of the Canongate Kilwinning Lodge.

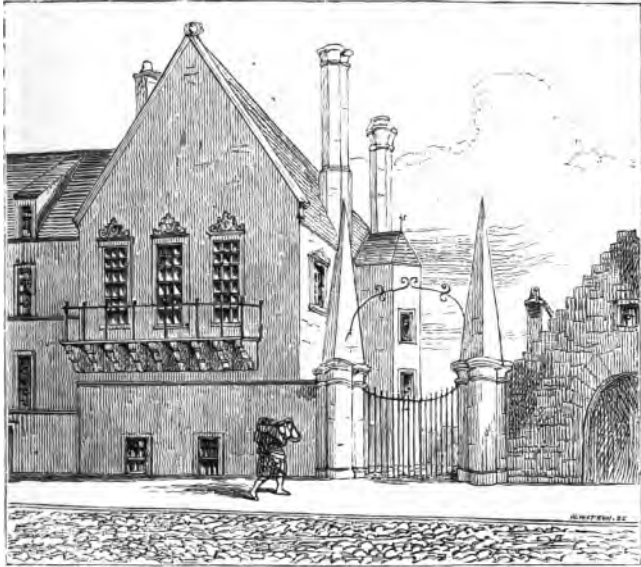
time, the "land" is now occupied by numerous tenants. Westwards of this, in a court, was the mansion of Sir Thomas Dalziell of Binns, who, while Commander of the Forces in Scotland to Charles the Second, committed many cruelties upon the Covenanters.

THE SHOEMAKERS' LANDS.—Further east are what are called the Shoemakers' Lands,—being three in number; and, it will be readily inferred, belonged to the Incorporation of the Shoemakers, or Cordiners of the Burgh. On the first, or westmost tenement is a tablet, having the representation of a crown and a currier's knife and the words, "Blessed is he that wisely do the poor man's case consider," and date, "1725." In the close adjoining, was the Hall of the Incorporation, fitted up with large oaken tables and chairs,—a carved chair or throne, surmounted by a crown, with the date, 1682, being placed at the head of the hall. These have all disappeared, and the "lands" were sold several years ago. Over the entrance to the eastmost land, known as the "Bible Land," is also a tablet, with angels' heads sculptured at the corners, and an open book or Bible in the centre, with the words—

Behold how good a thing it is
And how becoming well,
Together such as brethren are
In unity to dwell.

1677.

MORAY HOUSE, one of the most interesting buildings in the Burgh, erected in 1618 by the Countess of Home, was in 1645 acquired by her daughter, the Countess of Moray, and remained in the family for



MORAY HOUSE.

nearly 200 years. In 1633, when King Charles the First was in Scotland, he visited the Countess at Moray House; and in 1648 Oliver Cromwell resided in it,—the mansion at that time being called Lady Home's Lodging. After defeating Leslie and the Scotch army at Dunbar, Cromwell again resided in the house, and held levees and consultations with the leaders of his party. In the month of May, 1650, the marriage of the eldest son of the Marquis of Argyle to the daughter of the Earl of Moray took place within the building. During the festivities, the Marquis of Montrose was received by the Magistrates of the Canongate at the Water Gate as a prisoner, and where the sentence condemning him to be executed was read. Montrose in a common cart, seated on a chair, with his back to the horse, which was guided by the executioner, was then conducted up the main street of the Burgh, a number of his fellow-prisoners bound two and two walking in front. The Magistrates, guard, and prisoners, slowly wended their way till Moray House was reached, where, to gratify the marriage party, the cart was stopped for a few minutes. It is stated that Lady Jane Gordon, Countess of Haddington, a bridal guest, so far forgot her sex as to spit upon Montrose, who indignantly glanced at the persons standing on the balcony and at the windows. They shrank from his look, and hastily retired; Montrose and his companions in misfortune were then hurried on their way up to St. John's Cross, where the Magistrates of the Canongate handed over the prisoners to the charge of the City officials. A few years only had passed, when Argyle, the bridegroom, and some others who had been

present, suffered the like death by the hands of the public executioner. Moray House was occupied as the residence of James Ogilvy, Earl of Findlater and Seafield, Lord Chancellor at the time of the Union. A summer-house, which stood at the end of the garden, is said to have been the place where a number of the signatures to the Treaty of Union were in course of being adhibited ; but the fact becoming public, a mob assembled and became riotous, whereupon those present for the purpose of signing the Treaty had to take to flight, and the remaining signatures were given in a "lajgh" cellar in a tenement in High Street, then situated opposite the Tron Church, and long used as a coach-office and carriers' quarters. It was at this office that the Laird of Monkbarns took the "Fly" coach for Queensferry (*vide* "The Antiquary"). When the sittings of the Scottish Parliament was about to terminate, on the completion of the Treaty, the Chancellor observed, "Now there is an end of an old song."* The Linen Company of Scotland occupied Moray House for several years ; and thereafter, the late Alexander Cowan, Esq., paper manufacturer, father of one of the present Members of Parliament for the City of Edinburgh, and also of Charles Cowan, Esq., ex-M.P. of the City, occupied it for a number of years. In 1847, the building and grounds were acquired by the Free Church for the purpose of a Normal School or Training Institution, and is presently used as such. The appearance of the exterior is little changed, the balcony and gateway being the same ; but various additional buildings, suited to the requirements of the

* "Senators of the College of Justice."

Institution, have been erected to the south of the mansion, and on the site of what was the garden, a church, called Moray Church, in connection with the Free Church, of which the Rev. Walter D. Glending is the pastor, has also been built thereon, the entrance to the latter being from the South Back of the Canongate.

CANONGATE CHARITY WORKHOUSE was situated at the foot of the Tolbooth Wynd, and overlooked the Churchyard. Built in 1761, by means of subscriptions received from the inhabitants of the Burgh, it was occupied by the infirm and destitute poor of the parish. Out-door relief, as then termed, was given, and carried out to as great an extent as possible. The building being comparatively small for the requirements of late years, a combination of the Parishes of the Canongate and St. Cuthbert's was effected, and the Canongate Charity Workhouse rendered unnecessary. It is now adapted as a ward or hospital for fever patients.

THE TOLBOOTH, OR JAIL—Although externally picturesque, was, like many buildings of modern day, but ill adapted internally for the purpose,—being confined, the staircases narrow, and the separate apartments of small dimensions. The door of the prison, which is in a good state of preservation, is several inches in thickness, studded with large nail-heads, and has a very large lock and corresponding key. The Jail was erected in 1591, during the reign of King James the Sixth, and occupied the site of a previous one, which, from entries in the Court books and cases therein recorded, was termed the "Auld Tolbuith."

