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# THE TOWN AND PORT OF LEITH

*Its Connection with Edinburgh*





THE  
Town and Port of Leith

ITS  
HISTORICAL CONNECTION

WITH  
The City of Edinburgh

BY  
JAMES COLSTON

AUTHOR OF 'THE GUILDREY OF EDINBURGH, IS IT AN INCORPORATION?'; 'THE EDINBURGH  
AND DISTRICT WATER SUPPLY, A HISTORICAL SKETCH'; 'HISTORY OF THE  
INCORPORATED TRADES OF EDINBURGH'; 'HISTORY OF THE  
SCOTT MONUMENT,' ETC.

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## PREFATORY NOTE.

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**A** FEW weeks ago I was asked by the Lord Provost's Committee to prepare for the use of the Members of the Town Council and others a Historical Sketch of the Town and Port of Leith and its connection with the City of Edinburgh. This I have endeavoured to do in these pages from the best sources of information that were available to me.

The volumes of the Burgh Records of the City of Edinburgh naturally shed a considerable light upon the subject, and it will be seen that I have freely utilised these. The various charters have been reproduced at length, with a translation appended. That translation is, as a rule, the one to be found in the volumes of the Burgh Records Society.

I have tried to enliven the work by anecdote. This may tend to make it more interesting to the reader.

In so far as I have stated reasons in favour of the proposed Amalgamation of the two Burghs, no one is responsible for these but myself. Having the opportunity, I have taken occasion to place them before the Town Council and the public, as conveying my own views on this important question.

J. C.

23 REGENT TERRACE,  
5th December 1892.





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# THE TOWN AND PORT OF LEITH.

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## CHAPTER I.

### ITS HARBOUR PURCHASED BY EDINBURGH.

**L**EITH (or "INVERLEITH" as it was originally styled in the charter of erection of the Abbey of Holyroodhouse, founded by King David I. in 1128) was, for nearly four centuries and a half—in so far as its harbour, docks, and other privileges were concerned—under the management of the City of Edinburgh. The Lands of Inverleith were, so far as can be traced back in Scottish history, the property of an ancient family of the name of Leith (the Leiths of Leith-hall), who also possessed considerable properties in the County of Mid-Lothian, as well as the lands of Restalrig, in the immediate vicinity of Inverleith.<sup>1</sup>

Early in the fourteenth century, Leith, with the property of Restalrig, came into the possession of a member of the family of the Logans, by a marriage with a daughter of the house of Leith. Campbell, in his *History of the Town of Leith*, in which book he displays no friendly feeling towards the ancient capital, says,—“Nothing, is

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<sup>1</sup> Inverleith means, in Scottish phraseology, “The mouth of the Leith.”

certainly known of its history until the year 1329, at which period it seems to have attained sufficient importance and prosperity to excite the fears, and tempt the cupidity of the citizens of Edinburgh, (!) who in that year applied for and obtained from King Robert the First a grant of the Harbour and Mills of Leith, with their appurtenances, for payment of 52 merks yearly." The Charter was granted at Cardross, on the 28th day of May 1329.<sup>1</sup> It is right to observe, however, that by the terms, it would seem to be a confirming charter of privileges previously existing.

These rights and privileges the community of Edinburgh seems to have peaceably enjoyed until 1398, when Sir Robert Logan of Restalrig, Knight, proprietor and baronial Lord of Leith, contested the city's

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<sup>1</sup> CHARTER by KING ROBERT THE FIRST, under his Great Seal, to the Burgesses of Edinburgh, of his Burgh of Edinburgh, with the Port of Leith and other Appurtenances. Cardros, 28th May 1329.

"ROBERTUS Dei gracia Rex Scottorum : Omnibus probis hominibus tocius terre sue, salutem : Sciatis nos dedisse concessisse et ad feodifirmam dimisisse, et hac presenti carta nostra confirmasse, Burgensibus Burgi nostri de Edinburgh, predictum Burgum nostrum de Edinburgh, vna cum Portu de Lethe molendinis et ceteris pertinenciis suis. Tenendum et habendum eisdem Burgensibus et eorum successoribus de nobis et heredibus nostris, libere quiete plenarie et honorifice, per omnes rectas metas et diuisas suas, cum omnibus commoditatibus libertatibus et asiamentis que ad dictum Burgum iuste spectare solebant tempore bone memorie Regis Alexandri predecessoris nostri vltimo defuncti : Reddendo inde nobis et heredibus nostris annuatim dicti Burgenses et eorum successores, quinquaginta duas marcas sterlingorum ad terminos Pentecostes et Sancti Martini in hyeme pro equali porcione. In cuius rei testimonium presenti carte nostre sigillum nostrum precepimus apponi. Testibus, Waltero de Twynham, cancellario nostro ; Thoma Ranulphi comite Morauiæ, domino Vallis Anandie et Mannie, nepote nostro ; Jacobo domino de Douglas ; Gilberto de Haia, constabulario nostro ; Roberto de Keth, marescallo nostro Scocie ; et Adam More, militibus : Apud Cardros, vicesimo octauo die Maij, anno regni nostri vicesimo quarto."

*The translation is to the following effect :—*

ROBERT, by the grace of God, King of Scots, to all good men of all his land, greeting. Know that we have given, granted, and in feufirm let, and by this our

right to the use of the banks of the river or the harbour, which he held were his property. In this contention he was eventually found successful. The authorities in Edinburgh had, therefore, to pay him a considerable sum for the banks, with liberty to erect wharves and quays thereon; and it was further made matter of paction, that the community of Edinburgh should be allowed to make roads through the lands of Restalrig, "for the more easy transporting of goods to and from the Port of Leith, with the power of erecting taverns as well as keeping shops for the sale of bread, wine, wax, silk, etc., with liberty to erect granaries for the storing of corn." This charter was dated at Edinburgh, 31st May 1398, and was registered as a probative writ in the books of Council and Session on 10th December 1731.<sup>1</sup>

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present charter confirmed, to the Burgesses of our Burgh of Edinburgh, our foresaid Burgh of Edinburgh, together with the Port of Leith, mills, and others their pertinents. To have and to hold to the said Burgesses and their successors, of us and our heirs, freely, quietly, fully, and honourably, by all their rights, meiths and marches, with all the commodities, liberties, and easements which justly pertained to the said Burgh in the time of King Alexander, our predecessor last deceased, of good memory: Paying therefor the said Burgesses and their successors to us and our heirs, yearly, fifty-two merks sterling, at the terms of Whitsunday and Martinmas in winter, by equal portions. In witness whereof, we have commanded our seal to be affixed to our present charter. Witnesses, Walter of Twynham our chancellor; Thomas Ranulph, Earl of Moray, Lord of Annandale and Man, our nephew; James Lord of Douglas; Gilbert of Hay our constable; Robert de Keth our marischall of Scotland, and Adam More, knights. At Cardros, the twenty-eighth day of May, in the twenty-fourth year of our reign.

<sup>1</sup> GRANT by Sir ROBERT LOGAN, lord of Lestalryk, to the Community of Edinburgh of certain rights in and near the town and lands of Leith. Edinburgh, 31st May 1398.

"OMNIBUS hoc scriptum visuris uel audituris Robertus Logan, miles, dominus de Lestalryk, salutem in Domino sempiternam: Noueritis me, consideratis benemeritis subsidiis continuacione amicie et fauoris honorabilium virorum et conuicinorum meorum, Burgensium et Communitatis Burgi de Edynburgh, dedisse, concessisse, et hoc presenti scripto meo confirmasse dictis Burgensibus et Communitati liberam potestatem facultatem et licenciam fodendi jactandi et asportandi terram meam et sabulum iacentes super ripam siue litus aque de Lethe et circiter vbilibet, vt eis opus



Logan, pleased with the money he had received, became avaricious. Taking advantage of what he considered the ambiguity of the deed in regard to roads, he wished to confine the access in Leith to a narrow

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commodum, ut indigencia fuerit ad ampliacionem elongacionem et constructionem portus sui de Lethe quando et quociens eis placuerit et ad situacionem et facturam pontis super dicta aqua de Lethe super et infra terram meam ibidem vbicunque eis magis videbitur expediens; et quod dicti Burgenses et Communitas prefata et alii quecunque, cum suis et eorum nauibus et vasis quibuscunque, ad dictum portum applicantes, suas ancoras et nauium ac vasorum ligamina ponant et fingant vbilibet in terram meam extra dictum portum vt eis vtilem et visum fuerit faciendum, absque arresta, impedimento, contradictione, calumpnia et demanda mei officiariorum heredum et assignatorum quorumcunque. Et ad liberiolem et faciliorem ingressum ad portum predictum et exitum ab eodem, dedi, concessi, do eciam tenore presentis scripti et concedo, pro me heredibus meis et assignatis, Burgensibus et Communitati burgi de Edynburgh predictis communes vias meas et semitas et transitus vbilibet per terras baronie mee de Lestalrik et ville de Lethe ad ipsum portum predictum extendentes, vna cum potestate et licencia liberis ad faciendum vsitandum et construendum nouas vias alias in longitudine et latitudine omni modo eis sufficientes ad eorum commodum et indigenciam vbilibet per baroniam meam de Lestalrik et villam de Lethe, pro eorum et successorum suorum libito voluntatis, ad eorum portum de Lethe predictum, terris aratis, pratis, et cuniculario meo vbi nunc existit et jacet videlicet, a pauimento et orientali parte cuiusdam lati transitus ducentis ab orientali parte ville de Lethe vsque ad mare duntaxat exceptis et exclusis: Insuper, tenore presentis scripti mei do et concedo predictis Burgensibus et Communitati prefati Burgi de Edynburgh, pro me heredibus meis et assignatis plenariam licenciam, libertatem et facultatem ad adducendum [et] portandum bona sua vniuersa vbicunque voluerint super terram meam et ea et alia mercatorum suorum bona quecunque super dictas terras meas ponendum demittendum remouendum et abducendum et ipsa illibi per suos seruientes ducendum onerandum, et de nauibus et vasis aliis quibuscunque, exonerandum et decarcandum absque arresta impedimento seu contradictione aliquali: Tenendas et habendas predictas vias, semitas, et transitus, necnon licencias, potestates, libertates et facultates antedictas, prefatis Burgensibus et Communitati, eorumque heredibus et successoribus, hereditarie imperpetuum, in longitudine et latitudine, adeo libere, plenarie, honorifice, bene, et in pace, sicut alique vie regie, semite et transitus, necnon libertates, licencie, et facultates infra regnum Scocie de domino nostro Rege uel alio quocunque liberius melius, quiecuis, integrius, et pacificencius tenentur, dantur, conceduntur et infeodantur aut teneri, dari, concedi uel infeodari poterunt quoquomodo. Renunciando

dirty lane, at that time known as "the Burgess Close ;" contending that, although he had given the community of Edinburgh liberty to go through Restalrig, he had not conceded any right to them for the

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pro me, heredibus meis et assignatis pro perpetuo, tabernacioni vini, pisture panis venalis, tentacionem et sustentacionem botharum mercaturarum, garnerii bladorum, ac omnibus aliis que sunt contra libertates aut consuetudines prefati burgi ita quod nec ego, prefatus Robertus, heredes mei uel assignati, aut aliquis nomine nostro uel ex parte, dictam tabernacionem vini pisturam panis venalis, bothas mercaturarum et garneria bladorum predictas tenebimus, aut tenebunt teneri per alios, aut haberi, infra villam et terram de Lethe antedictas aut circiter permittemus in posterum quouismodo : Promitto insuper bona fide, dictam meam concessionem in omnibus, modo forma et effectum quibus premititur, tenere et obseruare, et in omnibus secundum scire et posse meum teneri per alios et obseruare manuteneri et defendi, absque dolo, fraude, excepcione, facinore et malo ingenio quibuscunque : Ego vero predictus Robertus Logan, heredes mei et assignati, ipsas vias, semitas, et transitus, necnon libertates potestates, facultates et licencias predictas, dictis Burgensibus et Communitati, eorumque heredibus et successoribus, contra omnes mortales warrantizabimus, acquietabimus, et inperpetuum defendemus : Et si contingat, me heredes meos aut assignatos, aut quoscunque alios uel alium nomine nostro uel ex parte, contra premissa uel aliquod premissorum, clam uel palam, deuenere contradicere aut litem mouere in iudicio uel extra, quod absit, obligo me, heredes meos et assignatos et alios quoscunque contrauenientes uel contrauenientem litem mouentes seu mouentem, in ducentis libris sterlingorum, dictis Burgensibus et Communitati, nomine dampnorum expensarum, et laborum leuandis et capiendis et percipiendis et in centum libris sterlingorum fabrice ecclesie Sancti Andree, nomine pene, applicandis, ante alicuius litis uel placiti ingressum, presenti tamen scripto in suo robore permanentii ; subieciendo nos in hiis, si casus, quod absit, eueniat, iurisdiccioni et cohercioni domini episcopi Sancti-andree seu eius officialis qui pro tempore fuerit : In cuius rei testimonium sigillum meum presenti scripto meo est appensum ; et ad maiorem huius rei euidentiam, sigillum eciam nobilis et potentis viri ac consanguinei mei carissimi, domini Willelmi de Conyngham militis, domini de Kylmawrys huic similiter apponi cum instantia procurauit : Apud Edynburgh vltimo die mensis Maii, anno Domini millesimo ccc nonagesimo octauo."

*The translation is to the following effect :—*

To all who shall see or hear this writing, Robert Logan, knight, lord of Lestalryk, wishes eternal salvation in the Lord : Know ye that, having considered the good deeds, succours, and continuance of regard and favour of honourable men, and my neighbours

making of roads through Leith. The Edinburgh civic authority of the period raised an action in the Law Courts against him, contending that, being a Royal Burgh, they were entitled to have a free communication

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the Burgesses and Community of the burgh of Edinburgh, I have given, granted, and, by this my present writing, have confirmed to the said Burgesses and Community full power, faculty, and licence of digging, casting, and carrying away my earth and sand lying upon the bank or shore of the Water of Leith, and anywhere near that they may consider necessary for their undertaking, for enlarging, lengthening, and constructing their port of Leith when and where they please, and for placing and making a bridge over the said Water of Leith, upon and within my land there, wherever it shall seem to them most expedient; and that the said Burgesses and Community foresaid, and others whatsoever, arriving at the said port with their ships and vessels, may place and affix the anchors and other tackling of their ships and vessels wherever they may consider necessary and proper on my land beyond the said port, without stop, impediment, contradiction, accusation, or demand of me, my officers, heirs, and assignees whatsoever: And for the more free and easy entry to the foresaid port, and going forth of the same, I have given, and granted, and, by the tenor of the present writing, give and grant for me my heirs and assignees to the foresaid Burgesses and Community of the Burgh of Edinburgh, my common roads, paths, and passages whatsoever, through the lands of my barony of Lestalrik and Town of Leith, leading to the foresaid port, together with full power and liberty to make, use, and construct other new roads in length and breadth sufficient to them for their accommodation and use, wherever they or their successors please, through my barony of Lestalrik and town of Leith, to their foresaid Port of Leith; excepting and excluding only the arable lands, meadows, and my rabbit warren, where the same now exists and lies, namely, from the pavement and east side of a certain wide road leading from the east side of the town of Leith to the sea: Moreover, by the tenor of the present writing, I give and grant to the foresaid Burgesses and Community of the foresaid Burgh of Edinburgh for me my heirs and assignees, full licence, liberty, and faculty to lead and carry all their goods wherever they will upon my lands, and these and all other goods of their merchants upon my said lands to place, set down, receive and carry away; and the same from thence by their servants, to lead, load, unload, and disembark from ships and other vessels whatsoever without any stop, impediment, or contradiction: To hold and to have the foresaid ways, paths, and passages, as also the licences, powers, liberties, and faculties aforesaid, to the foresaid Burgesses and Community, and their heirs and successors heritably for ever, in length and breadth, as freely, fully, honourably, well and in peace, as any highways, paths, and

as regards their shipping. In this contention, they were found successful, and Logan was defeated.

The Edinburgh authorities, on 27th February 1414, made another

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passage, as also liberties, licences, and faculties within the kingdom of Scotland, are held, given, granted, or given in feu of our Lord the King or of any other person whomsoever, or can in any way be freely, well, quietly, wholly, and peacefully held, given, granted, or given in fee: Renouncing for me, my heirs and assignees for ever, the keeping of taverns for wine, the baking of bread for sale, the holding and keeping of shops for merchandise, of girnells for victual, and all other things which are against the liberties and customs of the foresaid Burgh; so that neither I, the foresaid Robert, my heirs or assignees, nor any in our name or behalf, shall in any way keep, or shall cause to be kept by others, or permit to be held, the said taverns for wine, grinding of bread for sale, shops for merchandise and girnells for victual, within the foresaid town and land of Leith or thereabout, in any manner of way in time coming: I promise, moreover, in good faith, to keep and observe my said grant in all things, in the manner, form, and effect as aforesaid, and in all things to cause it to be observed, maintained, and defended by others according to my knowledge and power, without deceit, fraud, exception, guile, and evil imagining whatsoever: And I, the foresaid Robert Logan, my heirs and assignees, shall warrant, acquit, and for ever defend the said roads, paths, and passages, as also the liberties, powers, faculties, and licences aforesaid to the said Burgesses and Community, and their heirs and successors, against all mortals: And if it shall happen that I, my heirs or assignees, or any other or others in our name or behalf, do anything openly or secretly, or contradict or commence a suit in court or without against all or any of the premises (may which never happen), I oblige me my heirs and assignees, and others whomsoever, contravening, or commencing a suit, in one hundred pounds of sterlings to be levied taken and received by the said Burgesses and Community, in name of damages, expenses, and labours; and in one hundred pounds of sterlings to be applied to the fabric of the church of St Andrews, in name of penalty, before the commencement of any suit or plea, the present writing always remaining in force, subjecting ourselves in these matters, if the case should happen, may which never be, to the jurisdiction and rule of the lord bishop of St Andrews, or his official who may be for the time: In witness whereof my seal is appended to the present writing; and for the greater proof hereof I have urgently procured to be likewise appended the seal of another noble and powerful man, and my dearest cousin, Sir William of Conyngham, knight, lord of Kilmawrys: At Edinburgh, the last day of the month of May, in the year of our Lord one thousand three hundred and ninety eight.

bargain with Logan, and obtained a charter from him conveying the whole space of land lying within the town of Leith between what was then known as the gate of John of Petendrech on the one part and the wall newly built on the bank of the Water of Leith on the other part, for the purpose of goods and merchandise being placed there when carried to or from sea.<sup>1</sup>

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<sup>1</sup> GRANT by SIR ROBERT LOGAN of Lestalrig to the Community of Edinburgh of a piece of ground in Leith. Edinburgh, 27th February 1413-14.

