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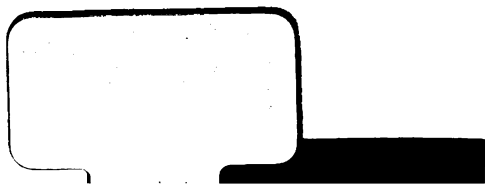
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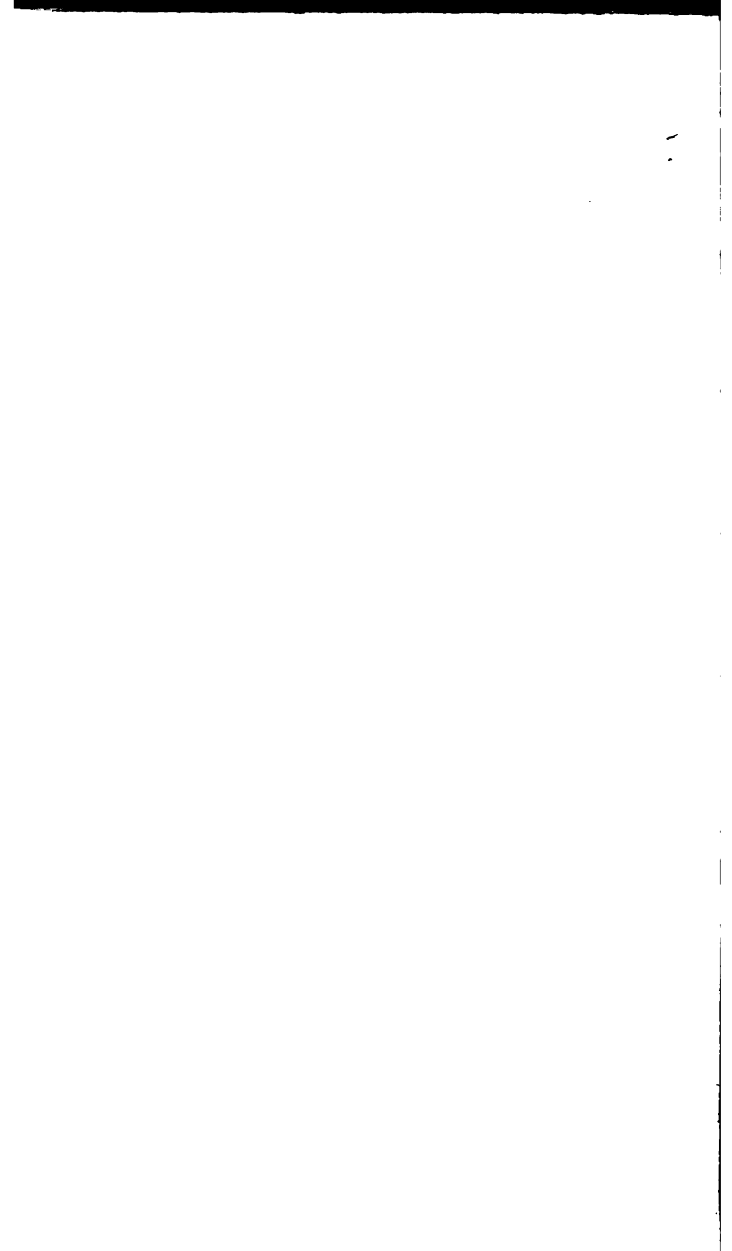
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A
REPORT OF THE TRIAL
 OF
MALCOLM GILLESPIE
 AND
GEORGE SKENE EDWARDS,
 FOR
FORGERY.

TAKEN IN SHORT-HAND
 BY A MEMBER OF THE SOCIETY OF ADVOCATES
 IN ABERDEEN.

TOGETHER WITH
THE LIFE AND DYING DECLARATION
 OF
MALCOLM GILLESPIE.

WRITTEN BY HIMSELF.

ABERDEEN:
 PUBLISHED BY WM. ROBERTSON, BROAD STREET;
 AND SOLD BY JAMES ROBERTSON & CO., 8, ST. ANDREW'S SQUARE,
 EDINBURGH, AND ROBERTSON & ATKINSON,
 GLASGOW.

1827.



INTRODUCTION.

THE following Life and Trial of Mr Gillespie will be read with peculiar interest. The length of time which he has been employed in the Excise in this neighbourhood, and the extraordinary and almost miraculous seizures he has made of contraband goods, under circumstances of peculiar difficulty and danger, have rendered him an object of notice, not only in this part of the country, but, in fact, throughout all Scotland. He appears to have exercised no common share of ingenuity in finding out the haunts, and tracing the route of the smuggler, to whom he was always an object of deadly hatred and terror. His exploits in this way are marvellous; and it may be said without exaggeration, that he killed more of the enemy, and seized more of their provisions and munitions of war, than any ten of his brother officers within his bounds. Whilst, therefore, the disagreeable duty of every exciseman renders him more or less an object of ill-will, even to many who do not personally engage in the nefarious traffic

of smuggling, it sometimes leads him into scenes where his better principles are not adequate to protect him from contamination. The extraordinary exertions of Mr Gillespie, in the detection of the smuggler, and the protection of the fair trader and the revenue, exposed him in a tenfold degree to that contamination. He was obliged to keep company with persons of vicious habits (for none else would enlist in the service), and to keep a multitude of retainers in his employ, more like a baron of the middle ages, than the peaceful denizen of this civilized country. This, together with the amazing success which attended his labours in the prevention of smuggling, entailed upon him an expense, which he was necessitated to provide for by means which have led him into his present difficulties. Prevented, by a salutary regulation of the Excise, from having any communication with the traders in his district, it would appear that he had entrusted the charge of procuring their accommodation to bills to George Skene Edwards, his confidential servant and clerk, and that this person, in place of going to the acceptors and getting their signatures, as he ought to have done, betrayed his master's confidence, and placed their signatures at the bills without his knowledge or consent ; for this is in evidence, whatever credence the public may give to it. There is another circumstance in palliation of his conduct, which was fully established upon the trial—that Mr Smith of Blackhills, a near and wealthy neighbour, willingly adhibited his name to the bills ; nay, even went the length of

sending letters to the different Banks, requesting them to discount such bills for Mr Gillespie as his name appeared upon as indorser; which, of course, rendered the persons whose names were attached to the bills, as acceptors, in no sort of danger, although, in the attaching of the names of such persons without their knowledge or consent, on whomsoever that crime rested, certainly constituted an illegal act, which the person guilty of was liable to punishment for. In fact, it is born out in evidence, that not one of the bills would have been discounted on any of the names on them, with the exception of *Mr Smith's* alone. There is another extraordinary feature in this case, which is this, that Mr Gillespie, the moment he came to the knowledge that there was any thing wrong in the bills, went to his friend, *the Laird of Blackhills*, and offered to convey to him all his property, heritable and moveable, as a security for the payment of those bills; and this, he says, accounts for his anxiety to intercept the notices from the Bank, which, however, he had been in the course of doing for years before, as the acceptors lay so scattered through the country, that when not sent to himself, the notices would have lain in bye-posts and houses till after the bills fell due, protested, and expenses brought upon them. We have been favoured with a statement of the arrangement concluded between the Laird of Blackhills and Mr Gillespie upon this occasion, which we give to the public, without note or comment.

ROUP LIST OF THE EFFECTS OF CROMBIE COTTAGE.

Lots.	Description.	Names of Purchasers.	Dr.			Cr.			
			£	s.	d.	£	s.	d.	
1.	Sundries,	Alexander Smith,	0	0	3	..	0	0	3
2.	Iron Hoops,	Do. do.	0	0	3	..	0	0	3
3.	Iron lumber,	Robert Walker,	0	0	6	..	0	0	6
4.	Do. do.	David Low, ..	0	0	7	..	0	0	7
5.	Do. do.	George Angus,	0	0	3	..	0	0	3
6.	Do. do.	Widow Collie,	0	0	7	..	0	0	7
7.	Hem Strap, &c. ..	Mr Williamson,	0	0	5	..	0	0	5
8.	Iron lumber,	Wm. Robertson,	0	0	3½	..	0	0	0
9.	Do. castorings, ..	Andrew Massie,	0	0	8½	..	0	0	8½
10.	Do. do.	Do. do.	0	1	2	..	0	1	2
11.	Hay Knife,	Andrew Geils,	0	0	7	..	0	0	7
12.	Hatchet,	Eliz. Murdoch,	0	2	2	..	0	2	2
13.	Flail,	Widow Collie,	0	0	3	..	0	0	3
14.	Creepers,	John Lobban,	0	0	7	..	0	0	7
15.	Garden Roller, ..	Wm. Donaldson,	0	0	7	..	0	0	7
16.	Peat Spade,	Alex. Williamson,	0	2	0	..	0	2	0
17.	Hoes,	George Hunter,	0	1	0	..	0	1	0
18.	Hay Rake,	John Lobban,	0	0	3½	..	0	0	3½
19.	Do. do.	Thomas Keith,	0	0	4	..	0	0	4
20.	Wooden Roller, ..	James Rose,	0	0	7	..	0	0	7
21.	Spade,	Robert Milne,	0	1	11	..	0	1	11
22.	Grape,	John Lobban,	0	1	4	..	0	1	4
23.	Do.	Andrew Massie,	0	1	0	..	0	1	0
24.	Do.	Do. do.	0	1	9	..	0	1	9
25.	Earth Pick,	Alex. Williamson,	0	2	7	..	0	2	7
26.	Curracks,	Joseph Low,	0	0	7	..	0	0	0
27.	Ropes,	John Lobban,	0	1	0	..	0	1	0
28.	John Wilson, (?) ..	John Wilson,	0	1	4	..	0	1	4
29.	Hems,	John Lobban,	0	3	6	..	0	3	6
30.	Collar,	George Forbes,	0	4	0	..	0	4	0
31.	Stone Cart,	Robert Farquhar,	0	5	0	..	0	0	0
32.	Plough Traces, ..	Andrew Massie,	0	5	2	..	0	5	2
33.	Do. do.	George Forbes,	0	4	10	..	0	4	10
34.	Back Chain,	Mr Smith, ..	0	1	6	..	0	0	0
35.	Hems,	Robert Meston,	0	4	10	..	0	4	10
36.	Collar,	Do. do. ..	0	6	0	..	0	6	0
37.	Bridle,	John Lobban,	0	3	1	..	0	3	1
38.	Saddle and Breeching,	Mr Smith, ..	0	10	0	..	0	0	0
39.	Riding Bridle, ..	George Hunter,	0	0	8	..	0	0	8
40.	Do. do.	William Kilgour,	0	8	11	..	Bill.		
41.	Do. Saddle,	James Gracie,	0	3	9	..	0	3	9
42.	Do. do.	Alexander Smith,	1	6	6	..	1	6	6
43.	Do. do.	William Kilgour,	0	9	6	..	Bill.		

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Lots.	Description.	Names of Purchasers.	Dr.			Cr.			
			£	s.	d.	£	s.	d.	
44.	Forks,	Robert Meston,	0	1	0	..	0	1	0
45.	Large Hammer, ..	Mr Smith, ..	0	12	6	..	0	0	0
46.	Small do.	Do. do. ..	0	1	7	..	0	0	0
47.	Old Book,	Robert Milne,	0	2	1	..	0	2	1
48.	Old Firiot,	William Scott,	0	2	1	..	0	2	1
49.	Close-stool,	Mr Smith, ..	0	9	9	..	0	0	0
50.	Box Barrow,	William Kilgour,	0	6	9	..	Bill.		
51.	Harrow,	Robert Milne,	0	6	9	..	0	6	9
52.	Do.	Wm. Robertson,	0	7	1	..	0	7	1
53.	Cart and Frame, ..	Mr Smith, ..	5	0	0	..	0	0	0
54.	Plough,	John Lobban,	1	16	0	..	1	16	0
55.	Roller,	Robert Meston,	1	18	0	..	1	18	0
56.	Doghouse and Chain,	Mr Smith, ..	0	2	6	..	0	0	0
57.	Two lots of Dung, ..	Mr Smith, ..	9	0	0	..	0	0	0
58.	Quey,	John Lobban,	1	16	0	..	1	16	0
59.	Humble Cow,	William Kilgour,	8	1	0	..	Bill.		
60.	Hacked Cow,	Mr Smith, ..	7	8	0	..	0	0	0
61.	Calf,	George Forbes,	0	4	9	..	0	4	9
62.	Brown Mare,	Mr Smith, ..	10	1	0	..	0	0	0
63.	Grey Horse,	William Kilgour,	7	0	0	..	Bill.		
64.	Hound Bitch,	Mr Davidson,	1	1	0	..	0	0	0
65.	West end of Dunghill,	Mr Smith, ..	9	0	0	..	0	0	0
Total amount,			£70	5	11½				
Discount and Duty,			£0	4	7½				
Auctioneer; ..			0	12	6				
Clerk,			0	8	0				
			£1 5 1½						
			£69 0 10						
Cash in hand,						9	14	10½	
Cash yet due,						1	6	10½	
Bills,						16	1	2	
Mr Smith's account, ..						41	17	10	
						£69 0 10.			

Crombie Cottage, 7th April, 1827.

Attested by

(Signed)

WILLIAM CRUICKSHANK, Clerk of Roup.

List of Articles not sold at Roup, appraised and valued over to Mr Smith of Blackhills, by John Wilson, Auctioneer and Appraiser, and George Brownie, both in Skene—as follows, viz:—

7th April, 1827.

Lots	Description.	Amount of Valuation.		
		£	s.	d.
1.	Large Mahogany Table,	3	15	0
2.	Smaller do. do.	2	5	0
3.	Three Rush-bottomed Chairs,	0	10	6
4.	Mahogany Armed do.	0	3	0
5.	Two Beach Armed do.	0	7	6
6.	A Sofa,	0	14	6
7.	Two Stools,	0	3	0
8.	Beef Stand with Lid and Lock,	0	5	6
9.	Two Butter Kits and Churn,	0	10	6
10.	A new Platerack,	0	7	6
11.	A Mahogany Tea Chest,	0	12	6
12.	Two Washing Tubs,	0	9	0
13.	Two Brass Candlesticks,	0	7	6
14.	Two Mettle Pots and Goblets,	0	7	0
15.	One Copper and White Iron Tea Kettle,	0	3	0
16.	Bread Toaster and Crane,	0	4	6
17.	Two Small Trunks,	1	1	0
18.	Four Racers Og and Spit,	0	2	6
19.	Six new Mettle Spoons,	0	2	6
20.	Ten Knives and Eight Forks,	0	5	6
21.	Stone and Glass Ware, with Screen,	0	14	6
22.	Six Pairs of Servants' Blankets,	2	5	0
23.	Two Beds and Bolsters,	0	17	6
24.	Three Pairs of better Blankets,	1	11	6
25.	Chaff Bed and Bolster,	0	7	6
26.	Feather Bed and Bolster, four Pillows,	5	0	0
27.	Two Straw Mattresses,	0	8	0
28.	Water Pall, Sway, Crook, and Tongs,	11	10	0
29.	Grate, Fender, and Bellows,	0	17	6
30.	Carpet,	0	15	0

In all, £26 6 0

(Signed) { John Wilson, Licensed
Appraiser,
George Brownie.

Crombie Cottage, Skene, 7th April, 1827.

I agree with the above Inventory and Valuation, and accept of the whole articles as valued in all to £26 6s. Sterling.

(Signed) } M. Gillespie,
 } Alexr. Smith.

Amount of Roup List on the other side, per particular Inventory,	£89	0	10
Amount of Valuation as appraised,	£26	6	0
	<hr/>		
	£95	6	10
Amount of Letter agreed on and subscribed by the Laird of Blackhills, whereby he acknowledges himself indebted to M. Gillespie for Lease of Crombie Cottage to (the amount of)	£450	0	6
	<hr/>		
Funds in the Laird's hands, belonging to M. G.	£545	6	10

Copy Letter of Obligation, Alex. Smith, Esq. of Blackhills, to Malcolm Gillespie, Officer of Excise, Crombie Cottage, Skene.

“Crombie Cottage, Skene, 11th April, 1827.

“Mr Malcolm Gillespie,

“Sir,—I hereby agree to account to you at the rate of of One hundred pounds sterling for every Four pounds sterling of a rise on the rent of the lands of Crombie Cottage, Skene, which I have this day let to Mr Alexander Beans late farmer in Rogiehill, at the rate of Eighteen pounds sterling of a rise; amounting thereby to the sum of Four hundred and fifty pounds sterling which I hereby agree to account to you for, from our account current and this shall be binding on me my heirs and assignees, and I am, Sir,

“Your most obedient servant,

(Signed) “ALEX^R. SMITH.

(Signed) } “G. S. EDWARDS, Witness.
 } “ALEX^R. BINGS, Witness.”

Addressed “To Mr Mm. Glespie.”

Copy Back Letter, Alex. Smith, Esq. of Blackhills, to Malcolm Gillespie, Officer of Excise, Crombie Cottage, Skene.

“Aberdeen, 23 March, 1827.

“Sir,—As you have of this date, granted an Assignation in my favor, in security of the debt owing by you to me, on the Phoenix and Palladium Fire-offices London, to the extent of eight hundred and Thirty Pounds Sterling, as due by them to you, I hereby become bound to hold counting with you on receiving said sum, or whatever part thereof I may receive, in making up a statement of accounts between us.

“It being understood that I am to retire all the Bills in the Banks in Aberdeen, which I have signed on your behalf, preceding this date; and that I am to retain the same so as I may place them to your debit in accounting with you; but still I am at liberty to do Diligence thereon if necessary; and declaring that the sum which I am to retire, shall not exceed four hundred and fifty pounds sterling.

“Altho’ eight hundred and thirty Pounds sterling is stated as due by you to me; it is not to be understood that my claims against you are limited to that amount.

“I am, Sir,

“Your obed^t. st.

(Signed) “ALEX^r. SMITH.

“To Mr. Glespie }
Skene.” }
§

Mr Gillespie affirms, that Mr Simpson, the Procurator Fiscal, was employed by him and the Laird of Blackhills in drawing out the assignation, mentioned in the back-letter of the 23d of March, and the back-letter itself; and that, when this was done, it was perfectly understood and agreed upon that Mr Smith was to retire the bills, in terms of his obligation in that letter. Mr Gillespie further states, that he wished then, undoubtedly, that the notices should not go to the ac-

ceptors, because, by this time, a rumour had gone through the country that Joseph Low was denying that he had signed any bill for him, and he was afraid, knowing the character of Skene Edwards, that the rest might be wrong. Secure, as he now thought, of all being settled by the arrangement which he had made with Mr Smith of Blackhills, he was surprised to learn that, in the absence of Mr Smith at Edinburgh, his wife had delivered to the Fiscal the bill of Joseph Low, which had been previously retired, and in Mr Smith's repositories. Gillespie complains of this loudly, as a breach of the agreement. We are assured that the documents which we have now quoted were given in exculpation of Mr Gillespie; but not a word was said upon them upon the trial. He wished this to appear, but was over-ruled. Whether an explanation of the way and manner in which the bills were given up would have operated differently in favour of the unhappy man, we are incompetent to decide; but there is an old adage, which we are far from undervaluing, that let Mr Gillespie be what he may, "give the devil his due;" and, in consonance with that immemorial adage, we are of opinion, that *the truth* should have appeared. "Nothing extenuate, nor set down aught in malice."

We do not pretend to justify Mr Gillespie;—that he acted improperly, nobody can doubt: but we as firmly believe that in consequence, and only in consequence, of his exertions as an efficient Officer of Excise was he reduced to his present dilemma; and we are morally certain that the case of Malcolm is too

well known in the proper quarter as an active and peculiarly efficient servant of the revenue, not to render him an object of the Royal mercy. On this subject we are happy to refer to the following distinguished and ample testimonials in his favour :—

“ From the Honourable Wm. Gordon, M.P. for the County of Aberdeen.

“ Aberdeen July 19th 1826.

“ Sir,

“ I beg leave to recommend to the notice of the Lords of the Treasury Mr Malcolm Gillespie Officer of Excise in this District, whose zealous exertions in the performance of his arduous duties, have for many years been most successful in making Seizures and deservedly appreciated by all in this part of the country.—The Legal Distillers here look to his known exertions for protection to their Trade and are particularly desirous for the continuance of his valuable services in this District, and from the knowledge I have of his past exertions, I can with confidence recommend him as highly deserving their Lordship’s favourable consideration.

“ I have the Honour to be &c

(Signed) “ WM GORDON.

“ To the Secretary of His
Majestie’s Treasury }
London.” }:

Copy from the Right Honorable Lord Viscount Arbutnot:

“ Arbutnot House 25th July 1826.

“ Sir,

“ I have had much occasion to know the meritorious and truly zealous exertions of Mr Malcolm Gillespie Officer of Excise at Aberdeen in the detection and suppression of illicit distillation and smuggling spirits. I do not know any one who has been more successful in that hazardous duty, or who by extraordinary exertions

and personal risk has in the discharge of his duty afforded more protection to the Licenced Distiller. In these circumstances I beg leave in the strongest manner to recommend him to the favourable consideration of the Lords Commissioners of the Treasury as a person of the greatest merit.

“ I have the Honour to be &c

(Signed) “ ARBUTHNOT.

“ To the Secretary of }
H. M. Treasury }
London” }

Copy from Sir Alex. Keith, Knight Marischal of Scotland.

“ Ravelstone 29th July 1826

“ Sir

“ Mr Malcolm Gillespie Officer of Excise at Aberdeen having a Petition to present to the Lords of His Majesties Treasury, and having applied to me to state what I know of his exertions in the execution of his duty in the suppression of illicit Distillation—I can truly say that from a long knowledge of his services, I look upon him as one of the most active enterprising, and useful men in that line that has appeared in that District of Country, and this I know to be also the opinion of every one who has had occasion of witnessing his exertions in the discharge of his duty and the extraordinary success which has attended them.—In these circumstances I beg leave most humbly, but strongly to recommend him to their Lordships consideration.

“ I have the Honour to be &c

(Signed) “ A KEITH

“ To the Secy of H. M. }
Treasury London” }

Copy from the Honourable General Duff—brother to the Right Honourable Lord Fyfe—and M.P.

“ Easter Warriston near Edin. 31 July 1826

“ Sir,

“ As particularly connected with the Northern Burghs and as their Representative for the Elgin District I have much pleasure in recommending Mr Gillespie's

application to the favourable determination of the Lords of the Treasury.

“ I know personally and have heard from every quarter during my progress through the Burghs, that Mr Gillespie is without exception the most useful Officer in the service of the Board of Excise and is most deserving of every patronage that the Lords of the Treasury can bestow upon Officers of this description who hazard every thing for the benefit of the Revenue and protection of the fair trader—

“ I have the Honour to be &c

(Signed) “ALEX^R DUFF

“ To the Secy of
H. M. Treasury }
London” }

These testimonials must have a powerful influence in favour of the unhappy man in the only quarter where they can now be of use. For ourselves, we shall pursue the subject no farther. We think it our duty to have said thus much, and we shall conclude with noticing what is spoken of the “desperately depraved” inmates of Crombie Cottage, and of their being a “moral pest.” We cannot help thinking that the opinion of this “depravity” and this “moral pest,” is regulated according to circumstances. Many a one exhibits as much of this moral depravity as Malcolm Gillespie and his companions did, but their worldly circumstances being prosperous, such vices in them are overlooked, nor will they be ever thought of, till, like this unfortunate man, they fall into difficulty. It may be said again, in conclusion, that not one farthing was lost by those persons whose names were attached to the bills as acceptors ; only Mr Smith, who willingly offered himself, sustained any injury.

L I F E
OF
MALCOLM GILLESPIE.

MR MALCOLM GILLESPIE is a native of Dunblane; and when about seventeen years of age, he had a particular attachment to a military life; but finding his friends not then disposed to procure him a commission, he engaged with Captain Blair, a distant relation on the mother side, and of the first regiment of foot, then lying in Stirling Castle, and commanded by the Right Hon. Lord Adam Gordon. It was understood and agreed upon, that he was to be continued on the recruiting service till such time as his friends could be prevailed on to procure him a commission. He was accordingly appointed to this service in Brechin, and continued there for about three years, during which period he was pretty successful, having enlisted above 400 fine young lads. Lord Adam Gordon was so well pleased with his exertions and success for the good of the service, that he proposed to procure him a commission in the Prince of Wales Fencibles, then embodying in Berwick, and commanded by Colonel Johnston; but by this time Mr G. had got married, and was the father of a young family. He had besides run himself and his friends in debt, by his exertions in the recruiting service, which is well known to be attended with considerable expense. As he was well aware that having nothing to depend upon but his pay to support himself and his family, he

proposed to his Lordship a situation in the Excise as the most eligible and beneficial to his young children. Lord Adam accordingly made intercession, and procured for him this appointment, with an assurance, that if he continued to pursue the same line of conduct in the Excise he had followed in the recruiting department, he would be his friend, and get him promoted as soon as the forms of the Excise would admit. In the death of his Lordship, however, he lost his best friend and benefactor, and he had to struggle with all the vicissitudes of fortune, with a numerous family, upwards of thirty years; that is to say, three years in the recruiting service, and nearly twenty-eight years in the Excise, without being advanced one step since his first appointment; although he had always a particular wish to be stationary in a district where exertions were necessary to suppress delinquents and offenders against the revenue laws.

In the year 1799, Mr G. was appointed as an expectant to watch over and superintend the salt manufacturers at Prestonpans and neighbourhood, and he continued there for about two years. During this period, he was the means of detecting innumerable frauds, which had escaped the vigilance of his predecessors in that quarter. Indeed, he became a terror to the unfair trader there, and frauds became less frequent than for many years previous to that time.

Upon Mr G.'s own application, he was next appointed to the Aberdeen Collection, where frauds were notoriously carried on to an alarming extent, particularly in the neighbourhood of Colliston, where, of foreign spirits alone, upwards of 1000 ankers were landed every month. To this place he was appointed. His exertions in suppressing this extensive and fraudulent traffic is well known in that neighbourhood; but his exertions were attended with serious alarm to his constitution and health, having been obliged, for upwards of thirty nights at a time, to watch the movements of the smuggler, and that too in the middle of winter. This illicit trade was carried on by people of considerable stock and influ-

ence, and it required great resolution and exertion to attack and suppress such a formidable and powerful company. The names of Johnston, Mitchell, and Christie, are well known to have been some of the leading parties of this extensive trade; but by Mr G.'s unwearied and persevering vigilance, he brought the delinquents to abandon their frauds, although it was attended with very great expense.

The following are a few of the many encounters he had while at Colliston. On one occasion, while he was on his nightly excursions, he observed from fourteen to sixteen fishermen, each carrying an anker of spirits, going from the place of landing, and near to the Loch of Colliston. Mr G. first fired one pistol, and then another, in the air, to frighten these people to lay down their contraband goods. Some of them did so, and made off, while others continued running in different directions, carrying the ankers along with them. Mr G. on these occasions, carried with him a large knife; and having no assistant, he applied his knife in cutting the slings which suspended these articles, and by that means he secured the whole. While he was contemplating the best method of getting these ankers conveyed to a place of security, he discovered six foreigners approaching, each with a gun. They immediately presented the whole of their pieces to his breast, and threatened immediate death if he did not depart. Mr G. immediately thought of a scheme. He pulled a letter out of his pocket, and told them he received it from the owner of the goods, who authorised him to get these ankers from the fishermen. This pacified the foreigners, who immediately retired with the letter; and it saved Mr G.'s life who must have suffered at the hands of these unmerciful banditti, if this well-timed policy had not been thought of. This prevented any farther attempt of landing more for that night. The imaginary letter given to the foreigners was an old one Mr G. had in his pocket, and the darkness of the night, joined to the ignorance of these outlandish crew, prevented any discovery of the trick till they reached Colliston;

which, when they had discovered, they returned very expeditiously, with redoubled fury, determined to revenge the insult ; but they were too late, for Mr G. had all safely secured in the house of James Mitchell at Little Colliston, and prepared for any attack from these delinquents.

On another occasion, while he was on the look-out, he discovered a lugger in Colliston bay, and a boat pulling from her towards the north. He kept the boat in sight, which he could only do by the help of the moon. He suspected a small creek, at a place called Sandend, as the most likely place they intended to land, and to this place he repaired. The only place of refuge there, where he could screen himself from the view of the smugglers, was a small natural opening in a rock in which he could not stand erect ; he was consequently obliged to lye down here, and in which there was about one foot and a half of water. In this situation he continued till the boat passed him into the creek, into which, by the bye, there was just sufficient room for her to go. He immediately jumped out, and following with his arms, the men alarmed left the boat in his possession. He had no person to assist him in navigating this boat, which was stowed with contraband spirits ; and while he was in the act of taking her out of the creek, he was assailed by the smugglers with stones from the beach, to the danger of his life, till he reached the bay, and he had still about two miles to row her in the open sea, which was considerably agitated by an easterly wind,—this too in the night and middle of winter, while he was drenched all over with wet, occasioned by his lying in the water before mentioned. However, after a deal of fatigue and perseverance, he succeeded in bringing his prize to a place called the Ward of Cruden, where there is a small fishing town, but none of the inhabitants being up, he foresaw the danger of leaving the boat till he got assistance ; he therefore carried out the greatest part of the ankers to some little distance from the boat, and then raised the inmates of the inn to his assistance.

On returning, however, to the boat, he found it carried away by the delinquents, who had followed, and beyond his reach, consequently he was obliged to rest satisfied with that part of his seizure he had luckily by himself landed. By mentioning this circumstance, the danger which he escaped in attacking by himself a dangerous and desperate crew, his lying among water for a considerable time in a severe frosty winter night, the formidable attack with stones while carrying away the boat, and the very great struggle he had in navigating her by himself, through an extensive bay and a boisterous sea, will be obvious.

While he was at another time on his nightly peregrinations, he discovered, in the interior of the country, a band of smugglers proceeding with a horse and cart. He made up to them, but he was suddenly seized by these delinquents before he had time to prepare himself for the attack. After much struggle, and when he had suffered several severe blows on his body, they succeeded in binding him with ropes, which when they had accomplished, they carried him to the side of a hedge, where they left him. This was about 11 o'clock at night, the ground was covered with snow, and in this state he lay, exposed to the severity of the weather, till about 5 o'clock on the following morning, when he was luckily relieved by a person going to his work. These desperadoes were masked, to avoid detection. One moment's reflection will at once convince the mind of the situation Mr G. must have been in.—Exposed to the severity of a frosty night, lying among snow for about six hours unable to move, and suffering besides from many severe bruises he had received in the struggle. Notwithstanding of all this, however, he was fully determined not to give up the pursuit; and by following the track of the cart, he succeeded, after travelling about six miles, in securing the contraband goods. They were deposited in a field, and within a shed which had been erected there, for a protection to the cattle against the severity of the weather. From the effects of this, however, he was

long under indisposition, although he still continued his perseverance in watching the movements of the unfair trader.