The main building bears the date 1591, and is surmounted by a turret on each side ; while a large clock projects to the street, supported by two long iron brackets. Formerly these were wooden beams, which must have given a peculiar look to the fabric. Over the archway at the wynd, or Tolbooth Wynd as it is called, leading to the North Back of the Canongate, is an inscription, "*Patriæ et Posteris*, 1591 ;" the window immediately above the archway having at the top of it a shield with a stag's head and cross, while a little higher is a sun-dial. There are two bells in the clock tower, one of them having the inscription, "*Soli Deo honor et gloria*, 1608," thereon ; while the other, which is of modern date, has the name of one of the Town-clerks of the Burgh, "William Fraser, jun., W.S.," on it. The Tolbooth or Jail was too often tenanted by many who suffered in the cause of liberty, for asserting what they considered the proper mode or formula of religious worship and civil government. Latterly it was made a prison for civil debtors, and continued to be used as such until the Prison buildings were erected in the Regent Road. It is now partly used as a library in connection with the Institute after-noticed—and for the Registrar's Offices, and apartments for the keeper of the building.

THE COUNCIL CHAMBERS contained the hall or Court Room in which the Bailies sat and gave their decisions, and where the Councillors of the Burgh met. The Court officials had also apartments in the building. On the front, and nearly in the centre, is a panel, having painted thereon a stag's head and cross—date, 1128, and the words "*Sic itur ad astra*"—the motto of

the armorial bearings of the Burgh, and emblematical, of the legendary foundation of the Abbey of Holyrood and from which the Burgh of Canongate itself derived its origin. Above the panel, and sculptured in the stone-work, are also "J. R. 6. *Iustitia et pietas valide sunt principes aries,*" surmounted by a group of thistles. The Council buildings have of late years been altered externally and internally, the upper or dormer windows profusely ornamented with mouldings, but not in correspondence with those on the building to the west of the Tolbooth, which have been simply ornamented with thistles. Internally, the hall is now converted into a Literary Institute for the benefit of the inhabitants of the district, with a library. In the hall is a portrait of the late Mr. John Hunter, long Session-Clerk, and a well-known and respected residenter in the Burgh. There are also two old panels, one of them having emblazoned in the centre a stag's head with cross between the antlers, surmounted by two angels' heads, while on a scroll underneath are the words, "*Sic itur ad astra;*" supporters, two female figures, one holding a sword and scales; the other panel bearing the arms of the United Kingdom.

THE CROSS.—What is so called consists of a stone pillar or column, and neat capital with a shield, having on it the design of a stag's head and cross. The pillar stands on three rounded steps, and is now affixed to the wall at the east end of the Council Chamber buildings. Where this Cross originally stood is somewhat uncertain. In the half-yearly accounts (Martinmas 1573, to Whitsunday 1574) of John Harte, Treasurer of the Burgh, there is an entry

to the following effect :—" To James Brooklaye, for rowan the stanes of the Croce quhan the Inglish cannouns cam to siege the Castel, XVIII^s." In old maps the shaft or pillar appears to be similar to that of the Girth Cross,—one which stood at the foot of the main street of the Burgh. The Cross, however, had been at one time in the centre of the street,—almost opposite the Council Chambers, where the markets were held ; but owing to the increased traffic on the street, it was removed to the present site, and the markets themselves transferred to the head of the Canongate. Instances have been given of cases where persons guilty of offences against the law, and of the canons of the Kirk, were placed at the Cross ; and the Cross has in the centre of the shaft a piece of iron, to which a chain and an iron necklet was affixed, and the culprit fastened thereto. The Pillory or Rack-stool was also a place of punishment, and situated a little above the Cross, on the south side of the street. Time and neglect are showing their effect upon the old Cross. Its day has truly gone bye.

HUNTLY HOUSE.—Opposite the Council Chambers is a tenement, erected in 1570, having now in part a wooden front above the street or shop flats. This, at one time, was the town residence of the noble family of Gordon, and from which, in June, 1636, the aged Marquis of Huntly, while in a dying state, and after suffering imprisonment in the Castle of Edinburgh, was permitted to be removed for Huntly Castle, but expired on the way. In 1639, the marriage of a daughter to Lord Drummond, afterwards third Earl of Perth, took place therein and caused great

rejoicings ; and it was the abode of the Marquis of Huntly who was executed at the Cross of Edinburgh in 1649. In January, 1720, the house was occupied by the Dowager-Duchess of Gordon, who had previously possessed it for sometime ; and, as already noticed, it was in this mansion where a number of persons were seized and incarcerated in the Tolbooth of the Burgh, charged with the then crime of professing the Roman Catholic faith, and of meeting together for worship in accordance with their own views and creed. Immediately above the shops are several tablets with inscriptions in Latin, and devices cut in the stone,—amongst others, stalks of wheat growing up through some bones, and the words "*Spes altera vitæ*;" but these devices and inscriptions are now partly defaced, through alterations made upon the shops and "cleaning" operations.

BAKEHOUSE CLOSE.—Immediately adjacent to the last-mentioned house is Bakehouse Close, on the left hand of which, and at a short distance from the entrance, is a court-yard enclosing what was the mansion of Sir Archibald Acheson of Glencairney, in Ireland ; also a Judge or Senator of the College of Justice in Scotland, from 1626 to 1631. The house was erected in 1633, and over the main entrance is the family crest,—a cock standing on a trumpet, and the motto, "*Vigilantibus*," underneath being the date, 1633 ; while over the windows are "A. M. H.," the initials of the owner, and his wife, Margaret Hamilton. Sir Archibald Acheson, sometime one of the Secretaries of State for Scotland in the reign of King Charles the First, was ancestor of the Earls of Gosford,

in Ireland, and acquired extensive properties there. The mansion is now divided and let to several tenants.

CANONGATE PARISH CHURCH.—Under chapter viii. an account has been given of its erection, and a summary of its Ministers. The Church is now under the charge of the Ecclesiastical Commissioners. It may be mentioned that the Incorporation of Weavers, &c., like the other Incorporations of the Burgh, had sittings allotted to them, and a few years ago subscribed a large sum to aid in repairing the Church; but on the building coming under the charge of the Commissioners, the Incorporations were deprived of their sittings. Some of the members of the Weavers' Incorporation wished to try the question of the Commissioners' power so to deprive them of their sittings; but the majority were against the proposal,—principally on the ground of having sittings individually in other churches; and the Incorporations lost both their money and sittings. In the elders' seat are two or three old arm-chairs, richly carved and finely finished, which are stated to have been used in the Abbey Church of Holyrood when occupied as the Parish Church of the Burgh. In the Session House are portraits of several of the clergymen who held charges: Drs. Buchanan, Garrioch, and Gilchrist, the Rev. John Clark, and Dr. Andrew R. Bonar. There is also on one of the walls a marble tablet to James Gentle, erected by the Managers of the Church Funds as a "monument of his long and faithful services as their treasurer," MDCCLXXXVII. At the top of the front gable of the Church is a stag's head and antlers, being the armorial device of the Burgh.