"In Dei nomine Amen : Perhoc presens publicum instrumentum cunctis pateat euidenter quod anno Domini millesimo quadringentesimo decimo tercio, mensis vero Februarii die penultima, indictione sexta, pontificatus sanctissimi in Christo patris ac domini nostri domini Benedicti diuina providencia Pape xiii. anno xix°. In mei notarii publici ac testium subscriptorum presencia personaliter constitutus nobilis dominus, dominus Robertus Logan miles, dominus baronie de Lestalrig, dedit concessit et confirmauit Communitati Burgi de Edinburgh pro vtilitate reipublice dicti Burgi, quod totum illud spacium terre iacentis in villa de Leth inter portam Johannis de Petindrech ex parte vna et murum nouiter tunc constructum in ripa aque de Leth ex parte altera, remaneat integrum quitum vacuum et liberum dicte communitati imperpetuum pro eorum bonis et mercimoniis in eadem terra reponendis, et per eandem terram cariandis ad mare et a mari, ita quod nichil in eadem terra construetur seu edificabitur in futurum in nocumentum seu impedimentum dicti Communitatis per dominum aut alium seu alios quoscunque vnde dicta Communitas et Burgenses dampnum vel detrimentum in aliquo paciantur : Super quibus omnibus et singulis dicta communitas petiit per me notarium subscriptum sibi fieri publicum instrumentum. Acta fuerunt hec in pretorio dicti Burgi in plena curia eiusdem tenta ibidem anno die mense indictione et pontificatu supradictis : Presentibus nobilibus viris Georgio de Lawedre tunc preposito dicti Burgi, Willelmo de Turribus de Crawmond, Willelmo de Edmondston, scutifero, Jacobo Cant tunc decano gilde Johanne Clerk de Lanark, Andrea de Lermwth et Willelmo de le Wod tunc balliuis eiusdem Burgi, testibus ad premissa vocatis in dicta plena curia specialiter et rogatis.

"Et ego Johannes Tripnay clericus Sanctiandree diocesis publicus auctoritate imperiali notarius : Dum omnia et singula premissa agerentur vt premittitur dicerentur et fierent, vna cum prenominatis testibus, in dicta plena curia, presens interfui personaliter, eaque sic fieri dici et expediri vidi, et audiui, et in notam recepi, indeque presens publicum instrumentum confeci, et in hanc publicam

In 1565, Mary Queen of Scots mortgaged the superiority of Leith to Edinburgh, in consideration of large money advances made by the community of the city.

From that time, down to the year 1833, when Leith received a separate municipal constitution, under the Act 3 and 4 William IV. c. 77, and to 1838, when the Act, known as "the Edinburgh and

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formam redegi, manuque mea propria scripsi, et hic me subscripsi ac signum meum apposui, requisitus in testimonium veritatis."

*The translation is to the following effect:—*

In the name of God, Amen: By this present public instrument, let it appear evidently to all, that in the year of our Lord one thousand four hundred and thirteen, on the twenty-seventh day of the month of February, in the sixth indiction, in the nineteenth year of the pontificate of the most holy father and lord in Christ, our lord Benedict XIII., by divine providence, Pope; in presence of me notary public and the witnesses underwritten, personally compeared a noble lord, Sir Robert Logan, knight, lord of the barony of Lestalrig, and gave, granted, and confirmed to the Community of the Burgh of Edinburgh, for the good of the commonwealth of the said Burgh; that the whole space of land lying within the town of Leith, between the gate of John of Petendrech on the one part, and the wall then newly built on the bank of the water of Leith on the other part, should remain whole, quit, void, and free to the said Community for ever, for their goods and merchandise to be placed on the said land, and to be carried to and from the sea there through, so that nothing should be built or constructed on the said land in future, to the prejudice or impediment of the said Community by the lord or any other or others whomsoever, by which the said Community and Burgesses should sustain damage or hurt in any manner: Upon all and sundry which things the said Community asked a public instrument to be made for them by me, notary public, underwritten: These things were done in the Tolbooth of the said Burgh, in the open court thereof held there, in the year, day, month, indiction and pontificate aforesaid: There being present, noble men, George of Lawedre, then provost of the said Burgh; William of Touris of Crawmond; William of Edmondston, esquire; James Cant, then dean of guild, John Clerk of Lanark, Andrew of Lermwth, and William of the Wod, then baillies of the said Burgh, witnesses to the premises specially called and required in the said full court.

And I, John Tripnay, clerk of the diocese of St Andrews, notary public by imperial authority, was personally present in the said full court, together with the

Leith Agreement Act," was passed, the Town and Port of Leith were under the control and management of the Town Council of Edinburgh.

At the present time when the proposal has been made, and favourably received, not only in the City of Edinburgh but also in many influential quarters in the town of Leith, that it would be of mutual advantage that they should form one municipality, it may not be out of place to present before the public the more important parts which Leith has been called upon to play, in the days that are gone, with the view of pointing out whether the amalgamation of the two communities would be conducive to the interests of both.

In order to see at a glance the position which Edinburgh occupied in relation to the Port of Leith in the olden times, it may be well to refer to the terms of the Records of the Town Council of Edinburgh, of date 12th July 1570. These records indicate the claim to a larger amount of territory than the City possessed in more recent days. But the extract is chiefly valuable as showing the bargain which the community of Edinburgh made with Logan of Restalrig, along with the privileges of trade therein conveyed.<sup>1</sup>

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above-named witnesses, while all and sundry the premises were discussed and performed as aforesaid; and I saw and heard them so done and performed, and thereof made a note from whence I have made this present public instrument, and have reduced it to this public form, have written it with my own hand, have subscribed it and affixed my sign, being thereto required, in testimony of the truth.

<sup>1</sup> The Minute of Council is to the following effect:—

"THE baillies and counsell of the burgh of Edinburgh, sittand in jugement, in the actioun and caus persewit be Thomas Hendersoun, thesaurare of the said burgh, makand mentioun that quhair the said burgh being of auld past memorie of man erected in ane fre burgh of royaltie, and thairby haveand all prevelegis of ane fre burgh within the boundis thair of, quhilk extendis to the boundis of the fredome of Hathingtoun on the eist, quhilk parte is Edgebukling Bray, and on the west to Almund Watter, on the north to the sey (sea), and on the south safar as the boundis of the scherefdome of Edinburgh principall extendis to, and yit the burgessis and communitie

Having established a harbour, the civic authorities of Edinburgh forthwith began to take control of the maritime affairs of Leith. One of the chief duties of the Dean of Guild was to hold Courts in Edinburgh, where all questions between mariner and mariner, or merchant and mariner were determined. Those who came from foreign ports had to appear before him to have their causes adjusted. There was a Magistrate of Edinburgh also appointed to hold a Court in Leith. The oldest record of municipal life which has come down to us, and which, like the charters of the period, is written in mediæval Latin (at that time the universally known language of the learned all over Europe, as well as the language of the Church) is to the following effect :—

The first Head Gild,<sup>1</sup> held after the Feast of Saint Michael, in the Tolbuith

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of the said burgh of Edinburgh for amplefein of thair awin prevelegis in the moneth of Maj j<sup>m</sup> thre hundreth four scoir xvij yearis, haifand than the hewin and schoir of Leyth annexit to the said burgh, with the fredome and commoditeis thair of, obtenit be dispositioun made to thame be Robert Logane of Restalrig, Knycht, diuers and syndrie prevelegis for thair eis in bigging of the said port and havin of Leyth, togidder with the haill wayis, passages, and trans of the toun of Leyth and barronie of Restalrig, for transporting of thair guidis to and fra the samyn, quha alsua for him, his airis, and assignayis perpetuallie ventit the taverning and selling of wyne, the bakyng of bried to sell, the halding and keiping of marchand buithis, girnelling of quheit (wheat); and all other thingis that wer contrair the libertie and consuetude of the said fre burgh of Edinburgh, swa that nother he, his airis, nor assignais, nor na vthers in his name or on his pairt sould hald venting or selling of wyne, baking of bried to sell, marchand buithis, girnellis of quheit, be thameselfis nor na vthers within the toun and landis of Leyth or thairabout, nor yit thole the samyn in ony tyme thairefter to be haldin, as at mair lenth is contenit in prevelege and rycht maid to the saidis burgessis and commontie thairvpoun," etc.

<sup>1</sup> "Prima gilda capitalis post festum Beati Michaelis tenta in Pretorio burgi de Edinburgh, conuocatis confratribus gilde et comparentibus, 3 Octobris 1403. Electi sunt officarij gilde prout sequitur :—

*Prepositus*—ALEXANDER NAPIER.

*Decanus gilde et custoditor operis Ecclesie*—Symon de Schele.

*Balliuus de Leyth*—Joannes Robertsoun.



of the Burgh of Edinburgh, the brethren of the Gild being called, and comparing, 3d October 1403, the officers of the Gild were elected.

It is right to say that in the minute of the "Heid Court" twenty years thereafter (in 1423), the *Ballivus de Leyth* which appears in the above Record is there styled "ane Watter Baillie."

The powers which the Municipal Authorities of Edinburgh assumed to control the Port and Harbour of Leith and the merchandise thereof, were fully ratified and confirmed by the successive Scottish Kings. A reference to these will entirely confirm this statement. For example:—

A few years after the last minute, viz., on the 31st December 1428, King James I., under his Great Seal, granted a charter,<sup>1</sup> wherein, with the consent of the burgesses and merchants of Edinburgh, he

*Thesaurarius*—Joannes Lamb.

*Seriandi gildi*—Willelmus Talzefer, Willelmus Dauidsoun.

*Appreciatores carnium*—Willelmus Rynweh, Hugo Tod, Matheus Cloig.

*Appreciatores vinj.*—Willelmus Layng, Jacobus Robertsoun.

*Duodene burgi.*—William of Cranstoun, William of Libertoun, George of Fawlow William Cameroun, Adame Cant, William Bully, Th. of Prestoun, Sanders of Stanely, Adam of Carkettill, James of Boncle, Jh. of Cairnis, °Thom. Johnestoun, °Jh. Lamb, Rychert of Fairnly, °Laurence of Elphinstoun, °Watt Young, James of Lawder, Henry Diksoun, Nicol Spathy, °Thom. Smyth, °Jh. Wade, °Robyn Michelsoun, °Malcome Boyde, °James of Touris, °Androw Crawford, °David Lanerok, °William Rynd, °James of Schele, °Robyn of Prestoun, Jh. of Harlaw, °Will. Skynner, Sanders of Wod, °Jh. Howden, Will. of Sydeserfe, Th. Williamsoun, Jh. Hayne, James of Fyndguid, °Th. Quhyteloke, °Will. of Lawder, Jh. of Farnly of Irwyn, °Ro<sup>t</sup>. Merchell, °Robyn Blak, °Robyn of Wintoun, °James of Fowlfurde, °Will. of Carkettill. 45."

<sup>1</sup> ABSTRACT of a Charter by KING JAMES the FIRST, under his Great Seal, authorising certain tolls to be uplifted of all ships and boats entering the Port of Leith. Dunfermline, 31st December 1428.

"ANE charter granted be James King of Scottis, vnder his Great Seale, whareby he, with consent of the Burgessis and Merchandis of Edinburgh, statutes and ordanes that, in augmentatione of the fabrik and reparatioun of the port or herberie of Leith, thair should be vplifted ane certane tax or toll of all schippis and boites entering thairin

statuted and ordained that in augmentation of the fabric, and for repairing of the Port or Harbour of Leith, there should be levied a tax or toll on all ships and boats entering therein. This charter is stated to have been granted at Dunfermline, although it is not now in the archives of the city. That it had existence, there is no doubt, because there is an Inventory of the tolls and charges of ships and boats at Leith, fully detailing what is to be paid for hides, wool, skins, malt, meal, corn, salt, etc., and specifying also the rates exigible from freemen on the one hand, and unfreemen or strangers on the other. Besides, it is referred to in the charter of the King's successor.

In virtue of the powers so conferred by His Majesty, the Civic Authorities of Edinburgh laid down laws as to the conditions under which articles brought into the Port should be sold, especially what was to be consumed for human food. They appointed two distributors, "sufficient to answer for thair deid," whose duty it was to take care that no one took on hand to buy victuals at a greater price than was given for the same in the Tolbuith, without the consent of the alderman, bailies, and council. If there was any violation of this enactment, the persons found guilty had to surrender their rights as freemen for one year. They also passed laws anent the freighting of ships, and

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in maner following, viz, for ilk sarplare of wole and skynes, of friemen of the Kingis burrowes iiij d., and of strangers and vnfriemen viij d.; of ilk twyn, of friemen iiij d., and of strangers and vnfriemen viij d.; and of all vther thingis, pock, pack and barrell, proportionablie ansuerand to the sarplar and to the twyn; of ilk last of hydes, of friemen xvj d., and of strangers and vnfriemen xxxij d.; of ilk chalder of corne, malt, or salt iiij d.; of the chalder of collis j d.; of ilk twyne of girnale good, of friemen iiij d., and of strangers viij d.; of ilk last of beare, meall, and hering, viij d.; of the last of tarr iiij.; of the hundreth burdis viij d.; of the hundred bowstaves iiij d.; of the last of maid irne viij. d.; of the hundred plankis viij d.; and sua of vther like guids: Item of hulkis and foircastellit schippes that comes in the heavyn x s.; of ilk creare, busche, berge and ballinger v s.: Item of ilk farcoast xij d.; of ilk greate boate vj d. with victuall or vther goodis: Item of ilk small boate ij d., and sua of vther lyke thingis." This charter is daited at Dunfermeling the last day of December anno 1428.

enacted that "frauchtismen shall specefie in the frauchting of the schip, and in the chartaur partie that thair be na gude woll nor skynnys spakit no schorne, na hyddis kippit to be schorne vp." Every ship coming homewards was bound to allow a ton's freight to St Giles' Church. They also laid down regulations regarding the "regrating" (retailing) of victuals brought into Leith.

King James II., by Letters Patent under his Great Seal, on 25th September 1445,<sup>1</sup> with the consent of the burgesses and merchants of Edinburgh, prepared a new tariff, by which, for the purpose of enlarg-

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<sup>1</sup> GRANT by KING JAMES the SECOND, under his Great Seal, authorising certain Taxes or Tolls to be uplifted at Leith during his pleasure. 25th September 1445.

"JACOBUS Dei gratia Rex Scotorum: Uniuersis et singulis ligiis et subditis nostris ac aliis quibuscunque cuiuscunque nationis existant naues seu naviculas vel batellas magnas seu paruas apud portum de Leith ducentibus, salutem: Sciatis propter commune bonum et publicam vtilitatem ac etiam saluacionem et securitatem navium et bonorum dictum portum siue rade de Leith intrancium ob cuius reparationis defectum gravia et inestimabilia dampna ex naufragio perveniunt frequentur et contingunt Statuimus et ordinauimus, ex consensu burgensium et mercatorum burgi nostri de Edinburgh quod in augmentum fabrice et reparacionis dicti portus assumentur et leuentur certe taxe seu tollie de nauibus nauculis et batellis ibidem intrantibus per modum qui sequitur in vulgari. In the first, of ilk sarplare of woll and skynys, of fremen of the Kingis burrowis iiij d., and of strangearis and vnfremen viij d.; of ilk twyn, of fremen iiij d., and of strangearis and vnfremen viij d.; and of all vther thingis, pok, pak, and barell, proportionably answerand to the sarplare and to ye twyn; of ilk last of hidis, of fremen xvj d., and of strangearis and vnfremen xxxij d.; of ilk chaldir of corne, malt, or salt iiij d.; of ye chaldir of colis j d.; of ilk twyn of girnale gude, of fremen iiij d.; and of strangearis viij d.; of ilk last of bere, mele and hering viij d.; of the last of tarr iiij d.; of the hundir burdis viij d.; of the hundir bowstauys iiij d.; of the last of osmound irne viij d.; of the hundir plankis viij d.; and sua of vthir like gudis. Item of the hulkis and forecastellit schippis that cumis in the hauin or in the rade x s.; of ilk creare, busche, barge, and balingare v s.; alsua of ilk fercost xij d.; of ilk grete bate vj d. with vitale or vther gudis; also of ilk smal bate ij d.; and sua of vthir like thingis: Quare omibus et singulis suprascriptis firmiter precipimus et mandamus quatenus ordinationes et statuta huiusmodi prout superius scribuntur teneant et

ing and repairing of the said Port, he statuted and ordained the Town Council should take and uplift the specified customs or charges. In the Inventory of Writs, which were removed from the Charter House to the Town Clerk's office in 1653, these Letters Patent are described as "a charter for uplifting of the tax or toll of the Port of Leith, for the use and in manner specified in the charter of date 31st December 1428," already referred to. A comparison between the two scales of charges will show that there is little essential difference between them.

In the "setting of the commoun rents of Edinburgh," on 10th November 1457, there are the following entries :—

. . . On the same day, the petty customs of Leith, of pok, pak, barrel and sicklike goods with the "met-siller," are set in tack to John Robertson and

obseruent ac eisdem sub omni pena que competere poterit in hac parte: In cuius rei testimonium has literas nostras beneplacito duraturas sub magno sigillo nostro fieri fecimus patentes, apud Edinburgh vicesimo quinto die mensis Septembris anno Domini millesimo quadringentesimo quadragesimo quinto et regni nostri nono."

*The translation is to the following effect :—*

JAMES by the grace of God King of Scots: To all and sundry our lieges and subjects and others whomsoever, of whatever nation they be, bringing ships or vessels or boats, great or small, to the port of Leith, greeting: Know ye that for the common good and public use, and also for the safety and security of ships and goods entering the said port or road of Leith, where heavy and inestimable damages by shipwrecks frequently occur and happen from the want of repair, we have enacted and ordained, with consent of the Burgesses and Merchants of our Burgh of Edinburgh, that for the augmentation of the fabric and repairing of the said harbour there be taken and levied certain taxes or tolls from the ships, vessels or boats entering the same, in the manner which follows in the common tongue :—In the first, of ilk sarplare of woll and skynis [*etc. as above*]. Wherefore we strictly command and charge all and singular above written that they keep and observe these ordinances and statutes as they are above written under all the pain which can follow in that part. In witness whereof, that these our letters endure during our pleasure, we have caused them to be made patent under our great seal, at Edinburgh, the twenty-fifth day of the month of September in the year of our Lord One thousand four hundred and forty-five, and in the ninth of our reign.