On another occasion Mr G. received information of contraband goods being privately deposited in a small hut, or bathing house, belonging to the Right Honourable the Earl of Erroll, situated in a rock near the sea, and within a mile of Slains Castle, altogether unknown to the noble Earl. To this place he repaired, about 10 o'clock at night, in the month of February, when the snow was very deep on the earth. He took with him a hammer and chisel, to open any communication where suspicion occurred. On examining the interior of this bathing hut, he discovered on the ceiling some nails, which apparently were at times removed to serve an end. He succeeded in opening a communication with the roof, and after ascending by the assistance of a small table which was in the hut, he discovered, to his utter astonishment, from 10 to 12 ankers of contraband spirits! On descending, he discovered some people standing on the cliffs of the rocks, (most likely the owners of these goods) and foreseeing he could not go for assistance without endangering his prize, he contrived to lower the ankers from the roof of the hut with his shirt, and the help of the small table. It will be observed, that after he had taken off his shirt to accomplish this undertaking, he found that, even with the assistance of the table, his shirt and length of his arms too short to complete his end, without endangering the loss of the spirits; and he suffered several falls before it was accomplished. The next consideration was, how to get the ankers conveyed home or to some place of security, as there was no prospect of any person passing that way. He saw, that if they could be carried to the top of the rocks, there was a public road. He therefore set to work, and carrying them one by one, ten yards at a time, for he could not trust them out of his sight, he succeeded in arriving at the wished-for destination. This was a task of considerable difficulty and trou-

ble, and it was about five o'clock in the morning when he accomplished this undertaking: and it luckily happened, that a person shortly thereafter made his appearance on his way to Slains Castle, whom Mr G. immediately employed to watch the goods, till he secured a horse and cart to convey the property to the Excise Warehouse. He obtained this from the Earl, and got them safe home. His Lordship was so ill pleased at this, that he assembled his servants together, and after a strict investigation he discharged some of them, as being in the knowledge of the smuggle, and reprimanded and strictly enjoined the others to be careful of such practices on his premises in future. This circumstance, however trifling as it may appear to some, required perseverance and intrepidity; and while this is only a few of the many occurrences which happened while Mr G. was doing duty at Colliston, suffice it to say, that he completely succeeded in putting a stop to the alarming and dangerous traffic of the unfair trader, which had been carried on for a long period in that quarter, to an extent unparalleled in the annals of history. The persons who had been employed in carrying the contraband goods from the landing places of the smuggler, and even the fishers who lent their boats to carry their practices into execution, were so terrified at meeting him, that they even specially agreed with their employers to surrender to him at once, without the smallest opposition. Delinquents finding it impossible longer to carry on their mal-practices at Colliston Bay and neighbourhood, next began their traffic at Skateraw and Braidon Bays; the one six miles to the south, and the other six miles to the north, of Stonehaven. There they carried on their depredations to a great extent: and on Mr G.'s hearing of this, he applied to the Hon. Board of Excise to be removed to Stonehaven. This was accordingly done, and he by his unwearied exertions completely succeeded in putting a stop to the nefarious traffic in these places also.

In 1807, Mr G. was appointed to Stonehaven,

where he continued till 1812. The Book of Seizures will at once establish the numerous frauds detected by him while there. The correspondence established between him and the different officers of the Revenue cutters, ultimately succeeded in rendering the attempts of the smugglers abortive; and before he left the quarter, it was rare to hear of any of these depredators being seen on the coast.

One evening, while he was on the look-out for smugglers, he discovered a lugger making for Braidon Bay. There was no time to be lost; Mr G. immediately saddled his horse, and rode to the place where he suspected a landing. When he arrived there, the alarm was given, and the lugger 'bout ship, and made for Skateraw Bay, a distance of about 1½ miles from Braidon Bay. To this place he immediately rode, and also prevented a landing there. The lugger continued sailing between these two places. Mr G.'s horse being completely worn out with fatigue, he was obliged, about the middle of the night, to go to the George Inn, Stonehaven, for a fresh horse; and as the people of the Inn were all in bed, he left a few lines for the hostler, mentioning that he had taken their pony, and not to be alarmed; this he did the more readily, as the keeper of the inn and he were in terms of friendship. After continuing the whole night riding between Skateraw and Braidon Bays, annoying and preventing any landing of the smugglers, he killed one horse and disabled his own, who was rendered ever after unfit for service. He was every moment, during the night, in expectation of one or other of the revenue cutters coming forward; and one of them fell in with and captured this lugger, on the following evening. Mr G. however, was prosecuted at the instance of the owner of the pony for damages and its value, which he was obliged to pay, besides ruining his own horse on this occasion. These losses bore hard on Mr G. but he was well pleased in having succeeded in defeating the objects of the smugglers. Indeed, he was at considerable trouble and expences (when any lugger or other suspicious ves-

sel appeared on the coast), in sending by express information to the supervisor, and the other officers of the district; and when any of the revenue cutters appeared, he was in the practice of hiring a boat and going off to them, to communicate such information as he had collected, and to establish between him and the officers an understanding of alarm by signal, when any thing was in the way detrimental to the revenue.

About this time, Mr G. was strongly recommended to apply to the honourable Board of Excise to be appointed Coast Surveyor, and in this he was supported by the voice of the officers of the Revenue Cutters. Being well acquainted with the different rendezvous of the smugglers, and the many creeks and landing places they were in the practice of making use of, he considered himself completely qualified to undertake this employment; and seeing that no person had been in this employ, under the Hon. Board, since Mr Binny, who had not been acting for some time prior to this, he presented a petition to the Board, pointing out the actual necessity of an immediate appointment of this kind, seeing the alarming extent to which smuggling had been carried on, on the coast,—and this petition was presented through the then Lord Advocate. The Hon. Board, on considering the petition, however, were not then inclined to appoint an Officer of this description; but mentioned that they would keep him in view, should they at any after period find it expedient to appoint any officer to this duty, which was merely to superintend and watch vigilantly the conduct of the foreign smuggler along the coast.

We shall now leave the foreign depredators, as he had succeeded in a great measure to frustrate their illicit trade at the Bays of Skateraw and Braidon, as well as at Colliston, and take a peep into the interior of the country. A person of the name of Grant, of public notoriety, was carrying on this nefarious traffic to a great extent, in defiance of every Revenue Officer. He was indeed held in such a glaring colour, that it was difficult to find a Revenue Officer that would ven-

and another. When Mr G. approached them, they instantly recognised him to be a revenue officer, on which they all fell upon him. They were armed with large bludgeons, and one had a large sheft of ash wood of considerable size. He had his face towards them, and continued retreating backwards, merely on the defensive, as it was impossible for one individual by himself to overpower four desperate men, who were determined to carry their point at the risk of their lives. Mr G. on the other hand was resolved if possible not to relinquish his prize, consequently he suffered many severe blows and bruises, to the great effusion of his blood; and from a stroke he received on his head, he was so stunned that he fell, and one or two of these desperadoes above him, who still continued their blows. By hard struggling, however, Mr G. got up, and although the blood was copiously flowing both from his eyes and nose, he made towards the cart a second time; and finding that something decisive must be attempted, he pulled out of his pocket a loaded pistol and wounded the horse, to prevent their escape. Although he had it in his power, and indeed was highly provoked to wound some of them during the scuffle, yet he commanded his temper, as he did on all similar occasions, and continued in a cool and determined resolution, although he many times threatened them with immediate death if they did not surrender. By this time, the noise occasioned by the report of the pistol brought some people to the spot, consequently Mr G. got assistance and secured the two Downies, whom he prevailed on by flattery to accompany him home, as he did not wish to use them harshly, notwithstanding the great provocation he had received. After the horse and cart, which contained 80 gallons of whisky, were safely cared for, he lodged the Downies all night in his own house, and in the morning had them secured by constables, and afterwards committed to Aberdeen Jail to stand the issue of a trial, for the wounds and bruises, &c. inflicted on him. They were sentenced by the Court of Justiciary to 9 and 12 months

imprisonment in the jail of Aberdeen. Mr G. received a great many external wounds in this affray, besides the loss of a deal of blood, and he was otherwise severely bruised inwardly. This beating he has even to this day never properly recovered the effects of; but he, however, succeeded in completely suppressing that part of the smuggling carried on by the Downies, and has ever since become a terror to some of the most formidable of these characters, through the Highlands of Aberdeenshire, &c.

On the evening of the 12th April, 1815, and when he was on his customary rounds, he discovered three carts on the Deeside Turnpike Road, advancing towards Aberdeen. These carts were escorted by from 10 to 12 men. Mr G. was on this occasion ill prepared for any attack, as he was unarmed; he however ventured forwards, but was obliged to retreat into a planting near by to save himself from being murdered, after he had suffered a great many wounds with sticks and stones. He, however, was determined not to give up his chance, and accordingly followed this gang at a short distance, by the noise of the carts, as it being night he could not see them. They deposited their cargo about four miles from the place where he first discovered them, towards the Hill of Fair; for it will be observed, that they retreated instead of proceeding forward, after Mr G. had the encounter with them. Mr G. being afraid of making the seizure now deposited by himself, the more particularly as the leaders of this corps (*viz.* the Grants) were the most notoriously desperate of any in the illicit trade in the country, he immediately dispatched a messenger for two assistants, while he watched the movements of these desperadoes; and he succeeded in seizing the whole of the cargo, consisting of about 130 gallons of contraband whisky.

On the 10th of August following, he met the same gang at the back of the Hill, at Auchronie, with four horses loaded with goods. Mr G. was better prepared on this occasion, as he was armed; but a desperate battle ensued—his horse was nearly killed, and

one of his eyes knocked out by a stone. Besides, Mr G. received several severe blows on his body by the same substance, and had he not very acutely warded off, by the hilt of his sword, a large stone which was aimed at his head, he is confident he would have been murdered by it. He, however, ultimately succeeded in seizing the horses and part of the goods, as it was impossible he could by himself have got the whole. The horses were condemned, and the smugglers were fined in £6 sterling for each anker that was carried off. Mr G. completely succeeded in rooting out these dangerous and extensive traders from the country, who had carried on their illicit traffic for a long time, to the great injury of the fair trader, and in defiance of the Revenue Officers; some of them having been outlawed, and others transported beyond seas.

On the 14th January, 1816, being on his survey, he appointed a party to meet him at a house near Garlogie, on the evening of that day, as he suspected a gang with contraband goods to pass that way. He also caused his party bring along with them his arms, as he had nothing but his stick. He had waited at the place appointed a considerable time, when at last he heard a noise on the public road to the northward, which he concluded proceeded from a scuffle which ensued between his party and the smugglers. He immediately proceeded towards the spot, when he met by the way six horses loaded with contraband goods, unaccompanied by any person. Mr G. drove them off the road towards a piece of marshy ground, where he supposed they would sink and entangle themselves, till he could get other matters arranged with his party. In this, however, he was disappointed, for the ground was so hardened with the frost, that they walked over it with safety. He, however, had the precaution to put a private mark on each of the horses, with a penknife, below the mane, so that he might recognise them afterwards. He was now proceeding towards the place where the noise seemed to be, when he discovered 9 or 10 men,

armed with bludgeons, following the horses. Not being armed, he concealed himself in a ditch till they passed, and then fell in with his men, who were all wounded in different parts of their bodies. He got them conveyed to a house, and procured assistance to dress their wounds. He afterwards raised a fresh party, pursued the delinquents, and overtook them on the Deeside road, about three o'clock on the following morning; but they all made their escape. He secured their horses, which were condemned and sold. This case being laid before the Board, their Honours were pleased to offer a reward of twenty guineas for the apprehension or discovery of all or any of these delinquents.

Mr G. considered that a dog properly trained to accompany him in his nightly excursions would be of infinite service to him. He accordingly, at considerable expense, purchased one of the bull kind, a breed from a stock of Mr Allardice of Ury, famed for the best of their kind in the country. He had this dog trained to answer his own particular purposes. The first exploit, therefore, in which this dog was engaged, happened on the 8th of February, 1816, at Midmar Lodge. Mr G. discovered a gang of smugglers, with four horses loaded with whisky; of this gang one Greig was the leader. A desperate engagement ensued between Mr G. and these delinquents, in which a deal of bloodshed occurred on both sides; and during the scuffle—the dog was not idle. He seized the horses, one by one, till by tumbling some, and others by dancing, in consequence of the pain occasioned by the hold the dog had of them by the nose, the ankers were all thrown from their backs, and scattered up and down, so that Mr G. secured the cargo remaining unstaved, viz. four ankers, the other four having been staved by their being violently thrown from the horses, through the exertions of the dog.

Mr G. had for a considerable time suspected an extensive illicit still in or about the Grampian hills; and after a deal of search, trouble, and expenses, in

bribing persons to give him information, he at last succeeded ; but he was cautioned not to proceed by himself, or even by two or three concurrents, as nothing short of a party of military could answer the attempt, there being such a numerous and powerful party connected with this concern, and being almost all of them desperate and dangerous fellows. He therefore proceeded to Stonehaven, where, upon application, he procured a serjeant and a party of the Kincardine Volunteers, commanded by George Harley Drummond, Esq. of Drumtochty. Mr G. and his party having arranged their plans, and equipped themselves for this expedition, they proceeded to the place where his information directed. They lay concealed about the mountain all the night till about day break, when they began their search ; and it was only after the most pointed and diligent investigation they were able to discover this extensive still. It was so constructed that a person even of no ordinary penetration could scarcely be able to find it out, although within a few yards ; and if Mr G.'s information had not been particularly pointed, he might have been defeated in his object. It was a fifty gallon still, with every apparatus necessary for the concern. There were upwards of 300 gallons of wash and low wines. He destroyed all the articles, demolished the house, and brought away the still. This concern of itself, when carrying on, defrauded Government of about £100 sterling weekly of duties, besides the very great injury it was daily committing against the regular and fair trader. The particulars of this case were explicitly and correctly exhibited in the public prints, and notoriously known in the north of Scotland. Thus was he the means of again completely eradicating another dangerous and extensive concern, carried on in violation of the laws of the country.

On the 27th March, 1816, Mr G. had suspected some illicit transactions carrying on from the Highlands, and the delinquents' rout with their contraband goods to be by the woods of Drum. Accordingly, on the evening of this date, he proceeded to

Drum, accompanied by his servant Lobban and another. Mr G. had left his men a short way behind, when he fell in with two carts, accompanied by a party, of most desperate and determined resolution. In particular, one of them named Hay, a strong hardened desperado, who had no share of the goods, but merely employed by the others as a bully, to de-force the revenue officers in the event of meeting them. He had been in many a desperate affray of this kind, and was notoriously known to have been very successful in the field of battle. On the present occasion, he was not only well prepared for an attack, with a large bludgeon shod with iron, but he was also firmly resolved, as Lord Nelson said, to do his duty. Mr G. was attacked, and finding he was quite unequal to the task of subduing this party by himself, he only remained on the defensive, and kept them at bay by manœuvring, till his assistants arrived; then a most desperate engagement ensued. Lobban, one of his men, while in the act of defending himself with the butt-end of his pistol (which indeed was loaded) from a merciless stroke intended for his head by Hay, he broke the stroke, but it drove down the cock, and the contents of the pistol, consisting of three balls, were lodged near his groin. Thus one of Mr G.'s party was laid up, and he had the remaining part of the battle to conclude with his own hands. Hay still continued most determined, but Mr G. at last succeeded, by one stroke with a sabre, to end this bloody business. Hay's cheek was nearly severed from his face, and he gave up the contest. Mr G. however, about this time, was nearly experiencing a fatal blow: One of the delinquents had contrived to get him entangled between the carts, and was furiously driving up the one, as he was already on the side of the other; he, however, luckily discovered this scheme, and by a dexterous manœuvre he not only escaped the danger, but succeeded in getting this desperado entangled in the same trap he had laid for himself, by which he got his arm broke, and this finished the engagement. It will naturally be imagined that Mr G.

suffered severely in this desperate affair; but he succeeded in his enterprise, and brought away the horses and carts, and the delinquents themselves, and lodged them in his own house. He procured a surgeon, who dressed the wound inflicted on Hay, and his own servant had the balls extracted which were lodged in his body. The whisky in the carts was in all about ninety gallons; but from one of the carts being overturned in the scuffle, there were about 20 gallons destroyed. This case ended in a trial, and Hay was sentenced to 9 or 12 months imprisonment.

The next case which we shall submit happened on the evening of the 30th July, 1816. Mr G. discovered a strong party approaching the Cot Town of Kintore, from the Highlands, on the Don side. He and his assistants concealed themselves in a gravel-pit till the smugglers came forward. At this time Mr G. had his dog, but his servant had him leading in a rope. On their near approach, he discovered four horses loaded with contraband goods, and a party accompanying these, of from eight to nine persons. He immediately sprung forward, and required them to surrender. They seemed determined, however, to resist, and while part of the gang were engaged with him and his party, others of them were driving the horses off to the hills. Mr G. fired a pistol at one of the horses, but the shot went through one of the ankers of whisky; he immediately cried to his man to let loose the dog, whom he desired to seize the horse. The animal immediately did so, and the horse soon discharged the cargo off his back by his jumping and kicking. At the desire of Mr G. he seized them all, one by one, till every thing was laid on the field as correctly as if it had been done by the hands of men. Indeed, he was so trained, that even when any of the horses were running past him, that had no load on their back, he paid no attention to them, but only to those who were loaded; and when he seized them, it was always by the nose, which he would never lose hold of until the goods were either thrown off, or in the possession of his master. The delin-

quents were in complete confusion, and accordingly made off in different directions. The quantity seized on this occasion was from sixty to seventy gallons, thirty of which, however, were lost by staving, &c. From the situation of Mr G. and his party, and the smugglers driving away their horses, it was impossible to have made the seizure complete had it not been for the dog in question; and the place where this encounter happened exhibited the conclusion of a battle which might have done honour to a hero,—ankers lying here and there, tartan plaids, blue bonnets, and curricks (used on the horses' backs for carrying the whisky), lay scattered up and down for nearly a mile round.

On the evening of the 1st August, 1816, (two days after this last encounter) Mr G. had a more desperate task to perform. A Mr Ingram, an officer of the revenue, and residing in Monymusk, called on him, and acquainted him that a band of smugglers had been seen passing from the Highlands towards Aberdeen. Mr G. after considering the time of night they were last discovered, and the rout they were then taking, instantly formed the resolution of proceeding to the Bridge of Dyce, Donside. A party was collected, and they all arrived there betwixt 11 and 12 at night. About half an hour after, four carts and eight men were advancing on the old road from the Highlands, and near to Parkhill. Mr G. instantly made an attack, and required a surrender; but he little knew at that time the desperadoes he had to encounter. Norman M'Hardy, and other two of the same name, a Donald Cumming, and other four, some of whom were under sentence of outlawry, formed the group. This M'Hardy and his adherents had committed many depredations in the south, and he had even deforced all the revenue officers there, who had attempted to stop his career. They refused to surrender, and formed themselves in the order of battle; some of them then began to drive their carts furiously along the road, and Mr G. to prevent their escape, immediately fired at one of their horses, which

was killed. He left two of his men in charge of this cart, and followed the delinquents, who went off the road, and proceeded down a narrow avenue which led to some of General Gordon's parks. Mr G. continued his pursuit, which he was only able to do from the noise of the carts; as the darkness of the avenue precluded him from seeing the delinquents. He knew his party were following in the rear, and therefore his only object was, to keep the gang in manœuvring till they should arrive. At the end of the avenue, a large iron gate prevented their proceeding farther, and Mr G. rode up within a few yards of them. One of them called out his name, and swore that if he proceeded one step farther, his brains would be blown out. Soon after, a random shot was fired, which killed Mr G.'s dog, who was standing close by him with his mouth muzzled, as he had not yet thought it time to let him loose. This was very aggravating to Mr G. who valued his dog very much, and would not have disposed of him for 100 guineas; yet he commanded his temper, and continued in a firm resolution. His party soon came up, and after some struggle, and by Mr G.'s flattering them, they surrendered, and agreed to go peaceably to Aberdeen, on his promising to give them back their horses and carts. This well-timed policy saved a deal of bloodshed, which, in such desperate cases, is surely commendable. Mr Ingram arrived after the seizure had been completed, and he excused himself by saying, that being on a strange horse, the shot fired had so frightened the animal, that he could not proceed. They now proceeded towards Aberdeen, with four carts containing 200 gallons of whisky, and five of the smugglers, three of them having previously made their escape. Besides bludgeons and fire-arms found in the possession of this banditti, the fore-end of their carts contained large quantities of stones, of a sizeable shape for an engagement, which afterwards was acknowledged to have been the end for which they were there. After landing the seizure in safe custody about three o'clock in the morning, Mr G. had the

smugglers secured and put into confinement, which ended in a Justiciary trial, and the M'Hardy's were sentenced to 9 and 12 months imprisonment,—not indeed until some revenue officers were brought from Dundee or Perth, to recognize them as the part of a gang who had carried on their illicit practices in the south to a great extent, and deforced every officer who ventured to disturb them.

The next engagement, and in which Mr G. suffered severely, was on the 30th December, 1818. On that day, he received information of a numerous and desperate gang of smugglers, on their way from the Highlands to Aberdeen; he accordingly, on the evening of that day, prepared himself for the attack, taking with him two assistants. Mr G. arrived at a place on the old road leading from the Highlands, and near Kintore, and which appeared a very eligible situation to intercept the delinquents, as there was a deep ditch on each side of the road, to prevent their escape. He placed one of his assistants at a considerable distance to be on the look out, and the other, in like manner, was stationed at another place. Mr G. himself took shelter among some heather, at a short distance from the road, where he lay concealed till he heard the approach of horse. He stripped himself of his great coat and neckcloth, so that no advantage could be taken; and when they arrived nearly opposite, he started forward, with a sabre in one hand and a pistol in the other. He required the delinquents to surrender, but was a good deal surprised to find from 10 to 12 Highlanders his opponents, having along with them eight horses, all loaded with whisky. They were determined to resist, and three stout fellows came forward and attacked him, while the rest continued with the horses. A desperate battle ensued, and a person who had got behind Mr G., unperceived by him from the darkness of the night, seized hold of his sabre. He still held it fast by the hilt, and defended himself from the blows of those who were confronted to him, by the butt-end of his pistol; but they succeeded in getting him

thrown on his side, where he was crushed down by three or four fellows above him, who continued beating him in a most unmerciful manner. The sabre was twisted out of his hand, although he still kept possession of the pistol, which had not yet been discharged, and with which he warded off several strokes made at him with the sabre which the fellow had wrested out of his possession. He, however, was still kept down, and a stroke with the sabre laid open his chin to a great extent. He could no longer coolly submit to be murdered, and accordingly he fired his pistol at the fellow who inflicted this wound, the contents of which lodged in his thigh, and he instantly retired. One of these desperadoes had fastened his hand about Mr G.'s neck, and his thumb and fingers so placed on his wind-pipe, that if he had not by a sudden jirk, with the assistance of one of his hands which was still at liberty, loosed his hold, and caught the depredator's thumb between his teeth, he must have undoubtedly been strangled. Mr G. still keeping fast the thumb between his teeth, the fellow by pulling and twisting assisted him to get on his feet, which when he had accomplished, he discovered one of his assistants with a spare sabre in his hand, which he immediately got hold of; and just at this time, the person whom he had formerly wounded in the thigh, came forward a second time, and made a stroke at Mr G. with the sabre he had forced from him, which he warded off with the one he had now in his possession. He finding no other alternative, pulled another pistol from his pocket, and wounded this daring delinquent a second time in the shoulder, when he made off. Finding this banditti increasing in numbers, he had recourse to a stratagem, which he was always in the practice of pursuing. He carried with him white cotton belts, resembling those worn by the military, and these served a double purpose: 1st, When put on his assistants, it distinguished them from the smugglers, and prevented any mistakes in the scuffle; and, 2dly, That it terrified the depredators in a more particular manner, as they considered

them part of a military force. Mr G. in the present case, having equipped his assistants in this garb, he called on them as soldiers to fire, and, as was preconcerted, they all fired together; on which, this desperate and lawless banditti instantly fled to the hills. He now secured what remained of this contraband traffic, consisting of five horses, and one shot, two having been carried off in the struggle. There were 160 gallons in whole. This was a serious engagement for him. Independent of the serious cut in the chin with the sabre, he received many other wounds on his body, and was otherwise bruised inwardly, by all which he was seriously indisposed for long after. However, these delinquents, or at least the principal leaders, were outlawed for non-appearance to stand trial before the High Court of Justiciary; so that Mr G. thus rid the country of another desperate and dangerous banditti, who carried on a most alarming and extensive illicit trade, to the great hurt of the revenue and injury of the fair trader.

On the evening of the 11th of November, 1819, Mr G. received a special information of a smuggling lugger landing a quantity of contraband goods on the coast, in the shire of Mearns, and nearly 30 miles from his residence. Thither he immediately repaired, taking with him two assistants, and appointing his Supervisor to meet him at Stonehaven. When he arrived at the appointed place, he found the whole coast in a state of blockade, and besieged and waylaid by numerous groups of officers, tidewaiters, and assistants. Mr G. however, immediately set to work, and after some little minute search, discovered a fraudulent concealment very judiciously erected in the sand, and which was overflowed every tide, in which he found 29 ankers of gin and 10 tubs of brandy, to the no small dismay and astonishment of his brother officers, who had repeatedly walked over the same spot without suspicion. After having deposited this seizure safe in custody, he explored a great part of the coast in the neighbourhood, when he discovered several very artful concealments of

long standing, capable of containing from 50 to 100 ankers at a time, and some of them indeed were but apparently only newly emptied of their cargoes. He completely destroyed all these injurious and illegal recesses, to the no small mortification of some of their proprietors, who were standing near by at the time. It is a fact no less notorious than true, that these concealments had been illicitly employed for upwards of 50 years, and which could have contained a whole ship's cargo at once. They were, besides, so securely built with oak wood, chalked with oakum, and coomceiled, that any goods, of however perishable a nature, might have lain there without the smallest injury, and indeed for any length of time. These, as computed, defrauded the revenue and fair trader of many thousands of pounds yearly, and that too for upwards of half a century. Mr G. next discovered the principal delinquents concerned with this extensive smuggle, whose names he regularly reported to the Board, and they were prosecuted for the penalties. This extensive seizure and discoveries, however advantageous it was for the revenue and fair trader, turned out a losing concern to himself. He paid alone for information-money nearly £60 sterling, which, along with the expences in keeping himself and party for several days and nights, and conveying the seizure by carts to the Excise Warehouse, bore hard on him. In short, after the goods were sold, (which took place at Leith) and deducting the King's share, solicitor's fees, expences, &c. he may venture to affirm, that he was at least from £30 to £40 out of pocket. This, it will readily be admitted, was extremely hard; and although he did respectfully lay these circumstances before the Hon. Board of Excise, praying for some indemnification, yet he has hitherto been unable to realize any part of his outlay. As already observed, he has always been in the practice of handsomely rewarding informants, and in the present case he stepped a little beyond his accustomed liberality, not only on account of the very great benefit it was rendering the Revenue, but also through the cir-

cumstance of a brother officer, in Stonehaven, having about this time secured an anker of foreign spirits under conveyance on an old man's back, on the public turnpike, for which he was rewarded with the whole seizure, without any deduction of King's share, or other expences whatever.

On the evening of Sunday the 31st of January, 1820, he was again informed of a large quantity of Highland whisky, on its way to the Aberdeen market. He repaired to Deeside with two or three assistants, and stationed himself in a wood at the side of the turnpike road, a place he judged to be well calculated for detecting the smuggle. He had not been long there, when, between the hours of twelve and one of the following morning (Monday), he heard the approach of horses. He had scarcely made the necessary arrangements, when eight horses, with ten stout Highlandmen, all armed with bludgeons and other lethal weapons, made their appearance. With one assistant he attacked this formidable banditti in front, while two were stationed in the rear, to prevent escape. After some altercation, and with a very great degree of reluctance, they surrendered, having 150 gallons of aqua. Being very dark, and Mr G. dreading an attempt to rescue, he very wisely lodged his seizure in a small public-house not far distant. This was a very judicious calculation, as he had not the goods well secured, when 8 or 10 of an additional number of desperate and determined smugglers, connected with the same goods, made their appearance, and were well determined to carry off by force their whisky; but Mr G. by well-timed policy and flattery secured their good will till day-light, when finding themselves discovered they marched off, leaving however a few of their number, who became extremely obstreperous and noisy, and determined to fight their way; but Mr G. as on similar occasions, courted their friendship, and thus saved farther altercation and bloodshed. Thus much more good may result, in many instances, from well timed courtesy, than from an imperious and haughty tone of vociferation; and

had this not been adopted on the present occasion in the outset, the consequences would undoubtedly have proved fatal to some of the parties.

In the month of February succeeding this last encounter, Mr G. with only one assistant, met in with a posse of armed delinquents, consisting of from between 12 to 14 in number, and having under their conveyance 80 gallons of aqua. The smugglers, perceiving the smallness of the number they had to encounter, were determined not to surrender, and accordingly attempted to drive away their foremost horse. On which Mr G. immediately called out as it were for the rest of his party to come forward to his assistance, although he well knew he had none at hand, at same time wounding the horse with a pistol-shot. The delinquents immediately took fright and fled in all directions, leaving him in possession of their whisky, although they contrived however to carry off their horses. From the darkness of the night, he could not discover the direction of their retreat, but he was well contented at securing what he did, considering the weakness of his party. He is convinced, that had he not adopted the above plan in the outset, he would not have secured one drop of the whisky, besides he ran a great risk of suffering severely at the hands of these merciless outlaws.

From this last mentioned seizure till the end of the year, nothing farther particularly occurred, except his seizing on three different occasions, 284 gallons of aqua, 4 horses, and 1 cart, which were all accomplished without much resistance—although, indeed, he had to kill two horses that were making off with goods:—but,

On the 1st of January, 1821, he had to encounter a scene of a different description. Having received an information of a strong body of delinquents on their route from the Highlands, with a number of carts full of whisky, he repaired with his party to the north of Don, a distance of about 12 miles, to intercept them. After lying in ambush for a considerable time in a cold stormy night, two carts at last approached, at-

tended by a numerous group of armed delinquents ; and being stationary in the middle of a wood, there was no chance of escape but in the front and rear. When Mr G. made the attack in front, his assistants in the rear were equally prepared, so that in the hurry and confusion occasioned by the sudden and unexpected interception, the greater part of the smugglers made a hurried retreat, leaving only two men who were driving the carts, containing upwards of 80 gallons of aqua. This seizure was conveyed by Kintore ; and he and his party having been much wearied and fatigued by over exertion, and the horses completely worn out, he proposed to take some refreshment at Kintore. After stabling the horses, some of Mr G.'s party were stationed at the carts to prevent delapidation, and the others proceeded to the inn. They were scarcely seated, when a general uproar commenced at the door. Mr G. immediately went out, and to his astonishment found his men and whisky besieged by a band of ruffians from 20 to 30 in number, who seemed determined to have back the seizure. He remonstrated with these delinquents on the impropriety of their conduct, but this only incensed, instead of alleviating their conduct. They proceeded from one extremity to another, till they latterly seized him by the neckcloth, with the evident intention of strangling him, when it was found necessary to use other means. Himself and some of his assistants were severely wounded at this time with sticks and stones, by unknown persons ; yet, notwithstanding, he kept cool and determined, although he had in his possession plenty of loaded fire-arms, by which he could have killed some of these miscreants : he was however under the necessity of using his sword, and dispersing these outlaws by force, not indeed until some of them were severely wounded. Dreading a reinforcement of delinquents, he made every possible haste to proceed forward, as in the event of a second attack, he was fearful of being obliged to use his fire-arms ; and therefore foreseeing that, if this was found necessary, there

would be less chance of injuring the innocent instead of the guilty, when removed from the outskirts of a town. Contrary to expectation, however, he reached home without molestation. This seizure is mentioned more on account of its singularity than its magnitude; and Mr G. was highly extolled in the public prints for his candour, patience, and judicious conduct, on such a lawless and trying occasion.