The Church, when under the incumbency of Dr. Lee, had been undergoing some repairs, and on 15th May, 1822, Bailie Rae, then one of the Magistrates of the Burgh, at a meeting of the Managers and Kirk-Session, stated that the Rev. Dr. Lee had a stag's head and horns which were at the service of the Managers to put on the top of the gable of the Church. The gift was gratefully accepted and acknowledged, and adapted to the purpose proposed.

BURGH SCHOOL.—Adjoining the Parish Church is the Burgh School. The Abbots of Holyrood Abbey, founders and Superiors of the Burgh, took special interest in the cause of education, and opened several schools,—one of which, then situated in High School Close, and previously noticed, was bestowed on the Magistrates, who carefully managed its affairs. Their successors in office provided without stint every accommodation for educational purposes; and for extent and number of the population, the Canongate could compare favourably with any other Burgh in regard to school teaching,—the present being no exception. Erected in 1837, it has been highly successful—great care having been taken by the Directors and Managers in securing thoroughly competent teachers; and many “Canogotians,” now holding good positions in society, can testify to the practical and useful character of the instructions they received at the Burgh School. The Head Master is Mr. William Corbett; Miss Aitchison having charge of the female department.*

* William Stuart Fraser, Esq., W.S., is Secretary for the Directors; Mr. James Allison being Treasurer.

MILTON HOUSE was erected by Andrew Fletcher of Milton, a son of Robert Fletcher of Salton, and was born in 1692. In June, 1724, was raised to the Bench, took the title of Lord Milton, and in 1735 appointed Lord Justice-Clerk. Milton House was occupied by him till his death in 1766. During the trials of persons for participating in the Rebellion of 1745, he was much admired for the mild and judicious manner with which he conducted himself in the exercise of his authority as Justice-Clerk at that unhappy period. Indeed, many informations which he suspected to have been sent by over-officious and malignant persons, were found in his repositories, after his death, unopened. At the same time he used his best endeavours to promote the welfare of Scotland in improving its trade, manufacture, and agriculture.* The walls of Milton House were finely ornamented with landscapes by an Italian artist, and up till within a short time past, sufficient remained to show the fine taste of its former owner as far in advance of the period. The grounds and site of the house at one time comprised the garden attached to the mansion of the Earl of Roxburghe—then situated a little to the east—the grounds extending southward to the back of the Canongate. The first Earl of Roxburghe was Lord Superior of the Burgh of Canongate, and when he disposed of the Superiorities to the Governors of George Heriot's Hospital, the mansion was specially excluded from their jurisdiction as Superiors. In 1692, during some repairs on the mansion, the Earl employed some wrights belonging to the city of Edinburgh to do the work, at which the Deacon and Incorporation of

* "Senators of the College of Justice," p. 498.

Wrights of the Canongate took umbrage, thinking it was an infringement upon their trade privileges—assaulted their opponents, and carried off their working tools, but were compelled to restore them, and desist from interfering with any tradesmen the Earl might employ therein.* Milton House and grounds was occupied as a Roman Catholic School for some time; and in 1842, when Her Majesty visited the city, the pupils of it strewed flowers in her path and particularly attracted the attention of Her Majesty.† Milton House and grounds are now used by Messrs. Milne & Son as a Brassfoundry and Gas Meter Manufactory.

PANMURE HOUSE.—Almost opposite Milton House, and originally having an entrance by what is now called Panmure Close, is the mansion at one time of the Earls of Panmure, one of whom was attainted for participating in the Rebellion of 1715.‡ In 1775, the house was occupied by his nephew, William Maule; and from 1778 to 1790, Dr. Adam Smith, the author of "The Wealth of Nations," &c., resided in it. The Countess of Aberdeen afterwards occupied it for some time. The mansion then had a large court-yard, and was surrounded by a garden; but the sites of the latter are now occupied by buildings in connection with an iron-foundry, and the old mansion used for offices, and other requisite purposes. The foundry, known as the Panmure Iron-foundry, was for a long time occupied by Messrs.

* "Domestic Annals," Vol. III., p. 75.

† Wilson's "Memorials of Edinburgh." ‡ Ibid.

Blackie & Sons, and now by Messrs. Kay & Macfarlane, Engineers.

REID'S CLOSE, AND HADDINGTON'S ENTRY.—At the head of these and fronting the main street, is a land, formerly the mansion of the Nisbets of Dirleton, and built in 1624 by Sir John Nisbet, one of the Senators of the College of Justice, under the title of Lord Dirleton, from 1664 to 1677. He was noted for persecuting the Presbyterians; and Woodrow* relates that one Robert Gray, having been brought before Nisbet and the Privy Council, and examined as to his knowledge of the hiding-places of certain eminent men of the party, declined to give the information wanted; upon which Sir John Nisbet, who was then Lord Advocate, forcibly took off a ring from Gray's finger, and sent it with a messenger to Mrs. Gray, informing her that her husband had told all that he knew as to the Whigs, so termed; and that the ring was sent by her husband, that she, for her own safety, should also confess. Gray's wife, thus deceived, revealed their places of concealment; but Gray became so affected on hearing it, that he sickened and died in a few days. It is also stated by another authority, that, on one occasion, at the burning of his house, Lord Dirleton lost a curious Greek manuscript, written with his own hand, for recovery of which he offered £1000 to any person that would restore it. This document, however, was supposed to be a political one; Dirleton was known to be learned in Greek and also in Law, and was the author of several works on the latter subject. When acting as Lord Advocate, his treat-

* Woodrow, I., p. 293.

ment of persons under examination was so harshly carried out, that his familiar friend, Sir Archibald Primrose, is said to have cautioned him thus :—" Thou old rotten devil, what art thou doing ? thou will never rest till thou turn the fury of this people from the Bishop upon thyself, and get thyself stabbed some day."* He, however, lived till 1687, dying at the age of 78.