John Lowthian for 22 merks. [Sureties] for John Robertson, Hugh Debar, and for John Lowthian, Alexander Napier of Merchiston.

*Item.*—The petty haven siller of Leith is let to the said John and John for 33 merks. Sureties, the said Hugh and Alexander.

By letters patent, dated at Edinburgh, 4th November 1454, King James II., under his Great Seal, made perpetual the several duties specified in the letters patent of 25th September 1445.

King James III., by letters patent, under his Privy Seal, on 16th November 1471,<sup>1</sup> with the advice and deliverance of his Council, for the

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<sup>1</sup> GIFT by KING JAMES the THIRD of certain duties of custom for repairing the Port and Haven of Leith. Edinburgh, 16th November 1471.

“JAMES, be the grace of God King of Scottis : To all and sindri oure liegis and subditis quhais knaulage thir oure lettres salcum, greting. Wit ye that we with the avis and deliuerance of oure Counsale, for the commoun gude and profit of oure marchandis and of all personis oure liegis strangearis and vtheris cummand and reparand to oure port and havin of Leith, and for the vphald reparatioun and bigging of the sammyn, has grantit and gevin and be thir oure lettres grantis and gevis to the Provest Balyeis and Communitie of oure Burgh of Edinburgh thir custumis and dewiteis vnderwritin to be raisit brukit and joisit be thame and thare successouris in tyme tocum, that is to say : of ilk fery bot cummand inwart in oure said havin twa pennyis, and outwarde twa pennyis ; alswa of ilk bot chargit in the havin to pas to the rade twa pennyis ; and in likewis of ilk bot chargit in the rade and cummand in the havin twa pennyis ; alswa of ilk dreg bot and handlyne bot cummand in with fisch at thare incumming a penny, alswa of ilk gret lyne bot cummand in with fische at thare incummyn foure pennyis ; alswa of ilk stane bot lossand in the havin a penny. Quharefor we charge stratly and commandis al and sindri our liegis and subditis and in speciale the masteris and governouris of the saidis boatis that ye and ilk ane of you reddily intend ansuere and obey to the saidis Provest, Balyeis and Communitie of oure said Burgh of Edinburgh and to thare successouris and to thare officiaris in the rasing vptakin and paying of the said custumes and dewiteis in tyme tocum, and that na man tak vppon hand to mak thaim letting or impediment tharein vnder all the heast pane charge and offence ye and ilkane of you may committ and incur again our Maieste : Thir oure lettres with the saidis Provest, Balyeis and Communitie and thare successouris to remain and abide foreuer : Gevin vnder oure priue sele at Edinburgh the sextene day of Nouember the yere of God I<sup>m</sup> iiij<sup>o</sup> sevinty and ae yere, and of oure regune the xii yere.”

common good and profit of merchants, and of all persons, strangers, and others repairing to the Port and Haven of Leith, and for the upholding, repair, and building of the same, granted to the Provost, Bailies, and Community of his burgh of Edinburgh, a scale of customs and duties to be raised (at Leith) and used by them and their successors in all time coming.

On the 5th of January 1480, the Magistrates and Council laid down new regulations<sup>1</sup> regarding all victuals brought into the Port of Leith, that the same should be brought into Edinburgh to the Tolbuith, and that the bell-man pass through the town and warn all the towns-people; that the provost offer one penny to the merchant, and that the same should be disposed of at a competent price for behoof of the community generally, each man to have his share as it is being sold; and if no agreement was come to, the merchant was at liberty to sell his victual to freemen on the best terms he could make. This bargain having been settled, each neighbour was entitled to demand his own share for behoof of himself and his household, at the same price as had been made with the

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<sup>1</sup> "It is statute and ordanit be the provest and counsall of the toun that in tyme to cum quhane that ony victuallis, quheit, beir, malt, ry, rymeill, or massilyon cumis in to the port of Leyth to be sauld, that or the entre be tane the bell pas throw the toun and warne all the nichtbouris thairto in the tolbuith and in na vther place, and at the provest offer ane penny to the merchand, and to by it vpon ane competent price to the behuiff of the haill nichtbouris, ilk man to haif his pairt thairof as it beis bocht, and gif they can nocht aggre thairvpon at the said merchand sall sell his corne to fremen as he best may, and gif ony vther nyctbour byis the guidis efter the entre that ilk nyctbour haif his pairt thairof to his awin houshold and behuif vpoun the samyn price as it is maid with the merchand and na darrer, swa that it sall nocht be regratit nor derthit vpoun the nyctbouris, vnder the pane of eschete and pvnysing thair personis at the will of the counsall of the toun, and that the merchandice be maid heir in the burgh and in na vther place vnder the samyn pane, and quhen sic thingis hapinis that the toun be quarterit, and ane bailye with twa of the counsall pas and tak ane clerk with thame to Leyth and deill it evinly to the nyctbouris takand ane penny of the laid for thair lawbouris."

merchant and no "dearer." It was further provided that the merchandise should be sold here in the burgh, and in no other place; and when the town was divided into four districts, one of the bailies, with two of the members of the Town Council, was to go to Leith along with a clerk, and give due justice to the dwellers there, charging one penny for their labours.

Again, eleven years thereafter, King James III. on 16th November 1482, granted another charter<sup>1</sup> to the Town Council, under his Great Seal, whereby in consideration of the loyal and hearty services which the

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<sup>1</sup> CHARTER by KING JAMES THE THIRD, under his Great Seal, to the Burgh of Edinburgh, of Customs from the Harbour and Road of Leith. Edinburgh, 16th November 1482.

"JACOBUS Dei gracia rex Scotorum : Omnibus probis hominibus tocius terre sue clericis et laicis, salutem : Cum ad beneuolencie officium spectare dinoscitur vt hiis plurimum tribuamus a quibus plurimum diligimur nullus humanitatis actus magis necessarius : Hinc est quod nos alta mente considerantes fidem, legalitatem, amorem, beneuolenciam, cordialeque seruicium que dilecti et fideles nostri officarii moderni Burgi nostri de Edinburgh subscripti, videlicet, Patricius Baroun, prepositus, Daud Craufurde, Patricius Balbirny de eodem, Archibaldus Todrik, balliui, Johannes Foulare, decanus gilde, Thomas Yare, thesaurarius, Willelmus Farnely, communis clericus, Johannes Napaire, Henricus Cant, Willelmus Rynd, Andreas Cramby, Robertus Bonkill, Willelmus Synclare, Jacobus Aikman, Willelmus Turnoure, Jacobus Richardsone, Alexander Craufurde, Thomas Carkettill, et Robertus Folkart, consules Burgi predicti, ac tota Communitas eiusdem Burgi, jam nobis prouide prestiterunt cum carissimo fratre nostro Alexandro duce Albanie comite Marchie ac de Mar et Garviauch domino Vallis Anandie et Mannie etc. nostram de carceribus ex Castro nostro de Edinburgh liberando personam in quo contra nostre voluntatis libitum fuimus detenti, suas personas grauibz vite opponendo periculis, dictum Castrum cum dicto carissimo fratre nostro obsedendo; ex quo insultu nostra iam persona Regia libertate gaudet. Ob id et pro singulari dilectione quam habemus erga dictos Prepositum, Balliuos, Clericum, Consules et Communitatem, et pro suis gratuitis laboribus et seruiciis nobis impensis et exhibitis, dedimus, concessimus, renouauimus et confirmauimus, necnon tenore presentis carte nostre, damus, concedimus, renouamus, ac pro nobis heredibus et successoribus nostris in perpetuum approbamus, ratificamus, et confirmanus dictis Preposito, Balliui Consulibus et Communitati, eorumque successoribus eiusdem Burgi Prepositis, Balliuis, Consulibus et Communitatibus imperpetuum, custumas ac pecunias prouenientes de portu de Leith exactiones commoditates et redditus eis vtiles, tam de dicto portu quam rade de

Provost, Bailies, Dean of Guild, Treasurer, Common Clerk, Councillors, and the whole community of his burgh of Edinburgh, with his brother Alexander Duke of Albany had rendered to the King, by freeing him from the Castle of Edinburgh, in which he had been detained against

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Leith, et de predicto burgo, quibus nunc pacifice gaudent et in possessione existunt ac eisdem utebantur et gauisi fuerunt, in vulgari articulariter sequentes videlicet : ”

*The translation is to the following effect :—*

JAMES, by the grace of God king of Scots ; To all good men of his whole land, clerics and laics, greeting : Since no act of duty between man and man is recognised as more necessarily belonging to the obligation of benevolence than that we should bestow most on those by whom we are most beloved : Hence it is that we, considering with thoughtful mind, the fidelity, loyalty, love, goodwill, and cordial service which our beloved and faithful the present office-bearers of our Burgh of Edinburgh under written, namely, Patrick Baroun, provost, David Craufurde, Patrick Balbirny of that ilk, Archibald Todrik, bailies, John Foulare, dean of guild, Thomas Yare, treasurer, William Farnely, common clerk, John Napeire, Henry Cant, William Rynde, Andrew Cramby, Robert Bonkill, William Synclare, James Aikman, William Turnoure, James Richardsone, Alexander Craufurde, Thomas Carkettill, and Robert Folkart, councillors of the foresaid Burgh, and the whole community of the same Burgh, with our dearest brother Alexander Duke of Albany Earl of March and of Mar and Garviauch, lord of Annandale and Man, etc., have already providently rendered to us in liberating our person from imprisonment in our Castle of Edinburgh, in which against the pleasure of our will we were held captive, exposing their persons to the great risk of life, in besieging the said Castle with our said dearest brother, in consequence of which attack our royal person now rejoices in liberty : Wherefore and for the singular love which we have to the said Provost, Bailies, Clerk, Councillors, and Community, and for their gratuitous labours and services done and shown to us, we have given, granted, renewed, and confirmed, and by the tenor of our present charter give, grant, renew, and for us our heirs and successors for ever approve, ratify, and confirm to the said Provost, Bailies, Councillors, and Community, and their successors, Provosts, Bailies, Councillors, and Communities of the said Burgh for ever, the customs and moneys arising from the port of Leith, exactions, commodities, and rents useful to them, as well from the said port as from the roads of Leith, and from the foresaid Burgh, which they now peacefully enjoy and are in possession of, and were wont to use and have enjoyed the same, as articulately set forth below in the common tongue, viz. :



his will—he gave, granted, renewed, and confirmed to the Provost, Bailies, Council and community for ever, the customs and moneys coming out of the harbour of Leith, with the exactions and rents as well of the said port as of the Roads of Leith, and the said burgh, whereof they

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“In primis : that thai be fre for euirmare of all payment of custumys of salt and of schorlingis, skaldingis, futefellis, lentrinware, lambskynniss, tod skynniss, calf skynniss, cunyng skynniss, otteris et foulmertis skynniss, and that it salbe lefull to thame to sel and permute the salt and skynniss abouewritten to alienaris or strangearis, or ony vtheris that thai mak merchandice with custume fre, owthir to be payit be thame or be the strangearis ; exceppand the petit custume of the tovene of Leith to the ressaouris thareof vsett of before tyme : Item, the havin siluir of Leith of all maner of personis, fremen, vnfremen, and strangearis bringand or havand ony gudis in or out at the port of Leith : In primis, of ilk freman of all the Kingis burowis of ilk serplaith wol or skynniss iiij d., and of strangearis and vnfremen viij d., and of ilk ton of gudis of fremen iiij d., and of strangearis and vnfremen viij d., and of all vther sic like thingis, baith polk, pak, and barell, proporcionably ansuerand to the serplaith and to the ton : Item, of ilk last hidis of fremen xvi d. and of strangearis and vnfremen xxxii d. of ilk chaldir of corne meil malt or salt of fremen iiij d. and of vnfremen viij d. Item of ilk chaldir of colis or lyme cummand in or gangand furth of the havin ii d., and of ilk ton of girnale gude of fremen iiij d., and of strangearis and vnfremen viij d. Item of fremen of vther burowis byand ony gudis in Leith to haue away, to pay at the outpassing iiij d., and barell according thareto. Of ilk last of meil or hering viij d. Of ilk last pik ter ass or sic like gudis iiij d. Of ilk hundreth burdis gestis tres bowstryngis plankis and sielike gudis viij d. Of ilk fercost that cummis in the havin xii d. Of ilk grete boit with victalis or vthir gudis vi d. Of ilk smal bate ii d. Of ilk ton of gudis sald in Leith be fremen to fre or vnfremen passand outward iiij d., of the byare the barell or barellis accordand thereto. And of ilk fery bait cummand inwart in the havin ii d., and outward ii d. Of ilk bait chargit in the havin to pas to the rade ii d. And sic like wise chargit in the rade agane to the havin ii d. Item of ilk drag boit and handlyne boit cummand in the havin with fisch at thare incummyng iiij d. And of ilk stane bait cummand and losand in the havin i d. And in like wise the men of Orkney and Cathnes and thare gudis payand sic like havin siluir : And attoure apon land in to Leith or within the watir, thir custumys to be payit vndirwritin to the tovn of Edinburgh by the havin siluir ; In primis ilk barell of ter, pik, ass, or ony vther barell gudis sald thare to vnfremen ii d. Of ilk layd of vnyeous, apillis, corne, buttir, cheis, or vthir gudis met, and sald in Leith to vnfremen

were then in the peaceable possession and enjoyment. [*Here follows the List of Customs.*] The Charter then goes on to state :—

That no goods of strangers be permitted to remain longer in Leith, than they required to be taken out and carted to Edinburgh, under the

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to be had away i d., and of ilk laid vnmet i obl. Item of ilk laid of quhitefisch or hering cumand out of Leith i d., and of the i° grete fisch as keling stokfisch, leyngis, salmound and sic lyke fisch vnbaralit iiii d. Item of ilk pak of claith that cummis to the schore of vnfremen iiii d., and of ilk laid of salt met thare down i d. Of ilk grete geist or dormound sald thare down i obl. Of smallare geistis iiii d of the dosane. Item of i° sperris viii d. Item of the hundreth widde of Oismond irne of vnfremennis cumand to Leith viii d. Item of ilk dakir of hydys cumand on land in Leith or to Leith of vnfremennis quhatsumeir ii d. Item of the hundreth skynnis wollin calfia, gaittis, kyddis, cunyngis or ony vtheris nocht payand custume in Edinburgh iiii d. Item all the tvn vydouris of gudis ventit or temyt in the rade, havin, or tovn of Leith, or to fillingis to be dewities to the tovn of Edinburgh : And attoure to be insert in this our saide charter the grete custumys and dewiteis that the thesaurare of the tovn resavis and takis of strangearis and vnfremen of schippis and gudis cumand in at the port of Leith and enterit in the tovnis bukis, togidder with the eschete of the sammyn quhare it beis fundin vnenterit of ony vnfremennis : In primis, of ilk last of barell gudis sic as pik ter meil ass or sic like gudis xvi d. Of ilk tvn wyne xvi d. Of ilk boit malvasy xii d. Of Rynch wyne, becaus of greit steikis of ilk crovn as it is bocht ii d. Item of the thousand irne ii s. Of the hundreth sail canves ii s., and of the grete canves of the crovne ii d. Of all dry mersory, merchandice, and costly gudis of ilk crovn ii d. Of a barell of saip, oley, buttir, vynagir, flesch, or tallone vi d. Of ilk barell of vnyeans or apillis iiii d. Item of a pak of lynt contenand a last v s. iiii d. Of the hundreth tymmir, grete, smal burdis or dalis xvi d. Of the hundreth bow-stryngis xvi d. Of a pak wald xii d. Of a tvn wad xiii s. iiii d. Of ilk schip in generale of gudis ii bollis, ane behind the mast and ane vthir before to sanct Gelis werk. Item the anchorage of ilk grete schip singill or doubill forcastellit xiii s. iiii d. The secundare x s. The mydlest vi s. viii d. The caumferis v s. The quhilk strangearis and vnfremen sal pay for custume of thare gudis outward to the tovn. Of ilk chaldir of salt viii d. Of ilk chaldir of smethy colis vi d. Of ilk last hydys xxxii d. Of ilk sek woll and skynnis xvi d. Of a pak of claith viii d. Of a pak of cunyng-skynnis, lambskynnis, otteris, toddis, foulmertis, and sic like viii d. And attoure that na maner of stapill gudis of strangearis remane or be housit langare in Leith eftir it be dischargit and losit than it may be cartit and brocht to the tovn vndir the pane of

pain of "eschete." It enjoined that no market should be held within Leith, under the same penalty; and that the Provost, Bailies, Clerk, Council, and community of Edinburgh and their successors permit, enjoy and use all their customs and privileges within the said burgh

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eschete, and that thai mak na merkate in Leith vndir the sammyn pane to be takin and vsit be the saidis provest and bailyeis, for the tyme to the tovnis vse: And in like wise that the saidis provest, bailyeis, clerk, consale, and communitie and thare successouris bruke, jois and vse all vthir custumys and priuilegis within the saide burgh Leith and watir according to the commune law with thair watir courtis attaiachimentis, vnlawes and dewiteis sic like as thai and thare predecessouris has had of before with vse and wont.