From the date of the above, till the 8th of February following, he seized upwards of 200 gallons of aqua, besides upwards of 50 gallons of whisky destroyed, and secured six horses and one cart; several horses however were killed in these skirmishes, and he received three several severe wounds by stones and sticks from some of the smugglers, who made their escape. It will be particularly remarked, that the most of all seizures, in the Highlands at least, are made under cloud of night; and it is almost impossible, when surrounded by a posse of desperadoes, to discover exactly the most criminal of them, as they always, when defeated, make their escape, Mr G. and his party having enough to do in securing the seizure, and conveying it in safety. He suffered much for some time from the wounds inflicted in the above encounters.

On the 19th of May, 1821, when he was surveying his division along with his supervisor and another officer, he discovered at an inn on Deeside some very suspicious smuggling characters, which induced him to believe that their goods were deposited in the neighbourhood, to wait the return of night. He therefore suggested the propriety of a search, which was immediately commenced and continued with unwearied and fruitless exertion, till his companions were completely tired and worn out. They proceeded to the inn to partake of some refreshment; and after a little conversation, Mr G. proposed another search, but this was opposed by his supervisor as fruitless, after the very minute investigation already made; however, it was reluctantly agreed to, and Mr G., within about twenty minutes thereafter, fell

in with 150 gallons of aqua, artfully concealed below a bending bank. On giving a signal to his supervisor to come up to him, he would scarcely credit his report; but he was no less astonished than surprised, on viewing such a number of casks so artfully stowed as these were. On the 22d and 29th of June following, Mr G. made another seizure of 42 gallons of aqua from several unknown persons, but this was effected without any disturbance or opposition.

On the 6th and 30th August following, he had a more dangerous encounter to abide. He received a special information of a formidable banditti on their way from the Highlands, with a large quantity of contraband goods, and he and his assistants assiduously watched their approach. On this, as on many similar occasions, when danger was in the way, Mr G. put into the possession of his men white belts, resembling those worn by the military, as before described, to prevent confusion in the dark. The delinquents accompanying this seizure were well known to him, as some of the most desperate of their kind, and he made arrangements accordingly. A most desperate engagement ensued. Mr G. had his sword-arm nearly broke from a blow with a bludgeon, and he was otherwise severely cut; some others of his party were severely maimed on their heads and bodies. Mr G. immediately grasped his sword by his other hand, and he cut several of the delinquents severely, and they all immediately thereafter made their escape. He, however, secured 180 gallons, two horses, and two carts, and about 40 gallons were destroyed—two horses were shot in the engagement, and others were wounded.—Mr G. suffered severely from this engagement.

He had several skirmishes from this last date till the 8th of February, 1822, and he seized on these occasions 154 gallons of aqua and two horses. About 20 gallons of aqua were destroyed, and several horses were wounded and escaped, which arose chiefly from the want of a sufficient party on these occasions.

From this till the 9th of July following, he on

several occasions seized 328 gallons of aqua, with eight horses and three carts, and destroyed upwards of 30 gallons of spirits, besides wounding several horses.

From the 12th of October, 1822, till the 27th of November following, he seized 255 gallons of aqua, the greater part of which was discovered under very artful concealments. In making these discoveries and detections, he expended very large sums to informants, for informations and other outlay. It may very naturally occur, that Mr G. must have reaped much benefit to himself from these detections, but it is a fact no less notorious than true, that by the greater part of them he was considerably out of pocket.

From the above last date till the 30th of August, 1823, smuggling became less prevalent through his division; but he, on different occasions, and at different times, during this period, seized from various unknown persons 309 gallons of aqua, and destroyed upwards of 50 gallons.

His next seizures, however, are of a very different description from those lately taken notice of. Towards the latter end of January, 1824, he received a special information of one of the most powerful and formidable gang of outlaws that ever graced the page of delinquency, having assembled in the Highlands, and collecting a large quantity of aqua, which they were not scrupulous in publicly declaring they were to accompany to Aberdeen, and if interrupted by any set of officers of excise whatever, they were determined to send the whole of them to the devil. Mr G. not doubting the sincerity of their inclinations, and undaunted by their professional threats, assembled his few assistants, and made every proper arrangement for the attack, provided he was so successful as meet in with these outlaws. He proceeded towards Inverury about the midnight hour, and as there were different roads in the neighbourhood by which these delinquents could pass, he divided his party into sentries, to prevent an escape. All these preliminaries being properly adjusted, and each in-

dividual at his post, it was not long before a thundering noise of carts was distinctly heard. Dreading that this was the approach of the formidable band of smugglers, he was in a very awkward predicament. His small party were distantly scattered on their several stations, and he had now no more with him than one assistant at the time ; but he was determined, whatever might be the consequences, to prevent their escaping with impunity. The cavalcade soon arrived, but Mr G. was much astonished that his account of the formidable possé was not exaggerated. He triumphantly attacked the foremost of the gang, when all of a sudden ten carts and horses, with from 25 to 30 men, halted and appeared before him. The whole carts were full of illicit whisky. This formidable group were very indifferent to his threats, and looked upon him with his assistant in a scornful way, and were proceeding onwards, when he immediately fired and killed a horse. The next shot he had occasion to discharge went through the shoulder of a robust delinquent, while in the very act of bringing down upon Mr G.'s head a large bludgeon, which would undoubtedly have felled him to the ground, if the ball had not taken proper effect. The whole gang were now upon Mr G. but by this time the rest of his party had assembled through the firing, when a terrible conflict ensued. Bloody heads, hats rolling on the road, the reports of alternate firing and other noise, resembled more the battle of Waterloo than the interception of a band of lawless desperadoes ;—but in the end they were obliged to lay down their arms, and submit to the laws of their country. Mr. G. and his party were all and each of them much debilitated by severe wounds and bruises, and loss of blood ; but the greater part of the smugglers were in a much worse situation. It was fortunate no lives were lost on this memorable occasion ; although Mr G. will, no doubt, carry some of the wounds he then received with him to the grave. Upon examining the contents of this seizure, he found that he had 410 gallons of aqua in his possession, and 80 gallons de-

stroyed. He had besides 14 horses and 10 carts; all of which he conveyed to the Excise-office, Aberdeen, excepting two of the horses, who died of their wounds.

From the date of the last seizure till the 22d day of October, 1824, he at different times, and from various unknown delinquents, seized 387 gallons of aqua, and destroyed upwards of 40 gallons. He also, on these occasions, seized ten horses and five carts.

From the date of these last seizures till the 23d Dec. 1824, he seized at Mill of Portstown and White-rashes, 190 gallons of whisky, eight horses and six carts conveying the same; and he destroyed at the same time about 35 gallons in the encounter with the smugglers, which could not be avoided, as they were very obstreperous, and seriously maltreated and bruised his assistants, as well as himself, who were attended by surgical aid for a considerable time afterwards.

The following are extracts from Mr Gillespie's report of the seizures at Mill of Portstown and White-rashes, to the Board of Excise, dated Feb. 2, 1825:—

“ On the evening of the 22d, I received a special information of a formidable band of smugglers on their route from the Highlands towards the Aberdeen market. I immediately proceeded to the place with several assistants, two of whom, viz. George Brownie, residing at Kirktown of Skene, and William Jenkins, my servant, I despatched towards Mill of Portstown, while I remained with the rest at Inverury.

“ Early on the morning of the 23d December, five horses and five carts, with two horses bearing curracks, accompanied by between 14 and 20 men, having 170 gallons of whisky, approached towards my sentries at Portstown, whom they immediately seized and made prisoners. Brownie was most maliciously maltreated, and has been confined to his bed, and under the charge of a surgeon, and is also likely to lose the power of his right arm, from the bruises he received from the smugglers. Jenkins, who was

on horseback, by a dexterous manœuvre, had to knock down one of the smugglers, who had hold of his horse's bridle, and made towards me with the information. I immediately proceeded with my party towards Keith-hall, where I fell in with John Robertson, residing at Bridge of Don, and William Coutts, also of the same place, conveying 40 gallons of whisky on two horses. They made considerable resistance before surrendering, and Coutts received a cut on one of his hands by a sabre in the scuffle. After depositing this seizure at Mr Thomson's inn, Inverury, I hired horses for my party, and proceeded towards the Bridge of Dyce, a distance of about 12 miles, in order to intercept the remainder of the smuggle; but finding they had not passed there, I proceeded towards Whiterashes, where I discovered the five horses and five carts secretly concealed at the back of William Fraser's, jun. vintner, Whiterashes, barn; that is to say, the carts were at the back of the barn, and the horses in his stable; the harness was judiciously concealed in a locked-up barn belonging to Fraser.

“ It may be necessary here to remark, that George Brownie, before mentioned, followed the smuggle, and saw it deposited at Whiterashes. The reason why I proceeded from Inverury to the Bridge of Dyce, was to prevent the goods getting into Aberdeen; and having strong suspicion of its being conveyed by the Old Meldrum road, I took my direction accordingly that way. When I arrived at Whiterashes, I discovered as follows:—

“ I found in the premises of William Fraser, jun. vintner, Whiterashes, the five horses and five carts, as originally discovered by my sentries, viz. Brownie and Jenkins, upon which I immediately proceeded to search for the whisky. When I was at this duty, I discovered some of Fraser's inmates running about, carrying apparently casks, and I proceeded with my party towards his house. I found a 20-pint anker in Fraser's dunghill, and other three in his byre and stable, covered over with straw. I also found in his house two notorious delinquents, Ebenezer Bain and

Peter Bain, residents in Powneed, Cabrach, and other four unknown persons in bed. This Fraser is reputed for harbouring delinquents against the Excise laws; and he, as well as the following persons, are in circumstances to pay the statutory penalties:—

“ I found in Alexander Greig’s, Whiterashes, brother-in-law to Fraser, and who resides in the same premises, two casks containing 20 gallons of whisky, and they were secretly and securely locked up in two chests within his dwelling-house.

“ I found in William Fraser’s, sen. Whiterashes, father of William Fraser above, six casks, containing 45 gallons of whisky, securely locked up in his premises.

“ I found in George Strachan’s, Whiterashes, son-in-law to William Fraser, sen. four casks of whisky, containing 40 gallons, artfully concealed in a bed in his dwelling-house.

“ It will be observed, that several of the above casks were not nearly full; and it is suspected that Fraser, jun. and his friends had got some of the contents.

“ In short, William Fraser, jun. first above mentioned, and his servants, were extremely violent and outrageous; and had I not managed with coolness and flattery, I am certain I would not have been able to effect the capture of a single drop.

“ William Fraser, jun. his wife, and servant-maid, along with William Fraser, senior, and Alexander Greig, can bear testimony to the persons who accompanied the whisky, and who were in bed at the time of the detection, and my own party above mentioned, can depone to Ebenezer and Peter Bain, who have respectable farms in the Highlands, and are in good circumstances, having accumulated wealth from smuggling alone, for a series of years. My supervisor, Mr Hunter, holds in his possession a disclaimation to the horses, carts, and whisky, signed by William Fraser, jun. William Fraser, sen. Alexander Greig, and George Strachan, all residing in Whiterashes aforesaid; also the disclaimation of Robertson

and Coutts, at Bridge of Don, for the condemnation of their two horses, with 40 gallons of whisky, which, along with the evidences before alluded to, will, I humbly presume, bring home the cause against one and all of the delinquents.

“ I beg leave to add, that James M^cQueen, William Jenkins, and George Brownie, are all my assistants, and will be found at my house, Crombie Cottage, Skene, by Aberdeen, when required.”

The next seizures worthy of recording were made by him from the 20th January to December following, consisting of 174 gallons of whisky, four horses, and one cart, and 26 gallons destroyed. These were made under very peculiar circumstances, and much resistance was made by the smugglers, some of whom had in their possession pistols loaded with slug, &c. but Mr G. succeeded in securing them, and lodging them in jail, where they remained for six months, in virtue of a sentence of the Justices.

From the 20th to the 31st of March, 1826, he was not idle, for he seized four horses and one cart, conveying 123 gallons of whisky, 10 gallons, however, were destroyed in the attack; and after considerable resistance, he succeeded in securing five of the smugglers, whom he carried along with him as prisoners.

In the last place, we have to take notice of a seizure he made on the morning of the 16th of April, being Sunday, under conveyance by a horse and cart, escorted by two delinquents, one of whom being on horseback made a precipitate flight, and escaped in the bustle. There were in the cart eight casks, containing nearly 80 gallons of whisky. This happened about three o'clock in the morning. Such a flagrant breach of the revenue and moral law shows to what extent these fearless outlaws will venture with their nefarious traffic, in defiance of the laws of God and man, which surely loudly calls for that punishment they justly merit.

Many individuals not immediately acquainted with

the nature of Excise service, and the difficulties and expenses attending the seizing and detecting the contraband traffic, will very naturally anticipate, that he has, by his success, ere this time, amassed a considerable fortune ; but the whole, or at least the greater part of the seizures herein alluded to cost him £1 per anker, besides much more unavoidable expenses and outlay. It will also be observed, that he had to keep up three or four men at board, lodging, and pay, besides some additional remuneration on each seizure, all of which came out of his own pocket. When all these, therefore, are deducted from his share of a seizure (for he received no indemnification from the King's share), it will be found that he put but little in his own pocket, and in many instances he was a considerable loser.

This is but a faint outline of a few of the many severe encounters Mr G. has had in his exertions to suppress the alarming and extensive operations of a dangerous and lawless set of men carrying on an illicit trade, ruinous to the revenue, and most destructive to the fair trader ; in doing of which, however, he has been the means of driving from the country a great part of these desperate delinquents, by which he has ruined his constitution, and labours otherwise under inward bodily infirmity. He has no less than forty-two wounds on different parts of his body, and all inflicted by these extraordinary characters, while he was employed in the execution of his duty, as before mentioned ; nor, what is more remarkable, was Mr G. ever, in one single instance, completely defeated in all the different engagements he had with the smuggler, having always in the end ultimately succeeded in making the seizure, or defeating the object of the delinquent.

He has, since his appointment to the Skene district alone, independent of his former exertions, seized and destroyed several thousand gallons of contraband whisky, besides as much of wash, and other illicit liquids. He has destroyed many implements of distillation unlawfully used, carried off stills, and erased

those hidden and secret huts which screened the depredator in his nefarious traffic. Mr G. by his continued and unwearied exertions involved himself in debt, and was actually in bankrupt circumstances a short time ago. There is very frequently as much expense incurred in the seizure of two or three gallons, as in as many hundreds; and as many of his detections were but small, consequently his expenditure has exceeded his proportion of the seizure. Indeed, captures of the greatest magnitude are attended with very great expense; for, in a country where the inhabitants are almost wholly connected in the illicit trade, it is difficult to find a person among them who can be prevailed upon to give information against his neighbour, and nothing short sometimes of more than the officer's share of the seizure can induce the informant to divulge the secret. It has been principally in this way that Mr G. involved himself in debt.

The following is an Abstract of the Seizures made and destroyed by M. Gillespie, as referred to in the foregoing Memoir.

Foreign Seizures while stationed at—

	Seized.	Destroyed.
Colliston,.....	10,000 gals. 15 horses, 15 carts...	1000 gals.
Stonehaven,...	4,000 gals. 18 horses, 13 carts...	800 gals.
Skene,.....	291 gals.	
Other places,..	100 gals. 4 horses, 2 carts...	25 gals.

British Seizures made while stationed at—

Colliston,.....	300 gals. 7 horses, 4 carts.
Stonehaven,.....	600 gals. 17 horses, 12 carts.
Skene,.....	3,759 gals. 92 horses, 33 carts.
Other Places,....	1,000 gals. 12 horses, 3 carts.

British Seizures destroyed while stationed at—

Colliston,....	17 stills, 20 gals. aqua,	900 gals. wash.
Stonehaven,	20 stills, 100 gals. aqua,	1,000 gals. wash.
Skene,.....	330 stills, 600 gals. aqua,	60,000 gals. wash.
Other places,	40 stills, 150 gals. aqua,	500 gals. wash.

Seized since date of last Seizure referred to in the Memoir, from May 9 to May 19, 1826,—

206 gals. aqua, and 3 carts.

Unto the Right Honourable the Lords Commisioners of his Majesty's Treasury,

The humble Petition of Malcolm Gillespie, Officer of Excise, Aberdeen 3d Ride, Aberdeen Collection, Scotland,

VERY HUMBLY SHEWETH,

THAT your Petitioner begs leave to produce herewith a short Memorial, to which is annexed an Abstract, containing part of his past services since he has been an Officer of the Revenue, which, while it exhibits only a faint outline of a few of the many cases in which your Petitioner has been engaged now during these twenty-eight years, yet it exposes some of the difficulties he has had to encounter, and the narrow escapes he has undergone, in detecting the lawless and illicit banditti.

That your Petitioner has been now upwards of 12 years in his present charge, and during the greater part of this time he has laboured under severe bodily infirmity from maltreatment received from desperate armed delinquents, while in the discharge of his duty, (*your Petitioner having no less than forty to fifty wounds and bruises on different parts of his body*); but notwithstanding of all these sufferings, your Petitioner as yet has not abated, as far as he has been able, his accustomed exertions in suppressing contraband traffic, so flagrantly carried on in this country, to the great injury of his Majesty's Revenue and Fair Trader.

That it is with regret, however, your Petitioner humbly begs leave to communicate to your Lordships, that, by his over-zeal for the public good, he has unavoidably involved himself in about L.400 sterling of debt, which, to those fully acquainted with the difficulties attending Revenue duty in this quarter, will excite no great surprise, par-

ticularly when it is considered that your Petitioner has been necessitated, for want of military aid, to keep a party of from five to six men as assistants, *on his own charges alone*, and without whom it would have been impossible for him, or any other similarly situated, to have attempted the interception of the armed delinquents who accompany their illicit goods, consisting in general of from twelve to twenty in number; and that, besides, your petitioner had to erect, at considerable expense, a temporary barrack for the accommodation of these men, that they might be ready on every emergency.

That it is solely on this account your Petitioner has been involved in pecuniary embarrassment; and, besides, he is burdened with a numerous family of young children, the greater part of whom are females, and being a widower, their situation becomes a more serious consideration to him. That your Petitioner having now no other alternative, he humbly throws himself on the bounty and liberality of your Lordships, who have hitherto uniformly been in the practice of rewarding meritorious services; and should you be pleased, in the mean time, to direct some remuneration to your Petitioner for the very great expenditure he has been at in making the numerous seizures as detailed in his Memorial and annexed Abstract, he will ever bow with respectful and grateful acknowledgment therefor.

That your Petitioner humbly begs leave to acquaint your Lordships, that the Honourable Board of Excise have ordered your Petitioner to be removed from his present charge to another in a distant part of the country, where his services could be of trifling consideration in comparison to his present Ride, where *he has no Duty-Traders under survey*, being only acknowledged by his superior Officers to be a preventive charge, and its local advantage of the first magnitude for the prevention of

smuggling. That your Petitioner's removal at present would be attended with very ruinous consequences to him, as he has again engaged his five assistants for another year, and these he has to pay, along with board-wages, for the full period of his engagement with them.

That, under all these circumstances, your Petitioner has been advised by the Noblemen, Gentlemen, Justices of the Peace, and the Licensed Distillers in the north of Scotland, to lay his case before your Lordships, not doubting but your Lordships, after maturely considering his claims, would amply reward him by remuneration, provision, or appointment to some situation suitable to his time of life and bodily infirmity; and they have humbly suggested your Petitioner's merit and qualifications to entitle him to a Collectorship of Excise or Customs, or even a Local Commissioner, a Distributor of Stamps, or, indeed, any other situation in the disposal of your Lordships, which would yield a competent subsistence for the support of himself and numerous family.

That your Petitioner humbly begs leave to annex hereunto a Copy of a Petition to the Honourable Board of Excise at Edinburgh, from the respectable distillers in the north, which was agreed to at their last general meeting, and a copy ordered your Petitioner at same time. That your Petitioner also humbly takes the liberty of annexing a Certificate in his favour to your Lordships, by several Justices of the Peace, Licensed Distillers, and the Lord Provost of Aberdeen, all of the highest respectability.

That, before concluding, your Petitioner humbly begs leave to suggest to your Lordships a situation which has been long in the contemplation of the General Supervisors, his Superior Officers, and his late Collector, Gray Campbell, Esq. viz. General Surveyor on the Coast and Interior of the Country; and his present abode is so centrally

situated for embracing this important duty, that a more select residence could not be procured in any other part of the country.

That your Petitioner humbly trusts your Lordship^s will forgive him in making the above propositions, as they are exhibited with all dutiful respect; and your Petitioner will bow with respectful acknowledgment to your Lordships for whatever remuneration, provision, or appointment, you may, in your enlightened wisdoms, deem his merits entitle him to. And moreover, that your Lordships may be pleased in the mean time to give directions for superseding your Petitioner's removal (which will take place within eight or ten days, if not otherwise prevented), at least till such time as your Lordships' farther pleasure be made known.

May it therefore please your Lordships to take the premises into your consideration, and to grant such relief, under all the circumstances of the case, as to your Lordships shall seem proper. And, as in duty bound, your Petitioner shall ever pray.

WE, the undersigned, his Majesty's Justices of the Peace and Licensed Distillers in Aberdeenshire, have carefully perused the Petition hereunto annexed, and printed Memorial of Malcolm Gillespie, Officer of Excise in Skene; and we do, without hesitation, certify that he has been a most active and meritorious Officer in suppressing smuggling and rooting out fraudulent delinquents.

We therefore earnestly beg leave humbly to recommend him to the attention of the Lords of his Majesty's Treasury, as a person worthy of their Lordships' patronage and support.

SIGNED BY

Alexander Duthie of Ruthriestone, Esq. J. P.
Alexander Crombie of Phesdo, Esq. J. P.

George Silver of Netherley, Esq. J. P.
 Barclay Allardice of Ury, Esq. J. P.
 Gavin Hadden, Esq. J. P. and Lord Provost of
 Aberdeen.

Wilson and Co. Blackburn Distillery.

A. G. Reid, Broadford Distillery.

Strachan, Mitchell, and Co. Monymusk Distillery.

James Nicoll and Co. Inverury Distillery.

William Robison, per Ingram, Lamb, and Co.
 Glengarioch Distillery, Old Meldrum.

William Anderson, for Barkmill Distillery.

William Davidson, Jun. for Glendronach Distil-
 lery Company.

W. B. Fisher and Co. Devanha Distillery.

Reid, Smith, and Co. Union Glen Distillery.

William M'Bain, Northton Distillery.

Henry Ogg and Co. Distillers, Aberdeen.

A. Murray, Glenbirdly Distillery.

James Rose, Rosevale Distillery.

Brown and Co. Glenburn Distillery, Aberdeen.

B. Brown, for Thomson, Elmslie, and Co. Gil-
 comstone Distillery.

Patrick Still, South Bridge Distillery.

Unto the Honourable the Commissioners of Excise,

*The Petition of the Subscribing Distillers in Aberdeenshire,
 duly Licensed,*

HUMBLY SHEWETH,

THAT it has come to your Petitioners' knowledge, that it is in the contemplation of your Honourable Board to remove Malcolm Gillespie, Officer of Excise, presently residing in Aberdeen Third Ride, to a distant part of

the country: That such a change and remove would be severely felt by your Petitioners, as he is, and long has been, the only bulwark and protection to your Petitioners' legal avocations, as regular, fair, and licensed distillers, paying important duties to the Revenue.

That it is to your Petitioners' knowledge, that, by his active and successful pursuits in the discharge of his duty in detecting and suppressing smuggling, your Petitioners have in a great measure to attribute the sale of their legal distillation in this quarter; and as they know of no Officer who could act so much for their benefit as Malcolm Gillespie, your Petitioners humbly make the following application:—

May it therefore please your Honours to continue the said Malcolm Gillespie in his present charge, for the benefit of the Revenue, and your Petitioners in particular; and, as in duty bound, your Petitioners shall ever pray.

(Signed) By Twenty Licensed Distillers
for themselves and Partners,
at a General Meeting held at
Aberdeen, 9th June, 1826.

Extract of a Letter from the Hon. Colonel Arbuthnot.

“Dorset Street, Portman Square,
6th Nov. 1826.

“My Dear Sir,

“On my return here, I found the inclosed letter from Mr Herries, with the accompanying note to him from Colonel Doyle, conveying the decision of the Board of Excise in the case of Mr M. Gillespie, which I regret is not more favourable to his wishes,” &c.

“Seven Oaks, 15th Oct. 1826.

“Dear Sir,

“I have only just now received an answer from the Excise on the subject of Mr Gillespie, on whose behalf

you spoke to me some time back, and put into my hands some papers, on which I made enquiry of the Chairman of that Board.

“ I think I mentioned to you when I saw you, that in matters of discipline and of the distribution of their Officers the Excise have full power, and are invariably left uncontrolled by the Treasury.

“ The accompanying note from Colonel Doyle will shew you what the feelings and disposition of that Board are towards Mr Gillespie, who appears to be a very respectable Officer.

“ I have the honour to be, &c.

(Signed)

“ J. HERRIES.

“ *The Hon. Colonel Arbuthnot.*”

“ Excise Office, Oct. 15, 1826.

“ Colonel Doyle presents his compliments to Mr Herries, and with reference to the inclosed papers on which Mr Herries requested that the Board's decision might be communicated to him, begs to inform him that the Officer in question, Mr Malcolm Gillespie, has been employed for twelve years in his present situation, and the interests of the Revenue require that he should be sent to another district, where his services may be beneficially employed. It is a part of the practice which the Board is desirous of extending into Scotland, that more frequent changes in the residence of Officers should be made than had heretofore been usual, and in the present instance they conceive the rule should be enforced. Mr Gillespie's services, in the peculiar line in which he was employed, have been marked by activity, and he has been successful in making seizures of illicit spirits in the Highlands; but he has not had any experience in the surveying part of the service, which could alone qualify him for promotion to a higher

station. There is no ground for his statement that he has been put to expense by his exertions, as his receipts from the produce of his seizures have been an adequate remuneration to him; and the assistants to whom he refers are understood to be persons whom he employs on a farm which he has taken in the place of his present residence, and which is the probable cause of his reluctance to quit it."

Extracts from an Explanation sent the Hon. Colonel Arbuthnot, to be presented to Mr Herries, of the Treasury, respecting the Board of Excise in London's decision in Mr Gillespie's case.

" Crombie Cottage, 18th December, 1826.

" Honourable Sir,

" I really feel much in troubling you, after the very kind and attentive manner you have so obligingly stept forward with your influence on my behalf. It was only the other day I was furnished with Colonel Doyle's letter to your honourable friend Mr Herries, of the Treasury, containing his sentiments on the subject of my application and relative papers, presented to the honourable the Board of Excise in London. After consulting with my respectable friends in the Counties of Aberdeen, Banff, and Kincardine, they wished me to set Colonel Doyle to rights, as he seems quite mistaken, or probably misled altogether, by a report of my case.

" It will be remarked, that owing to the very bad state of health I have long suffered under, at times affected with blindness, giddiness in the head, and other complicated disorders, I have been ill able to do justice to a regular duty charge, although I could usually, with the help of my numerous informants and five assistants, succeed in intercepting the illicit delinquents on their route from the

Highlands; and it has been chiefly owing to my unwearied and successful exertions in this very essential part of duty that I have been so long continued in this quarter, because it has been so notorious to the licensed trader, and to the Noblemen and Gentlemen, and public in general, of the counties of Aberdeen, Banff, and Kincardine, that no other Officer in the service of the Revenue could have the same command or opportunity in suppressing illicit traffic, at whatever disbursement or expense. And whatever qualifications I may have or experience, I humbly presume, that not one other Officer in the Revenue will attempt to supercede me in the exercise of the perilous and hazardous duty of detecting and suppressing illicit traffic, both foreign and domestic, as my printed Memorial will sufficiently exemplify. It has, therefore, proceeded from my own self-confidence in this particular, that I have long wished a situation as a Riding Officer on the Coasts and Interior of the Country in the Counties above alluded to, where my services could be essentially necessary; and it is a situation of this kind, or to continue me in the meantime a Seizing Officer; that I humbly move for, as it is very hard to have five men under engagement for this express part of duty, and other informants whereby, when unemployed, I incur a heavy expense.

“With regard to my receipts, as alluded to in Col. Doyle’s letter to Mr Herries, he seems to think that I have been very amply remunerated for the seizures I have made; but when the Hon. Gentleman takes it into his consideration, that many detections I have made were attended with even the double of the value of the seizure altogether in outlay by me, before I could effect it;—for instance, it sometimes happened that I and my assistants have been on the watch and out-look from twelve to sixteen nights at a time, before getting the object we were in pursuit of; and when we succeeded, my proportion of the seizure did

not nearly cover the one-half of the expenses I had been at in securing it, by paying *tavern-bills for refreshment*, one pound an *unter* for *information-money*, and other unavoidable necessary expense. I do not deny that I have, on many occasions, received at settlements from L.20 to L.100 sterling on seizures made by me ; but then it must be considered, as the fact stands, that these very seizures stood me in advance from L.150 to L.200 sterling, in the manner I have now explained, and it is by that I have been involved in pecuniary embarrassment.

“ Independent of explanation, I humbly presume that the allegation of my keeping five men employed on a small piece of ground of mine, consisting of *eighteen acres* of land, all in a perfect state of agriculture, is as ridiculous as it is completely false. The greater part of this small spot has been long laid out and continued in grass, for the support of a cow or two and several horses, for the use of myself, family, and assistants ; and *instead of keeping* five men to labour it, a *boy of twelve years of age is perfectly sufficient for all its needful purposes.*

“ The very handsome and generous manner in which the Noblemen, Gentlemen, and Licensed Distillers have voluntarily come forward on my behalf, to get me continued in *Aberdeen Third Ride*, where my services have been so conspicuously peculiar in the suppression of vice, and also for the interest of the fair trader, the names of the Hon. William Gordon, M.P. for this county, the Right Hon. Lord Viscount Arbuthnot, the Hon. General Duff, Sir Alexander Keith of Dunottar, and many others, of the highest respectability, whose names appear in my printed Petition, will, I humbly presume, amply satisfy the Hon. Board in London that I advanced nothing but what is strictly true. Without entering into a long detail of grievances, I shall only beg leave to refer my case entirely to Collector Campbell, now relinquished, under whom I have

served for upwards of *twenty years*, as also my Supervisor, Mr Hunter, now removed to Dunse. The General Examiners, Messrs Troup and Dumbreck, now Collectors of Excise, the former in Fife and the latter in Perth, will, I have no doubt, bear ample testimony to my indefatigable exertions, as well as Messrs Sutherland and Ure, Supervisors, who are well acquainted with my long and faithful services. Commissioners Rose and Cornwall, of the Board in Edinburgh, have long known me, and, I have no doubt, will not hesitate in giving every encomium in my favour.