THE GOLFER'S LAND.—A tenement of land which stood almost immediately opposite was so called from its having been acquired by John Paterson, a shoemaker in the Canongate, a noted golfer, and who, along with the Duke of York (afterwards James the Seventh), then residing in Holyrood Palace (another keen golfer), played a match over Leith Links against some English players for a large sum of money, and beat them. The whole sum won was given to Paterson by the Duke, and expended in purchasing the land. The building has since been taken down ; but there is a commemorative tablet on part of the old front wall.

JENNY HA'S CHANGE-HOUSE, OR PUBLIC, was situated closely adjoining the latter. It had a lath-and-plaster front, and was said to have been much frequented by the poet Gay, who was patronized by Lady Catherine Hyde, wife of Charles, third Duke of Queensberry, and whose residence was nearly opposite. It was a favourite lounge and noted public-house.

QUEENSBERRY HOUSE derived its title from having been the residence of William, Earl of Queensberry,

* Kirkton, p. 284.

but the mansion at first belonged to Lord Halton, afterwards Earl of Lauderdale. The Earl of Queensberry was Lord High Treasurer, and created Duke in 1682, and on the accession of King James the Seventh, was nominated Lord High Commissioner to the first Parliament ; but on his failure to procure a repeal of the penal statutes affecting Roman Catholics, was deprived of office. After the flight of the King, the Duke, along with other Scotch noblemen, joined in the address to the Prince of Orange, and attended the Convention ; and although he did not vote in declaring the Throne vacant, he acquiesced in the offer of the Crown to William and Mary. He died in 1695. His son also, afterwards Lord High Commissioner, resided in the mansion, where the third Duke was born, and who, along with his Duchess, occupied it for some years. In the roll of Burgesses of the Canongate, under date 4th May, 1706, are the names of Lord Charles Douglas and Lord George Douglas, sons of his Grace James, Duke of Queensberry, and who were made "free burgesses" of the ancient Burgh. Queensberry House was tenanted by various noblemen,—the Earl of Stair, Duke of Douglas, and the Earl of Douglas. The building was sold to Government, and converted into barracks. A number of the fittings, which were very valuable, and included some magnificent mantelpieces, were purchased by the late Earl of Wemyss, and placed in Gosford House, East Lothian, then being erected. During any riots that occurred in the city, and these were of frequent occurrence, the rioters shut the Ports at the Netherbow and Portsburgh, to prevent the troops quartered in Queensberry House from entering the city, and on

the occasion of what was termed the "Porteous Mob Riot," such was done: the guard at the Port of Netherbow having been surprised, their arms seized, and the gates shut. Having secured the other gates, the rioters proceeded to the prison where Captain Porteous was confined, hurried him to the Grassmarket, where he was hanged on a dyer's sign-post, and although large rewards were offered for the discovery of the principals, no information could be obtained.* We may notice here the interesting fact that William Falconer, the author of the beautiful and descriptive poem of "The Shipwreck," and who perished by shipwreck a few years after writing his poem, was born on 11th Feb., 1732, in one of the old houses at the Netherbow. In the parish register his father, who carried on business at the Netherbow, is designated a wig-maker; † in other accounts he is termed a "poor barber." He was probably both at different periods of his life; but at this time the wig-makers formed a class of respectable burgesses in the Scottish capital. The maiden name of the poet's mother was Agnes Shand, and she was remembered as a careful and exemplary matron, intelligent, industrious, and affectionate. Some years after this riot, Queensberry House was sold by the Government, purchased by the City for the purposes of a charitable institution, enlarged, and partly occupied as a House of Refuge. What was the mansion of a Duke is now a shelter for the vagrant.

WHITEFOORD HOUSE, entering by Galloway's Entry, was built and occupied by Sir John White-

* Stevenson's "Chronicles of Edinburgh," p. 198.

† "Life of William Falconer," by Robert Carruthers.

foord, of Whitefoord in Ayrshire. It was for some time the residence of Sir William Macleod, a Judge of the Court of Session, under the title of Lord Bannatyne, and who sat as such from 1799 until 1823, when he resigned and then received the honour of knighthood. He was a nephew of Lady Clanranald, who had been confined in the Tower of London for aiding Prince Charles. Whitefoord House occupied part of the site of the mansion of the Earls of Wintoun, the last of whom was attainted for participating in the Rebellion of 1715, and died at Rome in 1749. Lord Seton, or Seyton, the ancestor of the Wintouns, resided in the mansion, and received Lord Darnley as his guest, shortly previous to the latter's marriage to Queen Mary. The family of the Setons were for generations one of the most powerful and wealthy in the kingdom, and firm adherents of Queen Mary, as were also their descendants the Wintouns, to that of the Stuarts. The mansion of the Wintouns shared the misfortunes of its noble owner, as, from a map of Edinburgh, it appears little remained of it in 1742. In the Records of the Burgh the family name often occurs. In 1666, on the occasion of the baptism of a daughter, Marie, one of the witnesses present was Alexander, Viscount Kingston, whose descendant, like the Earl, was attainted in 1716, and his name struck off the roll of the Scotch Peerage. It was in "my Lord Seyton's hous in the Canogait," in the year 1582, that the Ambassador from the Court of France resided for some time as a guest. The old house is also noticed by Sir Walter Scott in his "Abbot." Whitefoord House has been much altered, and is now used as a manufactory for typefounding,



THE WHITEHORSE INN.

the business being carried on by a firm under the designation of "The Marr Typefoundry Company (Limited)."

THE WHITEHORSE INN.—At the north end or foot of the Whitehorse Close, there still remains a large building, which, at one time, had an open court or square, but is now built upon on the east and west sides,—long known and patronised as one of the principal inns in the old Burgh, and tenanted for a number of years by "Lucky Wood," whose culinary abilities and other good qualities as a landlady were recognised throughout Scotland, and greatly appreciated by visitors. The Inn or Hostlery was called "The Whitehorse;" and on the landlady's death, Allan Ramsay deplored the sad event, and also the unfortunate position to which the Burgh had been reduced, not only in losing such a landlady, but by the departure of the King and the principal members of the Scotch nobility to London on the accession of James the Sixth to the throne of England. The main entrance was from the principal street, through a porch or gateway, the access to the house being by a flight of broad steps, flanked with stone banisters, while internally the rooms were very commodious; and, looking at these at the present time, the building generally must have had a fine effect. The dormer windows to the north had ornamental devices, and sufficient still remains to show the former grandeur of the old Inn in which many of the gallant chiefs and followers of "Prince Charlie" had their abode when Holyrood Palace was occupied by their royal leader. Scott, in "Waverley," has im-

mortalized the old Inn. It is now divided into separate houses, inhabited by several tenants, and fast falling into decay.