"Tenandas habendas et possidendas omnes et singulas custumias pecunias commoditates prouentus et libertates predictas, in omnibus et per omnia vt prescribitur, prefatis Preposito Balliuis Consulibus et Communitati dicti burgi nostri de Edinburgh et eorum successoribus huiusmodi prepositis, balliuis, consulibus et communitatibus, de nobis et successoribus nostris in feodo et hereditate imperpetuum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliquo retinemento reuocacione quacunque, aut contradictione aliquali nostri vel successorum nostrorum quorumcunque inde quouismodo faciendis: Quare vniuersis et singulis legiis et subditis nostris, liberis et non liberis, ac aliis quibuscunque cuiuscunque nacionis existant naues, nauculas vel batellas, magnas et paruas, ad dictum portum et radam de Leith ducentibus et ducturis, prenditoribusque et ceteris per eundem portum laborantibus et laborituris, omnibusque aliis quorum interest vel intererit, stricte precipimus et mandamus quatenus ordinaciones et dictarum pecuniarum soluciones predictas faciant, teneant et obseruent, ac in premissis omnibus predictis burgensibus burgi nostri de Edinburgh et eorum successoribus et collectoribus per ipsos deputatis et deputandis prompte respondeant, pareant et intendant, sub omni pena quam erga nostram et successorum nostrorum incurrere poterint maiestatem. In cuius rei testimonium huic presenti carte nostre dictis Preposito, Balliuis, Consulibus, Burgensibus et Communitati eorumque successoribus pro perpetuo durature magnum sigillum nostrum apponi precepimus: TESTIBUS reuerendis in Cristo patribus, Johanne episcopo Glasguensi cancellario nostro, Jacobo episcopo Dunkeldensi; dilectis auunculis nostris Andrea electo Morauienti nostri secreti sigilli custode, Johanne comite Atholie domino de Baluany; delectis consanguineis nostris Willelmo comite de Eroll domino le Haye constabulario regni nostri, Dauid comite de Craufurde domino Lindissay magistro hospicii nostri, Jacobo comite de Mortoun domino de Dalkeith; venerabili in Cristo patre Archibaldo abbate monasterii nostri Sancte Crucis de Edinburgh thesaurario nostro,

and water of Leith, according to the common law, with their water courts, attachments, laws, and malls or duties such as their predecessors had or were accustomed to previously.

It is related that, shortly after this, there was a desire to set at

Thoma domino Erskin, Willelmo domino Abirnethy in Rothimay, Willelmo domino Borthwik ; magistris Archibaldo Quhitelaw archidiacono Laudonie nostro secretario, et Patricio Leich canonico Glasguensi clerico nostrorum rotulorum et registri : Apud Edinburgh decimosexto die mensis Nouembris, anno Domini millesimo quadringentesimo octuagesimo secundo et regni nostri vicesimo tercio."

*The translation is to the following effect :—*

To hold, have, and possess all and each the customs, moneys, commodities, profits, and liberties foresaid, in all and by all, as is above written, by the foresaid Provosts, Bailies, Councillors, and Community of our said Burgh of Edinburgh, and their successors, the Provosts, Bailies, Councillors, and Communities thereof, of us and our successors in fee and heritage for ever, freely, quietly, fully, wholly, honourably, well, and in peace, without any reservation or revocation whatever, or any sort of contradiction, of us or any of our successors to be made thereupon in any way : Wherefore we firmly charge and command all and each of our lieges and subjects, freemen and unfreemen, and others whosoever of whatever nation they be, bringing and to bring ships, vessels, or boats, great and small, to the said port and roads of Leith, and travellers and others labouring and to labour at the said port, and all others whom it concerns, or shall concern, that they fulfil, keep, and observe the foresaid regulations, make the foresaid payments of money, and promptly answer, obey, and perform the whole premises to the foresaid Burgesses of our Burgh of Edinburgh, and their successors and collectors appointed and to be appointed by them, under all pain which they can incur towards the royal majesty of us and our successors. In witness whereof we have ordered our great seal to be appended to this our present charter, in favour of the foresaid Provost, Bailies, Councillors, and Community, and their successors to continue for ever : Witnesses, the reverend fathers in Christ, John, bishop of Glasgow, our chancellor ; James, bishop of Dunkeld ; our beloved uncles, Andrew, elect of Moray, keeper of our privy seal, John earl of Athole lord of Balvany : our beloved cousins, William earl of Errol lord Haye, constable of our kingdom, David earl of Craufurd lord Lindissay, master of our household, James earl of Morton lord of Dalkeith, the venerable father in Christ, Archibald abbot of our monastery of Holyrood of Edinburgh, our treasurer, Thomas lord Erskin, William lord Abirnethy in Rothimay, William lord

nought the terms of the Charter, by Edinburgh and Leith men getting into business together. To prevent this state of matters, the Town Council, on 7th November 1485, ordained as follows:—If any merchant of this town takes any man of Leith to be in company with him in his merchandice-making, he should pay xl. s. to the “kirk werk,” and give up his freedom for a year and a day.<sup>1</sup>

It would appear that in the year 1500, considerable sickness prevailed in the district of Leith, and the Magistrates and Town Council of Edinburgh, with a laudable desire to protect the community over which they presided from its ravages, on the 11th day of October enacted a law<sup>2</sup> regarding the lading of ships, that, from the Tuesday following, no manner of person go with or send goods to Leith, on account of the prevailing sickness there, but that they employ carters to convey the same to Leith hill beside the Abbey, and discharge the goods there, that the carters of Leith may receive them there and

Borthwik, Masters Archibald Quhitelaw archdeacon of Lothian, our secretary, and Patrick Leich, canon of Glasgow, clerk of our rolls and register: At Edinburgh, the sixteenth day of the month of November, in the year of our Lord one thousand four hundred and eighty-two, and in the twenty-third year of our reign.

<sup>1</sup> “It is statute and ordanit that gif ony merchand of this toun takis ony man of Leyth in company with him in his merchandice-making, he sall pay ane vnlaw of xl s. to the kirk werk, and tyne his fredome for yeir and day.”

<sup>2</sup> “The provest baillies and counsall statutes and ordanis, anent the furnesing and laiding of the schips that ar laidand, that in tyme to cum na maner of persoun fra Tyisday furth nixt to cum pas with ony guids to Leyth or send, becaus of the daynger of seiknes that is in Leyth, but at thai carie thair guids with karteris of this towne to Leyth hill besyde the Abbay, and discharge the guds thair, that the cairteris of Leyth may thair resaeue the samyn to the port, to be had to the schips, and this laiding to be maid in the haistiest wyse for to eschew daynger; and at na persoun indwellare within this towne pas to Leyth be na maner of way without leif askit and obteint fra the provest and baillies, vnder the payne of byrning and banesing, siclyke as is imputt to thame now dwelland in Leyth that thai cum nocht heir within this towne quhill God provyde remeid.”

convey them to the port, and to the ships, and this to be done as quickly as possible to prevent danger; and that none of the townspeople pass on to Leith in any way without leave sought and obtained from the Provost and Bailies, under the pain of being burnt and banished, in such a manner as seems fit; and that no dweller in Leith is to come to Edinburgh until God removes the plague.

A good deal of feeling has always existed on the part of the community of Leith against what they considered the harsh and even tyrannical way in which Edinburgh treated the shopkeepers and dwellers near the port. As usual there are always two sides to a story. There is no doubt that the City of Edinburgh established the Harbour and Port of Leith. The community of Edinburgh, as we have seen, paid a large sum to Logan of Restalrig for the privilege. It must have cost the citizens a considerable amount more for the requisite operations in the construction of bulwarks, wharves, store-houses, etc. The Corporation as representing the community had to see how they were to be reimbursed, and therefore they sought the consent and protection of the Crown to levy tolls, duties, etc., and to regulate prices in regard to an enterprise which was for the good of the public generally, for the inhabitants of Leith as well as of Edinburgh; but for which the city was pecuniarily responsible. It is further to be borne in mind that all this occurred in the days of trade and mercantile privilege; when the doctrine of free trade was unknown, and possibly not even thought of. It was at a time when the community of Leith had its own privileged trade and other incorporations, similar to those which existed not only in the City of Edinburgh, but in the smaller baronies of Canongate, Portsburgh, and Calton. Trade restriction, as a matter of fact, was the order of the day. It is not surprising, therefore, that the Corporation of Edinburgh should have sought to regulate the sale of all goods imported into its own harbour, and that the Crown should have recognised the right of Edinburgh to do so.

Some inhabitants of Leith desired, in a variety of ways, to set

aside the Edinburgh control. In this respect they were but attempting a local contraband trade, a practice which in those days prevailed to so great an extent on the high seas, as to necessitate the existence and maintenance of a powerful coast guard. In fact to so great an extent did contraband trade prevail, not only in Leith but in the burgh of Canongate, that the practice brought down upon them the wrath of the Corporation of Edinburgh, as well as incurred the great displeasure of the King. The following quotation from the "Statutes maid in the yeir of God j<sup>M</sup> v<sup>O</sup> vjto" (10. May 1506) will make this truth abundantly plain :—

"JAMES, be the grace of God, King of Scottis, to our customaris of our burgh of Edinburgh, present and to cum, greting, Forasmekle as it is vnderstand be the lordis of our counsall that we are greittumlie defraudit in our customes throw pakking and peling of merchand gude in Leyth, to be had furth of our realme, and throw selling of strangeairis guidis in Leyth, and vnterit to our burgh of Edinburgh, in contrare our lawis and actis of Parliament, and throw selling of clayth and vtheris guidis to strangeairis in Leyth vnsene or customit be yow: OURE WILL IS heirfoir, and we chaarge yow straitlie and commandis vncontinent, thir our lettres sene ye pas, and in our name and authoritie command and charge be oppin proclamatioun at the Merkat Cros of our said burgh, all and syndrie our leigis and strangeairis reparand within our realme, that nane of thame tak vpon hand to pak or peill in Leyth, or in the Cannogait, ony maner of merchandice or guidis to be had of our realme, or to schip the samyn packet thair, or in ony vther placis, vnto the tyme that the saidis guidis be sene and custumit be you our saidis custumeries, and the customes and dewties thairof leley payit as effeirs; nor that na strangeairis bringand merchandice or guidis within our realme to our port of Leyth, sell or mak mercat thairof in Leyth, or ony vther places, to ony maner of personis, quhill entre be maid thairof to our toun of Edinburgh, and their dewties pait according to our actis and statutes maid thairvpoun, vnder the pane of escheiting of all the saidis guidis packet schippit or sauld vnterit in maner aboue written; charging lykwys that na skipperis nor maisters of schippis sail furth of our realme fra our said port with thair schippis chargit with ony merchandice or guidis quhill the samyn be lelely enteret to

yow our saidis customeris, and the cokket thairof deliuerit to thame and entred vnder the samyn pane; nor that na maner of persons mak merket with strangearis of claith hydis woll or ony vther merchandice that aucht ws custome in Leith, bot that thai cum and mak the market thairof in our burgh of Edinburgh, that the samyn be nocht secretlie schippit and we defraudit of our customes aucht thairof, lykeas we haue bene in tymes bygane, vnder the samyn pane of escheiting of the saidis guidis bayth to the byaris and sellaris; and efter the said proclamatioun that ye diligentlie serche and seik be your self your seruandis and factouris quhair ony maner of personis our liegis or strangearis dois incontrair this our proclamatioun and inhibitioun in ony pointis, and quhair ony beis apprehendit that ye escheit the saidis guidis and inbring the samyn to our vse according to our saidis actis and statutis as ye will ansuer to ws vpoun the executioun of your office; and that ye in our name promit and gif to the sercheouris and fyndaris of the said escheit guidis ane pairt thairof according to thair labouris, and caus the mair diligence be done thairin; the quhilk to do we commit to yow our saidis customeris present and to cum coniunctlie and seueralie, and to your seruandis and factouris that sall be lymmit be yow thairto, for the quhilk ye sall be haldin to ansuer our full power be thir our lettres, gevin vnder our Signet at Edinburgh, the x day of Maij and of our rigne the xvijj yeir.

“Ex deliberatione dominorum consilij.”

There is thus a considerable side light thrown upon Leith's complaint, which it is well nowadays that the public should become acquainted with.

As to the endeavours which Leith afterwards made with the Queen Regent (Mary of Lorraine) to obtain the supremacy, this must be deferred to another chapter.







## CHAPTER II.

### SUPERIORITY IMPLISHED TO EDINBURGH.

**L**EITH, like Edinburgh, suffered severely in its early days from pestilence, fires, and wars. At one time, it was almost depopulated; at another, it was nearly buried in ruins.

In the year 1544, King Henry VIII. of England despatched an army of 10,000 men northwards to Edinburgh, under the command of the Earl of Hertford to avenge the insult which he conceived the Scots had offered him by their refusal to allow their young Queen, Mary, to be bethrothed to his son, Prince Edward. The army landed about a mile and a half west of Newhaven, in all probability about the place where the Granton harbour is now situate. On their getting ashore, they marched direct towards Leith, arriving shortly after mid-day, which was then the universal dinner hour. The invaders took advantage of the occasion and enjoyed themselves to their hearts' content. In fact, they demanded the best of everything that could be produced.

Leaving 1500 men in Leith, Hertford proceeded to Edinburgh, and fulfilling the instructions of the King of England, which were to carry fire and sword into Scotland, particularly the town of Edinburgh and Leith, his troops were ordered to plunder and then burn to the ground; and, if any resistance were offered, to spare neither man,

woman, nor child. Edinburgh and Leith both suffered severely from this invasion. Among other disasters that befell the old Capital, was the burning of the monastery of the Holyrood, which was rendered a ruin. It is well known that Sir Richard Lee, one of the Earl of Hertford's officers, carried off the brazen font which was used in the sacrament of baptism, in the case of the children of the Royal Family; and after getting engraved upon it the following inscription, he presented it to the church of St Alban's in Hertfordshire:—"When Leith, a town of good account in Scotland, and Edinburgh, the principal city of that nation, were on fire, I, who have hitherto served only at the baptism of the children of Kings, do now most willingly offer the same service to the meanest of the English nation. Lee, the conqueror, hath so commanded. Adieu. A.D. 1545, in the 36th year of King Henry VIII." Hertford, after having successfully completed, as he thought, his work of destruction in Edinburgh, reassembled his forces in Leith, where they continued to devastate the place. They destroyed the wooden pier, and made a huge bonfire of it. The booty that they carried off with them from Scotland, it is alleged, was so large as to have made them feel it cumbersome to them.

After the battle of Pinkie in 1547, a considerable army of English soldiers entered the town of Leith. This was three years after Hertford's army had pillaged the town, and they again set fire to many buildings and houses. Among the rest, the house of Captain Barton was burnt, for the "untrue part he had played." The Bartons of Leith were famed for their naval exploits. Though the historian of Leith claims them for his town, they were in reality attached to the Edinburgh government or control. They were favourites of the King; hence their names are to be found in the Town Council records, besides allusions by the Sovereign to our beloved servants, John Barton and Robert Barton, sons of our late beloved servant, John Barton, shipmaster (*dilecti seruatoribus nostris Johanni Bartoun et Roberti Bartoun filiis quondam dilecti seruatoribus nostri Johannis*

*Bartoun naucleri*). The family name was originally Berntoun, and in a very old Scots Act of Parliament the family is referred to as "ane auld honourable hous, and had dune gude seruice in ye weirs" (the wars). In 1509, before Alexander Lawdir, Provost of Edinburgh, evidence was given of the capture of a certain ship called the "Fasterinsolum of Antwerp," by Andrew Bertoun. This is, no doubt, the same individual who, as Sir Andrew Barton, in the reign of James III., with two ships, the one called "The Lion" and the other "The Jenny Perwin," ranged along the English coasts. Sir Andrew was provided by his Sovereign with letters of reprisal against the Portuguese; but he frequently made the mistake of capturing English ships, in place of those which it was his duty to take. This occurred so frequently as to rouse the anger of the English. It also led to a fearful contest, which was long protracted and of doubtful issue, until Barton fell, having been mortally wounded. This happened in 1511, and the two ships, with those of their crew who remained alive, were taken triumphantly into the Thames on the 2d of August. King James IV. strongly resented the death of Barton. But the family name was sufficiently odious to "our auld enemies" of England as to mark them out as fair subjects for revenge.

After 1547, and during the regency of Mary of Lorraine, Leith was somewhat brought to the front. Two years thereafter (1549) Monsieur D'Esse, an experienced French commander, arrived at Leith, with an army of 6000 men, all soldiers trained in the wars of Francis I. At that time the island of Inchkeith was in the hands of the English. D'Esse saw the advantage of first fortifying Leith, and then attacking the English settlement. This was successfully accomplished; and in its execution Mary of Lorraine superintended in person the embarking of the troops who were to make the attack. The English soldiers fought bravely, disputed every inch of the rock, were driven up to the highest points, and had eventually to surrender.

When peace was concluded in 1550 between Henry II. of France, Warwick the Protector of England, and the Scottish Nobles, the French army returned home. Mary of Lorraine had, by that time, been elected Regent, and Leith had secured the advantages which the foreign soldiers had left behind them in the way of fortifications. In consequence of the Queen Regent having greatly offended her nobles, by successive ill-advised proceedings on her part, she left the Halls of Royalty, and took up her abode among the inhabitants of Leith. With the view of being well thought of by the surrounding neighbourhood, as well as to make her daughter, as she thought, popular, she committed herself, by a contract dated at Holyrood House on the 30th January 1555, to erect the town of Leith into a burgh of barony, with letters of baillery, to continue in force until she erected it into a royal burgh. With this view, she purchased from Logan of Restalrig<sup>1</sup> the superiority of the town and

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<sup>1</sup> The following contract, given by Campbell, in his History of Leith, is inserted here for what it is worth, *verbatim et literatim*, pp. 376-7-8:—

“NOTORIAL copied Contract between QUEENE DOUVIAR, in name of her derest Dochter, MARIE, Queene of Scotland, and ROBERT LOGUNE of Restalrig, anent the Superioritie of the Town of Leith.—Penultimo, January, 1555.

“The penult day of Januar, the zier of God one  
thousand fyve hunder and fyftie-fyve zeirs.