• • • • •

By your laying these facts before the Honourable Board, through the medium of your Hon. friend, Mr Herries, of the Treasury, to whom, and to yourself, I shall ever bow with gratitude, and I shall feel very much obliged.

“ I have the honour to be,

“ Your much obliged and very obedt. humble servt.

(Signed)

“ M. GILLESPIE.”

REPORT
OF
THE TRIAL

OF

MALCOLM GILLESPIE, Officer of Excise, sometime residing at Crombie Cottage, in the parish of Skene, and of **GEORGE SKENE EDWARDS**, sometime residing there, for the crime of **FORGERY**,

BEFORE

Lords PITMILLY and ALLOWAY, in a Circuit Court of Justiciary, held at **ABERDEEN**, on the 26th of September, 1827,—when **GILLESPIE** was sentenced to be **EXECUTED** at Aberdeen, on Friday, the 16th of November, 1827.

WITH

The **SPEECHES** of the several Counsel, **CHARGE** of the presiding Judge to the Jury, and **ADDRESS** of his Lordship to Gillespie when condemned.

*Taken, in short-hand, by a Member of the Society of
Advocates in Aberdeen.*

☛ *The present Report has not been submitted for correction to the Witnesses or Speakers ; and any error appearing will not, of course, be attributed to them.*

TRIAL

OF

MALCOLM GILLESPIE

AND

GEORGE SKENE EDWARDS.

Counsel for the Crown.—ARCHIBALD ALISON, Esq. Advocate-Depute, and the Hon. ALEXANDER LESLIE MELVILLE, Advocate.—*Agent*, Mr WILLIAM SIMPSON, Procurator-Fiscal.

Counsel for Gillespie.—ALEX. M'NEILL, and CHARLES M'DOUGAL, Esqs. Advocates.—*Agent*, Mr CHARLES WINCHESTER, Advocate, Aberdeen.

Counsel for Edwards.—CHARLES NEAVES and WILLIAM DAUNEY, Esqs. Advocates.—*Agent*, Mr JOHN SMITH, jun. Advocate, Aberdeen.

THE Prisoners having been placed at the Bar, the Clerk proceeded to read the indictment.

INDICTMENT.

“MALCOLM GILLESPIE, now or lately officer of excise, and GEORGE SKENE EDWARDS, lately residing with the said Malcolm Gillespie at Crombie-Cottage, in the parish of Skene, and county of Aberdeen, both present prisoners in the tolbooth of Aberdeen, you are In-

dicted and Accused at the instance of Sir WILLIAM RAE of St Catharines, Baronet, his Majesty's Advocate for his Majesty's interest: THAT ALBEIT, by the laws of this and of every other well governed realm, FALSEHOOD and FORGERY, particularly the wickedly, fraudulently, and feloniously FORGING, FABRICATING, or COUNTERFEITING, or CAUSING or PROCURING to be Forged, Fabricated, or Counterfeited, the subscriptions of any person or persons as drawer, acceptor, joint acceptors or indorser of any bill or note for payment of money; as also the fraudulently, wickedly, and feloniously USING and UTTERING as genuine, or CAUSING and PROCURING to be USED and UTTERED as genuine, any BILL or NOTE for a sum of money, with any False, Forged, Fabricated, or Counterfeited Subscriptions adhibited thereto, as drawer, indorser, acceptor, or joint acceptors thereof, knowing the same to be false, forged, fabricated, or counterfeited, are crimes of an heinous nature, and severely punishable: YET TRUE IT IS AND OF VERITY, that you the said Malcolm Gillespie and George Skene Edwards are, both and each, or one or other of you, guilty of all and each, or of one or more, of the said crimes, actors or actor, or art and part: IN SO FAR AS, you the said Malcolm Gillespie and George Skene Edwards having conceived the fraudulent and felonious design of raising money for both and each, or one or other of you, by forging, fabricating, or counterfeiting the names of many of the lieges as drawers, acceptors, joint acceptors or indorsers of bills or promissory notes, and thereafter discounting the same for your own use and behoof at the offices of any of the public banking companies of Scotland, did, both and each, or one or other of you, on the 6th day of July 1826, or on one or other of the days of that month, or of June immediately preceding, or of August immediately following, within

the house then or lately occupied by you the said Malcolm Gillespie called Crombie Cottage, situated in the parish of Skene, and county of Aberdeen, or at some other time, and in some other place within the county of Aberdeen, to the Prosecutor unknown, fraudulently, wickedly, and feloniously forge, fabricate, or counterfeit, or cause or procure to be forged, fabricated, or counterfeited, a bill or note for £38 10s. sterling, conceived in the following or similar terms:—

£38. 10s. stg. *Crombie Cottage Skene, 6 July 1826.*

Nine months after date, pay me or order, within the Bank office, Aberdeen, the sum of Thirty Eight pounds ten shillings sterling for value received off

To Messrs Joseph Low, Farmer, Bogfairlie,

John Lawson, Farmer, Kinmundy, Alex^r.

Troup, Farmer, Longcairn, and John

Troup, Backhill, all in Newhills, conjunctly and severally.

and the said bill or note having been signed by you the said Malcolm Gillespie with the words 'M. Gillespie,' as the drawer and first indorser thereof, you the said Malcolm Gillespie and George Skene Edwards did, then and there, both and each, or one or other of you, fraudulently, wickedly, and feloniously forge, fabricate, or counterfeit, or cause or procure to be forged, fabricated, or counterfeited upon the said bill or note, the words 'Jos. Low, John Lawson, Alex^r. Troup, John Troup,' as the acceptors of the said bill or note, intending the said words 'Jos. Low,' to be in imitation of, and to pass for, and to be received as, the genuine subscription of Joseph Low, crofter and labourer, then or lately residing at Fairley or Bogfairley, in the parish of Newhills, and county of Aberdeen, and intending the said words 'John Lawson' to be in imitation of, and to pass for, and

to be received as, the genuine subscription of John Lawson, farmer or crofter, then or lately residing at Roadside or Lawsondale, Kinmundy, in the parish of Skene, and county of Aberdeen; and intending the said words 'Alexr. Troup,' to be in imitation of, and to pass for, and to be received as, the genuine subscription of Alexander Troup, senior, farmer or crofter, then or lately residing at Borrowstown, near Long Cairn, in the parish of Newhills, and county of Aberdeen; and intending the said words 'John Troup,' to be in imitation of, and to pass for, and to be received as, the genuine subscription of John Troup, sen. tailor and farmer or crofter, then or lately residing at Backhill of Countesswells, in the parish of Peter Culter, and county of Aberdeen: LIKEAS, you the said Malcolm Gillespie and George Skene Edwards having both and each, or one or other of you, time above libelled, or at some other time to the Prosecutor unknown, obtained the signature of Alexander Smith, then or lately residing at Blackhills, in the parish of Skene, and county of Aberdeen, on the back of the said bill or note, as an indorser thereof, did, both and each, or one or other of you, in pursuance of the said fraudulent and felonious design, on the 20th day of January 1827, or on one or other of the days of that month, or of December immediately preceding, or of February immediately following, within the office of the Aberdeen Town and County Banking Company situated in Union Street, in or near Aberdeen, fraudulently, wickedly, and feloniously use and utter as genuine, or cause or procure to be used and uttered as genuine, the said false, forged, fabricated, or counterfeited bill or note, having the said false, forged, fabricated, or counterfeited subscriptions thereon, knowing the same to be false, forged, fabricated, or counterfeited, as said is, by delivering, or causing or procuring to be delivered, the same then and there to James Westland, then or late-

ly teller in the office of the said Aberdeen Town and County Banking Company in Aberdeen, for discount, you the said Malcolm Gillespie receiving the full value thereof in money, after deducting the discount.’

The indictment proceeds in similar phraseology to charge the prisoners with forging the names of the persons appearing as acceptors to 7 other bills, and with uttering these bills knowing the same to be forged.

COPY OF SECOND BILL.

Crombie Cottage, Skene, 7th Octr. 1826.

£28. 18s. stg.

Six months after date, pay me or order, within the Bank office, Aberdeen, the sum of twenty-eight pounds eighteen shillings sterling, for value received off,

*To Messrs William Leith,
farmer, Moss-side, Auchlee,
William Nichol, farmer, Fifeshill,
and John Prott, Mill of Ordall,
in Peterculter, conjunctly
and severally.*

(Bearing to be signed)

*William Leith,
Will^m. Nichol,
John Prott.*

THIRD.

Crombie Cottage, 30 Sept^r. 1826.

£27. 9. Stg.

Six months after date, pay me, or order, within the Bank office, Aberdeen, the sum of Twenty-seven pounds nine shillings, for value received off,

*To Messrs James Anderson,
farmer, Lightwood,
Alex^r. M^rGregor, farmer,*

*Herron, and Alexr.
Johnstone, farmer &
miller, Milltown, Herron,
all in the parish of Upper
Banchory, conjunctly &
se'ally.*

(Bearing to be signed)

*James Anderson,
Alexr. Macgrigor,
Alexr. Johnston.*

FOURTH.

£18. 6s. Stg. *Crombie Cottage, Skene, 4 Octr. 1826.*

Six months after date, pay me or order, within the bank-office, Aberdeen, the sum of eighteen pounds six shillings sterling, for value received off

*To Messrs George Law, farmer,
Auchlee, and John Troup, farmer,
Backhill, both in the parish of Peterculter, conjunctly
and severally.*

(Bearing to be signed)

*George Law,
John Troup.*

FIFTH.

£15. 15. *Crombie Cottage, Skene, 10th March 1827.*

Three months after date, pay me or order within the bank-office, Aberdeen, the sum of fifteen pounds fifteen shillings sterling, for value received off

*To Messrs Patrick Milne, farmer,
East Carnie, George Perie, farmer,
Gask End, George Forbes, farmer,
Auchronie, all in Skene, conjunctly
and severally*

(Bearing to be signed)

Patrick Milne,

George Perrie,

George Forbes.

SIXTH.

Crombie Cottage, Skene, 3d July 1826.

£36. 12s. stg.

Nine months after date, pay me or order, within the Bank office, Aberdeen, the sum of Thirty-six pounds twelve shillings sterling, for value received off,

To Messrs Joseph Glass, Contractor

& Undertaker, Gerron, Robert

Lawson, Sen^r. farmer Craiglug,

& John Hunter, farmer, Kings-

hills, all in Peter Culter parish,

conjunctly & severally.

(Bearing to be signed)

Jos. Glass,

Rob^t. Lawson,

John Hunter.

SEVENTH.

Crombie Cottage, Skene, 29th April 1826.

£38. 12.

Twelve months after date, pay me or order, within the Bank-office, Aberdeen, the sum of thirty-eight pounds twelve shillings sterling, for value received off,

To Messrs James Anderson,

farmer, Lightwood, James

Thomson, farmer, Hairstons,

Alex^r. Nicoll, farmer, Brucklebog,

and John Johnstone, Milltown

of Herron, all in Upper

Banchory, conjunctly and

severally.

James Smith, Farmer, Netherhythie, Aberdeenshire
 Alexander Law, Farmer, Mill of Balfiegh, Kincardineshire
 Ferguson Simpson, Farmer, Mains of Pitfour, Aberdeenshire

Thomas Craig, Farmer, Netherhythie, Aberdeenshire

Robert Ragg, Paper Manufacturer, Aberdeen

William Robertson, Bookseller there

James Forbes, Farmer, Raemore, Banffshire

Alexander Smith, Farmer, Mains of Gaval, Aberdeenshire

The Declarations of the Prisoners before the Sheriff were allowed to have been freely and voluntarily emitted.

Mr Alison.—“The first witness I call, my Lords, is Mr Simpson, the Procurator-Fiscal.” Mr *Simpson* sworn.

Examined by Mr Alison.—Pray, Mr Simpson, did you, in your character of Procurator-Fiscal, conduct the recognition in this case? I did. Were all the individuals, whose names are alledged to have been forged exhibited to the prisoners? They were, with the exception of two, who could not be found—William Leith and Alex. Johnston. Did Gillespie admit or deny that these were the persons to whom the bills were meant to be addressed? Gillespie, in every instance, admitted that they were the persons, but Edwards stated that he could not say whether they were the persons or not. How many persons, with reference to this case, were so confronted with the prisoners? I cannot state the exact number just now, but I suppose between 30 and 40. Now, Sir, when was Gillespie first apprehended on the charge of forgery? On Monday, the 30th of April. At that time was he taken up for forging the first bill in the indictment only, or for other bills? At that time he was only charged with forging the first bill in the indictment—the bill of L.38 10s. And at that time, had any warrant been issued against him for the fire-raising? No; he was not charged with that until

a week or ten days after his imprisonment. Did the acceptors of the bills, or persons whose names are alledged to have been forged, sign, in your presence, labels attached to the bills? Yes; in presence of me, and also of Dr Dauney.

From the evidence of Alexander Mitchell, Esq. Cashier of the Town and County Bank, and of the Tellers and Clerks, it appeared that the first seven bills in the indictment were discounted in that Bank by Gillespie himself; that Gillespie, both verbally and in writing, requested that the Bank-notices for the acceptors should be sent to him, giving as a reason that the acceptors resided in different parts of the country; and that in consequence the Bank-notices to the acceptors were forwarded under cover to Gillespie; that the bills were paid, but not by the acceptors.

Among others, the following letters were proved:—

Copy Letter Geo. S. Edwards to Teller of T. & C. Bank.

“Crombie Cottage Skene 22 Jany 1827.

“Sir

“In absence of Mr. Gillespie who is presently in
 “Edinburgh on an *Exchequer Trial* I beg leave at his re-
 “quest before leaving here, that you will be so good as
 “send any notices of Bills due (one I think he spoke of
 “on the 5th Feby 1827 by John Duncan &ca) which I
 “shall communicate to the acceptors to prevent disap-
 “pointment—If it is convenient the bearer will bring
 “them out, or not you can be so good as send them by
 “post to Mr. Gillespie Skene

“I am sir &ca”

(Signed) “G. S. EDWARDS”

Addressed—“To the Teller Town & County Bank
 “Aberdeen”

Copy Letter M. Gillespie to Alex. Mitchell, Esq.

“ Sir

“ There is a Bill due in your Bank this day of
 “ £27 9s. stg—accepted by James Anderson and others—
 “ It will be extremely obliging to bring as little expences
 “ upon it as possible in the mean time at least till Friday
 “ first when it will be duly retired as I have a Letter from
 “ the Acceptors saying that it would be that day before
 “ they could be ready as they were to attend some mar-
 “ kets this week for the purpose of selling some cattle to
 “ raise money & Oblige sir respectfully your most Ob St

(Signed) “ M GILLESPIE ”

Crombie Cottage Skene }
 2d April 1827. }

Addressed—“ Alex Mitchell Esq Cashier Town &
 “ County Bank Aberdeen ”—Paid—

This letter, with the exception of the signature, is in the hand-writing of George Skene Edwards.

It further appeared, on cross-examination by Mr M'Neill, that the bills were discounted on the faith of Mr Smith of Blackhills' credit; and on cross-examination by Mr Neaves, that George Skene Edwards had not been seen in the Bank on the occasion of any of these bills being discounted.

Alexander Morrice, Esq. Cashier of the Banking Company in Aberdeen, and others, proved that the 8th bill in the indictment was discounted in that Bank by Gillespie; and, on cross-examination of Mr M'Neill, that the bill was discounted on the credit of Mr Smith, the last indorser; and on cross-examination by Mr Neaves, that Edwards had not been seen in the Bank; bill paid, but not by the acceptors.

The following letter was proved to have been received by Mr Raeburn:—

Copy Letter Mal. Gillespie to Mr Raeburn.

“ Sir

“ As I have a few small Bills which become due
 “ in your Office about the beginning of Aprile, it will be
 “ obliging to send me a notice thereof in order that I may
 “ acquaint the acceptors who are a good deal scattered to
 “ prevent disappointment & delay.

“ It will be obliging if you can send these by the
 “ Bearer or at all events by the first Skene post addressed
 “ to me &

“ I am sir

“ your mot Obt st”

(No signature.)

“ Crombie Cottage Skene }
 15th March 1827.” }

Addressed on the back thus “ Mr John Raeburn Teller
 “ Aberdeen Bg Coy Aberdeen ”—

This letter is in the hand-writing of Geo. Skene Edwards.

Joseph Low, Crofter, Bogfairley, parish of Newhills, sworn.

Examined by Mr Alison.—Low, can you write? No.
 Of course, you cannot sign a bill? No. Do you know Mal-
 colm Gillespie? Yes. Did you ever accept a bill to him?
 No. Did you ever authorise any person to sign a bill to him
 for you? No. Do you know Edwards, the man at the bar?
 Yes. Did you ever authorise him to sign for you? No.
 Can you read writing? No, I canna. Had you ever any
 dealings with Gillespie? Never. Now, Sir, do you recol-
 lect of receiving any thing which you heard was a Bank-
 notice? Yes. Is that what you received? (shewing him a
 Bank-notice, dated 10th April, 1827, intimating that his bill
 of L.38 10s. lay in the Bank under protest for non-payment.)
 It might be't, but I canna wreet, and canna be sure. It
 came through the Post-office to you? Ay did it. What did

you with the letter? I keepit it till my son cam on Sunday, an' he read it. What became of it at last? I took it to Mr Thompson, my landlord, to lat him see't. And it was sent in to the Procurator-Fiscal? Yes. I took it till him mysell. Do you remember when you got the letter that made all this work? I'm sure, Sir, I couldna say—I suppose about the end o' the ait seed. Now, did you see Gillespie some time after you got this notice? Ay, he came to me along wi' George Brownie. Did they say any thing to you about a bill? O ay, they taul' me to say that I had signed it fan I wiz drunk, and hadna mindet on't, an' to tak' wi' it. Was your wife present? Nae at that time. Did they come again? Ay did they. And said the same thing? Ay, but I said I widna tak' wi' it. Did you get any letter from Gillespie about this time? Yes, on the morn after. Who delivered that letter to you? Mr Gillespie himsell. (The letter was read.)

Copy Letter Mal. Gillespie to Joseph Low.

“Crombie Cottage 25th April 1827.

“Dear Sir

“I was very sorry to hear this day that you
 “had neglected that you signed an accomidation Bill to
 “me along with a few friends which bill you had no value
 “for of me but nearly to turn my hand with some pres-
 “sing things at the time; the Bill was cashed in the town
 “and County Bank and was uplifted by the Laird of
 “Blackhills and me and you got no trouble about it,—
 “altho' you had a glass extry at the time you obliged me
 “with your name and might have for got—yet your wife
 “must recollect of the circumstance as I told her about
 “it after you had don so—but that you would get no trou-
 “ble about it, which I have been as good as my word
 “begs therefore you will be so good as ask your wife re-
 “garding this and Oblige

“Sir yours” &c.

(Signed) “M GILLESPIE.”

Addressed on the back—"Mr Joseph Low Farmer
"Bogfarley"—

Do you remember of Gillespie being apprehended—taken up?
Ay div I. Well, what did you with the letter? Brought it
to the town—to the Fusal. Did your wife see it? Yes.
Can she read writing? No. Do you recollect of any par-
ticular expression being used by Gillespie when he was urg-
ing you to take with the bill? O ay, he said it wid save
him fae the rope.

Cross-examined by Mr M'Neill.—Joseph, do you say you
cannot sign your name? I canna sign't. Did you never
sign your name? Never. Are you sure of that? Quite
sure. How far did you live from Mr Gillespie's? About
three mile—up and down thereabout. You know Mr Gil-
lespie? I ken the man perfectly. Did you deal in malt oc-
casionally? Yes, I did so. You have told us, Joseph, of a
conversation that took place between you and Gillespie and
Brownie; do you remember of saying on that occasion that
if Mr Gillespie had sent a bill to you, with a dog, to be
signed, you would have signed it? I never said ony thing
o' the kind. Did you ever say you would have signed it if
Mr Gillespie had requested you? No, I did not.

Cross-examined by Mr Neaves.—Did Gillespie mention
any thing about a person of the name of Skene Edwards?
No, nae to me. Did you hear his name mentioned that day?
No; there wasna a word about him.

Re-examined by Mr Alison.—Before you got the Bank-
notice which you have spoken of, did you get any other
notice—I mean any other Bank-notice—before this one?
No, no.

Mr M'Neill.—Was George Brownie present with Gillespie
all the time of these conversations? Yes.

Janet Banks or *Low*, wife of Joseph Low, the preceding
witness, spoke in corroboration of her husband's testimony;
and said she had not spoken to Gillespie for about 3 years.

Cross-examined by Mr M'Neill.—Did Mr Gillespie ever make any seizure—take any whisky—about your place? O ay, he catcht's smugglin some fusky.

John Lawson, Crofter at Roadside, or Lawsondale, Kinmundy of Skene, sworn.

Examined by Mr Alison.—Can you write? Yes. Look at that bill. (1st bill for L.38 10s.) Witness, (pertly) I hae seen't afore. (A laugh.)

Lord Pitmilly.—We will permit no laughter during the investigation of a case of so serious a description; it is most indecent.

Mr Alison (to the witness).—Put on your glasses and look at the bill; did you ever sign that bill? No, never. Did you, in the Sheriff's office, sign a label attached to the bill? Yes. And that (shewing him the label) is your genuine subscription? It is. Did you ever accept a bill to Gillespie in your life? No, never. I need not ask you, then, whether you signed a bill to him along with Joseph Low, Alexr. Troup, and John Troup? I never did. Did ever any Bank-notice reach you about that bill? No, nae about that bill. We wish nothing about any other bill at present. O verra weel. Do you remember of Gillespie being taken up? Yes. Did you see him on the road when he was on his way to Aberdeen to be examined before the Sheriff? Yes, and he wish't me to say that I had sign't the bill. And what did you say? I said I wid dee nae sick thing. What else passed? He said the bill had been paid—had been paid ten days afore—and if I wid tak' wi' it, there wid be nae danger o' me being brought to trouble; but I widna dee't.

Cross-examined by Mr Neaves.—At this time did Gillespie say any thing about a man, George Skene Edwards? No, no.

Alexander Troup, sen. Crofter at Borrowston, in the parish of Newhills, sworn. Never signed the bill for L.38 10s. (No. 1.)

John Troup, sen. Crofter in Backhill of Countesswells, sworn. Never signed the bill for L.38 10s. (No. 1.) nor the bill for L.18 6s. (No. 4.)

Mr Alison.—Did Gillespie meet you on the road on his way to Aberdeen, when apprehended? Yes. Tell us the conversation. He wished me to tak' wi' the signin', but I refused.

Cross-examined by Mr Neaves.—John, when Gillespie came up to you on the road at this time, did he begin by asking you whether the signature was yours? Nothing o' the kind. Then he gave you to understand that he was quite well aware that it was not your signature? O yes. Did Gillespie say any thing whatever to you about George Skene Edwards? Nothing.

Alexander Troup, jun. son of Alexander Troup, sen. a preceding witness, sworn. Never signed the bill for L.38 10s. (No. 1.)

John Troup, jun. son of John Troup, sen. a preceding witness, sworn. Never signed the bill for L.38 10s. (No. 1.) nor the bill for L.18 6s. (No. 4.)

James Scott, Farmer at Drimmondside, parish of Newhills, sworn. Gillespie requested him to apply to Joseph Low's wife, to prevail on her husband to take with the bill of L.38 10s. (No. 1.)

Mr Alison (to the Jury).—Gentlemen, we now go to the second bill in the indictment.

James Leith, Stonedyker and Crofter, at Woodside of Countesswells, parish of Peterculter, sworn. Never signed a bill to Mr Gillespie. No such person as William Leith at Moss-side of Auchlee.

Mr Neaves.—Did Gillespie ever enquire at you if you had signed a bill to him? No. Did ever he ask you to sign a bill to him? No.

William Nicoll, sen. Farmer in Fifeshill, or Kingahill, in the parish of Peterculter, sworn. Never signed the bill for L.28 16s. (No. 2.)

Mr Neaves.—Did Gillespie ever ask you to sign a bill for him? No. Did he ever ask if you *had* signed a bill? No.

William Nicoll, jun. son of the preceding witness. Never signed the bill for L.28 16s. (No. 2.)

Cross-examined by Mr M'Neill.—William, how long have you known Mr Gillespie? Seven or eight year. You know he had a person in his employment of the name of Skene Edwards? Yes. Have you ever accommodated Mr Gillespie with your name to a bill? Yes, I have. More than once? Aunce or twice. Who signed along with you? John Hunter in Kingswells, and Robert Lawson in Countesswells. Now, did Skene Edwards ever come to you for further accommodation to Mr Gillespie? Yes. Well, what did he say to you? He wished me to sign a bill. Did you do so? No. Why? I thought Mr Gillespie ought to have come to me himsell when he was seekin' ony thing o' that kind. Do you know that Robert Lawson declined also? Yes. How do you know that? He taul' me. That won't do. When you refused to sign, what did Skene Edwards say? He pressed me to dee't, and said he wid sign for Robert Lawson. He said, "I sign for aul' Robie Lawson." Am I to understand that Skene Edwards told you that he *had* signed for Lawson? His words just wiz, "I sign for aul' Robie Lawson."

Mr Neaves.—Did Gillespie himself come to ask you to sign this bill after you refused to Skene Edwards? No. Did he ever ask you if you had signed the bill this day shewn to you? No.

Mr Alison.—How long is it since you signed a bill to Gillespie? Mair than twa year.

John Prott, Miller at Mill of Ord, Skene, sworn. Never signed the bill for £28 18s. (No 2.); has signed passes for malt, so that Gillespie was in possession of his signature.

Mr Alison (to the Jury).—Now, Gentlemen, we go to the 3d bill mentioned in the indictment.

James Anderson, Crofter and Auctioneer, at Lightwood, in the parish of Upper Banchory, sworn.

Examined by Mr Alison.—Was Gillespie, Excise Officer, in your district? Yes. Had he occasion to be possessed of your signature in his character of an Excise Officer? He had. Look at that bill of £27 9s. (No 3.) and tell us if that be your signature? No, it is not. You signed a label or ticket in the Sheriff's office; look at that (the ticket); is that your genuine signature? It is. Does any other James Anderson live at Lightwood? No. Look at this other bill for £38 12s. (No. 7.) Is that your genuine signature? It is not. Did any Bank-notice relative to this bill for £38 12s. ever reach you? No. Look at that Bank-notice (this was a notice from the Town and County Bank, dated 19th April 1827, addressed to the witness, intimating that the bill for £38 12s. fell due on the 2d of May, and was found in Gillespie's possession open, with this marking on it in his hand-writing "For Town and County Bank.") Did you ever receive that notice? No, never. You once signed a bill to Gillespie; how long ago? About 3 years. Did you pay any part of the two bills which have now been shewn to you? Not I. In this bill for £27 9s. (No. 3.) mention is made of a person of the name of *Alex. Johnston* in Milltown of Heron, or Hirn, in the parish of Upper Banchory; do you know any such person? I know *John Johnston* in mill of Hirn. But you do not know an Alexander Johnston there? There is no such person.

Cross-examined by Mr M'Neill.—How long have you known Mr Gillespie? Ever since he cam' to the Skene division. How long may that be—a dozen of years? More. Did you live on good enough terms with him? Yes.

Mr Alison.—Have you ever seen John Johnston's signature? Sometimes. Is that like his writing (shewing him the bill for £27 9s.)? No, it is not.

Mr Neaves.—Did Gillespie ever ask at you if you had signed this bill? He never did.

Alexander M'Gregor, Crofter and Labourer at Lightwood, sworn. Is the only person of that name there; never signed the bill for £27 9s. (No. 3.)

Mr Neaves.—Did Mr Gillespie ever ask if you had signed the bill? No. Did you ever sign a bill to him? Yes, about three years ago; it was for £9 and some odd shillings, I think.

John Johnston, Crofter and Miller at Mill of Hirn, sworn. No such person as Alex. Johnston there; has a brother of that name, but he resides in Montrose; never signed the bill for £27 9s. (No. 3.) nor the bill for £38 12s. (No. 7.)

Mr Neaves.—Did Gillespie ever enquire at you if you had signed these bills? No.

Mr Alison.—Gentlemen, I now pass to the 4th bill in the indictment.

George Law, Farmer at Auchlee, in the parish of Peterculter, sworn.

Never signed the bill for £18 6s. (No. 4.)

Mr M'Neill.—George, how long have you known Mr Gillespie? I suppose 13 or 14 years. You lived on good enough terms with him? Yes.

Mr Alison (to the Jury).—Gentlemen, the other acceptor at this bill, John Troup, has already been examined. I ought now to proceed to the 5th bill, but I am unwilling to occupy so much of your time, and, on that account, I shall pass from the 5th charge, and proceed to the 6th.

Joseph Glass, Contractor, at Gairn or Geiron, in the parish of Peterculter. Is the only Joseph Glass there; never, in his life, signed a bill to Gillespie; never signed the bill for £36 12s. (No. 6.)

Mr Neaves.—Did Gillespie ever speak to you about this bill? No.

Mr Alison.—My Lords, I understand that Robert Lawson, one of the persons whose names are upon this bill, has died.

John Hunter, Farmer at Longside, or Kingshill, in the parish of Peterculter, sworn. Never signed the bill for £36 12s. (No. 6.)

Mr M'Neill.—How long have you known Mr Gillespie? 10 or 12 years. You lived on good enough terms with him? Yes. Did you ever accommodate him with your name? Yes, I have. On more occasions than one? Yes.

Mr Alison.—How long is it since you signed the last bill to him? In 1824. And what was the amount? £9 or £10.

Mr M'Neill.—Did you ever refuse to sign a bill to Mr Gillespie? Yes, I have. To whom, pray, was that refusal made? To Mr Gillespie himself.

Mr Neaves.—Did Gillespie ever speak to you about this bill? No.

Mr Alison.—I now go to the 7th bill in the indictment; and the Jury will please to observe that evidence has already been led in regard to Anderson and Johnston. Thomson and Nicoll are the two remaining acceptors.

James Thomson, Mason and Crofter, at Harestone, in the parish of Upper Banchory. Never signed the bill for £38 12s. (No. 7.)

Mr Neaves.—Did Gillespie ever speak to you about this bill? Never.

Alexander Nicoll, Crofter at Brucklebog, in the parish of Upper Banchory. Never signed the bill for £38 12s. (No. 7.)

Mr Neaves.—Did Gillespie ever speak to you about this bill? No.

Mr M'Neill.—Have you known Mr Gillespie long? A good many years; he was gauger o' the place.

Mr Alison.—I come now to the last bill—the bill for £26 14s. being the 8th in the indictment.

Robert Farquharson, in Foul-hole, in the parish of Peterculter, sworn.