THE GIRTH CROSS.—At the foot of the main street of the Canongate stood a Cross which, from old maps, appears to have been a very pretty structure. Proclamations were made at the Girth Cross as well as at St. John's. In June, 1571, when Leith was held for King James the Sixth, one was ordered to be made at the "Girth Croce by ane Herald or Officiar of Armes," warning the inhabitants residing in the quarter from holding communication with the "haulers of the Burgh of Edinburghe against our Soveraine Lord and hes authoritie, under pane of confiscatioune o' thair guidis." In October of the same year, the Regent Mar warned the inhabitants of Edinburgh "to repaire furth thair of within 24 hours, otherwise thaye will be held partakers and assistaris with the declarit traitouris an rebels an conspiratouris of our Soveraine Ledy's name and authoritie."* At the Girth Cross criminals were frequently executed; those caught "red hand," or in the act, and apprehended within the jurisdiction of the Magistrates, were immediately executed. On 28th December, 1591, nine of the adherents of Francis, Earl of Bothwell, were hanged at the Girth Cross without trial, the day after the attempt made by the Earl and his followers to secure the person of the King, then residing in Holyrood Palace. It is noted also as being the place where the wife of the Laird of Warriston was beheaded for aiding in the murder of her husband, who possessed the

* "Records of Privy Council," I., p. 157.

estate of Warriston, then at a considerable distance from the city. Jean Livingston, twenty-one years of age, and very beautiful, was a daughter of Livingston of Dunipace; while her husband was much older, and had a bad and outrageous temper. It would appear that he treated his wife very cruelly, so much so as to drive her to commit the crime, or rather persuade a man-servant of her husband's to strangle him when asleep in bed. The nurse and another female servant were also implicated as accomplices, along with Lady Warriston. Weir, the man-servant, escaped at the time, but was shortly afterwards caught, and condemned to be broken on the wheel,—or, according to the sentence given, “to be broken upoune ane row until he be deid.” This horrible death was seldom inflicted in Scotland. The condemned person being placed or fastened on a wheel, the hangman, with the coulter of a plough, broke the man's bones till he was dead. Lady Warriston was condemned to be executed by the “Maiden,”* a concession granted owing to the entreaties of her friends,—the usual sentence at the time being strangling at the stake, and burning the body. At three o'clock on the morning of the 5th July, 1600, she was beheaded; while the female servants were burnt to death on the Castlehill at the same hour, with the intention of diverting the populace from the lady—who sympathized with her, not only on account of her youth and beauty, but from the harsh treatment she had received from her husband. The site of the Girth Cross, or

* This was an instrument of death partly invented by the Earl of Morton, sometime Regent, and who suffered by the ‘Maiden’ in 1580.

place of execution—a short distance west of the public well, and in the centre of the street—is marked on the causeway by a number of stones formed into a small circle. A little further east, and running north and south, a line, called “the Girth,” marks the western boundary of the Sanctuary of Holyrood.

THE WATER YETT, OR GATEWAY.—As already mentioned, the principal approach from the east coast to Edinburgh was by the Eastern, now called Easter Road, *via* the Water Yett and Canongate to the Netherbow Port. The Yett stood at the foot of the Canon-gate, at the junction of the North Back of the Canon-gate and Abbeyhill. There are numerous entries in the Records of the Burgh having reference to this gateway. On 4th August, 1568, it is stated: “The quhilk daye the Baillies and Counsaill ordanes thair Theasurer to caus mend sufficientlie the Port of the Water Yett, and to caus mak ane sufficient lok and kei thairto, with ane kei and lok to the Port and Yett passin in and to the Abbey Kirke.” During the wars with England, and between the contending factions in Scotland, the Water Yett is frequently mentioned as the scene of many combats. In 1571, one took place “at ye Water Gait between the adherents of Queen Mary and those of James the Sixth, when the Abbot of Kilwinning was slane,” along with a number of other persons. Great numbers of the Queen’s party were killed and wounded on this occasion, and many taken prisoners; and the day was long after known as the “Black Saturday.” Other instances have been given of these feuds. On the removal of the old Water Yett, the site was marked by a wooden arch

stretching across the narrow roadway, the centre of the arch being ornamented with the Burgh arms ; but the buildings on the east side having become dilapidated, were taken down, the roadway widened, and the wooden arch altogether removed. The dues or customs on goods entering the Burgh were formerly collected at the Yett.

ST. THOMAS'S HOSPITAL.—Situated at a short distance outside the Water Yett was an Hospital of this name, founded in 1535 by George Crichton, Bishop of Dunkeld, and the patronage vested in the founder's heirs. The Bishop had previously been Abbot of Holyrood Abbey, and the Hospital was acquired by the Magistrates of the Burgh in 1571, and used as a home or shelter for the aged and infirm poor. In 1617 it was partly rebuilt, and transferred to the Managers and Kirk-Session of Canongate ; but the revenues, through mismanagement, gradually disappeared, the charity neglected, and the building becoming ruinous, what remained of it was in 1747 converted into coach-houses and stables ; and for a number of years this locality was the only place where coaches and sedan chairs could be had on hire by the citizens of Edinburgh and Canongate ; and till within the last few years coaching establishments were kept here. Stage-coaches between Edinburgh and Leith first began to run in 1660,—Adam Woodcock obtaining liberty to start a stage-coach ; and in 1673 hackney coaches were first used in Edinburgh. On 6th August, 1678, coaches between Edinburgh and Glasgow commenced to ply ; and in 1750 the common one-horse cart, similar to that of the present, came

into use. In the Burgh, for a number of years, a regularly-constituted Society of Coach-drivers existed, and a piece of ground in the Canongate Churchyard belonged to its members.

QUEEN MARY'S BATH.—A little eastwards is a curious building, jutting out on the footpath, popularly known as "Queen Mary's Bath." Whether it was ever used for such a purpose is unknown, but there was a spring of fine clear water in the interior of the building. When Rizzio was murdered in the Palace, the Earl of Atholl, then Lord High Chancellor, was at supper along with some others in Secretary Lethington's apartments in Holyrood ; and during the tumult, the Earl, together with Bothwell and Huntly, escaped from the Palace by leaping over a window, and thence towards the little garden, where the lions were lodged.* It is more than probable that the "Bath" formed part of one of the porches or entrances to the Abbey. Some years ago the proprietor of the tenement adjoining had to make some alterations, and in taking down part of a staircase, a portion of the roof of the Bath had to be removed, when a dagger was found. It was much corroded, but apparently had been richly inlaid ; and it is supposed that the weapon had belonged to one of the murderers of Rizzio.