“COMPEIRING before us Nottards, underwrittn, the most illustr, mightie, and most potent princes Marie of Loraine, quene douviar, and regent of this realme of Scotland. In the name and behaff of ane high, excellent, and mightie princes Marie, be the grace of God, quene of the said realme of Scotland, hr derest dochter on the ane pt, and Robert Logane, squyre, laird of Restalrig, on the other pt, hav maid the pactiounes, conventionnes, and aggreiment, and confessit to have sauld, anallied, quithit, and transferrit, and be thir pntis sellis, analies, quytclames, and transferts to the said lady, in the said name, and to the utilitie and proffit off our said soverane lady, hr derest dochter, hr airs and assigns, all and haill his superioritie of the town of Leyth, togedder wt the proppertie of the Linx thairof, and all rygt tht he formerlie, as barrown of Restalrig, hs or may have yrto, exceptane a ways the superioritie of lands lyand within the said

the links for the use of the inhabitants, for the sum of £3000 Scots, to be paid within three years after the date of the contract. This sum, it has been stated, the inhabitants of Leith advanced to her, on condition that she was bound to restore it if her daughter did

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town, pertenant to the Abbey of Hailyruid-hous, and other spirituall lands haldan immediatlie of our said soverane lady, to be halden and possessit of the said lady, in name of her said derest dochter, the said superioritie and propertie of Leith, the pertinentis and of the same subjectis, as housse's, tenendries, garedings, orchyeardis, conynggares, and grises with the Linx, as the hail town and Linx lye well in lenth and breid, and as his predecessors, and the lairds of Restalrig, has bruiket and ryght in yaress, and his dayes bygane, reservand and accept-and allanerlie the twa mylnes beand the ptenentis of the said laredshype of Restalrig, placit and situat on the river of Lyth, besyde the town. The qlk are noyht in this pnt venditioun qtenet, but ar ressrvit to the said Robert, his airs and assigns, as

with power and libertie granted to him be the said lady, by and in her said derest dochter's name, to big and build, or caus big and build, and edifie hr sd lands maid mylnes on the said river on the bounds and marches that may rest to him be resonn of his lairdship of Restalrig, and to sell and uplift the multr of all cornes and victulle of all the inhabitanes and burgess of Leyth, qlk sall be subject and haldin and grund byand allne at his mylnes, and nane oyders sua and as they hav dne in tyme bygane, and as he and his predecessors has bene accustomed to possess and enjoy be reasoun of their mylenes

And the said lady dowar, in hr sd dochter's name, sall neuer pretend to make impediment to the said Robert, his airs nor assigns, in the building and edifying of the said mylnes in tyme cuming. The said venditioun and alienatioun maid for the pryce and sume of three thousand poundis; the qlk sume the said lady, in hr said derest dochter's name, hs promissit to pay, or to caus qtent, and pay to the seller, within three zeires neest after the dait heroff, the qlk venditioun being accedit as said is. The said sellar hs now pntlie resynit and denudit him of the said town, tenentis, plinentis, and dependentis, and resyns without revocatioun, to the said noble lady, in hr said derest dochter's name, hr proffit of the same, and qsent to give, start, and saisine yrf, and has promissit and obligit him be the pacth and agth, to warrand the said venditioun agt all hobles and impediments against law, and that as freelie against himself as against uthers, and against all, and never to againsay the samyn. To the qlk he has obligit himself, his airs and assigns, guids moveable and immoveable, pnst and to cum. And for the mair securitie and observing of the premiss's, biath the parties foresaid has accedit and ar qtent that thir pntes be recordit in the buik of regastar of ye soverane

not fulfil the terms of the contract. This the Leithers maintain she entirely failed to do, after having received the money.<sup>1</sup>

The superiority of Leith came under the control of the Cor-

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Lady's counsell, fr to serve every ane of the parties in tyme and place, as sall be necessar. Maid, recevit, and past, at Elinburgh, in the Abbay of Halyraid-house, the day and dait foresaid, in the presence of thr noble men . . . of the . . . David, Bishop of Ross, William, Earll Mershell, Albert, Earll of Cassells, Alexander, Earll of Glencairn, Sir John Ballenden, of . . . Johne Robbesone, and Johne M'Neill, publicit nottars, witnesses callit thereto, and thir pntis ar subscriyvit be beath the parties hans, and witness foresaid, sequuntur subscriptiones.

"MARAE R.

"ROBBET LOGUNE of Restalrig.

"Extractit furth of the protocoul and rolles off umqll Jon Robesone, notr publit, comon clerk of Lyth, by me, Archibald Nowell, nottar publict and keeper of the same, witnessing thereto my signe and subscription manuale. Sic subscribitur.

"Ita est Archibaldus Nowell, notarius publicus."

<sup>1</sup> Campbell makes also the following statement in a foot-note, pp. 56, 57 :—

"The original receipts for this money, which seems to have been payable in equal instalments of £500, are still preserved, alongst with several other curious documents, in the town's chambers of Leith. A copy of one of these receipts we now take the liberty of subjoining, as a matter of some curiosity.

"'BE IT KEND TILL ALL MEN, be thir present letters, me, Robert Logane of Restalrig, grantis me ressevit from Walter Cant and Florance Carntoun, baillies of the toun of Leith, in name and behalff of our Soverane Lady, her derest Moder Marye, Quene and Regent of this realme, the soume off ffyve hundreth poundis, usuale money of Scotland, in part of payment of three thousand pound, premitted be the saide Quene and Regent to me for the renunciatioun and overgiving of my superiority of this said town, to our saide Soverane lady, and of that of the terme of the nativitie of our Lord, callit Yule, last by past, of the quhilk soume of ffyve hundreth pounds of the saide terme, in part of payment of the said soume of three thousand pounds, I hald me weel content, and thankfully peyit be the saidis ballies, in numerat money, and for me, my aires and assynis, quyt claimes and discharges oure saide soveraine lady, her deerest moder, the baillies forsaidis, and all otheris theirof. Be thir presentis, subscrivit with my hand, at Leith, the tent daye of Marche, the zeir of God ffifteen hundred and fiftie-six zeirs before thir witnissis, M. Jon Logane, persone of Restalrig, and M. Matthew — Jon — ut utheris sic subscribitur in principali.

ROBERT LOGAN of Restalrig.'

poration of Edinburgh ten years thereafter. The circumstances under which this arrangement was given effect to were the following: Queen Mary and her husband having become impecunious, applied to the Town Council of Edinburgh for a loan of five thousand pounds sterling, to be borrowed from the community of Edinburgh, in security for which advance they offered to impledge the superiority of the Town of Leith. The transaction was entered into, and concluded.<sup>1</sup>

To show how Edinburgh has been frequently misrepresented in this matter, the following extract from Campbell's *History of Leith* (page 57) may be referred to:—

“The Queen Dowager, however, failed in her engagements, and Leith never was promoted to the rank of a royal burgh, although Mary lived five years after this period (1555) a sufficient time surely to have enabled her, had she been inclined, to fulfil her promise to the Leithers. Kincaid, in his *History of Edinburgh*, mentions it as being matter of report, and we find the circumstance related also by Knox, that the inhabitants of Leith had agreed to pay the Queen Dowager 10,000 merks, in consideration of her erecting their town into a burgh royal, and that the City of Edinburgh had offered her 20,000 to prevent it. In consequence of this proffer (of course accepted) they allege it was that the Regent broke her promise to the people of Leith. Whether these assertions be true or false, it would

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<sup>1</sup> The minute of the Town Council on the subject is to the following effect:—

“28. *September* 1565.—The prouest, baillies, and counsale, being desyrit of the King and Quenys Maiesteis to advance and len to thair hienessis the sowme of fyve thousand pundis vpoun plegis and writtis, efter lang avisement fyndis and deliueris that thair sal be borrowit and vpliftit of the hale inhabitantis of this burgh, the sowme of ten thousand merkis to be lent to thair hienes, haifand for securite of payment agane infetment of the Superiorite of Leyth, and becaus the said sowmes mon be refundit agane be the gude toun to the lennaris, ordanis the particular rollis to be registrat, that it may be knawin quhat euerye man hes lent.”—[*Here follow the “Taxt Rollis.”*]

be difficult now to determine. We do, however, *incline to think* that there has been some foundation for the *rumour*, since, admitting its truth, we find the faithless conduct of the Queen on this occasion sufficiently accounted for; otherwise, she would appear to have done a dishonourable act without a motive. Besides, it has so much the appearance of an *Edinburgh bargain*, that *we cannot refuse our belief in its authenticity*. At all events, it is certain, that the inhabitants of Leith were duped out of their £3000, which they never afterwards recovered. Upon the whole, it appears to us that the friendship of the Queen Dowager, a woman who, as Knox says, 'could make her profit at all hands,' to the people of Leith, was at best but equivocal, if it is not decidedly a misnomer. She induced them to advance money under promises which she never made good, and which, there is reason to believe, *she was bribed not to perform.*" !!

Any candid reader will at once discover the one-sided nature of the Leith historian. His supposition he at once lays down as a fact. He is a Leither to the backbone, and he sneers at the very mention of Edinburgh. His book bristles all over with animus against the city. Leith offered 10,000 merks. That is stated: but it has not been proved. Edinburgh offered 20,000 merks and was accepted: that is false. The printing of the Burgh Records has set the worthless allegation at rest. The sum asked and paid was what Leith never offered. Besides, it was not a proposition of the Edinburgh Corporation; but a request to them from the Crown, which they acceded to, by raising the money from among the inhabitants. If it is true, and it may be true, that Leith lost her £3000, then the moral of the story would seem to imply—"Take care of the company you keep." If the Leithers made a bargain with an unscrupulous woman to obtain an advantage for themselves, and found out they were sold by her—why should the City of Edinburgh be blamed for their folly? There is, on the other hand, an old saying,—“When rogues fall out, honest folk get their ain.” It is particularly to be noted that the request



for, and the payment of, the £5000 was not made until *ten* years after Leith's alleged bargain with Mary of Lorraine, and about five years subsequent to her death, which occurred in the Castle of Edinburgh, on the 10th of June 1560,—five years, three months, and eighteen days before the advance was made by Edinburgh, on the security of the superiority of Leith.

The Leithers having become aware of the fact that the City of Edinburgh had obtained the bond referred to, in place of raising the money to clear it off, began to inveigh against the City, and to molest the Queen. To so great an extent did they succeed with the latter, that she was induced to send a communication to Sir Symone Prestoun of Craigmiller, Knycht, Provost of Edinburgh, who at a meeting of the Town Council, held on the 15th April 1566, produced the same,<sup>1</sup> and read it to the assembled Bailies, Councillors, and Craftsmen. In that communication Queen Mary very strongly counselled the Corporation to delay taking action under their bond for other six months, which she deemed a reasonable request. This desire of their Sovereign, the Lord Provost, Magistrates, and Town Council of Edinburgh complied with.

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<sup>1</sup> The following are the terms of the communication read by Sir Symone Prestoun:—

“We greit you weill. Forsamekill as we wrait laitlie to yow to delay and superseid taking possessioun and vsing the jurisdiction of our toun of Leithe, be ressoun throw the vrgent and wechty effaris quhilk we haue now instantlie in hand, our lasour will nocht permit ws to tak ordour at this tyme anent the outquiting of our said toun, and we can nocht bot marvell sa obstinatly to ganestand that our reasonabill desyre and requeist; quhairfoir it is our will and we requyre and command yow that in continent efter the sycht heiroyf, ye prorogatt the act and obligatioun maid anent the redemptioun and outquiting of our said toun, and vsing of the jurisdiction yit for the space of vther sex monethis nixt efter the presenting of this our letter to yow, and mak ane act thairvpoun that we be nawayis frustrat nor disapoyntit, assuring yow gif ye faill, we can nocht stand content thairwith, bot ye will constrane ws aganis our awin will to acquite your obstinacie accordingly. Subscryvit with our hand, at Edin-

The six months of grace requested by the Queen had passed away, and other nine months also, when the Corporation was advised, in order to protect its rights, that there should be a formal taking of infeftment. At a meeting of the Town Council, therefore, held on the 2d July 1567, they decided that certain of their number should "pass" to Leith on the following day, hold their Court of Superiority there, as Lords of the same, and take possession. They also arranged, conform to Acts of the Scottish Parliament, that there should be one general Wappinschawing, and proclamation, commanding their neighbours of Leith to make the same Wappingshawing on the Links of Leith, under the penalty of ten pounds.<sup>1</sup>

It will now be abundantly evident that the Corporation of Edinburgh had no secret transactions with Mary of Lorraine as has been alleged. They had simply dealt with Queen Mary and her Husband. The minute of Council already referred to makes this sufficiently clear. If any further evidence were required, it will be found in another communication wherein Queen Mary pleaded with the Corporation on behalf of the Leithers. Mr Robert Wans of Leith appeared before the

burgh, the xiiij day of Aprile and of our regne the first and xxij yeris 1586.—Quhilk wryting, beand red in all thair presens, thai ordanit the samyn to be registrat and insert in thair counsale buke, and the pryncipall to be deliuerit to Maister Jhone Prestoun, dene of gild, to be had to the register hous and thair to be kepitt."

<sup>1</sup> The Minute of Town Council on this subject is to the following effect:—

"[The provost bailies, council, and deacons of crafts] being convenit in the counsale house of this burgh, all consentit with ane consent and assent, that the prowest, bailies, and certain of the counsall pais upon the ferd day of this instant monethe to the toun of Leithe, hold thair court of the superioritie thair of, as lordis of the samyn vpoun the nychtbouris of Leithe, and tak possessioun conforme to thair evidents. And als ordanit conforme to the actis of parliament that thair be ane generall wappinschawing and proclamatioun thair of, commanding the nychtbouris of this burgh to mak the same wappynschawing that samyn day upoun thair linkis of Leith, ilk nychtbour vnder the pane of ten pund."

Council on 30th October 1566, and submitted the said letter, which pleaded for further delay.<sup>1</sup>

It cannot fail to be observed that this communication from Her Majesty was at the precise time when the redemption ought to have taken place. A further prorogation of the time was sought for, to the end of the year, and again Wans appeared on 10th January craving postponement till the last day of April. These delays both proved fruitless. It was one half-year thereafter that the Corporation of Edinburgh placed themselves in a proper position with their fellow-citizens who had advanced the money, by legally asserting the rights of the community and taking possession of the same. Robert Wans was not unknown to the Town Council. They had had some trouble with him before. He seems to have been at the time a man of some consequence in Leith; and had apparently secured the good graces of the Queen Regent and her daughter. The following extracts from the Burgh Records will throw some light on the subject:—

“2. *October* 1563. In an action at the instance of the procurator-fiscal against David Wans, ‘for having groundit ane wall of ashler

<sup>1</sup> The communication from the Queen was as follows:—

“Prouest, baillies, counsall and communitie of the burgh of Edinburgh, we greit yow weill. In *our necessitie* we annalut to yow the superioritie of our toun of Leith, and yit at our desire and requeist ye haif superseidit the putting of your selfis in possessioun of it. It is nocht vnknawin to you quhat we haue ado, and yit with the first, we purpois, God willing, to redeme that thing that we esteme precious and mekill wourth. We are assurit yit as of befor, ye will nocht spair to gratifie ws samekill as to suspend the possessioun and intromissioun with our said toun quhill the last day of December nixtocum, quhairinto we pray yow and requeistis yow earnestlie and effectuouslie as ye will do verray thankfull and exceptabil plesour. This is sufficient gif ye mynde to schaw ony benevolence at oure desire, and gif ye do nocht, we man thoill it, and provide the nixt best; bot we trest suirlye ye will nocht stand with ws in sic ane matter; quhairupon we require your ansuer. Subscriuit with oure hand at Edinburgh, the sevint day of October j<sup>m</sup> v<sup>e</sup> thre scoir sax yeris. *Et sic subscripitur*; MARIE, R. Of the quhillk writting the principall was delieurit to Maister Johne Prestoun in the theasaurer hous.”

extending in length to tuentie elnis and in breid to six elnis, be the space of six elnis or thairby within the flude mark of the port and hevin 'of Leith' upoun the west side thair of . . . tending thairby to appropriate the samyn to him, and mak ane bulwark thair of and to spuilie the provost, bailies, and community of Edinburgh of the possession of the port and haven of Leith, the provost and bailies decerned Wans to desist from building of the wall, and ordered that it should be demolished and taken down.

"13. *October* 1563. The baillies and counsal ordanis Robert Glen, bailie, and maister Richard Strang, assessour to ride to Strieuling (Stirling) to ressoun with the Quenis maistie tuiching hir hienes writingis send to thame in faouris of the baillies of Leith and David Wans."

It would appear as if the Water Bailie usually resided within the town of Leith. The deliverance of the Town Council on the 15th October 1563, is to the following effect:—The Water Bailie of Leith and his successors are ordained not to "mak thair remaning or dwelling in tyme cuming within the said town of Leith, nor that he or thai hald or fens ony Courtis (fence any Courts) within the said town of Leith, without the assistance of ane of the baillies of this burgh, the commoun clerk or ane of his depputis with him."

There is a somewhat peculiar entry in the Burgh Records at this time, which it is proper should be quoted:—"29. December 1563. The prouest, baillies, and counsale ordanis Alexander Park, thesaurer to by thre twyn of the best wyne can be gottin in Leyth, togedder with xx li of torches to be propynit to the Quenis grace."

The next order regarding the same is as follows:—"1. May 1564. The baillies (and council) ordains Alexander Park, thesaurer, to deliuer to Maister Lewes, sumbeleir to the Quenis maiestie, the soume of thre scoir fyftene poundis for thre tunis wynis furneist be him to the gude toun, quhilk was propynit to hir hienes at Yule last, and mair, to deliuer

to the said Maister Lewes, for his seruice and resonabil price, als mekill fyne sating as wilbe him ane doubilit."

If this was intended as a bribe, it had not the desired effect. On the 16th June 1564, Walter Cant of Leith appeared before the Town Council, and handed them the Queen's message, signed by herself at Holyrood, on the 5th March preceding, wherein she requested the Corporation that "ye desist fra forther molesting of thame (Wans and his friends) in tyme cuming, as ye will ansuer to ws thairupoun."

Wans, therefore, as well as his Leith friends, possessed the favour of the Crown. All this was prior to the Queen out of "*our necessitie*" impledging, to the community of Edinburgh, the superiority of the burgh of Leith.





### CHAPTER III.

#### THE SUPERIORITY CONFIRMED TO EDINBURGH.

**T**HAS already been seen that two very different reasons exercised the minds of the Leithers. The first of these was that Edinburgh, being the proprietor of the Harbour of Leith, would not permit their carrying on a contraband trade. The second was that Edinburgh, having also got possession of the superiority of Leith, the citizens did not, as meek and modest Christian martyrs, resign the same into the hands of the Leith inhabitants, in utter disregard of the interests of those who had advanced the money for the purchase of the same.