Examined by Mr Alison.—Look at that bill (bill for £26 14s. No. 8.) and say if the signature Robert Farquharson, there, be yours? It's not mine. Did you sign a ticket in the Sheriff's office? Yes. Look at that (the ticket); that is your genuine signature? Ay is't. Did you receive any Bank-notice about this bill? I got a Bank-notice, but it was about anither bill. I only ask you about this bill? I got no notice about that bill.

Cross-examined by Mr M'Neill.—How long have you known Mr Gillespie? 8 or 10 years. Have you signed any bills to him? Yes. More than once? I signed twa bills. For his accommodation? Ay. Who brought these bills to you to be signed? I signed ane o' them at Mr Gillespie's ain house, and Skene Edwards brought the other ane to me. On this occasion did Edwards give you any back line as a security that you would be brought to no trouble? Yes. Who signed that letter? Skene Edwards made it out himsell, and signed Mr Gillespie's name till't.

Mr Neaves.—Did you see him do that? Yes I did. How long ago was this? Twa years ago. Did you make any observation on Skene Edwards doing such a thing? No. Then, on receiving that letter, you put down your name on the bill? Yes.

Mr M'Neill.—Did you authorise Skene Edwards to sign your father's name to that bill? Yes, I think I did. Did he put down your father's name? Yes he did, i' the cart shed.

Mr Neaves.—I am not sure if I understand this witness, Do you mean to say that you yourself saw Skene Edwards put down your father's name? Yes, I saw him dee't.

Mr Alison.—What was the amount of this bill? £12 some odd shillings.

Mr M'Neill.—Upon this occasion did Skene Edwards speak about going down to George Law and to a man of the name of Milne, to get them to——

Mr Neaves.—My Lords, I do not know how far this can be reckoned competent evidence. I have no wish whatever to narrow or confine my learned friend in the line of defence which he considers it for the interest of his client to follow. I merely rise to object to this being received as any evidence of the guilt of the other prisoner Edwards.

Mr M'Neill.—My Lords, I beg permission to state the nature of my defence. I am sorry to be obliged to announce that, in truth, the whole of these bills were subscribed by this man Edwards. My client gave the bills to him, with instructions to call on the different acceptors, and get them to sign; and Edwards, instead of doing so, signed the bills himself in their names, without the knowledge of Gillespie.

Mr Neaves.—That may be a very good defence for my learned friend. But I object to any thing which he establishes being held as evidence against my client. Nothing can affect me but what is established by the Public Prosecutor, at whose instance alone I am called here. I have further to submit whether any questions can be put by the other prisoner Gillespie which do not relate to the particular bills libelled.

Lord Alloway.—I suspect the questions must be confined to the bills libelled.

Mr Alison.—Did you ever sign a bill along with William Mellis? No.

Mr M'Neill.—Had you occasion to pay malt duties to Mr Gillespie? Yes.

One of the Jury.—You have mentioned that you got a back letter from Skene Edwards; did he sign his own

name for Mr Gillespie, or did he sign Mr Gillespie's name? He pat down Mr Gillespie's name.

Mr Alison (laughing).—And you thought that that letter, so signed by Edwards, was perfectly sufficient? I widna sign the bill wantin't.

William Mellis, Farmer, at Gairn, or Gerron, in the parish of Peterculter, sworn. Never signed the bill for L.26 14s. (No. 8.)

Arthur Troup, Crofter, Moss-side of Auchlee, in the parish of Peterculter, sworn. Never signed the bill for L.26 14s. (No. 8.)

The different witnesses further swore, that they paid no part of the bills, and got no Bank-notices except in the instances before mentioned, and that they (at least those who could write) had signed labels before the Sheriff. The genuine signatures on these labels were compared with the signatures on the bills, and it was found that there was little or no similarity betwixt them. The signatures "John Troup" on the 1st and 4th bills were found to have no resemblance whatever, and it was proved that these two bills were discounted within 14 days of each other.

Mr Alison.—I have now finished the examination of the acceptors of the bills, and shall proceed with other evidence.

John Fyfe, Messenger at Arms, in Aberdeen, sworn.

Examined by Mr Alison.—Did you apprehend the prisoner Gillespie? I did. On what day? On Monday morning, the 30th of April. On what warrant—on what charge? On a charge of forgery. Do you recollect the particular charge? For forging a bill on Joseph Low. Where did you apprehend him? In a small bothy, where he was living, near Crombie Cottage. Did you apprehend Edwards also? My assistants apprehended Edwards. I shewed them where they would find him, and I then pro-

ceeded to where Gillespie was. How long had Edwards lived with Gillespie? About eight years. In what capacity did he act? As an assistant or clerk to Mr Gillespie. Mention what occurred when you apprehended Gillespie? When I went in, he was in bed, and I told him that he was my prisoner. He asked what for, and I informed him, and shewed him my warrant. Did the warrant specify the crime? It did. Was the bill on Joseph Low, for L.38 10s. mentioned in it? It was. And what did Gillespie say? He said "Good God! I'm a gone man!" or words to that effect. Do you recollect anything more? I cautioned him to say as little as possible, as his observations might appear in evidence. He then said to me, "You must let me disappear until this matter be settled." Well, Sir, did any thing further pass? He tossed about a little in bed, still urging me to let him disappear, which, of course, I refused. My assistants then brought in Edwards, and Gillespie made no further observations. You brought both of them to Aberdeen? Yes, Sir. On your way to Aberdeen, had you any conversation with Edwards? Edwards was in a state of drunkenness, and spoke a good deal. He took a bill of L.73 10s. on Mr Smith of Blackhills, out of his pocket, and shewed it to me. Was that bill signed? It was unsigned. (The unsigned bill shewn and identified.) Did Edwards say he signed bills for Gillespie? He said he wrote out the bills, and got them signed, and, on further conversation, he admitted, that he signed other people's names for them when they could not do it themselves. Did Edwards say any thing about the bill on Joseph Low? Yes, he said it was a good bill. Did he say that Low had signed the bill? No, he did not say that; he only said it was a good bill.

Lord Alloway.—I think you stated, Sir, that Edwards was in a state of intoxication at this time? He was, my

Lord. Mr Gillespie asked how much whisky he had got, and he said ten glasses. Edwards was in such a state with drink that he could not be taken before the Sheriff to be examined.

Lord Alloway.—Then do I say that any thing which he may have stated cannot be received as evidence. I beg the Jury to lay entirely out of view all this man's observations. It would be a dreadful thing to allow what a poor criminal says, when in a state of intoxication, to be founded upon as evidence. If Edwards was not in a condition to be examined before the Sheriff, we cannot here listen to any observations which he may have made.

Mr Alison.—Was Gillespie sober? Perfectly so. Was he examined, immediately after he came to town? He was. Have you seen Gillespie and Edwards both write? I have.

This witness proved that the unsigned bill of L.73 10s. and the bodies of all the bills libelled, were in the hand-writing of George Skene Edwards, and that the signatures M. Gillespie, appearing in the place of drawer and indorser of the bills, were in the hand-writing of Gillespie.

Cross-examined by Mr Neaves.—At this time did Gillespie accuse Edwards of having signed the bills? Yes, on the way to Aberdeen; at that time he said that he himself was innocent. But I mean when he was first apprehended—did he blame Edwards at that time? No, he did not. I understand you to say that when you first shewed him the warrant, he said "My God! I'm a ruined man!" Yes, words to that effect. And at that time he said nothing whatever about Edwards? No. You know Alexandra Campbell; have you occasion to know that she or Greig lived in a state of concubinage with Gillespie? They both lived at Crombie Cottage, but I can say nothing more about the matter. Did you ever see Alexandra Campbell in bed there? Never; I am sure I never did. Nor Greig? Nor Greig.

Mr Alison.—You say that Gillespie blamed Edwards, when on the way to Aberdeen——

Mr Neaves.—My Lords, I must object to any thing which Gillespie may have said being held as evidence against my client.

Mr Alison.—Certainly, I allow that any thing which Gillespie may have said, is not evidence against Edwards.

Mr Alison (to the witness).—Gillespie at this time seemed aware that the bill was forged, but said that it was done by Edwards, unknown to him? Yes, Sir, he said so.

Mr Neaves.—These observations must be held as made in the absence of my client, considering the state of intoxication in which he then was.

Mr Alison.—Certainly, and no evidence against Edwards.

Lord Alloway.—Without doubt this is not evidence against Edwards. Suppose Gillespie should say in his declaration before the Sheriff, that the whole had been done by Edwards, and Edwards should say that it had been done by Gillespie, that could not be received as evidence. Each man's declaration may be taken as evidence against himself, but not against the other.

Mr M'Neill.—But, in point of fact, Mr Fyfe, Gillespie on his way to town, said that he had given the bills to Edwards to get signed by the acceptors, and that Edwards had forged the names without his, Gillespie's knowledge? He said so, Sir.

John Smith of Easter Ord, in the parish of Skene, sworn.

Examined by Mr Alison.—You know the prisoner Gillespie? Yes, Sir, I do. And you know Mr Smith of Blackhills? I do. Pray, were you present at a meeting at Blackhills to settle an account about some bills? Yes, I was. At what time was this? Really, Sir, I do not recollect. Was it a short time before Gillespie was taken up? O-Yes. Does it consist with your knowledge, that

Mr Smith of Blackhills is a good deal weakened in mind and memory, from his advanced age? He is. He is an old man; may he be eighty? Somewhere thereabout. Was Gillespie very intimate with him for some years past? He certainly was. Did Mr Smith of Blackhills' wife say any thing in your presence to Gillespie, of his having intercepted any Bank-notices? Yes, she did so, and told him that she would inform the cashier of the Bank. Mr Alison.—In short, she alluded to his intercepting letters sent by the Bank to the acceptors of certain bills, and threatened to give information? Yes. And what did Gillespie say to that? He said, "For God's sake! my good Madam! don't do that; for if the Fiscal was to get notice o't, I might as weel cut mysell to pieces." This was a short time before Gillespie was taken up? Yes, a short time before. Did he at this time say any thing more to the same effect? Yes. What was it? Mrs Smith repeated the same thing, and Mr Gillespie said that he might as well blow out his brains as let the matter reach the Fiscal.

Cross-examined by Mr M'Niell.—Do you recollect before this time whether Gillespie said any thing about a bill on Joseph Low? I cannot answer as to that. But try to recollect.—Did you hear any thing about a bill in which Joseph Low at Bogfairlie was concerned? I really cannot say whether I heard any thing about it at that time.

One of the Jury.—Was Skene Edwards present on this occasion? There was none present but Blackhills, and his wife, and Mr Gillespie, and me.

Mr Neaves.—Was there any thing said about Edwards? Nothing.

Mrs *Agnes Ramsay or Smith*, wife of Alexander Smith of Blackhills, in the parish of Skene, sworn.

Examined by the Hon. A. Leslie Melville.—Mrs Smith, is your husband an old man? Yes, Sir. Is he a good

deal decayed in mind? I don't know. I mean his memory has failed him of late? His memory is not so good as it once was. You know John Smith of Easter Ord? Yes, Sir. He is a relation of yours, an uncle, I believe? Yes, Sir. Do you recollect of a meeting at Blackhills at which you, your husband, your uncle, and Gillespie, were present? Yes, Sir, I do. Were you complaining of your husband being obliged to pay bills due by Gillespie? Yes, Sir. (The witness became a little faint, and got a glass of water.) Was any thing said at this meeting about Bank-notices being intercepted? Yes, Sir. When Gillespie came in, the conversation began about the Bank-notices? No, Sir; the conversation began about lifting the bills. I said it was improper to make my husband lift these bills, and I mentioned that if Mr Gillespie did not pay them, I would give information to Mr Simpson, the Procurator-Fiscal. And what did Gillespie say? He said I would not be so cruel. I then said that the best way for him would be to go and lift the bills himself; and he said that he could not do that, for he had not the money. Did Mr Smith of Easter Ord say any thing about getting Bank-notices sent to the acceptors? When I said that I would go and inform the Fiscal, Easter Ord observed, that I should rather go and inform the Banks, and get them to send notices direct to the acceptors, and that he would go himself for that purpose, if it was wished; on which Gillespie said, "For God's sake! Easter Ord, don't be so cruel."

Mr M'Neill.—O, that's the same story over again.

Mr Alison.—I beg your pardon, it is no such thing. Pray, Ma'am, did Gillespie come back next morning? Yes, Sir. What did he say? He said he had been much alarmed in consequence of what had passed the preceding evening. Do you know if your husband was obliged to take up a number of these bills? Yes, Sir he was. Do

you know if these bills were delivered to Mr Simpson? Yes, Sir, they were, at Mr Simpson's request. How many were given to him? I do not recollect. But you saw your husband give up a number of them to him? Yes, Sir. Would you know these bills again if you saw them? Yes, Sir, I think I would. (The witness identified the 2d, 3d, 4th, 6th, 7th, and 8th bills, as part of those delivered by her husband to Mr Simpson.)

Cross-examined by Mr M'Neill.—Mrs Smith, before these conversations took place, had you heard any thing about a bill on Joseph Low? It is impossible for me, Sir, to state the time. But had you heard of Joseph Low's bill before that meeting? I cannot say. Did you ever hear that there was a forged bill on Joseph Low? Yes, Sir. Well, had you heard that before meeting with Gillespie on the occasions you have mentioned? I really cannot say.

Mr Neaves.—Did you hear any thing said about George Skene Edwards at this time? I don't think it.

Mr Alison.—How long before Gillespie was taken up was it that these conversations occurred,—may it have been a week, or a month, or what? About a month, as far as I recollect.

James Forbes, Clerk to William Gillespie, Esq. Collector of Excise, Aberdeen, sworn. This witness proved the bodies of the bills libelled to be in the hand-writing of Edwards, and pointed out what letters were in the hand-writing of that person, and what in the hand-writing of Gillespie. He produced, on the requisition of Gillespie's Counsel, an Order of Excise, prohibiting officers to receive favours from traders.

Alexander Henderson, writer in Aberdeen, sworn. He identified the Bank-notice to Low, and Gillespie's letter to that person (*vide* p. 16) as what had been referred to by Low when precognosed before the Sheriff.

William Shaw, Postmaster, Upper Banchory, sworn.

Examined by Mr Alison.—Do you know where the prisoner, Gillespie, lived? Not correctly. But you know in what part of the country it was? Yes. You heard of Gillespie being apprehended? I did. Three or four weeks before that, do you recollect of a man coming to your post-office and asking any letter for James Anderson in Lightwood? Yes, I do. Lightwood is in your parish? It is. Well, did you find any letter for him? Yes, there were two. What was the postage? Fivepence each. Did the man pay for the letters? Yes, he did. Did you perceive from the outside that one of these letters was a printed one? I did. Is that like it? (shewing him the Bank-notice to James Anderson, dated 19th April 1827, in regard to the bill of L.38 12s. (No. 7.) I would suppose that to be the letter,—it resembles it exactly, and has the same direction, and bears the Aberdeen post-mark.

Mr Alison.—Macer, bring George Brownie. (Brownie, one of the persons in Gillespie's employment, and who was in custody as being concerned in the burning of Crombie Cottage, was brought from prison, and exhibited in Court to the witness, and was then removed.)

Mr Alison.—Is that the man who called on you for Anderson's letters? It is. And he got from you the two letters for Anderson. He did. You will observe on the back of the printed one the words "For Aberdeen Town and County Bank" (this was in Gillespie's hand-writing) were these words there when you gave the letter to Brownie? They were not. At the same time that you gave these two letters to Brownie, did you give him another one for Mr Lumsden, Hatton-burn, to be taken to that person? I did.

George Brownie, labourer, Blackhills of Skene, present prisoner in the Jail of Aberdeen, sworn.

Examined by Mr Alison.—You lived in the neighbour-

hood of Gillespie? I did. You remember of Gillespie being apprehended? Yes. Some time before that, do you recollect of Gillespie sending you to the Post-office at Upper Banchory for a letter? Yes. To whom was the letter addressed? To James Anderson, in Lightwood, parish of Upper Banchory. Did you go to the Post-office accordingly? Yes. Well, did you get any letter or letters? Yes, I got two letters for James Anderson. Did you get money from Gillespie to pay the postage? Yes. Did one of the letters appear from the outside to be printed? Yes. What did you do with the letters? Skene Edwards desired me to give one of them to Mr Gillespie. Was that the printed one? Yes. And what did you do with the other? I gave it to James Anderson. So, you called on James Anderson, and gave him the letter that was not printed, and brought home the printed one? Yes, and gave it to Mr Gillespie. What postage did you pay? 5d. each. Is that the letter (shewing him the Bank-notice exhibited to the last witness)? It's like it. Does it resemble it in the form, appearance, and in the printed marks? It resembles it very much. How soon was it before this that Gillespie was apprehended? Verra soon. Ten days? I couldna say. But you say that Gillespie sent you, and gave you the money to pay the postage? Yes. Did you get a letter the same day, to deliver to Mr Lumsden, Hattonburn? Yes; and I left it wi' James Anderson, who said he would forward it. Now, Sir, do you remember of going to Joseph Low's one morning, about some bill? Yes. Did Gillespie give you any directions about applying to Low's wife? No. Was nothing of that kind proposed? Mr Gillespie said to her, that it would be better to get the matter settled, and that he was innocent.

Mr Neaves.—Take the witness away. (Witness removed).—My Lords, I am afraid the observation which I am about to make comes too late. But I am told that

the conduct of this witness when the oath was administered to him was very evasive, and that he suppressed several material words of the oath. Considering the very equivocal situation in which this witness stands, I hope, although certainly the objection should have been stated earlier, your Lordships will be pleased to swear him again.

The witness was recalled, and sworn again, and made to repeat, distinctly, the words of the oath.

Mr M'Neill.—Brownie, you and Mr Gillespie went together to Joseph Low's about the bill? Yes. Did you hear Joseph Low, on that occasion, say that he would accommodate Mr Gillespie with his name, if it had been asked? No. Did you hear him say that if he had sent his dog to him with a bill, he would have signed it? Not at that time. Well, but did you at any time understand Low to say that he would have had no objections to accommodate Mr Gillespie with his name? I understood so, from his discourse. How long was this before you and Gillespie called at Low's house? The day afore. You know a person of the name of George Skene Edwards? Yes. He was in Gillespie's employment? Yes, in wreetin' till him. Did you on any occasion see George Skene Edwards put down any person's name to a bill? Yes, different times. As acceptor or drawer? I diinna ken; but I hae seen him put down ither folk's names to bills. Mention some of the names which he may have put down? I hae seen him sign the name o' the man that ye wuz speaking o' just now, Joseph Low. Any other names? I hae seen him sign, Joseph Low's, and John Lawson's, and John Troup's, and Alexander Troup's, on ae bill. Any other names? I hae seen him sign ither twa bills, and he pat down Joseph Glass' name on ane and Peter Hunter's on the ither. Did you make any observation when you saw him putting down other people's names? I did; and he taul' me it was nane o' my bizness, and

said he was desired by the persons whose names he had put down to do so. He said he wid pit down my name if he liked ; and I said ye'll better nae try that. Now, Sir, when you had this conversation with Edwards, did any thing pass about Mr Gillespie? Yes, Edwards taul' me nae to let Mr Gillespie ken fat he had been deein'; and I never did speak till Gillespie about it, as I thought there was naething wrang, as Edwards said the folk had bidden him sign. Do you recollect of seeing Gillespie and Edwards together after the story of Joseph Low's bill being forged? Yes; Edwards said that Joseph Low was drunk at the time, but that his wife would recollect about it. You heard this yourself? I did.

Lord Alloway.—Is this relevant evidence?

Mr M'Neill.—My Lords, this person Gillespie is accused of forgery, and his defence is, that the forgery was committed by another person. My learned friend the Public Prosecutor has adduced this witness, but has stopped short in his examination. I submit that I am entitled to draw out the whole *res gesta*, and I will thereby prove that Edwards admitted that the whole of these documents were got up by him.

Mr Neaves.—My Lords, I do not interfere in this investigation, because I conceive that nothing elicited in this way can affect my client.

Lord Alloway.—Can a conversation between these two prisoners be received as evidence?—My Lord Pitmilley is more versant in these matters than I am, but I confess it appears to me to be inadmissible.

Lord Pitmilley.—A conversation between the two prisoners is no evidence at all.

Mr M'Neill.—Not, my Lords, I allow, against Edwards ; but I submit it is evidence of a confession, which operates in favour of Gillespie.

Mr Neaves.—I do not think I have any interest here.

Any thing not brought out by the Crown cannot militate against my client. I feel perfectly secure on that point, and therefore I refrain from doing anything to cripple the defence of my learned friend.

Lord Pitmilley.—There is not a single sentence of what we have latterly heard admissible evidence.

Mr M'Neill.—I can prove that, in point of fact, Gillespie got information, that Joseph Low signed the bill when he was drunk. And, with great deference, I am entitled to prove the fact, that that information was given to my client. I don't carry the point further.

Mr M'Neill (to the witness.)—Did you ever hear Mr Gillespie told—I don't ask by whom—that Joseph Low was drunk when he signed the bill, and that his wife would recollect about it? Yes, I heard Skene Edwards say that.

Mr Alison now moved that the declarations of the panels should be read.

Gillespie, in his first declaration, dated April 30, 1827, says, that the bill of L.38 10s. on Joseph Low and others, (No. 1.) was signed by him as drawer, and discounted by him for his own accommodation; that he did not see the acceptors sign; that he desired George Skene Edwards to get some of his (Gillespie's) acquaintances to sign the bill, without telling Edwards to whom to apply; and that Edwards brought the bill back to him, signed by Low, Lawson, Alexander Troup, and John Troup. This declaration also contains an admission that he wrote the letter to Low, copied on p. 16 of this report.

Gillespie, in his second declaration, dated May 6, 1827, says, that he now recollects, that, before Edwards went out to get the bill for L.38 10s. signed by Low, Lawson, Alexander Troup, and John Troup, he gave him a note in writing of these persons' names, as the persons to be applied to; that all the other bills in the Indictment were

signed by him (Gillespie) as drawer, and were discounted entirely for his own accommodation ; that he did not see any of the acceptors sign ; that Edwards was desired by him to apply to the different acceptors, after getting from him a note in writing of their names ; that Edwards returned all the bills to him, as having been signed by the acceptors themselves ; and that his (Gillespie's) reason for not having had any personal intercourse with the acceptors, was his being debarred by the Excise regulations from personally receiving any favour from a trader ; that none of the acceptors had any value from him ; that the names *Alexander Johnston*, in place of *John Johnston*, on one bill, and *William Leith*, in place of *James Leith*, on another, had been a mistake of Edwards, &c.

George Skene Edwards, in his declarations, dated 2d and 25th May, 1827, says, that he wrote out and addressed all the bills, by Gillespie's orders ; that he left them with Gillespie unsigned ; that Gillespie did not desire him to go round among the people to whom the bills were addressed ; that he (Edwards) knows nothing about the way the names were adhibited, except that he has seen Gillespie forging bills, and has found fault with him for doing so ! (Gillespie smiled at this part of the declaration.) Edwards proceeds to say, that he knew Gillespie had for some time been in the practice of intercepting the Bank-notices written to the acceptors, and that Gillespie sent to the different Banks for the notices, for that purpose ; that he (Edwards) wrote the letter to Mr Raeburn (p. 15 of this report), that he did so at the desire of Gillespie ; that other letters to different banks, of a similar tendency, shewn to him, are in his hand-writing, but are signed by Gillespie himself, &c.

This closed the case for the Crown.

EXCULPATORY EVIDENCE FOR GILLESPIE.

Mr M'Neill.—My Lords, I have a few witnesses to adduce for the prisoner Gillespie.

Mr Neaves.—My Lords, I have been served with no copy of the prisoner Gillespie's defence; I have been served with no copy of his list of witnesses; and once for all, I protest against my client being affected by any evidence which Gillespie may bring forward. That evidence cannot harm my client, and I intimate that I will not interfere with the examination.

Thomas Clerk, and Hector Gavin, Engravers in Edinburgh, were sworn, and on Mr M'Neill's examination, severally deponed, that they had, before coming into court, carefully inspected the bills libelled, and that they were of opinion, that all the names, alledged to be forged on the bills, were in the hand-writing of George Skene Edwards.

Janet or Jessy Greig, or M'Queen, prisoner in the jail of Aberdeen, and one of the parties concerned in the fire-raising, sworn.

Examined by Mr M'Neill.—Janet, you lived at Crombie Cottage for some time? Yes, Sir. How long? About two years. You were there as a servant of Mr Gillespie? Yes, Sir. I believe you had charge of his papers? Yes, Sir, I had. Did you keep the key of the drawer in which they were deposited? Yes, Sir. Did Mr Gillespie keep some bill stamps there? Yes, Sir. Do you know a neighbour of his, Mr Smith of Blackhills? Yes. You have seen him at Crombie Cottage? Yes, Sir, frequently. Have you seen this Mr Smith signing and indorsing bills there? Yes, Sir, I have seen him signing bills there frequently. When they were so signed were they returned to you to be put into the drawer? Yes, Sir. When Gillespie drew any bill, who wrote out the body? George Skene Edwards. Have you heard Gillespie desire Edwards to go out to get

bills signed? Yes, Sir. Tell us the names of some of the places? I have heard Mr Gillespie tell him to go to Col-lairly, Hill of Keir, and to Brucklebog. Did you ever hear Mr Gillespie desire him to go to Bogfairlie for that purpose? Yes, Sir. Any where else? Yes, Sir, to John Shepherd's, and to Troup's, but I don't remember the names of all the places. Tell us the names of the people? Joseph Low, John Lawson, and John Troup. Any others? Robert Farquharson, in Foulhole, and Alexander Farquharson. Was all this at one time, or at different times? At different times. Any other names? Peter Hunter and people of the name of Cairnie. Any person of the name of James Anderson? Yes, Sir, in Lightwood. Any other? Yes, Sir, Alexander M'Gregor. Any one of the name of Johnston? Yes, Sir, Alexander Johnston. Any body of the name of Nicol or Prott? Yes, Sir, William Nicol, and John Prott. Do you know that Mr Gillespie was acquainted with these people? Yes, Sir, he was. After these bills were signed, did you get them to lay past? Yes, Sir. Now, do you happen to know that Edwards, on any of the occasions when he was desired by Mr Gillespie to go with bills to get signed, did not go? Yes, Sir, I know that on many occasions he did not go. How do you know that? I know, Sir, that he stopped at home, and I have seen him sign the people's names himself, and then he desired me not to let Mr Gillespie know that he had done so, but to say to Mr Gillespie that he was away when he was not away. Had Mr Gillespie occasion to be from home frequently? Yes, Sir, he had. Have you seen Skene Edwards put down any of the names of the persons you have mentioned? Yes, Sir, I have seen him put down James Anderson's, Alexander M'Gregor's, Alexander Johnston's, and many others. Did you ever challenge him for putting down other people's names? Yes, Sir, at one time when he was putting down Thomas Duncan and William Dunn's names, he said that he had been round

and had gotten their authority to do so. I said, how can that be, when William Dunn is dead, or in the Infirmary dying. He made answer, that he had seen him before, but begged of me not to tell Mr Gillespie that he had not been calling on the people to get them to sign themselves, for that he would kill him for his laziness.

The Court here shewed an inclination to interrupt the further examination of this witness, evidently considering her evidence unworthy of credit.

Mr M'Niell said that he had only a few more questions to put.—Did you hear it rumoured that a bill on Joseph Low had been forged? Yes, Sir. Do you know that there was a letter, after that, written to Joseph Low by Mr Gillespie? Yes, Sir. When you quarrelled Edwards for signing other people's names, what did he say? He said that it was a mere form; that the people would get no trouble, and that Mr Gillespie would know nothing about it. Did you ever see any of those bills so signed in Mr Gillespie's presence? Never. You solemnly swear to that? I solemnly swear to that. Do you think you would know any of these bills if you saw them again? Yes, Sir, I think I would. (The bills libelled, with the exception of the fifth, were handed to the witness, who stated that the bill for L.27 9s. (No. 3.) bearing to be signed by James Anderson and others, was one to which she had seen Edwards put the acceptors' names.) Did a person of the name of Alexandrina Campbell live at Crombie Cottage at this time? Yes, Sir. How long is it since you have seen that person? I have not seen her since we were put into jail.

Mr Alison.—I think you have said that you saw Edwards putting down names of people who were dead, or in the Infirmary? Yes, Sir. Look at that bill again. (Shewing her the bill for L.27 9s. (No. 3.) signed by James Anderson and others.) You say you saw Edwards write-

that bill? Yes, Sir. And you say that you saw him write the names upon that bill? Yes, Sir. Was Gillespie present at that time? I am sure he was not present. And Gillespie knew nothing about Edwards putting down the names? No, Sir. Mr Alison.—Very well.

Lord Alloway.—Pray, do you know all the persons in this bill of L.27 9s.? I know James Anderson, my Lord. Is that the only person you know? I know Alexander M'Gregor. Do you know any more? No, my Lord, I don't know Johnston.

Mr M'Neill.—Do you by any means know that these names were put by Edwards to these bills with Mr Gillespie's knowledge? Not at all, Sir; he did not know that, until he made the discovery about Joseph Low's bill. Before that time had Gillespie mentioned that he suspected the names were not correct? He never did.

Mr Alison.—Look at that bill—(L.38 12s. (No. 7.) Did you ever see Edwards put names on that bill? I don't remember, I have seen him put so many.

Alexandrina Campbell, prisoner in the jail of Aberdeen, and one of the parties concerned in the fire-raising, sworn.

Examined by Mr M'Neill.—Lexy, you were a servant at Crombie Cottage? Yes, Sir. You were there for some time? About thirteen years. Mr Gillespie had another servant there, Jessy Greig? Yes, Sir. Whether had you or she charge of Mr Gillespie's papers? It was Jessy Greig; she had charge of the key of the drawer. Do you know what papers she had the custody of? She had charge of different papers. Had she charge of Mr Gillespie's bills? I know that perfectly, for I had to mark them in a book when they were given in and taken out. Have you seen Mr Smith of Blackhills there? Yes, Sir, very often. He was an intimate friend of Mr Gillespie's? Yes, Sir. You have seen him indorsing bills to Mr Gillespie? I have seen him writing on bills often. What

became of the bills after Mr Smith wrote upon them? They were given to Jessy Greig to lay past. Were they blank indorsed by Mr Smith? I cannot say.

Lord Alloway.—I desire you will explain to me what you mean by blank indorsed? (The witness was silent.) Explain to the Jury what you mean by blank indorsed. (The witness still silent.)

Mr M'Neill.—My Lord, the witness did not——

Lord Alloway.—Mr M'Neill, I will thank you to let me alone. (To the witness.) What, I say, do you mean by blank indorsed; the woman who can keep books in which bills are entered should know a little of these things? I fancy, my Lord, it means to sign a bill without any thing being written inside. What do you mean by inside? (The witness silent.)

Mr M'Neill.—What do you mean by writing inside? Writing within the bill, not upon the back.

Lord Alloway.—Was there any writing inside of the bill when Mr Smith signed? I don't know.