* "Melville's Memoirs," p. 149.



CHAPTER XIV.

HOLYROOD PALACE—ABBEY—THE SANCTUARY, ETC.

IN the opening chapter notice has been taken of the Palace and Abbey of Holyrood, and, although deriving origin from the same source as that of the Canongate, it would be superfluous to enter here into any detail of their history, or the many events which occurred within their walls, as these have been dilated upon by others, and the fact of Holyrood being a Regality independent of that of the Canongate. Closely connected with the Palace and Abbey—and many of the nobility having places of residence in the Canongate when Courts were held in Holyrood—the Burgh consequently participated alternately in all the changes of sunshine and shade which befell the Abbey and Palace. A very short summary, however, of a few of the changes and alterations on the Palace, of more modern date, may be appropriate. King Charles the First, who was

crowned in Holyrood in 1633 with great pomp and magnificence, did much to improve and enlarge the Palace buildings : one memento of his visit, popularly, but erroneously, known as "Queen Mary's Sun-dial," situated in the garden of the Palace, having been placed there by him, and bears the initials of the King, Queen, and Prince of Wales. Within the last few years numerous improvements have been effected on the surroundings of the Palace. A little to the south were a cluster of houses with gardens, called St. Ann's Yards, tenanted by nobles and commoners ; the Duke's Walk, which lay between these and the Palace, and extended in an eastward direction, have all been removed, and the sites incorporated within the Palace grounds. A house, with small back-yard, which stood on the slope of the hill a little above where the Rood Well now is, has also been taken down. Eastwards of the Palace, an old mansion, called Clockmylne House, or Cloicksholm,* latterly "Bellevue," and grounds, were purchased by Government, the house taken down, and the whole space added to the Park. Fronting the Palace, a beautiful fountain has been placed in the square,—being a copy of the original fountain at Linlithgow,—while a guard-house and stables have also been erected ; and, at the north-west end, a new approach *via* Regent Road and Abbeyhill, has been opened up to the Palace. Various other extensive and beneficial changes have been effected—two small sheets of water, respectively called St. Margaret's and Dunsappie Lochs, belts of trees or plantings, lodges at the various entrances to the Drive and parks—all contributing to render the

* From the Gaelic word, *Cloich*—a stone.

Palace more salubrious and attractive as a residence. "The Duke's Walk" derived its appellation from having been a favourite promenade of the Duke of York (afterwards King James the Seventh) when residing in Holyrood. The Duke was Lord High Commissioner for King Charles the Second to the Scottish Parliament, and endeavoured to ingratiate himself with the Scottish nobility and people. Balls, masquerades, and levees, were of frequent occurrence, and the Canongate once more enjoyed a brief season of prosperity—brief indeed, and, ere long, sad the change. Since the Duke of York resided in the Palace, it has been the temporary abiding-place of Prince Charles Stuart, and the Duke of Cumberland. The Comte D'Artois—afterwards King Charles the Tenth of France—occupied it for some time when Count, and, after his abdication in 1830 as King, again resided in it from 1830 till September, 1832. Others of lesser note, and to whom fortune had played fickle, obtained friendly shelter within its walls. In our own day it has been graced by the occasional residence of Her Majesty the Queen and Royal family, and may, perhaps, once more be favoured with the Royal presence, and its halls resume courtly splendour and gaiety.

HOLYROOD ABBEY.—Without attempting to give even a passing remark on the many interesting tablets and memorials erected within its walls to the illustrious dead—for the dust of Kings, Queens, Nobles, and Commoners co-mingle—it may not be out of place to notice a most interesting discovery lately made in regard to the lectern which belonged to the old Abbey, and which was removed therefrom when the English

army, under the Earl of Hertford, in 1543, plundered the Abbey, and almost entirely destroyed it by fire. The account of its discovery is as follows :—" Apart from any conjectures as to its history, this lectern is of special interest as being the only known example formerly pertaining to Scotland which has escaped the disastrous issues of civil and religious commotions. Its history is very singular. About the year 1750, when a grave was being dug in the chancel of St. Stephen's Church, St. Alban's, Hertfordshire, the lectern was found buried in the soil. It is supposed to have been thus concealed at some time during the Civil Wars. It is of cast brass, and of a handsome design, consisting of an eagle with expanded wings supported by a shaft decorated with several groups of mouldings, partly circular and partly hexagonal. The eagle stands upon a globe, and the shaft has been originally supported on three feet, which are now gone. In its present state the lectern is five feet seven inches in total height. It bears the inscription — '*Georgius Creichtoun, Episcopus Dunkeldensis.*' He died 24th January 1543, and previous to his elevation to the see of Dunkeld he had been Abbot of Holyrood. The probability therefore, is, that the lectern had been presented to Holyrood by the Abbot on his elevation to the see of Dunkeld, and that it was taken from Holyrood by Sir Richard Fea of Sopwell, who accompanied the Earl of Hertford in his invasion of Scotland in 1543. On his return, Sir Richard presented to the parish church of St Alban's a brazen font bearing a magniloquent inscription, to the effect that though previously designed for the baptism only of the children of kings, it now, in gratitude for its rescue from the

fire which consumed Edinburgh and Leith, performed the same service for the meanest of the English. This font, which was doubtless abstracted from Holyrood, is no longer known to exist, and there seems no reason to doubt that the lectern, which was saved by being buried during the Civil Wars, was abstracted at the same time, and given to the parish church of St. Alban's by the donor of the font."*

We now revert to the starting point of this history, and conclude by bringing under notice one peculiar privilege still existing, belonging to the Abbey, and in the maintenance of which the Burgh of Canongate had a special interest—a privilege asserted by the Abbots, successfully maintained by them and the Magistrates of the Burgh, and still recognised by the law of the realm—that is, the right of sanctuary.