But there was another source of irritation between the two communities. It was a subject to which reference was made in the preceding chapter, wherein the Crown took part with David Wans and others. This was the result of the operations of the French fleet, under the orders of the Queen Regent, Mary of Lorraine. Wans wished to increase the fortifications made by them, and build a Tolbuith at Leith, and the Queen Regent and her daughter favoured the enterprise. The Corporation of Edinburgh, however, were averse to this procedure, as being dangerous to the community of Edinburgh and to its best interests. They also thought it afforded an excellent haven for the lodgment of an invading army, when an attack on the Capital was

contemplated. The Queen Regent, with a pawky desire to please both parties, sent through her advisers a message,<sup>1</sup> which was duly communicated on 28th April 1559. It was to the effect of requesting postponement of proceedings against the inhabitants of Leith.

The communication having been read to the Town Council, with their assessors present to advise them, they ordained all actions between them and the inhabitants of Leith to cease until the return of Her Majesty, and instructed the prosecutors (Edward Litill, David Somer and Thomas Ridpethe) to desist from further pursuing the case until they receive instructions from the Corporation, "providing allwayis that becaus the induellairis of Leyth quhilkis are summond at the townis instance to ansuer in the saidis actionis hes obtenit chairgeis of the lordis of counsall, chargeing all and syndrie the procuraturis, or als money of thame as the saidis induellairis of Leyth thinkis expedient to defend in the saidis actionis vpone thair ressonable expensis, that the geving of the saidis procuraturis and chargeis of the lordis obtenit thairvpon be callit and tak effect nochtwithstanding the said delay, grantit as said is, providing allwayis that the samyn be nocht preiudiciall to thair saidis actionis."

No communication, apparently, came from the Queen; because about fifteen months thereafter the town Council had to renew the subject, and to take steps adverse to Wans and his friends.<sup>2</sup>

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<sup>1</sup> The following are the terms of the Queen's message :—

"Hir Grace was informit that thai (Town Council and Community) had callit or wer to call certane induellaris of the toun of Leyth, for certane auld actionis or querellis being betwixt thame; and hir Grace, desyrand the induellaris of bayth the said townis to be at vnitie and quietnes, requeistit the prouest, baillies, counsall and communitie of thesaid burgh to superceid the calling of the saidis actionis vnto hir Graces returnyng to the said burgh, as thai wald ansuer to hir Grace, and do acceptable gratitude in that behalf, as the said writting bure."

<sup>2</sup> The minute of the Corporation was as follows :—

"23d July 1560.—The prouest, baillies and counsall, and dekynnys of craftis namit constitute and chesit thir personis vnder specifit, that is to say [three persons for each

It was by the building up of fortifications, as well as a Tolbuith, that Wans and others wished to create a separate independency, and thereby oust the Edinburgh community, notwithstanding all the city had done for the Port and paid for the privileges which it possessed, that caused the Leithers to intrigue first of all with the somewhat unscrupulous Queen Regent, who, they declared, cheated them, and then with her unquestionably facile and decidedly unfortunate daughter, Mary Queen of Scots.

After her abdication and death, and during the regency which intervened before James VI. ascended the throne, another desperate attempt was made to rob Edinburgh of its rights, possessions, and privileges. At what time the proposition was submitted to the King, there is no information; but the language made use of in the

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of the north-west, north-east, south-west, and south-east quarters], to taxt the hale nychtbouris of this burgh, efter thair conscience and knowlege to sa mony men as thai may gudlie perfurneis efter their landis gudis and substance, for douncasting and demolesyng of wallis and Fortres of Leythe begynning at Sanct Anthonis Port and passing westwart to the Walter (water) of Leythe, for making of the blockhous and curting equall to the ground, and to enter thairto the morn be v. houris, conform to the chairgis gevin to the saidis prouest, baillies and counsall be the said counsall of Scotland, and subscruit be thair handis, quhairof the tenour followis,—Apud Edinburgh ijo July 1560. Forsamekle as it is notourlie knawn how hurtful the fortification of Leyth has been to this haill realme, and in speciall to thair rowmes nyxt adiacent thairvnto, and how preiudiciall this samyn sal be to the libertis of this haill cuntre in cais strangearis sall at ony tyme heirefter intruse thameselfis thairin, for thir and siclyke considderationis, the counsall hes thocht expedient and chargis the prowtest baillies and counsall of Edinburgh to tak ordour with the toun and communitie of the samyn and caus and compell thame to appoint ane sufficient noumer to cast down and dimolishe the south pairt of the said toun, begynnand at Sanct Anthonis port and passing westwart to the Walter of Leithe making the blokhous and courtene equall with the ground, and that thai enter to the said work vpoun Wednesday, nixcumis be fyve houris in the mornyng, and to continow and perseweir in the samyn to the accomplishment of the said douncasting conforme to the thing aboue writtin. *Et sic subscribitur*, James, James Hamiltoun, Mortoun, James Stewart.”



King's communication, will help to show the inspiring medium. It would appear from that document that a representation had been made to His Majesty, that his grandmother had purchased the superiority of the town and links of Leith from Logan of Restalrig, and had resigned the same in favour of her daughter to remain perpetually as the property of the Crown; that necessity had compelled the Queen to get money from Edinburgh on the security of the said superiority; that no part of the patrimony of the Crown should have been so used; that, considering the regard which the Lord Provost, Magistrates and Town Council had shown to him while in minority (less age), of which he had sufficient proof, the Town Council should gratify him by restoring the same to the Crown, to be used as the patrimony of the throne, or as may best suit His Majesty's service; and that the doing so would afford him great pleasure.

On the 23d of December, the Provost, Bailies and Council, having advised with the assessors of the city regarding the Sovereign Lord's

<sup>1</sup> The following extract from the Burgh Records gives the *ipsissima verba* of the King's communication :—

"12th December 1577.

"The cōpye of the Kingis Hienes writing, direct from Strieuling to the prouest, baillies and counsale of this burgh.

"Prouest, baillies and counsale of Edinburgh, we greit you hartlie weill. We vnderstand the superiorite of oure toun of Leyth, with the linkis thair of and thair pertinenttis, conquest be the Quene Regent, oure darrest guddame of gude memorie fra vmquhile Robert Logane of Restalrig, and resignit be him in the fauouris of the Quene oure moder, and hir sucessouris, to remane perpetuallie with the Croun of this oure realm, the sam superioritie and lynkis war analiit be hir to yew, vpoun sic occatioun and necessitie as occurrit for the tyme, for ane certane sowme of money. And now we, with Goddis grace, growing to perfectioun of yeris and knowlege of the effaris of oure croun and realme, vnderstanding na pairt of oure patrimone to be this analiit, and willing with the first to receve oure richt and possessioun of the said superioritie and lynkis, we haue thoct gude, be our awin letter, and this gentilman

letter before written, came to the conclusion that Alexander Vddert and Robert Kar, bailies, maister Jhone Prestoun, and ten others should be deputed to appear before the King, and deliver the letter of instructions given to them in writing; and they further instructed James Ross, the treasurer, to deliver to Henry Nysbet what was requisite to pay the expenses.

The deputation having met the Sovereign in Stirling, who received them most graciously, and listened attentively to their statement, reported to them that he had no desire to do any wrong to the citizens of Edinburgh, but rather wished to be helpful to them in what was right; that he did not forget the good service done by them to him during his youth, and that he would show his desire to continue in this way, by writing to the Regent (Morton) in their favour.<sup>1</sup>

The time of the Regency was not by any means a prosperous one for Leith. Amid the contentings of what was known, at the

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berer heirop, oure familier and dalie seruand, hartlie and effectuislie to requeist yow, of quhais gude effectioun and constancie to oure seruice in oure les aige (youth) we haue had gude prufe, that the premissis considderat, respecting alsua quhat commoditie ye haue resaut of the said alienatioun, ye will now thairfor gratifie ws be letting ws haue again the said superioritie of Leyth, lynkis, and superioritie to be vsit be ws as oure patry-monye, to sic vse and end as may best serue for auancement of oure seruice; quhairin ye shall nocht onlie do ws ane thankfull plesour, bot ye sall haue experience of oure fauorable gude will towert you in ony mater tending to your weill and commoditie although it wer of greittar auale. And remytting the farther declaratioun of oure mynde to this gentilman, berir heirop, we commit you to God. At our castell of Striueling the third day of December 1577. JAMES, R."

<sup>1</sup> The message of James VI. to the Town Council was as follows:—

"He is nocht willing to be hurtfull to his subiectis of this his awin toun, bot rather sall be fund helpfull to thame in all thair lauchfull effaris, and will nocht forget the gude seruice done the yeris past in his lesaige, and sall gyf thame occatioun to continew in weill doing and seruing of him, and forther he sall write to the Regent in thair fauouris," etc.

time, as the Queen's party and the King's party, public opinion became divided not only in Edinburgh, but over the whole country. Leith could not fail to suffer in the circumstances. It was so much of a Queen's town, that it became a scene of war, confusion, and bloodshed. Under the Regency of the Earl of Lennox, the Earl of Morton on behalf of the King's party took possession of the town. The head-quarters of the Queen's party was in Edinburgh, and it was not long before both were engaged in a deadly feud. The battle waged was termed the "Lang Fight," although only 25 Leithers were killed and 10 Edinburgh men. Nor was Edinburgh without its difficulties. Dr Robert Chambers, in his *Traditions*, says that there was a most remarkable "tulzie" in the West Bow, in which the combatants engaged for a considerable time without drawing a drop of blood. Other skirmishes occurred between Edinburgh and Leith, particularly that known as the battle of "Black Saturday," which took place on the 26th of June 1570. The arrival of a French ship in the Forth helped only to increase the difficulties. All sorts of lawlessness went on. Detachments from Leith hovered around Edinburgh to intercept all provisions going to the city. A similar stratagem was resorted to by the citizens. This deplorable state of matters continued until 1572, when the war between the parties took end.

In 1578 Leith became the subject of an act of the Scottish Parliament, which sufficiently explains itself. It was to prevent "the taking away great quantities of victual flesh from Leith, under the pretence of victualling ships; and that the bailies do take care that no ship take away more than they shall judge sufficient to carry the vessel to her next port."

A last attempt was made by Leith to deprive Edinburgh of the superiority. This was about 1607. The Leithers were at that time in treaty with Lord Thirlstane, to whom the right of reversion had descended from his father, Lord Maitland. By way of counteracting

and defeating this attempt, the Corporation of Edinburgh despatched John Hay, their Depute Town-Clerk, to England, to interview King James VI. on the subject. Edinburgh was successful in this mission. The reversion was secured, and was afterwards ratified by Lord Thirlstane in November 1614, when he had attained his majority. For this bargain the community of Edinburgh had to pay an additional sum of 14,000 merks, Scots.

The Leithers then ceased from troubling. They bewailed the asserted loss of the £3000 which they had given to Mary of Lorraine. It was not for the citizens of Edinburgh to pay the Queen Regent's debts anymore than to mix themselves up with a matter which, if ever done, was done in private, with apparently no friendly feelings towards Edinburgh.

In 1645 Leith was visited by the plague. This was aggravated by the fact that there was a famine in the land. Between the months of April and December there perished, in South Leith alone, 2421 persons, and in Restalrig 160. It was computed at the time that nearly one-half of the population perished. An Act of the Scottish Parliament, held at Perth, on the second day of August, on the requisition of "John Aldinstone, ane of the baillies of Leith, and Captain James Crawford, indweller there, for themselves and in behalf of the *remanent inhabitants* of the Toun of Leith," is to the following effect:—

"Quhilk supplicatione being redde in the audience of parliament, and the just merits thereof being duly weighted and considered, the said estaites of parliament, be thir presents, give and grants full power and warrand to the present Magistrates of the towne of Leith, or their commissioners and servandes having their warrande, to medle and intromet with the number of ane quantite of 500 bolls of eat meill, and that out of anie sellar or sellars in Leith, wherse they may have it for medling and intrometting wherewith, and (if need bees) making open doores for that effect. The said estaites declares thir presents to be to the said Magistrates, and their servandes, or commissioners, ane sufficient warrand; and the said estaites of parliament has allowed, and be thir presents grants full libertie to the said Magistrates of Leith, or anie having their warrand,

to passe through all the sheriffdoms of this Kingdome, or any of them, as they thinke fitt, be south the watter of Tay, to crave the help and supplie of ane volunterie and charitable contributione, for payment of the foresaid victual, and furnishing of such things as may be useful to the said town of Leith, now in such an extremetie."

It is not required here that specific reference should be made to the time of the Protectorate of Oliver Cromwell in 1650, or to the much more recent advent of Paul Jones in 1779. The latter, though the occasion of great consternation among the Leithers, has a certain degree of the comical about it, from the fact that it was believed at the time that the Capital as well as the Port of Leith was saved by the timely intervention of the Rev. Mr Sheriff of Kirkcaldy, who, having hastened down to the beach, and there falling on his knees, supplicated the immediate interference of Providence, by raising a great storm to drive the enemy from the coast.

In 1710, the Corporation of Edinburgh presented a Petition and Memorial to the Queen (Anne), praying that her most gracious Majesty would be pleased to give the necessary directions for her ancient and loyal city of Edinburgh establishing at the Port of Leith "a wet and dry dock, for the conveniency of building, fitting, repairing, etc., Her Majesty's ships of war and trading vessels, which would greatly conduce to the interests of trade in general." This Memorial was read in the Queen's presence; but she referred it to her Privy Council for consideration and report. This had the effect of postponing operations. A second Petition was then addressed to Her Majesty, the effect of which was that forthwith, the Earl Pembroke, Lord High Admiral, directed several of Her Majesty's Commissioners of the Navy, and several officers of the Docks to survey the Firth of Forth on both sides. The result of their report was entirely favourable to the Edinburgh proposal, and the projected improvements were begun.

In 1753, an Act was passed for enlarging and deepening the harbour. The Leithers opposed it, on the ground that it implied addi-

tional charges on the shipping of Leith, but having no responsibility, it did not matter to them where the money came from. In 1777, Edinburgh again added to the Port, by erecting a short pier on the west side of the river, which was then called "The Custom-house Quay."

The rapid increase of trade at the Port necessitated the Edinburgh Corporation greatly to enlarge their expenditure, so as to meet the necessities of the time. In 1799, they obtained parliamentary sanction to borrow £160,000 to enable them to form a range of Docks designed for them by Mr John Rennie, the celebrated civil engineer. The eastern wet dock was begun during the following year, and completed in 1806; the second was begun in 1810, and finished in 1817. Each of these docks is 250 yards long, and 100 yards wide, sufficient to accommodate 150 of the class of vessels which at that time repaired to the Port. On the north side of these there were three graving docks. The two wet docks cost about £175,086; the graving docks, £18,198; the draw-bridges, £11,281; and the ground for the docks and warehouses, £80,543, in all £285,108, exclusive of £8000 for building a new bridge over the Water of Leith.

In 1818, a proposal was made to continue the docks to Newhaven, which was also the property of the Edinburgh Corporation, and plans were prepared by Mr Rennie for this purpose; but the total cost being estimated at £322,565, 14s. 9d. the project was abandoned.

It cannot be said that, being master of the position, Edinburgh did not discharge its duty in regard to the Port and Harbour of Leith. It would be interesting to know what the inhabitants of Leith could have done for the Port, without the powerful assistance of Edinburgh.

The development of trade, during the Edinburgh control, was marvellous for the time; *sic* :—

*Register of Shipping at Leith from 1692 to 1826.*

1692	.	.	.	.	.	1702 tons.
1744	.	.	.	.	.	2285 "
1752	.	.	.	.	.	5703 "

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*Register of Shipping at Leith—continued.*

1787	.	.	.	.	.	14,150 tons
1792	.	.	.	.	.	18,468 „
1802	.	.	.	.	.	18,241 „
1808	.	.	.	.	.	20,022 „
1826	.	.	.	.	.	25,674 „

*Comparative Statement of Shore Dues.*

1763	.	.	.	.	.	£580
1783	.	.	.	.	.	4000
1825	.	.	.	.	.	upwards of £12,000

If the above results, great though they be for the times when they were realised, sink into insignificance when compared with the present day, it must be borne in mind that all these returns were prior to the time when steam vessels began to plough the vasty deep, or when railways, which now traverse all the countries of the civilised globe, were ever dreamt of, and which have exercised so great an influence in the development of commerce; or, specially, when free trade had begun to have so large a sway in the business destinies of the world.

The enterprise of the Edinburgh Corporation, in its conduct of the Port, was at the time so gigantic, as to have led them to desire that it should be financed by a Joint-Stock Company. This was furiously opposed by Leith; and if, under the new Constitution, brought about by the City Agreement Act of 1838 and subsequent Acts, the Port has had a much larger measure of success, this is quite natural, and it can be no more attributed to the townspeople of Leith than to the citizens of Edinburgh, who have had, and still possess, an equal share in the management of the Docks, in so far as representation is concerned.





## CHAPTER IV.

### LEITH A SEPARATE MUNICIPALITY.

**T**HE proposal to hand over the Docks and Harbour to a public Joint-Stock Company was, as stated in our last chapter, not received with favour. Nevertheless it was designed to have the effect of relieving the Town Council of Edinburgh of the burden of having solely to maintain and extend that rapidly growing enterprise. The proposition was specially opposed by the inhabitants of Leith, as being thought inimical to their interests. A meeting was held, on the 14th of January 1825, of the Merchants, Shipowners, and Inhabitants of the Burgh of Leith, protesting against the proposal. There were representatives present from the Trinity House, the Incorporation of Maltmen, the Incorporation of Trades, the Merchant Company of Leith, the Merchants, Shipowners, and Heritors of Leith, along with the three resident Magistrates. Resolutions were unanimously passed, disapproving of the proposal. The opinion of Counsel was proposed and resolved to be taken as to the power of the City of Edinburgh to sell the Harbour and Docks. Unfortunately for the Leithers, the opinion obtained was against them. They required, therefore, to use other means than a recourse to the Law Courts. The Town Council of Edinburgh, through its then Town Clerks, Messrs Charles Cuninghame and Carlyle Bell, denied many of the statements made by Leith. The difficulties, however, came



to be solved when, chiefly through the services of the then Lord Melville, an Act of Parliament was passed, which received the Royal assent on the 29th of May 1826, whereby the undertaking of the Docks was handed over to the control of a body of Commissioners "for superintending and managing the affairs of the Harbour and Docks, and improvements therewith connected, excepting only that they shall not interfere in the collection of the revenue, and that they shall not have the power of expending more than £1000 per annum on the Harbour, and a like sum on the Docks, without the consent of the Town Council of Edinburgh." They had charge of the ballast department, and the power of constructing timber basins on the eastern sands. They had also, subject to the approval of the Town Council of Edinburgh, the appointment of a superintendent and all other officers, with the exception of the Clerk who kept the Minutes of the body, who was to be elected by the Town Council, but might be suspended by the Commissioners. The Commissioners consisted of the Lord Provost of Edinburgh, and five other members of the Town Council; the Master of the Merchant Company of Edinburgh, three persons elected by the Trinity House of Leith, three persons elected by the Merchant Company of Leith, two Merchants in Edinburgh, who were payers of rates at the Port to the extent of five pounds per annum, to be named by the Town Council, but quite unconnected, directly or indirectly, with the Corporation; three Merchants or Shipowners of Leith, being payers of rates to the extent of twenty-five pounds per annum—one to be elected by the Corporation of Maltmen of Leith, one by the Incorporated Trades of Leith, and one by the Shipowners' Society of Leith; and three persons to be named from time to time by the Lords Commissioners of the Admiralty. In all twenty-one Commissioners.

