

Trades House of Glasgow

The Lands of Gorbals And Feu Duties



By

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The Lands of Gorbals

The Trades House and 11 of the Incorporations purchased the six pound lands of Gorbals and Bridgend with the coals and coal-heughs, lying within the said bounds, along with the magistrates, the Town Council and Hutchesons' Hospital in 1640 when the House and Incorporations paid £1,743 13s sterling. The lands were held jointly until 1790, when they were divided.

The Trades House along with their partners intended to profit financially from the purchase of the Lands of Gorbals as can be seen in the following: The magistrates of Glasgow, with concurrence of Hutchesons' Hospital, and the Deacon Convener and crafts, leased the minerals, immediately after they acquired the lands, to Patrick Bryce; and he, under that lease, worked the coal. The minute of Parliament, dated 3rd April, 1661, states that, "A petition was presented by James Bell, merchant in Glasgow, setting forth that certain lands belonging to him, on the marches of the lands of Gorbals belonging to the town of Glasgow, where there is a coal work farmed out by the magistrates to Patrick Bryce; and that the said Patrick Bryce had entered the petitioner's ground and worked his coal, and obstinately refused to allow a visitation, threatening, if anyone would go down, to cut the cords, and has maliciously drowned the coal work, to the utter ruin of the petitioner's intended work. The Lords of the Articles reported their opinion, that a commission should be issued to inquire into that complaint."

The westmost part was set apart for the House, being the farthest from the Cross, and centre of the city, consequently the least valuable part. In 1791, the House and those eleven incorporations commenced to feu that part, in steadings for building purposes, and by 1855 succeeded in feuing the whole, and they received for their one-fourth part, feu-duties amounting to £4,975 sterling a year¹.

Tradeston Feu Duty

The Trades House had been receiving feu duty and rent from the Lands of Gorbals since 1790 and the Trades House Feu Duty books are in the process of being transcribed to enable people to discover who was paying feu duty from the time that records are available, i.e., from Martinmas 1797 to 1890.

With the steady expansion of Glasgow, the Trades House decided in 1855 to start to feu the area of Gorbals Lands which they owned. This new part of the city was called Tradeston as a recognition that it was the town of the Trades.

Scottish Feu Duty System

Those not from Scotland and the young may not be aware of this peculiarly Scottish system of land ownership.

Feuing was long the most common form of land tenure in Scotland, as conveyancing in Scots law was dominated by feudalism until the Scottish Parliament passed the Abolition of Feudal Tenure etc. (Scotland) Act 2000. The word is the Scots variant of fee. The English had in 1660 abolished these tenures, with An Act taking away the Court of Wards.

¹ George Crawford, A Sketch of the Rise and Progress of the Trades House of Glasgow, 1858

As a background to the feu system it is important to note that prior to 1832, only vassals of the crown had votes in parliamentary elections for the Scottish counties.

Prior to 1832, only the vassals (a vassal is a person who has a mutual obligation to a lord or monarch, the obligation often included military support by knights in exchange for certain privileges, usually including land held as a tenant) of the crown had votes in parliamentary elections for the Scots counties. This favoured subinfeudation as opposed to outright sale of land. This was changed by the Scottish Reform Act 1832, which increased the franchise of males in Scotland from 4,500 to 64,447.

In the past when a feu was being transferred it often required the presence of the parties on the property or land and a symbolic transfer for example by the throwing of a shoe onto the earth of the property transferred. The document also had to be registered.

In the feu system there was a substantial annual payment in money or in kind in return for the use of the land which had been purchased. The Crown was the first overlord or superior, and the land was held by crown vassals. The vassals could feu their land to others who became their vassals. The process of feuing down further could be repeated to an infinite extent.

There had been a number of attempts to simplify or stop the feuduty system as it was felt unfair and the Land Tenure Reform (Scotland) Act 1974 prohibited the creation of new feuduties in Scotland which provided for the redemption of most feuduties. It gave most vassals the power to redeem their feuduty at any time, and when a property was sold, the feuduty was automatically redeemed as part of the transaction. There was a cost involved in this, as the Act provided that vassals was in effect have to 'buy out' the feu duty: the formula for doing this is complicated, and required a one-off payment of approximately 20 times the feu duty.

Feu duty was finally abolished by the Abolition of Feudal Tenure etc. (Scotland) Act 2000. This Act abolished feuduties on 28th November 2004. The Superior could claim compensation for feu duty within 2 years from 28 November 2004. If no claim was made within the 2-year period, the superior would lose their right to compensation.

In the case of Tradeston, the lots of land were often sub let as smaller sections and the owners had to pay a proportion of the feu due. In the transcribed files, multiple ownership of lots can be clearly seen.