In the olden times the Abbey of Holyrood had the right of affording shelter or refuge to certain criminals, or, as it was termed, "the right of girth" or sanctuary, and severe punishments were inflicted upon any one assaulting or endeavouring by force to seize any person who had crossed the Girth—that is, got within the sacred limits or boundaries of the Abbey, and craved the King's peace or pardon through the Abbot, or offered to stand his trial for the crime alleged against him. The following instance is given to show the extent to which this right to grant the privilege of sanctuary was claimed in bygone days. It was in

* *Vide* Paper by Corresponding Member, Mr. William Galloway, Architect, at a meeting of the Royal Society of Antiquaries of Scotland, held at Edinburgh, on 11th April 1879.

the form of what may now be termed a Petition for Interdict, but at that period took the name of "a Supplicatioune." It is dated 7th March, 1569, and was presented to the Lords of the Privy Council; and as it is in itself curious and worthy of note, it is fully given, and is to the following effect:—

"Supplicatioune given in by Adam, Bischop o' Orkney, Com-mendatore of Haliruidhous and Convent thairof, and alsweil Mr. Johnne Spens of Condy, Avocat, to our Soverane Lorde for Hes Gface's interest; and the indwellaris and inhabi-tants of the Canogait beneth the Girthe Croce thairof for thair interest; agains William Barrie, and Henri Sincler, brother to umquhile — Sincler of Gosfurde; makin mentioun:

"That quhanoure Souverane Lordis predecessouris, Kingis of Scotland for the tyme, hes of auld, at the foundatioune of the saidis Abbaye of Haliruidhous, grantit the privilege of the Girthe and immunities thairof to the haill boundis of the said Abbacy, and to that pairt of the Burghe of Canogait, frae the Girthe Croce doune to the Cloickisholm Mylne, quhilk privilege of Girthe has been inviolable observit to all maner of persounes cumin within the boundis foirsaidis,—not committan the crymes expresslie exceptit frae all maner of Girth,—and that in all tymes bygane past memorie of man. Nochtheless William Barrie, Messinger, accompanit wi certane men of weir, armit wi culveringes, daggis, swordis, and uther wapponis, invasive cam to the dwellan hous of Thomas Hunter, within the foirsaidis boundaris, and beset the saymn round about and perforce brak up the dures thairof, baith on the baksyde and foirsyde, under and abune, and entirit in weir maner thairintill, and rypit the saidis haill lugeing: for quhat caus we know nocht, and that under collour o' searchin for sum persoune allegit committan of sum cryme;—quhilk hous within the boundis foirsaidis aucht justlie to have been girthe and place of surenes to quhatsumevir persounes resortan thairto, quha has nocht committit treasoune, murther, or sic uther crymes exceptit frae the privilege of Girthe. And siclike Thomas Barrie, Messinger, upoune the VIII. daye or

thairby of Februar instant, accompanit with XVI. or XVII. men of weir, armit wi wapponis foirsaidis, cam to the saymn dwellan hous of the saidis Thomas Hunter, and also to the housis of Andre Chalmer and Sir Johnne Stevenson within the boundis foirsaidis, and maisterfullie and perforce brak up the dures thairof and entirit within the saymn, serchit and socht thro the saidis housis under collour of seekin of sum persounes quham thaye knaw nocht, and sae hes violate the privilege of the Girthe grantit to the boundis foirsaidis, in hie contemptioun of our Souverane Lordis autoritie, and thairthrough hes incurrit the panes of violatioun of Girthe."

The Bishop obtained what may be called Interim Interdict on presenting his "Supplicatioun." Thereafter, at a hearing, the Bishop being present, and "Avocat," as above, and James Sincler, "William and Thomas Barrie, though summonsed, nocht compearan, the Lords of the Privy Council heard divers allegances proponit for the pairt of the saidis persounes, defenders agains the saidis Bischop o' Orkney in the saidis matter, quhilk were repellet," continued the interdict as against the Barries; and in regard to Sincler, assigned 10th April for a proof of the charge, so far as he was concerned.

The privileges pertaining to the right of "girth," or sanctuary, so far as criminals were concerned, were abolished at the time of the Reformation; but, up to the present date, the privilege of sanctuary is still recognised by law, as giving right to any person seeking protection or freedom from arrest for debt, on his placing himself within the "Girth," or boundaries of the Abbey. These bounds comprehend the whole area within the Palace, parks, the Abbey Strand, and houses in the vicinity inside the Girth. The boundary at the Strand is shown by a double row of stones on

the causeway, and so long as the debtor keeps within the Girth he is safe from arrest. As no debtor can be arrested on Sunday, he can leave the Sanctuary at twelve o'clock on the Saturday evening and visit his friends, but must be within the friendly boundary again before twelve o'clock on the Sunday night. Persons obtaining shelter were facetiously called "Abbey Lairds." The Bailie of Holyrood holds a Court at stated times for disposal of various matters of business in connection with the Regality, in the Court-house at the Abbey Strand. This Court-house was, at one time, a portion of one of the porches or entrances to the Abbey. A debtor once within the bounds is free from arrest; but if he wishes to remain longer than twenty-four hours, he must apply for a protection from the Bailie, which is at once granted. Many stories are told of debtors rushing to obtain the much-desired refuge of the Sanctuary pursued by the officers of the law, and narrowly escaping capture; and it is said that a case was tried before the Courts, where a debtor, thus pursued, stumbled when at the boundary line, and was seized when lying on the ground; but, as his head and the upper portion of his person was within the Girth, it was maintained that, these being the principal parts of the human frame, the arrestment was illegal. The argument was held sound, and the debtor obtained liberty, and thereupon secured the desired protection of the Sanctuary. No trace, however, can be had of this important decision, so it may be classed along with some of the alleged "sayings and doings" of the Bailies of the Burgh of Canongate when administering justice. The Sanctuary is the only place in Scotland

having such a privilege belonging to it. Any one, however, who incurs debts while within the bounds loses his right of freedom from arrest for these particular debts. The privilege of the Sanctuary is very frequently taken use of by debtors, principally for the purpose of obtaining time in arranging with their creditors, or until the legal process of *cessio bonorum*, or sequestration of their estates, is carried out. Although the Regality of Holyrood and the Burgh of Canongate had for many years the same Lord Superiors, separate jurisdictions, courts, and officials were maintained; and the following claim, made by the Treasurer of the Burgh and brought before the Magistrates, will suffice to show the independent position taken by the Bailie of Holyrood:—

“28th Octobre, 1578.—The Baillie-Depute of the Regalitie of Haliruidhous.—The quhilk daye Johnne Watsoune, Baillie-Depute of the Regalitie of Halyruidhous, beand requyrit for payment of XVI. £ borroit furthe of the Common Box, quhilk wes payit for the Inhabitants of Leyth, parte of the Bailyourie, quha answerit he had nocht to answer thairfoir to the said Baillies, but only to the Lord Justice-Clerk” (the then Superior of Canongate, Holyrood, and Barony of Broughton). The Bailie of Holyrood has a staff of officials consisting of a Procurator-fiscal, Clerk, and Officer.*

There is also a Society called “The High Constables of Holyrood,” principally composed of mer-

* William Bremner Hay, Esq., S.S.C., is Bailie, and has held office for a number of years. Procurator-fiscal, Mr. John Gellatley, S.S.C.; Clerk, Mr. John Wallace, Solicitor; and the Officer, Mr. Robert M'Bean.

chants in the Burgh of Canongate, or connected therewith by birth or residence; and since the abolition, in 1856, of the Society of High Constables of the Canongate, the number of the members of that of Holyrood has been increased. The Society assert the privilege, and exercise enthusiastically and loyally the right of acting as a Guard of Honour to the Sovereign, or any member of the Royal family, and the Lord High Commissioner to the General Assembly of the Church of Scotland, while residing in the Palace. The officials consist of a Moderator, Vice-Moderator, Treasurer, Secretary, Surgeon, Captain of the Guard, Custodier of Batons, and about twenty-five ordinary members. The present Vice-Moderator lately presented the Society with a handsome gold medal and chain, to be worn by the Moderator on official occasions.