Mr M'Neill.—Was there a person of the name of Edwards at Crombie Cottage when you were a servant there? Yes, Sir. In what capacity did he act? As an assistant to Mr Gillespie in the taking of whisky, and sometimes in writing to him. While he was in Mr Gillespie's employment, have you seen him writing bills? Yes, Sir, I have seen him writing bills. Have you seen Edwards putting down other people's names on bills? Yes, Sir. Can you mention any of the names? I saw him write down the names of Joseph Low, John Lawson, John Troup, and Alexander Troup, on one bill. Was Mr Gillespie present? No, Sir, he was not. Did you think there was any thing wrong in Edwards putting down these names? I did not think anything about it. Had you any conversation with Edwards on the subject? Yes. What were the particulars of that conversation? I asked if the people knew that

he did so? and he said, they all knew; that many of them could not write; and that they had desired him to put down their names. Did he say any thing about telling Mr Gillespie about this? He desired me not to tell Mr Gillespie, for that he would be very angry with him for his laziness in not going out. Did you tell Mr Gillespie of it? No. Why? I was afraid Mr Gillespie, being passionate, would have struck Edwards. Tell me whether Gillespie, from all that you saw or could understand, knew that there was any thing wrong about these bills? I am satisfied that Mr Gillespie knew nothing of that kind. Do you remember of a rumour breaking out about Joseph Low's bill? Yes, Sir. What did Mr Gillespie do on hearing that? He was in a terrible state, and sent for Skene Edwards, to know what could be the meaning of Low's denying the bill. Did any conversation take place between them? Yes, Sir. Do you know that, after that conversation, Mr Gillespie wrote or called upon Joseph Low? He wrote to him. Did you see him write? I did. Was it in consequence of the conversation with Edwards that he wrote to Low? It was. Would you know that letter again if you saw it? I suppose I would. Is that it? (Shewing her the letter to Low, p. 16 of this report.) That is the letter. Did you go to Low's house? Yes, Sir. Who sent you? Skene Edwards sent me. For what purpose? Skene Edwards desired me to tell Low not to mention any thing about the bill to any person. Did you go and communicate that message? Yes; and Skene Edwards said it would ruin him if it was found out. Was there a person of the name of Brownie at Crombie Cottage? Yes, Sir. Did you ever see Edwards writing on a glass? Yes, Sir, on a window pane. What was it he was writing? Bills. When were you apprehended? I was taken into the prison on the 8th of May. Have you seen Jessy Greig since? No,

Sir. You were in separate prisons? Yes, Sir. Have you had any communication with her? None.

Mr Alison.—On what charge were you imprisoned? On a charge of wilful fire-raising. Who were taken up with you? All the persons at Crombie Cottage. Here is a bill of L.38 10s. (No. 1.) where was Skene Edwards when he wrote the names on this bill? In the parlour. And who were present? Jessy Greig, Brownie, and me. And so Edwards, when he was about to commit forgery, sent for you three to see him do it—a very likely story!

This closed the evidence in exculpation, and Mr Alison proceeded to address the Jury.

May it please your Lordships,

Gentlemen of the Jury, you have now been occupied more than eleven hours on this case; and I do not think you will consider your time misspent in investigating a series of crime which, in point of magnitude and extent, as well as for the deliberation with which the plans have been carried into execution, no less than the skill displayed, exceeds any thing which has occurred for a great number of years. You have no fewer than seven cases of forgery now under your consideration, in which both of the pannels at the bar appear to have been concerned in a greater or less degree. Large sums of money have been obtained; and I look upon it as most fortunate for the ends of public justice that these pannels are now called upon to answer before a Jury of their country.

Gentlemen, I set out with two general observations on what is necessary to constitute the crime of forgery. First, the document must actually be forged, and the party charged must, in some way or other, be implicated in the forgery; and, secondly, the document so forged must be uttered. These constitute two offences, but they

must be taken together. It is not sufficient to bring home conviction to prove merely that a man has committed forgery. If the forged document has not passed from the hand of the forger, and been put into circulation, no prosecution can follow. And, in like manner, the utterer is not liable in punishment, unless he be implicated in the forgery, or know the document to be forged. It is not necessary to adduce proof of a party being actually concerned in forging; it is sufficient for constituting the crime of forgery to prove that a man has uttered a forged document, with a guilty knowledge. By using the forged document, knowing it to be forged, he is held in law to become participant of, and to associate himself to, the whole guilt; and there are various instances of conviction in such cases. (The learned gentleman read numerous passages from Mr Hume's work on the criminal law, in support of this doctrine.)

I maintain that, in this case, the pannels are jointly and severally implicated in the fabrication of the documents libelled; that Gillespie uttered them for his own benefit; and that Edwards allowed the bills to get into Gillespie's hands for that purpose. These parts of the case I hold to be completely proved. That all the bills (with the exception of the fifth, departed from) were uttered by Gillespie, is instructed by the bankers, and is admitted by himself in his declaration. He there admits that every one of the bills was discounted by him, and that he drew the whole of the money. No part of the proceeds went to Edwards; the whole went to Gillespie himself.

Gentlemen, it is further proved beyond dispute, that all these bills are forgeries. All the persons drawn upon, who could be found, have been called before you, and they have sworn that they never signed the bills,—have sworn that their names are forged. They signed their names on tickets before the Sheriff, and their evidence is corrobora-

rated by a comparison of their genuine subscriptions with the signatures at the bills.

On these two points, therefore—namely, that Gillespie uttered the bills, and that the bills are forged—I shall not detain you.

Gillespie, Gentlemen, in the outset of his story, says that he required the bills for his own accommodation, that he gave them to Edwards to get signed, and that he himself knew nothing of the forgery. Now, Gentlemen, what motive could Edwards have had in acting this part? Edwards was to draw none of the money; and what assignable motive could there be for his risking his own life by such acts, and risking also that of his master, without the latter's privity and knowledge. No man, not out of his senses, would have done this. And if Edwards so acted, he must be one of the most extraordinary men that ever lived in the world. Is there any one of you who can give credence to such a statement? The story is utterly absurd; it is contrary to all that we know of human nature; and such a case has never occurred since the beginning of time.

Gentlemen, it is satisfactorily made out in evidence that Edwards was the man who drew the bills; and I think there is also proof that, in some of the instances, Edwards was engaged in forging them; at all events, it is perfectly clear that he is implicated in the forgery. After drawing the bills, he allowed them to go into the hands of Gillespie, and must be held guilty as an accessory. He did not, indeed, present the bills at the Bank, but his knowledge of the forgery, and his concurrence in the uttering, are proved by a remarkable circumstance—by his letter sent in Gillespie's absence to the Town and County Bank, dated 22d January, 1827, in which he, Edwards, requests that the Bank-notices should be sent to him, that he might communicate them to the acceptors. You will bear in

mind also, that the other letters written by him and signed by Gillespie are to the same effect. These letters show that Edwards knew where the bills were uttered, and that he wished a knowledge of their existence to be kept from the acceptors. I think that these circumstances, coupled with the bills and addresses upon them being in the handwriting of Edwards, completely implicate him both in the forgery and uttering; and with these observations I dismiss the case as to him.

I now, Gentlemen, proceed to connect Gillespie. I have already pointed out the absurdity of his story that Edwards alone was the guilty party. But the case by no means rests there. Gillespie admits that he himself was the original concoctor of the bills. He says in his declaration that they were drawn for his accommodation, and not for that of Mr Smith of Blackhills, or of any other person; that they were written by his own desire; and that he gave to Edwards a note of the names and addresses of the different acceptors. Therefore, Gentlemen, Gillespie is the original party who concocted the bills; he it is who was the prime mover in these transactions.

Gentlemen, you next find that these bills are in the hand of Gillespie, and that he puts them in circulation. He says, indeed, that he was perfectly ignorant of the forgeries, and that Skene Edwards brought the documents to him in a forged state; but, to say nothing further as to the motive, inconceivable as that may be, which could prompt Edwards to forge the whole of these bills without the knowledge of his master, and without benefit to himself, how comes it that among the persons of whom Gillespie says he gave a list to Edwards, there are two who do not exist? Gillespie, when before the Sheriff, was asked how he could account for that circumstance, and he said he could not account for it, except by supposing that Edwards had committed a mistake. This is what no

reasonable man can listen to. But were not these bills, with the names attached, in Gillespie's own possession? And if there had been any such error, not attributable to himself, would he not have observed it? In the declarations which he emitted before the Sheriff, he does not tell his story always in the same way. In the one declaration he says, he desired Edwards to apply to any of his (Gillespie's) acquaintances to sign the bills; in the other he says, he gave Edwards a list of the names. He falls into inconsistency, and is perfectly unable to account for there appearing on his bills the signatures of two persons who have not an existence.

Gillespie well knew that if the Bank-notices, sent to the acceptors, had been allowed to reach them, the whole affair would have been blown up; and it is proved to you that he applied to the bankers, both verbally and in writing, to have the notices sent direct to himself. If Skene Edwards had been alone concerned, and Gillespie innocent, the latter would not have taken the extraordinary steps which he did to intercept the notices. Such conduct is perfectly in accordance with that which a guilty man would pursue, and utterly inconsistent with innocence.

Neither, Gentlemen, is this all. There are two further circumstances which connect Gillespie with the crime, in the most extraordinary manner. His guilty knowledge, in regard to two of the bills, is completely brought home to him by writings under his own hand. Among the bills libelled, there is one of L.27 9s. dated 30th September, 1826, and payable 6 months after date; and I pray you to observe that this is the bill to which Jessy Greig swore that she saw Edwards exhibit the names of James Anderson, Alexander M'Gregor, and Alexander Johnston. There is no doubt that that bill is a forgery; and the letter to which I now call your attention shows that Gillespie was concerned in that forgery. The bill fell due on the 2d of

April, being the last day of grace ; and Gillespie's letter to Mr Mitchell is dated that day. Gillespie, in that letter, says " There is a bill due in your Bank this day of £27 9s. accepted by James Anderson and others. It will be extremely obliging to bring as little expenses upon it as possible in the meantime, at least till Friday first, when it will be duly retired, *as I have a letter from the acceptors saying that it will be that day before they could be ready, as they were to attend some markets this week for the purpose of selling some cattle to raise money.*" Gentlemen, according to Gillespie's own account he is not guilty ; but how comes it that he sends such a letter as this ? He expressly states that he has received a letter from the acceptors in regard to the bill, and yet he would have you believe he knew nothing about the forgery. I should like to see in what way Gillespie can get the better of this document.

Then, Gentlemen, there is the other bill of £38 12s. dated 29th April, 1826, payable 12 months after date, and bearing to be accepted by James Anderson and others. Now, you have it proved by the Bankers that it was their invariable practice to send notices to the acceptors a fortnight before bills fall due. The notice to Anderson in regard to this bill was put into the Post-office at Aberdeen, to be transmitted to him direct ; and Gillespie having learned this, he immediately adopts a plan for intercepting the notice. The notice is dated the 19th of April last, and was put into the Post-office on that day, as the Post-mark shows. It is proved by the Post-master at Upper Banchory, that at this time two letters for Anderson came to the office, that one of them had the appearance of being printed, and that in every respect it resembles the Bank-notice. And to whom does the Post-master deliver these two letters ? Why, Gentlemen, he tells you that he delivered them to George Brownie, Gillespie's

friend and assistant. Brownie himself tells you that he got them ; that he actually delivered one of them to Anderson, but that he kept back the one with the printed marks upon it, and gave it to Gillespie, by the orders of Skene Edwards ; and Gillespie, it appears, gave money to Brownie to pay the postage. This evidence is so far corroborated by Anderson, who swears that Brownie came to his place, and gave him only one letter, without a word passing in regard to the other. Can you have any doubt that this was the Bank-notice which related to the forged bill of £38 12s. and that that notice was so intercepted by Gillespie's orders ? And what conceivable motive could he have had for this, but to conceal the forgery ?

There is another point in the case. The name of John Troup is twice forged. It is forged on the bill of £18 6s, and on the bill of £38 12s. and, Gentlemen, the signatures on these bills are as different as it is possible for man to imagine. These two bills were presented by Gillespie for discount ; the one on the 6th of January, and the other on the 20th of that month. They must have been both inspected by him, and no man in his senses could have supposed them to be the genuine signatures of the same person.

You will recollect too, Gentlemen, what Gillespie's conduct was at the meeting with his friend Mr Smith of Blackhills, when Mrs Smith and John Smith were present. These witnesses have told you that that meeting took place about a month before Gillespie was apprehended. Mrs Smith was complaining of the number of bills which her husband had to pay, and threatened to inform the Procurator Fiscal, in regard to the way in which the bills had been got up, or to cause the cashiers of the Banks to send notices direct to the acceptors. Observe the remarkable words which are sworn to have been used by Gillespie on this occasion. His words are, that he might

as well cut himself to pieces, or blow out his brains, as let that be done. This is proved, Gentlemen, by Gillespie's own friends and neighbours, and one of them is the wife of the individual who had pledged his credit for him to so great an amount. All this took place before the rumour of the forgeries had got abroad—before the story about Low's bill had arisen;—and I ask you, if you can, to put any interpretation on Gillespie's conduct reconcilable with his plea of being an innocent man.

You will remember, also, the conversation which Gillespie had with Joseph Low, and with Low's wife, when he attempted to prevail on Low to take with the bill, and say that he had signed it when he was drunk. The letter which he left with Low's wife, dated 25th April, 1827, and addressed to her husband, is a remarkable and decisive piece of evidence. In that letter he says to Low "I was very sorry to hear this day that you had neglected that you signed an accommodation bill to me along with a few friends," &c. He continues—"Although you had a glass extra at the time you obliged me with your name, and might have forgot, yet your wife must recollect of the circumstance, as I told her about it after you had done so." Attend to that, Gentlemen. "*I told her about it!*" How does he reconcile that with his plea that he had got his information from Edwards? He says that it was he himself who got the bill from Low, and that it was he himself who told Low's wife of the circumstance, while they both contradict the story altogether,—the wife swearing that she had not spoken to Gillespie for three years. I am forgetting, Gentlemen, the important observation which Gillespie made, when he was urging Low to take with the bill, and urging his wife to prevail on him to do so. His words were, that they would save his neck from the rope!

You have, moreover, Gentlemen, the evidence of Mr

Fyfe the Messenger, who swears that on his shewing to Gillespie the warrant proceeding on the first bill of £38 10s. Gillespie exclaimed that he was a gone man, and implored of him to let him disappear.

These are circumstances which it is impossible to overcome. They irresistibly bring home to the prisoner Gillespie a guilty knowledge.

The Learned Gentleman concluded by asking from the Jury a verdict, finding Edwards guilty as actor of forging the bills, and guilty art and part of uttering, and finding Gillespie guilty, as actor, of uttering, and guilty art and part of the forgeries, all as libelled. (*Applause from a quarter of the gallery followed this speech.*)

Mr M'Neill, on the part of Gillespie, addressed the Jury.

May it please your Lordships,

Gentlemen of the Jury,—Before I came into Court, I was pretty well acquainted with the facts of this case; and I have this day observed, most patiently and attentively, every circumstance which has occurred. I have weighed well every fact which my learned friend, the public prosecutor, has established against the pannels, and have considered all those circumstances which could make in favour of the side on which I am engaged. And if the case were to rest alone on these circumstances, I would care nothing for the violent address (remarkable in nothing more than its violence) which you have just heard from my learned friend. But I do care much—a great deal—for a feeling, resting in the human breast, of which I could not competently adduce evidence, but of which the most superabundant evidence has arisen. Not a minute ago, a burst of applause resounded through the Court at the prospect of the lives of the individuals at the bar being sacrificed. This is the first time in my life, that I have ever heard, in broad, fair, and honourable Scotland, of such expressions escaping from an assembly where life or

death was at stake. But, Gentlemen, it is the echo only of a feeling in the country, universal, deep, and strong, against these pannels, and which seems incapable of being staunched but with their blood.

Gentlemen, I call upon you to guard yourselves against any improper feeling entering into your minds, for you necessarily constitute a part of that population over which that feeling extends. It is questionable, indeed, whether it ought not to have been moved that a trial of this case should take place in a part of the country where no local prejudices exist—where nothing would have been known of that atrocious and disgraceful feeling, of which there has been to-day exhibited but a sample.

You must pardon me, Gentlemen, for alluding to circumstances which I have considered it my sacred duty to bring into view; and permit me to call upon you by the oath which you have taken—by your responsibility to a higher Power than man, to that Power which sees all hearts, and knows all thoughts—to banish from your breasts every prejudice, and to try the prisoners by the evidence which you have this day heard, and by that alone. Only concede that to me, and notwithstanding all the ability and legal knowledge with which the case on the other side has been argued, I, in my conscience, believe that it will be impossible for you to arrive at that conclusion to which my learned friend would lead you.

I say, Gentlemen, that the proof in support of the indictment is defective in all points, and that the guilty knowledge, attributed to my client, is disproved by the prosecutor's own witnesses. You have heard no evidence to-day, but what has been given by the witnesses for the Crown. The witnesses which I brought before you* were included

* In the list of witnesses for the Crown, attached to the indictment, and served on the pannels, the two Engravers from Edinburgh, and Janet Greig, and Alexandrina Campbell, are included.

in the learned prosecutor's own list. He did not call these into your presence, because he foresaw that the testimony which they would give behoved to clear up all that was dubious in this case. He saw that all those grounds of suspicion on which he rested against my client, would be removed by the evidence of these individuals, and therefore it is that he did not venture to adduce them.

With these preliminary observations, I proceed to call your attention to the evidence as it affects the lives of your fellow-creatures at the bar ; and I need not say that it is evidence, and not matter of suspicion, by which they can be affected. There are two charges, Gentlemen, against my client, in the libel ; the first, that he forged the bills—and the second, that he uttered them, knowing them to be forged. My learned friend, in the outset of his address, told you that Gillespie is guilty of the forgery ; but is there, I ask, on this part of the case, a tittle of evidence—a ground of suspicion—a conceivable circumstance—on which to rest a belief that Gillespie forged any one of these documents ? All the testimony of my learned friend goes to exclude that supposition entirely. His witnesses have not stated a single fact from which a presumption against my client can be drawn. Yet my learned friend strove with all his power to make something out ; he applied to engravers to trace, if possible, the handwriting of my client in these forgeries : but, although he brought these engravers from Edinburgh, and they were in attendance, he had not the courage to bring them before you. I took my learned friend's witnesses out of his own hand, and placed them in the box ; and what do they tell you ? Do Mr Clerk and Mr Gavin give you any ground to suspect that these forgeries were committed by my client ? Quite the reverse. On their oaths they declare to you that the bills were *not* forged by Gillespie,

but by another person—I shall not say whom—but forged by a person different from my client.

I also adduced the prosecutor's own witnesses to speak to many instances of the actual commission of the forgeries. It was my learned friend's own witnesses—keep that in view, Gentlemen—who spoke on this point. It was his own witnesses whom I subjected to his own cross-examination. These witnesses gave their evidence as fairly as ever was done in a court of justice. They swore as to the person by whom the documents were fabricated, and that the forgery was not committed by my client.

This exhausts the first branch of the case. There is no evidence against my client—no, not a ground of suspicion; there is nothing but clear, direct, and positive testimony to the fact that he did *not* forge a single document libelled. That branch of my learned friend's case falls entirely to the ground. My learned friend, in his address, slurred over this part, and could not bring himself to ask you to find the pannel Gillespie guilty as the actual forger. That part of the charge, therefore, is out of the question. You cannot say that my client was the actual forger, and you will not say it.

But, Gentlemen, another question remains, and to that my learned friend has chiefly spoken—namely, whether Gillespie, when he discounted the bills, was aware of the fact that they had been forged by another person. While I freely confess that the evidence adduced is competent, I maintain, with the utmost possible confidence, that not a single particle of it goes to the conclusion that Mr Gillespie knew of the forgery at the time that he went to the bankers. Have you, Gentlemen, any evidence that he then knew? If he did not know at that time, there is no case. Now, in solving this question, you will admit to me, as a reasonable proposition, that a person like Mr Gillespie, acquainted with business, and procedure in

courts of law, would know that, when a man commits forgery, he brings his life into danger; and that a man will not run this peril without some motive. Now, Gentlemen, I say that Mr Gillespie had no motive for doing that with which he is impeached—no motive whatever to avail himself of forged documents. I pray you to observe that, when he carried these bills to the bank, the forgeries were of no value to him; for what have the two bank cashiers told you? Did they not tell you, Gentlemen, that the bills were not discounted by them on the credit of these poor crofters? The cashiers stated that they were quite unacquainted with these persons, and that the bills were discounted on the credit of Mr Smith of Blackhills alone. This, consequently, was the name which my client was interested to forge, if he was to try so dangerous a trade at all. Did he forge that name, Gentlemen? No; it is admitted that that name is not forged. Mr Smith granted a letter to the bankers, in which he requested them to discount to Mr Gillespie the bills on which his name should stand. (Letter read.) Mr Smith, in this letter, does not desire the bankers to discount only those bills on which his name appears as indorser; no form of drawing the bills is prescribed to Mr Gillespie; and, as it has been proved to you that the name of Mr Smith alone was sufficient for the passing of the bills, Mr Gillespie had no occasion to introduce the name of another person. The allegation, therefore, that my client passed these forged documents, with a knowledge of their being forged, cannot be ascribed to any rational or explainable motive. Yet, in the face of such circumstances, you are gravely told that there is evidence on which you may take away the life of the pannel! Gentlemen, it may be said that Mr Smith wished acceptors to be at the bills; but is that proved to you? It is neither proved, nor is there reason to believe it. Mr Smith required no security from my

client, and the banks required no security from Mr Smith. Mr Smith is a man of substance, and the bankers had no difficulty or hesitation in discounting his paper. Now, I say that my client had no motive to forge these bills; neither had he any motive or interest to get them forged by any body else. Nor, Gentlemen, can you for a moment suppose that he would have been mad enough to have placed his life in the hands of a person, who, by giving information, could have destroyed that life at any time. It is the most absurd thing imaginable to suppose so; and if you find my client guilty of this, you must, at the same time, find him to be insane.

I have thus shown you, Gentlemen, that my client could have neither motive nor interest in these forgeries. But there are further circumstances in evidence, of the deepest moment. There are three witnesses who prove that my client sent Edwards to get the bills signed by the acceptors; and I entreat of you to note how many persons there are who have declared on oath that they have, on former occasions, accommodated, and would have again accommodated, Mr Gillespie with their names. My client does not send Edwards to persons who are strangers to him, but to persons from whom he had received previous accommodation, or with whom he lived in friendship and good neighbourhood. These are the persons to whom he sent Edwards; and there are three witnesses who heard Edwards receive these instructions. On this part of the case, my learned friend gets into the most extraordinary and absurd flight imaginable, and exclaims that because I cannot account for Edwards' conduct, *ex necessitate* my client is guilty. In discussing this part of the case, I am placed in a disagreeable situation with reference to Edwards. So far from wishing to take a part against that individual, my heart bleeds for him; but I cannot consent that, for his safety, my client should be

sacrificed. My client is not bound to account for Edwards' motives and conduct. It is bad logic, and worse law, on the part of my learned friend, to say that because my client cannot do so, guilt must attach to *him*. It is not easy to establish the motives which actuate another, and I cannot be called upon for the performance of that task. It is sufficient for me to prove facts; and I beg to direct your attention to what is sworn by the crown witnesses, whom I have been the means of bringing before you. These witnesses, between whom there has not been, and could not be, any concert or intercourse, prove that Edwards, when desired to go round to get the bills signed, did not choose to go, but chose to remain at home. You have that fact sworn to, and you cannot disbelieve it. It is proved to you by these witnesses, that Edwards affixed the acceptors' names to these documents, and that the circumstance was concealed from my client. They questioned Edwards as to the propriety of his putting down these names, and his answer is, It is a mere form—the people authorised me to do it—they will be brought to no trouble—and it is, besides, none of your business—but I beg you will not tell Mr Gillespie that I remained at home, for he would kill me for my laziness. Accordingly, Gentlemen, you find that the witnesses, knowing Mr Gillespie to be of an irascible disposition, kept the circumstance from his knowledge. That is solemn evidence upon oath; and I cannot conceive it possible that fifteen intelligent Jurymen can come to any conclusion inconsistent with that evidence.

Gentlemen, there is another circumstance which points in favour of my client. One of the witnesses distinctly swears that she saw Edwards engaged in an operation which immediately excited her suspicion. She saw him, Gentlemen, in the act of penciling names on paper against the window; and this shews you who were the actors in this drama.

My client's reason, Gentlemen, for not himself calling on the acceptors in regard to the bills may be explained in a few words: He held a responsible situation in the Excise, and was debarred from asking favours from traders; the regulations to that effect have this day been produced to you, and they expressly order that "no person holding any office in the excise, or acting in any capacity whatsoever, under the Board, in future, either directly, or indirectly, by himself, or others, under pretences of any sort, demand, take, accept, or receive, any fee, perquisite, reward or compensation, present, or gratuity, or any donation, or treat, whether of meat, or drink, or of any other nature, from any trader, or other persons in any matter whatsoever, concerned with the business of excise," &c. Here, Gentlemen, you have Mr Gillespie's motive for not having any personal communications with the acceptors of the bills, who were dealers in malt, and consequently traders. The course taken by Mr Gillespie was doubtless a reprehensible evasion of the Excise regulations—I blame him for it—but still, that was the reason of his avoiding personal and direct intercourse.

Then, Gentlemen, as to Edwards signing the names, outwith the presence of my client—you have that proved to you by a crown witness, whose evidence, my learned friend himself will tell you, is entitled to your best regard. One of these witnesses distinctly swears that Edwards applied to him for an accommodation bill, which he (the witness) would not sign without a back line. That back line was granted, but signed how? Not by Gillespie himself (as came out on the question of a most intelligent juryman), but signed by this man Edwards, who put down and forged Mr Gillespie's name! It appears to have been this man's practice to do things of this kind, for he next proceeds to put down another person's name to the bill,

without that person's authority. Mark this transaction, I beseech you, Gentlemen, for it is a transaction which it cannot, by any possibility, be said could have fallen within the knowledge of my client.

As to the signing of the particular bills libelled, I have to call your attention to the evidence of Brownie, Greig, and Campbell. These witnesses saw all that took place, and all the three concur. The testimony which they have given my learned friend has not shaken in a single point. I asked them in the strongest language—on their most solemn oath—to say whether, from all that passed, from all that they saw or knew, they even suspected that Gillespie was concerned in the forgeries; and what was the answer of my learned friend's witnesses? Their answer is, that they never saw Gillespie present when any such things were done, and that from nothing that fell under their observation did they suppose him to be guilty.

My learned friend thinks to support his tottering case by picking holes in my client's declaration. But I question whether my learned friend, in the whole course of his extensive practice, ever saw a declaration which, from beginning to end, is given with more fairness. As to the intercepting of the Bank-notices, my learned friend does not possess a sufficient knowledge of the world to be aware of the expedients which a man in straitened circumstances takes to prevent his credit from being injured through the dishonour of his bills. But your experience, Gentlemen, as men of business, will enable you to see the erroneous conclusion which my learned friend would draw on this subject. Were I under the necessity of asking an accommodation bill, I would take most especial care that the acceptors should not know that I had difficulty in retiring it. I appeal to you, as men of knowledge in the world, that devices are fallen upon, in such cases, to preserve credit—dishonourable devices I grant—but which,

nevertheless, in a moment of emergency, are resorted to. Gentlemen, is it not monstrous to say that, because my client resorted to one of those expedients, which thousands of other people have tried to save their credit, he is to be held guilty of the crime of forgery? If, upon such circumstances, you throw away the life of a fellow-creature, there is an end to all law and justice. I repeat, that what this man did was from no other motive than to preserve his credit; and where his conduct admits of two constructions, I am sure you will not take the worst.

My learned friend thinks that his proof, in regard to Joseph Low's bill, is most conclusive. Gentlemen, when that bill was about to fall due, Mr Gillespie received a Bank-notice; and after receiving that notice, he allowed the bill to remain in the hands of the banker, who subsequently sent an intimation to the acceptors. Now, I wish to take my learned friend on his own ground. If the pannel did know that this was a forged document, would he have allowed it to remain one hour in the Bank after an intimation was sent off to the acceptors? I know my client was in straitened circumstances; but the bill was only of the paltry amount of L.38 10s.; and can you believe that a man in my client's station in society would not, if he had considered his life in jeopardy, have found means to raise this sum? The circumstance of his having intercepted the first notice to Low does not go one iota in proving the case, for that circumstance admits of an explanation, exclusive of that supposition, so fatal to my client, which my learned friend would put upon it.

But my learned friend says that my client's guilty knowledge is not only proved by these circumstances, but by his conduct otherwise, and certain expressions made use of. All this, however, was subsequent to the disclosure about Low's bill. The prisoner, Gillespie, being informed that Low denied his subscription, and knowing

that he had himself passed the bill, he naturally became anxious on the subject, and goes and endeavours to have all questions regarding it put an end to. With reference to the bill of £38 10s. he writes to the witness, Low, telling him that he had signed it when he was intoxicated, but that his wife would recollect about it. My learned friend says that this story is not true, and immediately draws the conclusion that my client fabricated the document, and uttered it with a guilty knowledge. But has it not been proved to you, that what is stated in this letter was communicated to the pannel, Gillespie, by Skene Edwards, and that my client, immediately on receiving that information, wrote this letter to Low? There was nothing more natural in the world than the course which my client took. He heard at a roup that Low was denying the bill, and he immediately goes to Skene Edwards, and asks, how comes this? And then he, in his own name, writes Edwards' story, believing it to be true. Therefore, the whole matter of the letter is explained, and falls to the ground. My learned friend, anxious to catch at the slightest flaw, says that because my client applied to Low to take with the bill, he was necessarily in the knowledge of the forgery when the bill was passed, and that the matter is resolvable in no other way. Gentlemen, my client did apply to Low to take with the bill, and to say that he was intoxicated when he signed it, and had forgot. It was wrong in my client to do so, but people do not always act with propriety. But observe his reason. This bill had been retired, and he was anxious to have an end of the matter. Although he was ignorant of the forgery, yet he knew he had discounted the bill, and might be brought to trouble. Therefore it is that he says to these people, take with the bill, otherwise you will put me in danger. But because he says this, are you to infer that when the bill was uttered, he was necessarily in the knowledge of its being a forgery?

It would be dreadful to hold this as evidence of a capital crime.

I think also that these explanations do away the expressions used to John Smith and to Mrs Smith.

Gentlemen, my learned friend next founds on an expression which my client used when Fyfe the messenger apprehended him. The argument which my learned friend has raised upon this proceeds on a total perversion of the fact. My client is arrested on a charge of forgery, and he says "I'm a gone man." The expression "I'm a gone man" is in common and ordinary use, when there is nothing very particular to call for it. In the present instance, my client saw, innocent as he was, that he was likely to be brought to great trouble, and it was natural for him to make use of such an expression, under such circumstances. And to show you that it cannot bear the interpretation which my learned friend would put upon it, I ask, is it not the case that my client explained to Fyfe that he had not forged the bill, that he himself was perfectly innocent, and that it had been done by Edwards? That this explanation was given, is proved by Fyfe, and you must take the whole of that person's testimony together. Gentlemen, this is not evidence—the slightest evidence—against Edwards. You would be guilty of a great wrong so to apply it. But it is evidence in favour of my client, and the expression which he first used is, thereby, deprived of its sting.