The amount of debt on the Docks was then stated at £265,000. In consideration of a part of the inner wet dock and a space of ground

adjoining being given up to the Commissioners of His Majesty's Navy, the Government gave a loan of the above sum at the rate of 3 per cent. per annum, on a sinking fund equal to 1 per cent. annually for the first twelve years, and 2 per cent. thereafter. This was to accumulate, for the purpose of extinguishing the debt, and when the debt was paid the Docks were to revert to the City of Edinburgh.

The Town Council of Edinburgh, by the terms of the said Act of Parliament, entered into an agreement to expend out of their shore dues £28,000, on the extension of the Eastern Pier, while the Government undertook to pay £19,000 for an extension of the Western Pier, so as to form a communication to the naval yard.

On the 15th day of August 1826, amid great rejoicings, the foundation stone of the new or extended Pier was laid. There was a great procession on the occasion, headed by the Lord Provost and Magistrates of Edinburgh, and by such of the Dock Commissioners as were not engaged in other official positions. In fact there was as much rejoicing as there was on the occasion of His Majesty King George IV. landing at Leith Pier, on his visit to Scotland, four years previous.

But the arrangement come to did not last very long. Edinburgh affairs were found, after the Municipal Reform Act was passed, to be in a somewhat complicated position. It was desirable, therefore, that an arrangement should be made in regard to its position in reference to the Harbour and Docks of Leith. The Chancellor of the Exchequer (The Right Hon. T. Spring Rice) and Lord Melbourne, at that time First Minister of the Crown, made a remit to Mr Henry Labouchere of His Majesty's Board of Trade, to visit the locality, hear the various parties interested, and draw up a Report regarding the affairs of the City of Edinburgh and the Port of Leith. That Report is dated 18th January 1836. The following are the outlines of the Scheme submitted by Mr Labouchere in his Report :—

- I. His Majesty's Government to give up one half of the debt now due on account of the docks at Leith, amounting to £236,741, 3s. 6d., and to postpone the remainder, without any interest being allowed to accumulate thereon.
- II. The Creditors of the City of Edinburgh to make a deduction of *twenty-five per cent.* from the amount of their debts, and to accept transferable bonds, bearing interest at *three per cent.* for the remaining portion of their debts.<sup>1</sup>
- III. The Act of 7 Geo. IV. c. 105, to be repealed, and the management of the Harbour and Docks vested in a small body of Commissioners, independent of, and totally unconnected with the Town Councils either of Edinburgh or Leith.<sup>2</sup>
- IV. The Corporation of Edinburgh to receive from the Commissioners for the management of the Harbour and Docks, an annual payment of £6000, free of any deduction whatever.
- V. The Ministers of Edinburgh to be secured in £2000 annually in

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<sup>1</sup> It was proposed that this interest should be secured to the creditors by virtue of an Act of Parliament, on the whole revenues of the city, after deducting what was necessary to carry on the civic business. In the event of there being a deficiency, power was proposed to be given to lay on an assessment on the inhabitants of the ancient and extended royalty, to make good such deficiency. Power was also proposed to be given to redeem bonds from time to time.

<sup>2</sup> Power was proposed to be given the Commissioners to borrow money on the security of the revenues of the Harbour and Docks, but not exceeding £125,000, for improving the same and affording additional accommodation for steam packets and vessels of larger tonnage. They were also to have power to abolish, reduce, or consolidate the dues at that time exigible on goods and shipping. They were to be bound to apply a portion of the surplus revenue of the harbour and docks, in further reducing the dues leviable on goods and shipping, but only at such times and under such circumstances as they thought proper, after having received the consent of the Lords of the Treasury. The whole surplus revenue, after such reduction of dues, was to be applied towards the sinking fund. The Commissioners were to be bound to keep regular accounts, to have the same examined and docqueted, and annually exhibited.

lieu of "the merk per ton" proposed to be abolished; and certain trustees to be named in behalf of the College, High School, and other schools hitherto in the City establishment, to have £2500 annually. These two sums to be paid free of any deduction whatever, and to be preferable claims on the Common Good and Revenues of the burgh. The Ministers of Edinburgh to be relieved from the annual payment of £480, now made by them as their equivalent for the expenses of the Eastern Pier.

VI. The Ministers of Edinburgh to have right to fixed Stipends, to be paid by the Corporation out of the common revenues of the City. The Corporation to collect the assessment<sup>1</sup> necessary (over and above the £2000 before mentioned) to be levied on the inhabitants for paying these stipends.

VII. The Corporation to have right to collect the rents of the church-seats, subject to such control, as to the rate thereof, if alleged by the minister of the parish to be exorbitant, as may be hereafter fixed.

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<sup>1</sup> This was proposed as one of the many attempts at a modification of "the Annuity Tax," which was a burning question in the City for more than half a century. Many Dissenters refused on principle to pay the tax, and, as a result, they came into collision with the authorities. Several modification Acts were passed by Parliament in the ten years between 1860 and 1870. Ecclesiastical Commissioners were appointed to attend to the temporalities of the ministers, the number of the latter was reduced, their salaries were lessened, the management of the churches and seat-rents were transferred from the Town Council to the Ecclesiastical Commissioners, the annuities payable by the Town Council to the Ecclesiastical Commissioners were redeemed by payment of a capital sum of £56,500, borrowed by the Corporation from the Public Loan Commissioners, and the ministers' annuity of £2000 per annum from Leith Harbour revenues was at the same time redeemed by payment of a capital sum to the Ecclesiastical Commissioners. Thus, by the operation of the Act of 1870, the rate of the Annuity Tax was further reduced, and the tax ceased in 1879, when the redemption money was wholly paid off.

- VIII. Any deficiencies in the revenues of the City to meet the purposes before specified, to be made good by an assessment on the inhabitants at large.
- IX. The debt due by the City of Edinburgh to the College, and secured on the ale-duty, to be held as extinguished, in consideration of the annual payment to be preferably secured to it.
- X. The City of Edinburgh to relinquish all claim on the Town of Leith, as well as on the Harbour and Docks, and dues, and property adjoining the Docks, in consideration of the £6000 to be annually paid them as before mentioned. The Town of Leith to have right in future to levy their own customs and market-dues, and the ale-duty within their own precincts, if that tax is to be renewed.

These, then, were the recommendations which Mr Labouchere submitted for the consideration of His Majesty's Treasury, in regard to a proper settlement, with the Edinburgh Creditors on the one hand, and the Treasury as well as the Leith Dock Commissioners and the Town of Leith on the other. These will be again referred to, when dealing with "the City Agreement Act" of 1838.

It may be proper here to revert to the municipal position of Leith, and the various changes which have been brought about from time to time. Having been erected into a Burgh of Barony by the Queen Regent, and the City of Edinburgh having acquired the feudal superiority, its civic government was in the hands of those whom the Town Council of Edinburgh elected as Baron Bailies.<sup>1</sup> The first

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<sup>1</sup> Maitland, writing in 1753, says,—“The Inhabitants of Leith, as Vassals to Edinburgh, having no government of their own, the Edinburghers appoint yearly one of their old magistrates to be Baron Bailiff and Judge Admiral of Leith. And

annual appointment of two such dignitaries dates back to the year 1667, and seems to have continued with great regularity to 1812, when three Magistrates were appointed. In 1833, when the Burgh Reform Bill for Scotland was passed by Parliament, Leith became a Parliamentary Burgh, separated entirely from the Edinburgh control, with the right to elect its own Town Councillors; and they pos-

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of late nominate, a person residing in Leith as the said Baron Bailiff's Deputy, who not only acts as Conservator of the Peace, but presides in the Court held there, wherein are tried causes, both civil and criminal, other than in capital cases. The officers in this town are the aforesaid Baron Bailiff and his Deputy, or Town Clerk, Fiscal, Constables, and four officers belonging to the Magistrates.

*Note.*—The Baron Bailiff, to defray the expenses of his office, has an annual allowance from the Edinburghers of Fifty Pounds Sterling.

Referring to the large amount of outlay expended by Edinburgh, on the Port, Maitland says:—"The cost of the first stone pier, about the year 1722, involved the loss of many thousands of pounds to the City of Edinburgh." Referring to it, he says (p. 497):—"Surely never were a people more imposed upon than the Edinburghers in this affair; for it is built of the worst materials, many of the stones being already greatly decayed and honey-combed above an inch in depth."

Going back to comparatively ancient history, in order to show Edinburgh's great expenditure, the same historian says:—"The Town Council of Edinburgh were much against the Town of Leith being re-fortified by the English. They, therefore, on May 5, 1656, agreed to give General Monk the sum of £5000 sterling towards erecting a Citadel, which was soon afterwards founded at the north-west corner of North Leith, of a pentagonal form, with five bastions and one gate fronting the east. This fortress was ordered to be demolished after the restoration of King Charles II., but John Earl of Lauderdale obtained a grant of it." He then adds (p. 499):—"Knowing that none were so fit to be imposed upon, in an affair of this kind, as the Edinburghers," Lauderdale "preparatory thereto, vamp'd it up and gilt the bait with the alluring epithets of a free Burgh of Regality and Barony, an office of Baillary, a weekly market, yearly fair, and other emoluments which he obtained by a grant from the King." This the Town Council of Edinburgh bought from him, in 1663, at the exorbitant price of £6000 sterling. The Citadel of Leith, from first to last, cost Edinburgh, within a period of nine years, £11,000. What now remains of the Citadel is still the property of Edinburgh.

essed the privilege of selecting their Provost, Magistrates, and Treasurer.

It would be a mistake, however, to suppose that the Burgh of Leith, before it became an independent municipality, was destitute of all those measures or laws which are requisite for rule and order in any community. By the Act 11 George III. cap. 30 (1771), provision had been made for cleansing and lighting the streets of the Town of South Leith, the Territory of St Anthony's, and Yard Heads thereunto adjoining, and for supplying the several parts thereof with fresh water. Again, by 46 George III. cap. 36 (1806), another Act was passed, which not only embraced and amplified the powers contained in the previous statute, but also provided for the better regulating the Police of the said Town and Territory, and of the Town of North Leith, Coalhill, and Citadel, and for other purposes mentioned therein. A proper system of police was not general in Britain until the beginning of the present century. The Commissioners of the Southern Districts of Edinburgh, by their Act of Parliament passed during 11 George III. cap. 36 (1771), were the first to recognise something like a thoroughly equipped Police, which included the watching, lighting, and cleansing at the public expense. Their example was speedily followed by other municipalities.

Another Act for Leith was passed in 1827, 7 & 8 George IV. cap. 112, to provide for the Municipal Government of the Town and Suburbs of Leith, for the further Administration of Justice, and for the Regulation of Police. The Leith bounds were by this Act considerably extended, a Sheriff-Substitute of Midlothian was appointed to hold Courts in Leith, and provision was made for a leet of nine persons to be sent to the Edinburgh Town Council from which to select the three Baron Bailies; the town was divided into ten wards, and two Commissioners were to be elected for each ward, one of whom required to be a residenter in the ward. The electors consisted of the Heritors, Liferenters, and Occupiers of Lands, Dwelling-houses, Shops, Ware-

houses, and other heritable subjects in the district, as were of the yearly value of £15 sterling or upwards. The qualification of a Commissioner was his being a voter. The Commissioners had full power to appoint officers under them, and they were invested with assessing powers.

In so far as the affairs of Edinburgh and Leith were intermixed, or the state of the Leith Docks accounting were concerned, we have already seen the recommendations contained in Mr Labouchere's scheme of 1836. The final settlement of all questions between the various parties was arrived at on 27th July 1838, when an Act (1 & 2 Victoria, cap. 55) was passed to regulate and secure the debt due by the City of Edinburgh to the public, to confirm an agreement between the said City and its creditors, and to effect a settlement of the affairs of the said City and the Town of Leith.

The terms of that Act (briefly termed the City Agreement Act) may be shortly stated :—

In so far as the Docks were concerned, the Lords of the Treasury postponed payment of the Government Security, as well as any loans expended on improvements. The management was vested in a new set of Commissioners, of whom three were to be appointed by the Town Council of Edinburgh, three by the Town Council of Leith, and five by the Lords of the Treasury. To be a member of either Town Council was fatal to a nomination ; thus the self-denying ordinance in this respect was strictly enjoined. Power was given to exact dues and to appoint a proper staff of officers. The Act increased the total annual payment to Edinburgh from the Harbour and Docks' Revenues from £6000 to £7680 ; namely, £2500 for the College and Schools, £2000 for the City Ministers, and £3800 towards the annuities on City bonds. In regard to the various payments to the Edinburgh University, High School, and the Clergy, the proposals of Mr Labouchere were practically given effect to.



Subsequent legislation has altered the constitution of the Commissioners, although the municipal representation continues similar, and under the same restrictions provided in the Act of 1838.

The same Act provided that "from and after the passing of this Act, the said City of Edinburgh and the Town of Leith shall be, and the same are hereby, in all the civil and municipal relations thereof, separated and dissevered ; and all rights of patronage and jurisdiction, and of levying any tax, rate, or assessment, custom, impost, or dues of any description whatever, heretofore belonging or competent to or claimed by the said City of Edinburgh in, out of, or over the Town of Leith, except the Admiralty and other jurisdiction reserved by an Act of the third and fourth year of the reign of His late Majesty (3 & 4 William IV. cap. 77), entituled 'An Act to provide for the Appointment and Election of Magistrates and Councillors for the several Burghs and Towns of Scotland, which now return, or contribute to return, Members to Parliament, and are not Royal Burghs,'—shall be, and the same are, hereby abolished ; and all claims for by-gone customs, rates, or duties, and interest or expenses relating thereto, or for or in consideration thereof, at the instance of the said City of Edinburgh against the Town of Leith, shall be, and the same are, hereby extinguished and annulled."

By the same Statute, the Common Good and Customs of the Town of Leith were transferred from the Edinburgh Town Council to the Leith Corporation, with the right to hold markets and levy market dues. The Gaol, and buildings connected therewith, which had been erected by the Edinburgh, became invested in the Leith, authorities. A sum of five hundred pounds was required to be paid by the City of Edinburgh, within the period of twelve months, in discharge of all claims on account of the Common Good of the said Town, which had been previously drawn by the City of Edinburgh.

It was also laid down that there should be no market customs, dues, or imposts levied on goods *in transitu*, to or from either of

the Burghs ; and this law was made applicable to both. Provision was also made to arrange the proportion of the Common Good Leith was to obtain, as well as the proportion of Land Tax it had to pay ; and an arrangement was also made as to the upkeep of roads.

By section 32, power was given to the Town of Leith to purchase within seven years thereafter, from the City of Edinburgh, the superiority of their Burgh ; and the Town Council of Edinburgh was required to sell the same, with the Feu-Duties and Casualties thereto belonging, to the Town of Leith, at such price as should be fixed by two arbiters, one to be appointed by the Town Council of Edinburgh and the other by the Corporation of Leith. In the event of a difference of opinion between the arbiters, an oversman was to be appointed to give the award. Three months' notice in writing had to be given of the intention to purchase. The seven years passed over ; but the Town Council of Leith could not see its way to purchase the superiority of their Burgh, which still remains in the possession of the Community of Edinburgh.

By section 33, the Provost, Magistrates, and Council of Leith received the power, on giving six months' notice to the Lord Provost, Magistrates, and Council of Edinburgh, to purchase from the latter the Links of Leith for the sum of six hundred and twenty-five pounds, or otherwise Edinburgh was to make over the said Links to the Corporation of Leith, in perpetuity, for the sum of twenty-five pounds per annum, for the use of the Community. The Leith Town Council adopted the former, and purchased the Links from the City of Edinburgh. To quote the language of the Act of Parliament, the Links, being so purchased, "shall be preserved and remain as an open area, in all time coming, for the use of the public, as now existing and enjoyed ; and it shall be competent to two owners of houses situated in Edinburgh or Leith, or either of them, to insist at law upon the due observance of this provision, in so far as regards the preservation of the said Links as an open area for the use of the public." These

are, substantially, all the clauses in the City Agreement Act which have reference to Leith.

By the Act of 1833, the village of Newhaven and the adjoining suburbs of Trinity were included within the Leith territory, and became, as such, subject to the municipal supervision and control of the Leith Town Council.





## CHAPTER V.

### THE VILLAGE OF NEWHAVEN.

**N**EWHAVEN seems to have belonged at a very early period to the community of Edinburgh. At the close of the fifteenth century, it was designated "Our Lady's Port of Grace," from the fact of there being a chapel dedicated, first to the Virgin Mary, and afterwards to St James. Some fragments of the ruin still exist in the old unused burial-ground about the centre of the village. In 1506, King James IV. erected a building-yard and a dock for ships, besides a rope-walk, and houses for the work-people.

Four years thereafter (1510) the City of Edinburgh, having begun to entertain fears that the new port might become a powerful rival to the Harbour of Leith (the greater depth of water in the former favouring the idea), purchased the whole ground from His Majesty, whose charter, dated at Stirling<sup>1</sup> on the 9th day of March, of the

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<sup>1</sup> The terms of the charter are as follow :—

CHARTER by KING JAMES the FOURTH, under his Great Seal, to the Provost, Bailies, Councillors, Burgesses, and Community of the Burgh of Edinburgh, of the Newhaven. Stirling, 9th March 1510-11.