The Burgh of Canongate—founded, reared, and nourished by the Church, and protected by the Crown for generations—after experiencing many vicissitudes and changes, has at last succumbed to constitutional decay; the sand-glass of its Corporate duration is run out;—Magistracy, Incorporations, and kindred institutions abolished. Even the old landmarks are fast disappearing, and its sun has set; but the scenes enacted in days of former glory, wherein the Burgh had an important share, are too deeply graven on the historic page to be readily obliterated, and will remain for ages yet to come.

Holyrood! companion in glory and misfortune! What changes have passed over thee! The birth-place of Kings—scenes of war, with its accompanying horrors—fire—pillage—party feuds—intrigues—Mary Queen of Scots, with her four Maries—marriage festivities—death—murder—the stern Reformer John Knox, with his exhortations and denunciations—weepings after Carberry—Charles the First—Cromwell's Puritanic and dominant rule—a Palace transformed to barracks for his soldiers! Again a change. Prince Charles Stuart and his adherents in evanescent glory—Cumberland, after Culloden's dark and gory heath—silence—neglect. Now a shrine for pilgrims from every land, to be gazed upon with reverential awe when meditating on the past. A romance and a tragedy, in stone and lime, of all that is most fascinating in Scottish History!



[APPENDIX.

APPENDIX.



*List of Office-Bearers of the Society of High Constables
of the Burgh of Canongate from 1810 until 1856
(the previous Minute Books being lost):—*

<i>Year.</i>	<i>Moderator.</i>	<i>Treasurer.</i>	<i>Secretary.</i>
1810	David Neilson.	Alex. Berwick.	A. Cameron.
1811	...	John Rae.	...
1812	...	...	...
1813	...	William Watters.	...
1814	...	...	...
1815	...	...	...
1816	...	A. Cameron.	W. Watters.
1817	William Christie.	...	...
1818	Archibald Campbell, brewer.	Walter Thorburn.	Thos. Drybrough.
1819	Thos. Drybrough, brewer.	John Christie.	Stephen Laurence.
1820	...	...	W. Watters.
1821	John Christie.	George More.	Henry Wharton.
1822	Walter Thorburn.	...	...

<i>Year.</i>	<i>Moderator.</i>	<i>Treasurer.</i>	<i>Secretary.</i>
1823	George Fenwick.	George More.	Henry Wharton.
1824	George More.	David Irvine.	G. J. Jack.
1825	...	...	...
1826	William Arthur.	Wm. Sheppherd.	George G. Bruce.
1827	David Calder.	...	...
1828	Robert Henry.	William Buchan.	R. Coldwell.
1829	William Buchan.	R. Coldwell.	Peter Tait.
1830	Arch. Campbell.	Alexander Forbes.	John Hunter.
1831	Arch. Campbell.	David Small.	George Robertson.
1832	George Gulland.	A. Cameron.	Robert Bishop.
1833	James Scott.	Alexander Bryce.	David Johnston.
1834	Alexander Bryce.	David Johnston.	John Steele.
1835	John Steele.	Robert Henry.	— Stoddart.
1836	Robert Hendry.	James Cameron.	John Mackay.
1837	John Mackay.	William Shiels.	J. Gourlay.
1838	William Shiel.	John Simpson.	D. Malloch.
1839	John Simpson.	R. Wood.	William Reid.
1840	William Reid.	David James.	J. Sommerville.
1841	Thomas Ritchie.	Jas. Sommerville.	James Brock.
1842	Jas. Sommerville.	James Brock.	Abram Brooks.
1843	William Reid.	Abram Brooks.	Wm. Johnston.
1844	Abram Brooks.	Wm. Johnston.	Wm. M'Gregor.
1845	Alexander Kyd.	Thomas Wood.	Joseph Knight.
1846	Thomas Wood.	David Smith.	John Tweedie.
1847	David Smith.	Edward Thomson.	Robert Thomson.
1848	Grieg Nelson.	...	...
1849	John Morrison.	John Dalgliesh.	James B. Macleod.
1850	John Dalgliesh.	Alexander Dyer.	John Disher.
1851	Alexander Dyer.	John Disher.	Walter Baxter.
1852	John Disher.	David Forgan.	H. Macpherson.
1853	David Forgan.	H. Macpherson.	G. F. Blaikie.
1854	G. F. Blaikie.	William Borland.	H. Thomson.
1855	William Borland.	George Swan.	Andrew Slater.
1856	George Swan.	Andrew Slater.	John Bain.

List of Office-Bearers and Members of the High Constables, or Guard of Honour, of Holyrood, for Year 1879 :—

Moderator.

THOMAS CARMICHAEL.

Vice-Moderator.

WILLIAM FORD, of Ferneyside.

Treasurer.

DANIEL SHIELS.

Secretary.

ROBERT DARLING KER.

Surgeon.

JOHN SADLER.

Captain of the Guard.

WILLIAM COWNIE.

Custodier of Batons.

JAMES DICKSON.

Honorary Member—ANDREW KERR.

Members :—

DUNCAN ANDERSON.	JOHN MORRISON, Junr.
SAMUEL HUNTER.	ALEXANDER FORBES.
DR. J. MIDDLETON.	J. W. THOMSON.
ROBERT YOUNGER.	THOMAS DRYBOUGH.
ANDREW SLATER.	JOHN STEWART.
THOMAS PATERSON.	JAMES ALLISON.

GEORGE F. BLAIKIE.

RICHARD G. MUIR.

CHARLES RITCHIE.

SAMUEL WILSON.

JAMES TAYLOR.

JAMES PRINGLE.

ROBERT MOYES.

GEORGE SCOTT.

JAMES COXSON.

GEORGE A. PANTON.

ROBERT MITCHELL.

THE END.

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