Gentlemen, there is a letter to which my learned friend refers—a letter to the banker in regard to the bill of £27 9s. accepted by James Anderson and others, requesting delay. In this letter, my learned friend finds positive and direct testimony of my client's guilt. But, beyond the fact that my client discounted this bill for his own accommodation, you have not a tittle of evidence. My client knew the day on which the bill fell due, having

made a note of it; but when the day of payment came, he was not ready to take up the bill; and he wrote to Mr Mitchell that he had a letter from the acceptors, saying that it would be the Friday following before they could be prepared with the money, but that they would be prepared then, as they had some cattle to sell. There is nothing very extraordinary in such a letter as this. It is just one of those expedients, not very honourable in themselves, which men take to support their credit. I have seen twenty such documents. My client, I admit, had no such letter from the acceptors—it was a mere pretence to obtain delay; but if my client had known that the bill was forged, would he have trusted to this letter? He must have been constructed of other materials than man—he must have had a heart of iron—if he could have remained quietly at home, for days, with a knowledge that there lay in the bank, under protest, a document upon which his life might be taken away. No, Gentlemen; I, or any other man, under such circumstances, would have strained heaven and earth to take up such a bill. My client's letter, Gentlemen, when followed by such conduct on his part, is just shewn to be one of those letters which a man will write to preserve his credit with his banker.

I believe, Gentlemen, I have gone over the whole circumstances of this case, and I regret to have detained you so long. I caution you against condemning my client without evidence. Recollect that you are trying a man for his life, and that before you can condemn my client, you must hold that he *cannot* be innocent. The evidence adduced against him is, in the worst view, inconclusive; but I take higher ground, and maintain that it goes to exculpate him, and that you cannot find him guilty. If this man's life be sacrificed to prejudice—if you, carried away by that, send him to the scaffold—think, for a moment, what your own future reflections will be. If you do your

duty, my client need not be afraid. If his case be tried by what you have this day heard, and by nothing else, then do I say, that there is not a hair of his head which can be touched.—(Applause.)

Mr Neaves spoke next.

May it please your Lordships,

Gentlemen of the Jury,—It is now my business to address to you a few observations on behalf of George Skene Edwards; and in rising to perform this task, I feel myself placed in a situation of considerable embarrassment and delicacy. You are this day met to try two prisoners for their lives. On the part of one of them, you have just heard an eloquent address; and I cannot but feel how inconsistent with that address is the plea which I have to offer on the part of the other prisoner. I am anxious to discharge my duty to my own client, but, at the same time, I am desirous not to encroach a single hair's breadth on the defence of the other man at the bar, or to diminish, in your minds, the fair and just effect of the address delivered to you, on his part, by my learned friend.

It was not my business, while defending one pannel, to take up the duty of the Public Prosecutor, and to endeavour to make out the guilt of another party; and, in now addressing you, I shall keep within the bounds to which I have alluded—trusting that you will not desert me in the course which I am pursuing.

Gentlemen, you have heard a great deal of evidence, which, if you were to receive it, would go to criminate my client, and to fix the charge upon him. That evidence has been brought forward by the other prisoner Gillespie, who would disprove his own guilt, by making you believe that the guilt rests with my client. If I were to enter upon that evidence, I would be drawn into a field very exten-

sive, and very injurious to the other prisoner, and, generally speaking, very unfair to the administration of public justice. But such evidence is utterly incompetent against Edwards. In trying Edwards' case, you are to look to nothing as conclusive against him, and allow nothing to come into your consideration but the evidence directly adduced by the public prosecutor. No evidence whatever brought by the other prisoner is admissible; and you will be told so from the Bench. At the same time, had I thought it fair, necessary, or right, to enter on that evidence, do me the justice to believe that I was not without the means of getting the better of it.

If a party accused were required to answer to what a fellow-prisoner might attempt to make out against him, the greatest injustice would arise. A prisoner comes forward, prepared to meet the case of the Crown, and nothing else; and he knows that he has to deal with one, the respectability of whose character, no less than the responsibility which attaches to him as a public officer, affords an assurance that no evidence, known to be false, will be adduced. The public prosecutor's responsibility and faith are pledged to that effect. The pannel is made aware of what he has to grapple with, and if he overcome that, he is entitled to be acquitted.

In the present instance, I was not furnished with any intimation of the line of defence which the other prisoner Gillespie has pursued; I was served with no list of his witnesses; and, as an additional test that his witnesses cannot affect me, you will observe what their Lordships did when administering the oath. When the witnesses for the Crown were sworn, they were asked whether they bore any malice or ill-will against either of the pannels; but when the witnesses for Gillespie were sworn, they were not purged of malice against my client, and could not competently be so, their evidence being utterly inadmis-

sible against him. Consequently, I took no part in the examination. The evidence is merely exculpatory as in favour of Gillespie, and cannot in any shape reach my client.

I earnestly therefore, Gentlemen, entreat of you not to allow your verdict, so far as Edwards is concerned, to be affected by the evidence adduced on the part of Gillespie. I have abstained from examining his witnesses, and do abstain from making any remarks on their testimony. I hope you will go hand-in-hand with me in casting that evidence aside. I hope my confidence in you in that respect is not misplaced, and that the forbearance shewn on my part will be met with corresponding firmness on yours. Whatever private opinion circumstances may impress upon your minds, recollect that it is by the evidence which the Public Prosecutor has adduced, and by that only, that my client can be judged.

Trusting that you will attend to this distinction, and put away every thing irrelevant which may have dropped into your ears, I shall proceed to make some remarks on the case as appearing in the evidence for the Crown.

You have been told, Gentlemen, that there are two charges in this case; the first, that of forgery, and the second, that of uttering. Forgery, as separated from the uttering, is no crime. Mr Hume lays down, that a man does not complete the crime of forgery by fabricating a document, unless he also utter that document, or put it into use. (Passage from Mr Hume's work to that effect read.) Now, with reference to the bills libelled, I ask you what evidence has been led, that my client was implicated in the uttering? The only uttering proved is the uttering to the bankers, and where is the evidence that my client was concerned in that? That is what you must convict my client of, if you convict him at all. But of this, as against him, there is neither direct nor indirect

evidence, while there is abundance of evidence to shew that, in the uttering to the banks, he had no hand whatever. My client, too, was not an obligant in the bills; he was no party to them in any way; he received no share of the proceeds; he was, in no shape, benefited by the transactions; and, on the point of uttering, there is not a presumption that you can raise against him.

Gentlemen, you have this day heard strange details about persons authorising others to put down names on bills; but supposing you had reason to suspect that my client had in any instance put down the name of another, are you, on any suspicion of that kind, to find him guilty of forging the documents libelled, and also find him guilty of uttering these documents? There is no evidence here—nothing whatever applicable to the present case.

That the bills libelled are forged, and that these were discounted, is undoubtedly proved. But by what evidence is my client attempted to be connected with the one or the other? The evidence is of the slenderest description, and the public prosecutor has tripped over it in a very hasty manner. The main fact on which he seems to rest is, that the bodies of the bills are in my client's hand-writing. What weight there is in this I cannot see. Nothing is more common than for clerks, or even one's neighbour, to write out the body of a bill, and return it to the owner, and never see it again. That the prisoner, Edwards, was employed to write out the bodies of the bills is true, and in this there is certainly nothing extraordinary; and that no signature forged was for his benefit, is equally certain. All the evidence that you have is, that Edwards wrote out the bodies of the bills. What became of the bills afterwards does not appear. The next thing you hear of them is, that they have been presented at the Bank for discount, and that they have been so presented by Gillespie, who received the whole proceeds. Now, I ask you, is this evidence upon which you can con-

vict my client of forging or uttering? In the most ordinary place of business, the bodies of bills are written by clerks, and it would be a most alarming doctrine that, because they are so written, the clerks are to be held responsible for the signature subsequently attached being genuine.

Now, what is there in the present case more than that? Edwards, Gentlemen, is represented as an agent for Gillespie; but you will observe that Gillespie had occasion for an assistant and clerk, and where is the evidence that this individual, so far as regards the bills libelled, departed from his proper line of duty, and acted culpably?

There is some evidence (not applicable to the bills libelled) about Edwards having signed Gillespie's name to a back-letter. But there was no evidence of a criminal intention in that transaction; and it is a prevalent practice in the country, however improper in itself, for one person to authorise another to sign for him. And there is a case recorded in our law-books of a clergyman, who, when called on to make the will of a parishioner who could not write, did very improperly, but with the purest motives, sign the name of the party. But, Gentlemen, when you were told by Gillespie in his declaration, that it was his practice to give Edwards back-letters to the persons who signed his bills, can you here raise any superstructure to assist you in arriving at the conclusion that Edwards signed the bills libelled? Then, Gentlemen, as to Edwards assisting Gillespie to write his letters, I can discover nothing in that upon which the public prosecutor can found. He was a clerk, and was bound to do what his master desired. And there is nothing very singular or extraordinary in his having, on one occasion, when Gillespie was at Edinburgh, written a letter to Mr Mitchell on the subject of some of the bills. In all these instances, he acted simply as Gillespie's clerk, and by Gillespie's instructions; and you have seen, from the irascible disposition of his master, that

disobedience of such instructions would have been attended with serious consequences.

Neither, Gentlemen, is there any thing in the circumstance of my client having lived with Gillespie. Because a man lives in such an establishment, that is not to be taken as a ground for inferring that he will commit forgery. These things have nothing to do with the present question. A man's character, be what it may, cannot be brought forward in support of any such charge. Such a doctrine would be fraught with the most grievous injustice.

Gentlemen, among the strange complication of circumstances which have arisen in this case, it may be that, while forgery has been committed, you may be at a loss which party to fix upon as guilty. If you are satisfied that Gillespie may be guilty, and that he may be the only guilty party, in that case you are bound to acquit Edwards. And if you have any doubt on which to lay the blame, you cannot say that either is guilty. When the public prosecutor brings two prisoners to the bar, and attempts to prove that it was the one or the other who committed the crime, that will not answer. He is not entitled to place you in such a dilemma—he is not entitled in this way to leave you to grope in the dark; and if you are not certain of laying your hand on the guilty man, you must allow both to escape. I maintain that my client is innocent, and my client's innocence is perfectly compatible with the guilt of the other prisoner.

The learned Gentleman, in conclusion, urged that there was no evidence whatever that Edwards forged the particular bills libelled, and no evidence whatever that he was concerned in the uttering; and called on the Jury for a verdict in his favour—(Applause.)

Note—The present report affords no more than a faint representation of the talent and eloquence displayed by the several speakers.

Lord Alloway summed up the case to the Jury, but spoke in a tone of voice scarcely audible.

His Lordship commenced by observing, in allusion to the prejudice said to exist against the pannels, that the applause which followed the speeches of their counsel greatly exceeded that which followed the speech of the public prosecutor, and considering that circumstance and the great exertions of the counsel employed for the defence, he thought the pannels had nothing to fear on that head. His Lordship commented on the impropriety of all marks of approbation or disapprobation in a court of justice ; and beseeched the Jury, in the exercise of their important trust, and by the oath which they had taken, to try the prisoners only by the evidence which had been led.

The first thing, his Lordship continued, which the Jury had to consider, in this most extraordinary case, was whether the bills were forged ; for, without being satisfied on that point, they could not proceed one step. On this branch of the case no doubt could be entertained. There never was a case of forgery in which the evidence was more complete.

But the important question remained—By whom were the forgeries committed? His Lordship had however first to state the law on this subject. His Lordship laid down the law to be, that, when a man uttered a forged document, it was not necessary to prove that he had forged it ; it was enough to prove, that when he uttered it he *knew* it to be forged. This made him liable in all the consequences of the crime of forgery.

In the present case, the forgery must have been committed by the one prisoner or the other, or perhaps by both. There was evidence that these forgeries could have been committed by no other person, and yet each of the counsel for the defence would have the Jury to believe that his

client was innocent. The prisoner Gillespie's story was, that he never spoke to one of the acceptors on the subject of these bills; Edwards' story was, that he never did so either; while each blamed the other; and really this was one of the most singular transactions that ever came before a Jury. His Lordship cautioned the Jury against receiving the accusation of the one prisoner as any evidence against the other, or allowing the evidence brought by Gillespie to operate against Edwards. The judicial declarations of the prisoners, in so far as these respectively applied to themselves, were admissible evidence.

His Lordship proceeded to say, that if there was no evidence to satisfy the Jury that the prisoners were guilty, they would acquit them; but if they were satisfied of their guilt, or of the guilt of either, his Lordship had no doubt that they would manfully discharge the duty which they owed to themselves and to the country, whatever might be the consequences to the unhappy men at the bar.

In regard to the prisoner Gillespie, his Lordship, after remarking that that person had discounted the bills, and had received the whole proceeds, went on to point out the inconsistency into which he had fallen in saying, in his first declaration, that he had not told Edwards what persons to apply to to sign, and, in his second, that he recollected that he always gave to Edwards a list of the names.

His Lordship next adverted to the fact that Joseph Low could not write at all. The Jury would hardly think that a man would send another to get an accommodation bill signed by a third party, without knowing something of that third party's situation and condition; and yet here was a man who, according to his own statement, ordered his clerk to get such a bill signed by a party who could not write.

Then, there were two bills, bearing to be signed by persons who, in fact, did not exist; and here again the whole blame

was laid on the poor miserable clerk, who, it was said, committed a mistake, by putting down the wrong names. But the Jury had to consider that these bills must, in that view, have been brought back to the prisoner Gillespie, and it was for them to judge whether Gillespie could go to the Bank, and discount these bills, without seeing what names were upon them—without knowing that there were upon them the names of two individuals who did not exist. It was not of the slightest consequence whether Gillespie himself forged these bills or not, if he so uttered them, knowing them to be forged.

A great deal had been said by one of the pannel's counsel about there being no conceivable motive for his client having a hand in these forgeries, because Mr Smith had granted a letter to the Banks. But who could say that this old gentleman had not been induced to indorse the bills on the faith of the names previously signed? Supposing such signatures to be genuine, Mr Smith might have considered himself perfectly secure in indorsing the bills, and without these might have refused. Here might have been a motive to Gillespie to commit the forgeries. Besides, bankers did not like accommodation-bills, and if the bills this day shewn to the Jury had been signed only by Mr Smith and the prisoner Gillespie, could it be said that they would have passed the Banks? Might not the bankers have supposed that so many real transactions would not have been occurring between two such parties? If so, Gillespie would not have been without a motive in getting the names of other parties to appear upon the bills. It was in vain, therefore, to say that no motive on Gillespie's part to commit the forgeries could be figured.

His Lordship proceeded to point out the various other circumstances urged by the public prosecutor, viz. Gillespie's intercepting the Bank-notices—the palpable dissimilarity between the subscriptions, in John Troup's name, on two of the bills discounted by Gillespie within fourteen days of each

other—the attempt to make Low, a person who could not write, take with the bill at which his name stood—Gillespie's expression that this would save his own neck from the rope—his letter to Low to persuade him to consent—his letter to Mr Mitchell, saying that he was in correspondence with some of the acceptors—his sending to the Banchory Post-office—the expressions used to Mrs Smith and Mr Smith of Easter Ord, as to blowing out his brains if the Fiscal were applied to—and his expression to Mr Fyfe, the messenger, that he was a gone man—all this, his Lordship thought, could lead to but one conclusion.

The evidence of Jessy Greig, Alexandrina Campbell, and George Brownie, as to the bills having been forged without Gillespie's knowledge, his Lordship considered entitled to no regard. Real evidence was better than the testimony of any witness; and, in this case, the Jury had a piece of real evidence—a writing under Gillespie's own hand—namely, the letter sent by him to Joseph Low. In that letter Gillespie did not accuse Edwards—did not so much as mention his name—and expressly spoke of himself as the only party concerned. This one document, in his Lordship's opinion, utterly and at once annihilated the story told by Brownie and the two females.

His Lordship further remarked, that an attempt had been made on the evidence of the engravers, to shew that the whole blame rested with Edwards. It might be perfectly possible that all the names had been written by that person. But, it by no means followed from this, that Gillespie was not guilty, art and part. No benefit resulted to Edwards from these transactions; he had no possible interest in keeping his master ignorant; and, if notwithstanding of these circumstances, he committed the crime, without his master's knowledge, he must have been one of the most singular criminals that ever existed.

As to Edwards' own guilt, the Jury could look only to

the evidence for the Crown. There was the fact that Edwards, who lived in this loose establishment, had written out the bills; he gave them to his master; he wrote the letters which his master signed, for the intercepting of the Bank-notices; and there was a letter of the same kind, written and signed by himself in Gillespie's absence, and forwarded to the Banker; all which, his Lordship thought, shewed Edwards to be implicated in the forging, and uttering, art and part.

His Lordship stated that, at so late an hour, he had not read over the evidence to the Jury; and, contrary to his usual practice, had expressed his own opinion upon the case. It was not, however, upon his opinion, but upon the opinion of the Jury, that the case depended. And he would be most happy, if, in their consciences, and according to the oath which they had taken they could acquit the prisoners, or either of them.

The Jury retired about one o'clock in the morning to make up their verdict. They were informed that if they returned before the Court adjourned, their verdict would be received verbally, but that if otherwise it would require to be put in writing and be sealed up; in which case the Court would receive it when it again sat down. Their Lordships waited about three quarters of an hour, and having learned that the Jury had not made up their verdict, adjourned the Court.

On the following day the Jury, by Mr Knowles of Kirkville, their Chancellor, reported the verdict. The black seal on the envelope indicated its fatal contents. The verdict, which was read amidst profound silence, was in these terms:—The Jury “having considered the criminal libel raised and pursued, at the instance of his Majesty's Advocate for his Majesty's interest, against Malcolm Gillespie and George Skene Edwards, pannels, the interlocu-

“tor of relevancy thereon pronounced by the Court, the
 “evidence adduced in support of the libel, and the evi-
 “dence in exculpation, they, by a plurality of voices,
 “find Malcolm Gillespie guilty of the crimes of forgery
 “and uttering, actor or art and part of the 1st, 2d, 3d, 4th,
 “6th, 7th, and 8th charges libelled; and George Skene
 “Edwards guilty of the crime of forgery, actor, or art and
 “part, of the 1st, 2d, 3d, 4th, 6th, 7th, and 8th charges
 “libelled.” *

Mr M'Neill, on the part of Gillespie, took an objection to the verdict, the grammatical construction of which he contended rendered it nonsense,—the strict interpretation of the words being, that the pannel was guilty of *forging* and *uttering* the *charges* libelled. The Court thought that the verdict was entitled to “fair play,” and that it was sufficiently distinct. The objection was repelled.

Mr Neaves, on the part of Edwards, also moved an arrest of judgment—stating that his client had not been found guilty of *uttering*, but only of *forging* the bills, and that no punishment could follow. Their Lordships certified Edwards' case to the High Court of Justiciary, for the opinion of their brethren.

Mr Alison then moved for the judgment of the Court on Gillespie.

Lord Pitmilley.—My Lord Allway, the duty which it now remains for us to discharge towards the prisoner at the bar, is, at all times, a distressing duty; but I must say that I perform it in the present instance with feelings more than usually painful. I do not, at this moment, forget the various occasions on which I have seen that unhappy man in this Court, in a very different situation from that in which he is now placed, and that on these occasions I have had to express my approbation of his zeal and activity as an Officer of the Revenue. The re-

* The Jury divided, 14 to 1.

collection of these things has not been absent from my mind a single moment since this trial commenced, and I could scarcely make myself believe that so sad a reverse had taken place. However, I listened to the evidence which has been led; I listened to it with the greatest attention; and, certainly, I could come to no other conclusion than that at which the plurality of the Jury have arrived. The evidence is clear and satisfactory, and it rests with us to pronounce sentence on the verdict. I need not state to your Lordship, nor to the unhappy man before us, that we have no alternative in regard to the sentence to be awarded. We are merely the organs of the law. No choice is left to us. We have no power to do any thing else than to award the punishment which the law attaches to the offence. And without taking up more of your Lordship's time, I propose that the sentence of the Court be carried into execution on Friday, the 16th day of November next.

Lord Alloway put on his hat, and addressed the prisoner:—Malcolm Gillespie, it is now my painful duty to announce to you the sentence of the Court. As my brother has told you, we have no discretionary power. Your case has been tried by an intelligent Jury, who have bestowed every attention upon it, and their verdict, I am sure, is such as must satisfy every one who has heard the evidence. You have been found guilty of one of the highest crimes which can be committed in a great commercial country. The disclosure of your crimes was distressing to the Court, and the commission of them disgraceful to the country. You appear to have established a wholesale manufactory of forged bills—a thing which I did not believe could have existed. You are a man of good education—a man certainly of great talent; and where might not these acquirements have placed you, if you had followed a moral and religious life! But Sir, your fate will be a warning to the present generation. Your case will shew them that persons must not trust to

talents, however great, to save them from conviction. Sooner or later punishment will overtake the guilty. But I have no wish to injure your feelings by contrasting what you might have been with what you now are. Only let me most earnestly entreat of you, during the short time that is allotted to you in this world, to endeavour to make your peace with heaven—to endeavour to obtain mercy from that God in whose presence you must so soon stand. You will hear the doom of law which I must read :—“ In respect of the foregoing verdict, the Lords Pitmilly and Alloway decern and “ adjudge the said Malcolm Gillespie, pannel, to be carried “ from the bar back to the tolbooth of Aberdeen, therein to “ be detained till Friday the 16th day of November next to “ come, and upon that day, between the hours of two and “ four o’clock afternoon, to be taken from the said tolbooth “ to the common place of execution in Aberdeen, and there, “ by the hands of the common executioner, to be hanged by “ the neck upon a gibbet until he be dead ; and ordain his “ whole moveable goods and gear to be escheat and inbrought “ for his Majesty’s use, which is pronounced for doom.” And may God have mercy on your soul !

The behaviour of the unfortunate man throughout the trial was highly becoming. He looked grave and melancholy, and as if sensible of his dreadful situation. But at no stage of the proceedings, not even at the fatal conclusion, did his firmness forsake him. The slightest muscular convulsion was not observable in his countenance. Not a tear started—not a moan, nor even a sigh, escaped him. He walked from the bar in silence, with a steady step, after bowing slowly and respectfully towards the Court.

There were three indictments against Gillespie and Edwards for forgery.

The first (on which the trial took place) embraced eight bills, on which there are twenty-five forged names.

The second embraced seven other bills, on which the number of names alledged to be forged is twenty-three.

The third embraced seven other bills, on which the number of names alledged to be forged is twenty.

Total number of bills, 22; number of alledged forgeries, 68; (several of these are on the same persons)—amount of the sums in the bills, L.554 10s.

No trial, of course, took place on the second and third indictments.

ERRATA.

In the Trial, page 34, line 15 from the bottom, for "before," read "after."

TRIAL
OF
GEORGE BROWNIE AND ALEXANDRINA
CAMPBELL
FOR
WILFUL FIRE-RAISING.

Saturday, September 29, 1827.

GEORGE BROWNIE and **ALEXANDRINA CAMPBELL** were placed at the bar. The indictment set forth, that **Malcolm Gillespie**, late Officer of Excise, having insured the dwelling-house and offices of **Crombie Cottage**, lying in the parish of **Skene**, and County of **Aberdeen**, and furniture, &c. contained therein, in the **Palladium Life and Fire Assurance Society of London**, to the amount of **£530**; and having insured the same property in the **Phoenix Assurance Society of London**, to the amount of **£300**, did, at various times, fraudulently and wickedly instigate, counsel, and procure the said **George Brownie**, and **Alexandrina Campbell**, to set fire to, and burn the said dwelling-house and furniture, with intent to defraud the said Insurance Companies; and that the pannels did accordingly, upon the **21st February, 1827**, in pursuance of said instigation, and with the intent foresaid, set fire to, and burn the said house and furniture. It was, of course, unnecessary to

try Gillespie upon this indictment, he having been capitally convicted upon another charge. The pannels pleaded Not Guilty.

William Jenkins was a servant to the said Mr Gillespie when Crombie Cottage was burned last winter. Mr Gillespie was then in Edinburgh. The pannels, with Jessy Greig, G. S. Edwards, John Edwards, and Gillespie's two daughters, were the members of the family. For some time before the fire, there had been five or six bottles of turpentine and a quantity of gunpowder in the barn, and a quantity of unwrought rosin and tow in the cellar. On the evening previous to Gillespie's departure for Edinburgh, pannels, witness, Jessy Greig, G. S. Edwards, and John Edwards, were called into the room where he was sitting; when some conversation took place about burning the house; Gillespie did not speak of burning Crombie Cottage in direct terms, but it was well understood; Gillespie said there would be no harm in doing it, and that it would take him out of all his difficulties. John Edwards had told witness before, that the house was to be burned, and from that circumstance, and his knowledge of the above combustibles having been collected, witness had no doubt but it was that to which Gillespie alluded, in the communication above mentioned. On the day preceding the fire, witness saw John Edwards and pannel Brownie putting sticks between the joists of the house, and melting rosin on the fire, and besmearing the furniture with it. Saw Edwards sprinkling turpentine and gunpowder through the house; pannel Campbell was in the house at that time. Saw Brownie in the gloaming cutting the thatch upon the roof, between the west room and the other parts of the house; it was intended to save the west room. G. S. Edwards and John Edwards went away about seven o'clock in the evening. Witness slept in a stable loft; when he went to bed that evening he knew that the house was to

be burned ; some of the party promised to come and waken him before it was *set a-going* ; Brownie accordingly awakened him. Witness went into the house and found pannels, Jessy Greig, and Gillespie's two daughters ; pannels were rubbing the kitchen furniture with rosin. They all got a dram from Jessy Greig, who was the head of the establishment. Brownie had a candle in each hand ; he gave one candle to Campbell, who went away with it to the cellar. Brownie went into the room with the other, where there was some tow ; saw Brownie set fire to the tow, which took effect very rapidly—the whole house was full of smoke in a moment. Pannel and witness then went into the west room, which was in least danger at the time. Witness went out at the window. Brownie went away to go home. Witness went and alarmed the neighbourhood. Brownie returned soon after. The whole of the house was burned to the ground ; some papers were saved. Gillespie did not ask witness, when he returned, how the fire had happened. He said, the day he returned, that the thing had been *genteelly done*.

Jessy Greig, servant to Gillespie, at Crombie Cottage, gave a detail similar to that given by the last witness, with the following additions:—Witness had heard John Edwards (who is an old sailor) say that he had often known people insure an old ship, and then blow her up ; and G. S. Edwards said there was no harm in it. Recollects a conversation some time before the fire, between pannels, J. and G. Edwards, and witness, about burning the house ; some of the men said it would be necessary to swear the women before they did it, as they could not do it without their knowledge. On the evening of the day of the fire, saw Brownie and J. Edwards breaking down two beds, and placing the sticks between the joists of the house. Turpentine and rosin were sprinkled through all the rooms except the west room. The kitchen floor was strewed

with gunpowder. Witness threw some water upon it, to prevent it from blowing up all at once; one of the men swore at her, and said that she had thrown too much water upon it, and that it would not burn at all. G. S. Edwards said, before he went away, that they were doing so well that witness should give them a dram. The fire was lighted about midnight. Brownie went away soon after, and told them to let him be in bed before they gave him the alarm.

The examination of this witness was interrupted by the Counsel for the pannels, who stated that they were now willing to plead Guilty of fire-raising, but without the felonious intention of defrauding the Insurance Offices; in short, that they acted according to their master's orders in setting the house on fire; but that they knew nothing of his views or reason for wishing it done.

The Advocate-depute, while he accepted of this plea, stated that the confession of the pannels had been for them most opportune; for that had they been convicted of the crimes libelled, by the verdict of a Jury, although he was not unwilling to believe that they were but instruments in the hands of a greater criminal, it would have been quite impossible for him to have interposed between them and the law; as it was, he thought it might consist with his duty to restrict the libel.

Lord Alloway, after pointing out in strong terms the enormity of the transaction, pronounced sentence of seven years' transportation.

Counsel for Brownie, W. Daune, Esq.—For Campbell, J. Dundas, Esq.

THE
DYING DECLARATION
OF
MALCOLM GILLESPIE.

I, MALCOLM GILLESPIE, late Officer of Excise, and residing at Crombie Cottage, Skene, and now lying under sentence of Death, in the Tolbooth of Aberdeen, make the following Dying Declaration, regarding all the matters connected with the accommodation bills, for the forging of which I have been condemned. I was originally driven to have recourse to such bills, chiefly on account of the very great expense that I was put to in procuring a suitable residence for myself and numerous family. Such a residence was difficult of attainment in the heart of a smuggling country, where an Officer of Excise cannot easily procure a residence on any other terms than by taking a lease of some ground. I thereupon took a lease for 33 years of Crombie Cottage, and 18 acres of land attached to it; and I have since expended thereon, in building and improving waste land, nearly £1000 sterling. The situation of the Cottage is very convenient for intercepting smugglers: It is situated near some of the great roads which lead through the Highlands of Aberdeenshire to the town; and along which smuggling has been carried on to an extent hardly credible. It has been often my lot to have to attack on, or near, these roads, bands of

smugglers, numbering from 10 to 20, all hardy, resolute fellows, and well armed with bludgeons and fire-arms, and determined to defend their contraband goods to the last extremity. I had not been long in my new residence before I saw that it would be a useless attempt in me to endeavour to suppress smuggling single-handed in this quarter, where it was carried on with such determination and success. I soon saw the necessity of engaging a few assistants, at my own expense. With these I was long very successful in suppressing smuggling,—so much so, that I may safely venture to affirm, that I have been the means of seizing and destroying more illicit spirits and brewing materials, than all the other Officers in the county put together. But it will be readily conceived that those whom I was obliged to engage as assistants were not the best of characters. In such a country as this, it was not possible for me to procure assistants of character, in a line of duty so very hazardous and dangerous as it often was, and always attended with the ill opinion even of those who had nothing to fear from the Exciseman. I was therefore obliged to be content with very indifferent persons as to character—indeed, I may freely say the very worst of vagabonds, as none other would willingly embark in such undertakings. The salaries and keep of those assistants (I usually kept 4 or 5 of them) pressed very heavily upon me; but I saw I could not do well without them, and they knew this too, which very frequently encouraged them to take advantage of my goodness to suit their own purposes. I have often, latterly, attempted to rid myself of them, but always without effect. When I would even have given them a beating, and sent them about their business, they would, in a few days, have returned, begging to be again taken into my service; and pleading the abhorrence in which they were held by every

body ; that none would give them employment ; and that, if I did not take them back, they must starve,

The unavoidable expense I was put to, in keeping up such an establishment, in the long-run became the cause of considerable embarrassment. In order in some measure to extricate myself from the difficulties with which I was surrounded, I resolved, with the advice of my friends, to petition the Hon. the Commissioners of Excise for some remuneration. Their Honours, who were no strangers to my successful exertions in the suppression of smuggling, and who well knew the great expense which I was often under the necessity of subjecting myself to, while tracing the routes and detecting the illicit produce of the numerous defaulters of the Revenue, trading to this quarter, were pleased to state, in reply to my application, that they fully agreed with me in respect to the justice and moderation of my claim, but that they could do nothing positive in my favour without instructions to that effect from the Lords Commissioners of his Majesty's Treasury. This being the case, I foresaw that an application to the Treasury would require some time and consideration. I had, in the first place, to procure letters of recommendation from Noblemen and Gentlemen to whom my services were well known, and who, I had no doubt, would willingly support me in such an application. But to get this accomplished, as I have already stated, required more time than my pecuniary embarrassments would admit of ; besides, to await the result of an application, which after all might prove abortive. In this dilemma, I was advised by my confidential servant and clerk (George Skene Edwards) to procure the acceptances of my friends and acquaintances to a few accommodation bills for the purpose of gaining as much time as the result of an application to the Treasury should be known. On solicitation, my friends very readily agreed

to serve me in this way ; and in particular my friend and neighbour, Mr Alexander Smith of Blackhills, a wealthy proprietor, without any family, very kindly stated that he would go any length to help me out of my present difficulties ; that, to effect this purpose, he would be happy to indorse a few bills for me ; that he would without delay introduce me to those Banking-houses with which he did business, and desire them to cash any small bills or drafts that I might have occasion to present, and to which his name was attached as indorser. In all this the *Laird* was as good as his word ; and accordingly I availed myself of his kindness in occasionally discounting a few bills, some of which were roun bills for value, and some merely accommodation bills ; for about this time I had occasion to be frequently engaged in transacting business with the Banks, chiefly in negotiating various bills and drafts upon Noblemen and Gentlemen residing in all parts of Scotland, for whom I was in the practice of purchasing spirits at sales made of my seizures. To accommodate such purchasers, I generally bought at these sales, which were numerous and extensive, all of the seizure that was of a good quality, and sometimes to the amount of 300 Pounds^p worth.—Such transactions required a great many bills and drafts ; and about this time my friend Mr Smith above mentioned would have occasion to sign from ten to thirty of them at one time ; and on these occasions he generally wrote his name upon the back of the bills or drafts, so that they might serve upon occasion either as bills or drafts. At the time of signing, these bills or drafts were generally blank, with the exception of the sum, which in all cases was written in figures on the corner of the bill. Mr Smith has frequently granted his acceptance to bills of mine for sums amounting to from £50 to £85. Such acceptances were however generally filled up in the body of the bills, with the exception of the spaces for the date,

which were left blank, in order to be filled up at a future period, either to answer a draft that might be dishonoured, or any other emergency. About this time, Mr Smith was also so kind as to become security for me for a cash-account in the Bank, to the amount of £150, and I granted to him, as security on my part, an heritable bond upon my lease of Crombie Cottage. I granted this the more readily, because I had understood that his wife, to whom he was recently married, was rather displeased with him on account of his money transactions with me.

Before any further explanation, it will be proper to mention that my friend, who is cautioner for my cash-account, is an old *laird*, bordering on *ninety* years of age, married to a *young lady*, bordering on *twenty*, without issue.

About this time a few of the accommodation bills were nearly due, and required to be renewed, either by the same acceptors or by others, which was now rendered a matter of some difficulty as well as danger to me as a Revenue Officer. The Board of Excise had recently issued a general order, prohibiting, under pain of being discharged the service, any Excise Officer from having any money transactions or any pecuniary dealings whatever with any trader under his survey. I now found myself placed under the control of rather awkward circumstances: however, I considered myself under obligations to extricate myself from my present embarrassments by all lawful means in my power. I therefore desired my servant, the above mentioned George Skene Edwards (as I had not time to spare from the duty of my Division to attend to these matters, however nearly they concerned me), to go round among my acquaintances and get two or three accommodation bills accepted. In doing this, I gave him the names of three or four persons to call on, and get them to sign on one bill. I did this with all the

bills, giving him a list upon paper of the names he was to get signed on each bill respectively; and moreover, I always gave him a back-letter to the acceptors, binding myself to uplift the bills when they fell due. On these occasions, Edwards had of me or my housekeeper blank bills, with only the sums in figures written on the corners of them, to be by him filled up when he had procured the acceptors' names; but I never allowed him to write on the bills the persons' names, occupations, or places of abode, until he had first ascertained of them whether or not they had any objections to sign. By using this precaution, I saved the stamp in the event of the persons refusing to sign. I also desired Edwards sometimes to omit the date on the top of the bill, and in such cases, when filling up the body of the bill, he also would frequently omit the words, twelve, or nine, or six months after date, as the bills, as accommodation bills, could have these words inserted in them, and the date of the bills, when required to be cashed. I also had recourse to this precaution with a view to guard against the disappointment which would have ensued in the event of any of the acceptors dying previous to the date of drawing the bill. This, I allow, was not a regular way of going to work with bills for value received, but it did very well with accommodation bills, as those who grant their acceptances to such bills generally give themselves very little trouble about them, seeing they usually hold a back-letter from the drawer, whom they know to be *good*, and have, besides, the indorsers—for instance Mr Smith of Blackhills and myself, each of whom they know to be *good*—between them and all danger. When Edwards would have returned with the bills with which I had sent him to procure acceptances, he produced them to me completely filled up, acceptors' names attached, and every thing to all appearance just as it should be. He would then state that he had seen

all the acceptors, and that they all signed very readily, presenting me with their compliments, and kindly adding that, whenever I wanted a bill signed, just to call and it would be done. The bills were then usually handed to my housekeeper to put past ; the names of such persons who shewed themselves ready to sign their acceptances on these occasions were immediately written on a scroll of paper, that I might know whom to send to at another time to ask a similar favour. And it was on some such occasion as I now describe that Low, Lawson, and the Troups' names crept into my list. I own when I first saw Joseph Low's name on the list it astonished me not a little ; indeed, I suspected very much the sincerity of such an unlooked-for tender of friendship on the part of one whom I had, in the course of my surveys, detected more than ten times in the act of illicit distillation, and in smuggling, which, for a private person in his circumstances, he carried on on no small scale, till I put an end to it. His name, however, was allowed to remain, although I objected to it to Edwards at the time, for the reasons just stated. I have now truly described all the circumstances connected with the accommodation bills, which necessity compelled me to make use of. These bills were all the work of Edwards, and were all put into my hands by him as good and legal vouchers ; and if any thing was wrong with them, I knew it not. I was conscious that I did nothing improper myself with the bills in question, and utterly unconscious that any one else had done so. I was neither the *forger* of them, nor did I present them for cash, *knowing them to be forged*, so help me God !

When I made the discovery that some of the bills which were pending in the bank were wrong (for I, myself, first made that discovery), I think there were from 5 to 7 more bills pending in the bank at the time, some of which I knew were due, or nearly so. The bill bearing to be accepted by Low, Lawson, and the two Troups, was that

on which I made this discovery. A Bank-notice had been sent to Low and Lawson, and immediately on receipt of it the clamour arose. I soon heard of it, and on that very day (I think it was some day near the end of March), I went to seek Low, who, I was given to understand, was attending a roup at some distance. I went in the direction of the place, and met Low and Lawson returning from the roup, in company with a James Scott of Drimmondside; I asked Low whether it was true, as reported, that he had denied signing his acceptance to a bill for my accommodation? Low replied, it was true that he had never signed a bill of the kind for me. I was quite thunderstruck at his reply, and scarcely knew what to say, or think; but on recovering myself, I think I said to Low, in the hearing of Lawson and Scott, that I was very much concerned to hear such news, but if it really was, as he had stated, I had to beg of him not to speak about it, until I should see more into the matter; that as the bill was already honoured, and in the possession of Mr Smith of Blackhills, he had no danger to apprehend on its account; and that if he did make any noise about it, it would utterly ruin my credit, myself, and family. During the short conversation I had with Low at this time, I never spoke such words as "save me from a rope," or "you might as well put a rope about my neck," which Low swore on my Trial I made use of on this occasion. Lawson and Scott, when examined in Court, could not say they heard me make use of such words when conversing with Low about the bill. But to return to my narrative: when I left Low, I went home directly, and requested to see Edwards; he was not then in the house, but was immediately sent for, and brought into my presence. I enquired of him very smartly, whether he had seen Joseph Low when he went last summer to get his acceptance, along with those of Lawson and the two

Troups, to a bill, as I had seen Low, who denies having signed such acceptance. Edwards replied to this, that the "poor stupid body had a glass extra in his head at the time, and has now probably forgot that he signed." And he added, "but to satisfy you on that point, and that you may be sure that every thing is right, you can ask his wife, she will tell you, for I spoke about it to her myself some time after." This story did by no means lull my suspicions: I still remained in about as much uncertainty with respect to the real state of the case as ever; but, as Edwards' account was not altogether unlikely, from my own knowledge of Low, who, to speak the truth, really is a man of very weak intellects, I determined to act according to it. I immediately wrote to Low, requesting him to recollect himself about the bill, and stating, that I was informed he had a glass too much in his head at the time of his signing it, but that his wife would put him in mind of it, if he really had forgotten himself, as she was present at the time, and that I myself had spoken to her about it some short time after. I was in such agitation of mind at the time of writing this letter to Low, that I wrote, that I had spoken to his wife about his signing the bill, when I ought to have said that *Edwards* had spoken, &c. But as I have just stated, in the hurry and confusion in which I was at the time of writing, this mistake was overlooked. But there are plenty of witnesses to prove, if required, that this was a mistake of mine at the time. George Brownie, Lexy Campbell, and Jessy Greig, were present all the time, during the conversation between me and Edwards; and during the time that I was writing the letter to Low, which letter was read previous to its being sent off, in the hearing of all present. These persons were ready to establish the truth of these facts, in Court, on my trial, but from what reason their examination was interrupted, and my counsel prevented from putting the

requisite queries to them at the proper time, I am totally ignorant.

But to return to the subject of Low's bill. I was so very uneasy until I should see the real state of the case respecting it, that, instead of sending the note to Low, I took it in my hand early next morning and called at Low's house myself; taking George Brownie, another of my servants, along with me. I saw both Low and his wife: she was in bed, but Low disappeared the moment we entered his house. I immediately addressed myself to his wife, putting the letter which I had written to Low the night before on the table. I asked if she had any recollection of a person telling her about her husband, Joseph, signing a bill for me. She replied, that she had no recollection of any thing of the kind. On hearing this, I turned to Brownie and expressed my fears to him that every thing was not right. I now begged of Low's wife not to say any thing about the matter of the bill, nor allow her husband to say any thing about it; and told her that the bill was uplifted and would never trouble them; and that if she or her husband continued to give publicity to what they knew about the bill, it would utterly destroy my credit, and ruin me. I pressed this the more upon her as well as upon every body else in that quarter, as her husband was a poor crack-brained fool, with scarcely common sense sufficient to conduct himself with prudence on any occasion. I also begged of her not to allow her husband to go to town to the Fiscal, as he could do nothing but speak nonsense to him, and requested her to go herself and take the letter I had left on the table along with her if she choosed, and concluded with begging her most particular attention to what I had requested. To all this she very coolly answered that I had but little favour to expect at the hands of either her or her husband; that I had but little mercy on her whisky-pot when she was in the way of brewing a

drop for the support of her family; and on that account she was not sure whether she would have any mercy on me now when I was in her power, and concluded with stating that she would go and take Mr Thomson the Laird's advice about the matter. During this conversation no mention was ever made by me of a "rope to my neck," any more than at the time I met Low, Scott, and Lawson returning from the roup, as I have already stated; and I now take God to witness as a dying man, that neither at this nor at the first conversation I had with Low about this bill did I pronounce such words; and what the reasons were that induced Low and his wife to swear in Court on my trial that I made use of such words in conversing with them about the bill, are best known to themselves. On my way home, I was in such a violent passion at Edwards, who, I was now fully convinced, was at the bottom of this fatal business, that I swore to Brownie I would shoot him on my arrival. Brownie then told me he had reason to suspect Edwards' conduct with regard to my bills some considerable time previous to this, but did not like to acquaint me with it. He said he recollected seeing Edwards in his (Brownie's) house sometime about the beginning of July last with three bills in his possession; that he, at that time, saw him write on one of the bills the acceptances of Peter Hunter, John Ross, and Thomas Duncan. The bill was for about £30, that he thought he saw another of the bills at the same time bearing to be accepted by Joseph Glass and two others; that he thought that this bill was for about the same sum as the one he had seen Edwards sign the acceptances to; that he did not attach acceptors' names to the remaining bill, as he seemed to be displeased at the time with the ink or the pen he was using; that when this was done he retired, putting the bill in his pocket, and proceeded directly to Crombie Cottage along with him (Brownie); that when

they arrived there they both went into my room, when Edwards laid the three bills on the table, and proceeded to write on the remaining unsigned bill the acceptances of Joseph Low, John Lawson, Alexander Troup, and John Troup, in the presence of him (Brownie) and Lexy Campbell, and Jessy Greig, who had entered the room at the same time with him and Edwards. When challenged by some one for writing such acceptance, Edwards said it did not signify who put down the names of the several acceptors, as he had seen all the people themselves, and shown them the amount of the bill (about £30), and was desired by them to write their acceptances himself; but at the same time he strictly enjoined all present not to speak of what they had seen him do to me, as I would strike him for being so lazy.

This statement of Brownie so disconcerted me, that I did not know what to think or how to act. I could have no idea of the extent to which the wretched Edwards might have carried the evil, and how to counteract the probable mischievous tendency of its effects was more than I was aware of. Brownie, taking advantage of the absence of mind in which I was at the time, stepped on to the Cottage before me, and on my arrival there, I was given to understand that Edwards had just left the house to be out of the way. Brownie, to all appearance, had advised him to this, and it was probably as well that he did so, both for me and the wretch by whom I was so cruelly injured. Since the time that Edwards ran away from the house, I had not an opportunity of seeing him till about the 26th or 27th of April following. During all that time he kept himself concealed in the woods, and was furnished with subsistence by the inmates of the Cottage, to whom, on one occasion, he confessed his guilt with regard to the bills, and wished to God that the few that were still pending in the Bank were retired and out of the way. This confession the inmates of Crombie Cottage, who must

all have been acquainted with it, never once mentioned to me, nor did I know of it at all till on my trial. I immediately sat down and wrote Mr Smith of Blackhills, acquainting him with the irregularity I had discovered in Low's acceptance, and stating that as there were five or six more bills still pending in the Bank, of which he was the indorser, it would be proper to get them attended to without delay, as they also might contain something irregular; that in all likelihood the uplifted bills now in his possession did so too; that I was willing to convey over to him all that I was possessed of in the world, in security of the bills still pending, and that in order to get matters properly arranged between us, I proposed a meeting with him, Mrs Smith (his wife), and Mr Smith of Easter Ord, her uncle, for that purpose. We met at Blackhills accordingly, when I explained to the meeting the facts with which I was recently made acquainted, relative to Low's acceptance, and expressed my fears that more of the bills might be liable to the same objection than we were aware of, and concluded by proposing the conveyance in security as above mentioned. In talking over this proposition, Mrs Smith observed that she thought there should be no more bills cashed than what were cashed already. I assured her that I should take good care that that should be the case, and that, to testify my sincerity and dispel her fears with respect to that point, I would destroy the two or three bills I had in my possession, and of which Mr Smith was the indorser, and likewise his four or five acceptances, before all present, as I wished to have no more concern with bills of their description. My proposal, however, was in the end acceded to, and we appointed a day to meet in Aberdeen and go to Mr Winchester, and employ him to draw up a proper statement of our affairs, and a regular conveyance of all my property, whether real or personal, in favour of Mr Smith of Blackhills, in security for those bills he had already retired and those he had to retire on my account. The

meeting then broke up. On the day after, I happened to see Mrs Smith of Blackhills, who stated to me that she had just seen a scroll of her husband's will, in which there was no mention made of any provision for her, and that as I possessed some degree of influence with the Laird, she would be obliged by my using my best endeavours with him to cause the conveyance of my property be transferred to her that she might be prepared for the worst; I promised to her to do my best with her husband to cause him to agree to her proposal. Upon this she said that if I could get him to agree to it she would never stand in the way of an amicable arrangement between her husband and me, but on the other hand endeavour to do every thing in her power to get my matters settled to my entire satisfaction. The time was now arrived when we had to go to Mr Winchester and get our affairs balanced and settled, agreeably to the resolutions we had come to at the meeting already described; but previous to this, Mrs Smith and I had arranged that she was to call alone on Mr Winchester, and apprise him with respect to what had formerly passed between us relative to the transfer of my conveyance in her favour. A balance having been struck, and a statement of accounts between us having been made out, it was signed by both parties. This statement shewed that the amount of what the Laird had advanced, and what he had yet to advance for me, was £613 18s. To cover which disbursements, I conveyed to him all my property, whether real or personal, amounting to £1985 17s. 10d. The balance of these sums the Laird was to pay back to me as soon as possible, as I had then some small pressing demands upon me close at hand, which would require to be punctually attended to. So far an arrangement as concerned me was amicably effected. I now proceeded to break the ice in favour of Mrs Smith; but the Laird lent a deaf ear to our solicitations, and positively stated that he would not agree to make any such transfer of my

conveyance in her favour. Thus ended this day's proceedings.

Some short time after, Mrs Smith went to town, and called on Mr Simpson, the Fiscal, and consulted him upon the subject of the transfer; and it was agreed on between them that she would bring the Laird and me to his office, and there endeavour to get it effected in her favour, and at the same time employ Mr S. to draw out a new statement and conveyance between the Laird and me. When this new arrangement was submitted to me, I expressed myself not at all pleased with it, and stated my objections to Mrs Smith at the time. It was using Mr Winchester very ill, who was first employed in the business; besides the *Fiscal* was not by any means the most proper person to be employed in the arranging of our affairs, as our bill transactions, as I have already shewn, were, in all probability, but too liable to lead to disclosures, which might ultimately involve me in very serious consequences; and in fine no disinterested person would propose him to be our private agent; and concluded with stating, that I would soon find a friend who could command what I was in want of, and to whom I was ready to give the same good security that her husband was offered. This proposition, Mrs S. would not hear of, and said, I must not think of disappointing her in the matter of the transfer now. To this I replied, that I was willing to do every thing in my power to forward her views that was not directly contrary to my own interest and welfare, but I protested against submitting my affairs, in their present state, to the Fiscal, without a solemn promise on the part of her and her husband, that no injury would accrue to me in the event of my agreeing to comply with her request. She thereupon promised to bind herself to this effect, and to cause her husband to do so likewise. I then yielded, and after this Mrs and Mr Smith took God to

witness that, in submitting my matters to the Fiscal, no advantage would by them be taken with respect to whatever bills might be found out to be irregular. On this I proceeded along with them to the Fiscal, when we had a statement drawn up, and a conveyance wrote out on stamped paper, and signed; the old bills cancelled, and all our matters regularly and amicably adjusted. The old bills were given to the Laird; they ought to have been given to me, seeing that he had my conveyance in security in his possession, but this circumstance I paid little regard to, as I presumed that I might have them of him at convenience, on calling for them.—The Laird was at this time again urged to grant a transference of my conveyance in favour of his wife, but was again as absolutely bent in denying her that favour as formerly; he would not agree to it upon any account whatever. We then took leave of Mr S. and went home. I afterwards, at the earnest request of his wife, frequently urged the Laird to grant her the conveyance, but without success. He always said to me on these occasions, it was not him she wanted—it was his money, but that he would take care of her.

About this time I was desired by Mr Smith to get the Bank-notices forwarded to him in due time; and in order that this desire might be duly complied with, I sent word to the Bank, requesting them to send out the notices to me as usual (I knew that some of the bills were about due at the time), and on my servant calling with this message he was told, that the notices were sent to the different acceptors some time before. Immediately on receipt of this intelligence, I sent George Brownie, one of my servants, to Upper Banchory, as some of the acceptors (James Anderson, Lightwood, and others) resided in that quarter, to collect any of the Bank-notices which might happen to be in their possession, or lying in the Post-office there.

Brownie returned with one which had lain in the Post-office for some time ; it was addressed to James Anderson, Lightwood. I immediately forwarded it along with some others to Mr Smith of Blackhills ; previous to this, however, I wrote on the back of the notices the names of the different Banks that issued them, in order that Mr S. might see at once to what Bank they respectively belonged. I was led to take this precaution with respect to Bank-notices long before this time. I did not choose, indeed it would not have been proper, to trouble the acceptors with them. They probably wished no one to know that they had granted these acceptances,—no, not even their own wives ; neither is it at all probable that they would have been pleased to know that Bank-notices to them were lying in this or that house or shop, on the roadside ; as most likely would be the case when acceptors reside at a distance from the post-road.

I have now to state what took place, about four or five weeks after my final settlement with Mr Smith of Blackhills. By this time all our old bills had passed through our private agent, Mr Simpson the Fiscal's hands, and had been duly cancelled according to agreement, and given up to the Laird, who locked them into his private escutoire. About the end of April, the Laird had occasion to go to Edinburgh, and in his absence his wife had a meeting with our agent, Mr Simpson, and delivered into his hands Low's old uplifted and cancelled bill already alluded to ; and immediately after, a petition, complaining to the Sheriff was presented, craving warrant to apprehend M. Gillespie and George S. Edwards, which followed as a matter of course. I was apprehended on a charge of Forgery, on the 30th day of April last, and brought before the Sheriff for examination, when I stated the facts as described in this declaration. I was then committed to jail on the charge of forging this bill, the very one which I myself disclosed

to be wrong, and which was truly uplifted before I made such discovery—namely, the bill bearing to be accepted by Joseph Low, John Lawson, John Troup, and Alexander Troup; and in the meantime the Fiscal was carrying on a long and expensive precognition on all the rest of the old bills which had passed through his hands long before, and were given up or cancelled by his directions, eight of these being bills I had retired out of my own funds, but which I thoughtlessly allowed to remain in Mr Smith's possession. The exertions which I made to get the various bills retired when they fell due, and the precautions I took to prevent any irregularity in regard to them, were had recourse to with a view to save the wretched Edwards and my own credit and reputation in the world. I could never for a moment believe that, in committing himself as he did, he had acted with any intention of injuring me; and I attributed his conduct with regard to the bills, partly to his own careless and lazy habits, and partly to the disinclination he always manifested to have any dealings with the people of the country, as they held him in abhorrence. I have now only to add in conclusion, that nobody ever lost a shilling by any of my bill transactions. All which is truth, as I am a dying man.

(Signed) M. GILLESPIE.

DECLARATION

RESPECTING

THE FIRE AT CROMBIE COTTAGE.

George Skene Edwards' Reasons for planning and executing the said Fire, upon the 22d February, 1827, and which he stated to me upon the 26th or 27th of April following, which was the first time I knew who did it, or how it was done:—

GEORGE SKENE EDWARDS said, in presence of Lexy Campbell, Jessy Greig, George Brownie, William Jenkins, and John Edwards, brother of George Skene Edwards, that his reasons were, he had taken a dislike to the place and the country around, and admitted that he had not behaved himself for some time back as he ought to have done, and that the people all around had despised him, and had even come the length of shoving him out of doors when he attempted to enter their houses: That he would have gone any length to have got away from the place, and prevail on M. Gillespie to go along with him, having no other way to support himself but through M. Gillespie: That he knew what he had been guilty of with respect to some bills for M. Gillespie's accommodation, owing to his careless, slothful, and lazy habit, in not calling on the people for their names as he ought to have done, and he saw he would be obliged to flee the country if the bills were not attended to when due: That he saw no way

to get clear but one—he saw M. Gillespie's heart so bound up with Crombie Cottage that nothing would cause him to leave it, not even the Commissioners of Excise ; and as he knew the way he had done with the bills, it would be destruction to him if any thing appeared wrong : That he was at a loss to know what to do, and told his brother John about the “ hobble ” he had every chance of being brought into if any thing should appear to be wrong with them, as M. Gillespie did not know what he had been guilty of : That his brother, on this account, readily embarked in getting the plan put in execution. The plan was then proposed to his brother John, and sometime after to Jenkins : That he saw nothing could cause M. Gillespie to quit the Cottage ; and as M. Gillespie could only lose a few hundred pounds, he saw nothing better than just to *burn him out* of it, at some convenient time, when M. Gillespie was from home, and he would naturally think it was the smugglers that had done it, as they had been threatening to do so before : That he caused his brother John get the proper materials ready, to await the opportunity when Mr Gillespie was from home : That he told his brother and Jenkins, that if the job was neatly done they should get something handsome to themselves when M. Gillespie got his insurance-money ; but he gave strict injunctions, both to his brother and Jenkins, not to mention any thing about it to M. Gillespie till he should get his money, and then he (Edwards) would tell him all about it himself—and, at the same time, he desired them not to speak of it to the women in the house, nor Brownie, as they could keep nothing. Things being now in such a state of forwardness, they took the opportunity of putting their plan in execution while M. Gillespie was in Edinburgh : That the whole scheme was arranged by him (Edwards), his brother John, Jenkins, and Brownie. The rest knew nothing of it till within a few minutes previous to its being put in execu-

tion ; and none but Brownie at that time knew of the truth of the matter : That they had prepared the whole of the materials of combustion, matches, &c. One of the matches, he stated, he and his brother lighted in the cellar, and then locked the cellar-door and took away the key, to prevent the women discovering the match, as his brother John had calculated that the match would burn seven or eight hours before it would come in contact with the spirit-cellar, where the combustibles were placed so as to take fire at once : That he and his brother gave Jenkins directions to watch the progress of the match at a certain hour of the night, and then he and his brother immediately went to Aberdeen, to prevent suspicion. These are the whole of the facts relative to the fire-raising, as detailed to M. Gillespie by Edwards at the time, and in presence of the witnesses above mentioned.

Another reason that Edwards had for burning the Cottage, although he took care not to mention it to M. Gillespie at this time, but who afterwards discovered it himself, was as follows :—The two Edwards and Jenkins, on the day or night previous to the fire, had actually plundered the Cottage of a great many clothes, a watch or two, and many other valuable articles, and hid the same. A large box, containing M. G.'s wearing apparel, was found about two months after the fire, hid among stones in one of the parks adjoining the Cottage. It was found there by M. Gillespie's son and some other boys, when searching for birds' nests. The boy gave notice of it to the house-keeper and others, and the box was immediately emptied, when there was found in it upwards of £100 worth of goods of one kind or other. This was not all—the box had been evidently secreted, to be taken away at leisure.

After the fire, the trio had been in the practice of selling, pawning, and otherwise disposing, in all manner of ways, of property, which they had stolen

from the house, consisting of wearing apparel, watches, a spy-glass, &c. and getting drunk with the money in Aberdeen, and in a public house betwixt that and Skene. On the 6th of May, a few days after M. Gillespie and Edwards were apprehended about the bills, a box and trunk belonging to M. G. which were saved from the fire, were plundered of every article they contained; consisting of clothes, arms, and other valuable goods. These were either sold, pawned, hid in the woods, or otherwise disposed of, so that M. Gillespie was left stripped of every thing he had in the world; not even a shirt was left, but the one he had on his back when he was lodged in jail, where he has since been obliged to borrow one to get shifted, and continues to do so still. Thus has M. Gillespie been burned out of his house, and plundered, and cut out of his insurance-money, and condemned to die.

The witnesses are all ready to prove the innocence of M. Gillespie with regard to the fire-raising, and to testify how it was planned and executed, and by whom. M. Gillespie did not come to the knowledge of these facts till the 26th or 27th day of April last, upwards of two months after the fire. Jessy Greig, Lexy Campbell, George Brownie, Mary Gillespie, and May Gillespie, can testify all that I have here stated with regard to the fire to be correct, and to be just what was told me at the side of the pond, in one of the parks at Crombie Cottage.

To expect that any of the trio before named would have spoken the truth, were quite useless; any appeal to them would be utterly thrown away on them, if it happened not to meet their views—for my part, I would not have trusted a secret, value twopence, to any one of them—besides, to trust them with a matter that might affect my life. I am the man, who never said to them “burn” or “destroy.” These would have been the last words I would have spoken to them.

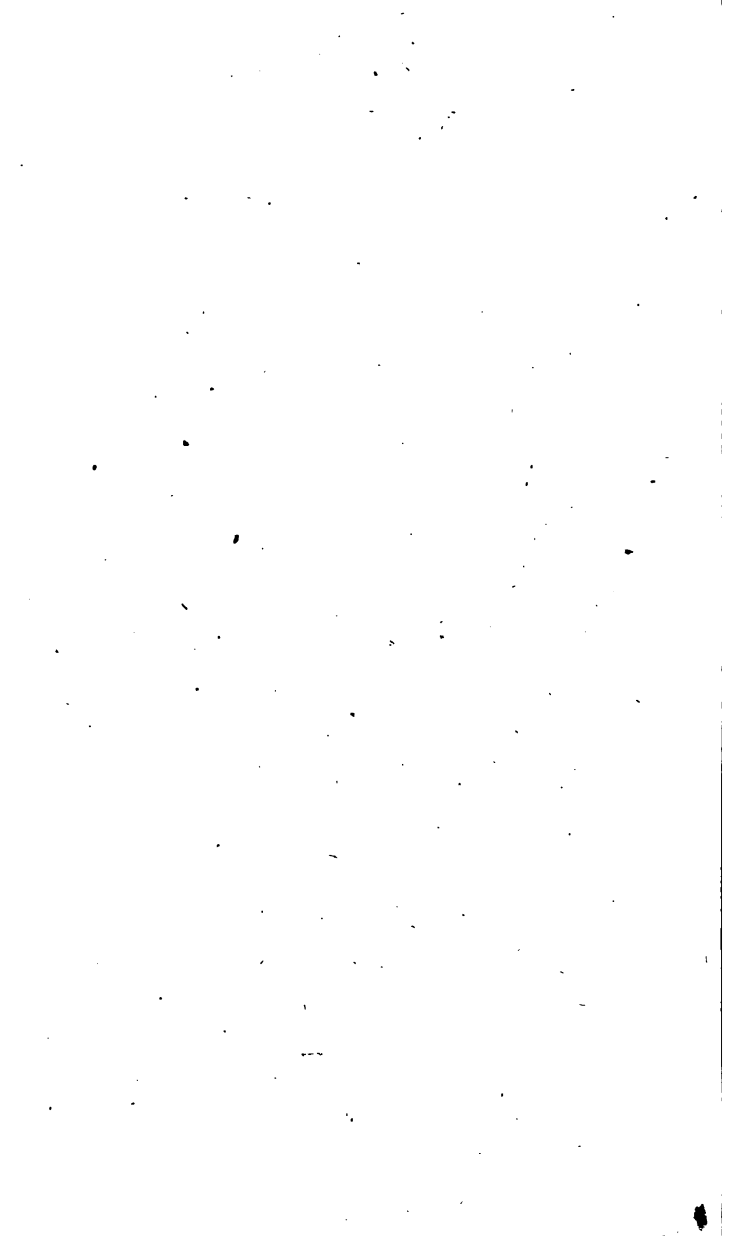
Besides, the property in question was not covered by the amount of the insurance effected upon it by several hundred pounds. I may add, in conclusion, that G. S. Edwards and John Edwards were both banished the counties they last came from.

(Signed)

M. GILLESPIE.

ABERDEEN :

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