"JACOBUS Dei gratia Rex Scotorum : Omnibus probis hominibus totius terre sue clericis et laicis salutem : Sciatis nos pro fauoribus et amore specialibus quos gerimus erga predilectos nostros Prepositum, Balliuos, Consules Burgenses et Communitatem Burgi nostri de Edinburgh, necnon pro ipsorum bono fideli et gratuito seruitio nobis

said y ear, goes on to describe the subjects as "the New Haven, lately made by the said King, on the sea coast, between the Chapel of St Nicholas (at Leith) and Wardy Brae. The city, likewise, obtained

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quotidie facto ac pro nonnullis aliis gratitudinibus considerationibusque rationabilibus ad hoc nos mouentibus, cum avisamento maturaque deliberatione Dominorum nostri consilii, desiderantes augmentationem privilegiorum Burgi nostri antedicti, pro communi publico et exaltatione eiusdem ac proficuo Burgensium et Inhabitantium ipsius Burgi, dedisse, concessisse et hac presenti carta nostra pro nobis et successoribus nostris hereditarie confirmasse dictis Preposito, Balliuis, Consulibus, Burgensibus, et Communitati nostri prefati Burgi nunc presentibus eorumque successoribus qui pro tempore fuerint, totum Portum nostrum novum nuncupatum le Newhavin cum bondis eiusdem, per nos in maris littore nuper factum et constructum, inter capellam Sancti Nicholai ex parte boreali ville de Leith et terras de Wardy, cum omnibus predicti portus pertinentiis videlicet, havin silver et proficuis eiusdem sibi et portui suo de Leith annexandis et applicandis, cum communi et libero passagio eundo [ad prefatum portum novum et redeundo ab eodem, omni tempore, et per omnes vias] omniaque passagia que ducunt ad eundem portum, cum libertate et spatio ad edificandum et prolongandum munitionem videlicet le pere et bulwark eiusdem portus, ac mercancias et bona sua in nauibus apud dictum portum oneranda et exoneranda super terram, locandum et ponendum, anchoras et funes in littore figendum a fluxu maris eiusdem portus usque ad frontem interiorem domorum de le South Raw, videlicet, que ex parte australi transitus ville dicti novi portus edificantur, et sicut se ante finem eiusdem in longum extendunt, ac cum omnibus aliis privilegiis dicti novi portus, ac simili modo et adeo libere in omnibus et per omnia sicut ipsi de portu suo de Leith et libertate eiusdem liberius infeodantur et eundem possident: Volumus etiam et ordinamus quod ipsi dictum novum portum in le bulwarkis aliisque munitionibus necessariis pro receptatione et conservatione nauium et cimbarum ad eundem confluentium sustineant pro commodo et utilitate nostri regnique nostri et ligeorum nostrorum: Insuper damus concedimus ac pro nobis et successoribus nostris pro perpetuo confirmamus dictis Preposito, Balliuis, Consulibus, Burgensibus et Communitati dicti nostri Burgi de Edinburgh, nunc presentibus et successoribus suis qui pro tempore fuerint, plenariam facultatem auctoritatem mandatum et potestatem observandi exercendi et exequendi inter semetipsos ac infra omnes suas bondas et libertates tam Burgi nostri de Edinburgh quam in Leith, necnon apud dictum novum portum aliisque in locis circumjacentibus ubi opus fuerit, omnes et singulas leges nostras ac omnia acta et statuta parliamenti nostri et generalis consilii

liberty to extend the pier and bulwarks of the Port, as well as to unload goods and merchandise on the shore, and to affix ropes. They were ordained by the said charter to uphold the pier, bulwarks, and

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Burgorum nostrorum privilegia tangentia et concernentia, sic quod ipsi et successores sui omni tempore affuturo quando opus fuerit et eis necessarium videbitur et expediens, eiusdem leges actaque et statuta in quocumque loco infra predictas bondas debite exequi valeant, eschaetasque amerciamenta et penas earundem levare, et si opus fuerit pro iisdem namare et distringere valeant, secundum tenorem et effectum legum et statutorum predictorum dimidie tatemque amerciamentorem et penarum predictarum ad usum nostrum importandi, alteram dimidietatem earundem ad fabricam ecclesie et rempublicam dicti nostri Burgi applicandi, et si aliqua persona sive alique persone in contrarium fecerit vel fecerint, sive ad hoc obstinates inobedientes invente fuerint, licebit dictis Preposito, Balliis consulis et communitati pro tempore existentibus, pro legum nostrarum auctorizatione et exaltatione premissorumque completionem et executionem, convocationem facere ligeorum nostrorum ad subveniendum et fortificandum ipsos in premissis exequendis, quequidem ligeorum nostrorum convocatio nullum erit gravamen dampnum vel preiudicium eis seu ipsorum alicui nec in personis suis neque in hereditatibus aut bonis nec in indictamentis accipientur nec inde accusati feurint vel turbati quomodolibet in futurum. Tenendum et habendum predictum novum portum cum bondis le havin silver et proficuis eiusdem communi et libero passagio eundo et revertendo ab eodem omni tempore et per omnes vias ut premittitur, ac cum omnibus aliis libertatibus et privilegiis dicti portus superius expressis, dictis Preposito, Balliis, Consulibus, Burgensibus et Communitati dicti Burgi de Edinburgh nunc presentibus et successoribus suis qui pro tempore feurint, de nobis et successoribus nostris, in feodo et heriditate imperpetuum, et adeo libere in omnibus et per omnia sicut de dicto portu suo de Leith liberius infeodantur et eundum possident; unacum plenaria facultate auctoritate mandato et potestate observandi exercendi et exquendi inter ipsos, omnesque alios ligeos nostros infra predictas bondas, omnes leges acta et statuta nostra antedicta ac cum omnibus aliis privilegiis concessionibus et libertatibus prenotatis, in omnibus et per omnia ut superius est expressum, et generaliter cum omnibus privilegiis et libertatibus quibus per nobilissimos progenitores nostros, sive per dominos de Lestalrig, aut alias quascunque personas, quomodolibet infeodantur, sine aliquo impedimento obstaculo revocatione sue contradictione nostri aut successorum nostrorum quorumcunque. In cuius rei testimonium presenti carte nostre magnum sigillum nostrum apponi precepimus. Testibus, reverendissimo reverendisque in Christo patribus, Alexandro Sanctian-

all other necessary defences, for the protection of the ships and their cargoes.

It would appear from the terms of the charter that the village

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dree archiepiscopo, cancellario nostro, Willielmo episcopo Aberdonensi, nostro secreti, sigilli custode, Andrea episcopo Cathanensi, thesaurario nostro; dilectis consanguineis nostris, Archibaldo comite de Ergile domino Campbell et Lorne, magistro hospitii nostri Matheo comite de Levanax domino Dernle, Alexandro domino Hume, magno camerario nostro, Andrea domino Gray, justiciario nostro; venerabilibus in Christo patribus Johanne priore ecclesie metropolitane Sanctiandree, Georgeo abbate monasterii nostri Sante Crucis prope Edinburgh; dilectis clericis nostris, magistris Gawino Dunbare archidiacono Sanctiandree, nostrorum rotulorum registri et consilii clerico, Patricio Panteire archidiacono Moraviensi, secretario nostro, et dilecto familiari nostro Roberto Colvile de Uchiltre, nostre cancellarie direttore. Apud Striueling nono die mensis Martii anno Domini millesimo quingentesimo decimo et regni nostri vicesimo tertio.

*The translation is as follows:—*

JAMES by the grace of God King of Scots, to all good men of his whole land, clergy and laity, greeting: Know ye that we, for the special love and favour which we bear towards our beloved the Provost, Bailies, Councillors and Community of our Burgh of Edinburgh, and also for their good, faithful and gratuitous service daily done to us, and for various other good causes and reasonable considerations moving us hereto, with advice and mature consent of the Lords of our Council, desiring the increase of the privileges of our aforesaid burgh, for the common good and benefit thereof, and for the profit of the burgeses and inhabitants of the said Burgh, to have given, granted, and by this our present charter, for us and our successors to have heritably confirmed, to the said Provost, Bailies, Councillors, Burgesses and Community of our foresaid Burgh now present, and their successors who shall be for the time, our whole new port called the Newhaven, with the bounds thereof, lately made and built by us on the sea shore, between the chapel of St Nicholas on the north side of the town of Leith and the lands of Wardy, with all the pertinents of the foresaid port, videlicet, having silver and profits thereof to be annexed and applied to them and their port of Leith, with free and common passage in going to the foresaid port and returning from the same at any time, and by all the ways and passages which lead to the said port, with liberty and space for building and extending the pier and bulwark of the said port, and loading their

of Newhaven at the time consisted at least of one street, known as the "South Raw," besides the pier and harbour. During the following year (1511), an event of great importance took place, which caused

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merchandise and goods in ships, and of unloading the same upon the land, at the said port, to place and let down anchors, and to fix ropes on the shore from the sea-shore of the said port to the inner front of the houses of the South Raw which are built on the south side of the street of the said new port, and as they extend to the foot thereof in length, and with all other privileges of the said new port, in the same manner and as freely in all and by all as they are freely infert in their port of Leith and liberty thereof, and freely possess the same. We will also and ordain that they uphold the bulwarks and other defences necessary for receiving and protecting the ships and vessels sailing thereto for the good and benefit of us our kingdom and lieges. Moreover, we give, grant, and for us and our successors for ever confirm to the said Provost, Bailies, Councillors, Burgesses and Community of our said Burgh of Edinburgh now present and their successors for the time being, full faculty, authority, command and power to observe, fulfil and implement among themselves, and within all their bounds and liberties, as well within our Burgh of Edinburgh as in Leith, as also in the said Newhaven and other places adjoining where it is necessary, all and sundry our laws and all acts and statutes of our Parliament and of the general Convention of our Burghs relating to and concerning our privileges, so that they and their successors in all future time, as need is, and as it seems necessary and expedient to them, do cause the said laws, acts and statutes to be duly obeyed in any place within the foresaid bounds, and the escheats, fines and penalties thereof to levy, and if need be, to poud and distrain therefor, according to the tenor and effect of the foresaid laws and statutes, and the half of the foresaid pains and penalties to inbring to our use, the other half to be applied to the church work and common good of our said Burgh; and if any person or persons shall do or cause to be done in the contrary, or shall be found opposing or inobedient thereto, it shall be lawful for the said Provost, Bailies, Councillors and Community for the time being, for the authority and upholding of our laws, and implement and execution of the premises, to convoke our lieges to uphold and support them in executing the premises; which convocation of our lieges shall be no quarrel, damage or prejudice, to them or any of them, nor to their persons, heritages or goods, nor shall be received in judgment, nor shall they be accused or troubled thereupon in any way for ever: To have and to hold the



a considerable stir, not only in the locality, but over the country generally, and even the continent of Europe. This was the building and launching of the great war-ship projected by King James IV., *The Great Michael*, which was said to have been the largest vessel that ever floated on the seas at the time. "The fame of this vessel," says George Buchanan, "spread over Europe; and, emulous of the King

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foresaid Newhaven with the bounds, havin silver, and profits thereof, common and free passage of going to and returning from the same at all times and by all roads as aforesaid, and with all other liberties and privileges of the said port above expressed to the said Provost, Bailies, Councillors, Burgesses and Community of the said Burgh of Edinburgh now being and their successors who shall be for the time, of us and our successors in fee and heritage for ever, and as freely in all and by all as they are freely infeft in their said port of Leith, and possess the same, together with full faculty, authority, command and power to observe, fulfil and implement by themselves and all others our lieges within the foresaid bounds all our laws, acts, and statutes foresaid, and with all other liberties, grants, and privileges aforesaid, in all and by all as above expressed, and generally with all privileges and liberties in which they were in any way infeft by our most noble progenitors, or by the lords of Restalrig, or any other persons whatsoever; without any impediment, obstacle, revocation or contradiction of us or our successors whatsoever. In witness whereof we have ordered our Great Seal to be appended to our present charter. Witnesses, the most reverend and reverend fathers in Christ, Alexander archbishop of St Andrews, our chancellor, William bishop of Aberdeen keeper of our privy seal, Andrew, bishop of Caithness, our treasurer; our beloved cousins, Archibald earl of Argyle lord Campbell and Lorn, master of our household, Matthew earl of Levenax lord Dornlie, Alexander lord Hume, our great chamberlain, Andrew lord Gray, our justiciary; the venerable fathers in Christ, John prior of the metropolitan Church of St Andrews, George abbot of our monastery of Holy Rood near Edinburgh; our beloved clerks, Masters Gavin Dunbar archdeacon of St Andrews, clerk of our rolls register and council, Patrick Paniter archdeacon of Moray, our secretary; and our beloved servant Robert Coluille of Vchiltrie, director of our chancery. At Stirling, the ninth day of the month of March, in the year of our Lord one thousand five hundred and ten, and in the twenty-third of our reign.

of Scotland, Francis I. and Henry VIII. endeavoured to outvie each other in building two enormous arks, which were so unwieldy that they floated on the water, useless and immovable like islands."

Referring to this celebrated ship, Lindsay of Pitscottie says:—

In 1511, the King (James IV.) "buildit a great schip, called *The Michael*, quhilk was ane verrie monstrous great schip, for this schip tuik so meikle timber, that schoe *waisted all the woodis in Fyfe*, except Falkland wood, by [forby or besides] the timber that cam out of Norway, for many of the schipwrightis in Scotland wrought at hir, and wrightis of vther countries had thair devyse at hir, and all wrought bussillie the space of ane yeir at hir. This schip was twelff scoir footis length, threttie-sax foott within the wallis; shoe was ten foott thick within the wallis of cutted risles of oak, so that no cannon could doe at hir. She cumbered all Scotland to gett hir to the sea, and when shoe was committed to the sea, and vnder sail, shoe was counted to the King to fourtie thousand pund of expensis, by her ordouris and cannons quhilkis shoe bair. Shoe had thrie hunder marineris to governe hir, six scoir gunneris to vse hir artaillerie, and ane thousand men of warre by [forby or besides] captains, skipperis, and quarter-maisteris. Quhen this schip past to the sea, and was lying in the roads, the King caused shott ane cannon at her, to essay hir if shoe was wight, but the cannon deired hir not. Ane gif ony man believe that this schip was not as we have schowin, lett him pass to the place of Tullybardyne, quhair he will find the breadth and length of hir sett with hauthorne. As for my author, was Captain Andro Wood, principal captain of hir, and Robert Barton who was maister skipper. This schip lay still in the roads, and the King tuik great pleasour everie day to cum down and sie hir, and would dyne and sup in her sundrie tymes and be shewing his lordis hir ordour and munition."

In certain quarters there has been a great desire to discredit the story of Lindsay of Pitscottie, and by none more so than Campbell, the historian of Leith, who tries to treat the whole matter with scorn and derision. There no doubt may be some exaggeration in the

narrative of the dimensions of this antiquated *Great Eastern*, but one would naturally commend the King for his foresight in establishing a large floating battery at mid-seas, to which easy access could be had from the shore. It was a sort of Noah's ark for self defence, which an invading host had to pass, if they sought to sail up the Firth and obtain a landing without incurring the opposition which they were likely to have received had they attempted to sail into Leith Port. As a matter of fact, in the year 1544, as we have already seen, when Henry VIII. dispatched an army into Scotland, under the command of the Earl of Hertford, the place where they chose to land was somewhere adjacent to where Granton Pier now stands.

The great ship cost £30,000, an enormous sum in those times. Jacques Tarette was the builder and naval architect, and Sir Andrew Wood, who had been created by King James IV. "Admiral of the Seas," was appointed commander. He was well known in Scottish history at the time. In fact, he was the Nelson of his day, being a man of high conscience and courage, of unsurpassed bravery and ability,—and he stood deservedly high in the estimation of King James III. during the latter part of his reign, when he commanded two ships which were respectively called *The Flower* and *The Yellow Carvell*. So great was his reputation, that when on one occasion it was suggested that there should be a trial of strength among the "Leyth Skipperis," they all of one accord declined. It is related of one of them (Captain Barton already referred to, and who was a noted maritime officer of his day) that he declared "there were not ten shippis in Scotland that would give Captain Wood's two shippis combat, for he was well practised in war, and had sicke artaillerie and men, that it was hard dealing with him either by sea or land." When James IV. succeeded to the throne, it is quite possible that the idea of a floating battery in the Forth was suggested to him by his faithful captain; hence the origin of *The Great Michael*.

What eventually became of the great ship is a matter of some

dubiety. Buchanan states that it was allowed to rot in the harbour of Brest, while later historians, and among these Mr James Grant, assert that she was sold to Louis XII. by the Duke of Albany, in the name of the Scottish Government, for the sum of forty thousand livres.

Upwards of 340 years ago, the village of Newhaven was unquestionably a place of far more importance than it has been accounted of recent times, when it has been relegated to the position of a somewhat poor fishing village. Early in the month of September 1550, Newhaven roads were visited by at least sixty stately galleys and other ships, which all anchored off the village. The Queen Regent of the time was about to pay a visit to her Royal Daughter in France. She embarked for Dieppe, along with a brilliant train of attendants, among whom were the Earls of Sutherland, Huntly, Cassilis, Home and Marischal; the future Regent Moray (at that time Prior of St Andrews), Lords Fleming and Maxwell, the Bishops of Caithness and Galloway, the French Ambassador, three of her French Commanders from Leith, and a large galaxy of ladies of quality. During their voyage, which lasted upwards of a fortnight, they were obliged to take refuge from storms in more than one port.

The Provost and Town Council of Edinburgh, on becoming proprietors, began to spend considerable sums of money upon the repair of the Newhaven harbour. For example, during the month of February 1554, the sum of £500 was voted to supply timber to repair the harbour; and again, during the following year, there is another entry of timber for Newhaven, brought there by Robert Quintin, but sold by the advice of Sir William Macdougald, master of the works.

It may be interesting here to quote some of the entries in the Burgh's Accounts. These are at present being prepared *in extenso* by Mr Robert Adam, City Chamberlain, with the view of having them printed for private circulation.

1555.

" *Item*, the vj day of July 1555, for cords to bind and hang the four Inglis-men at Leyth and Newhaven, iijs.

"*Item*, geven to Gorge Tod, Adam Purves, and ane servand, to mak ane gibbet at Newhaven in haist and evil wedder, vjs.

"*Item*, for garroun and plansheour naillis, xxd.

"*Item*, for drink to them at Newhaven, vjd.

"*Item*, to twa workmen to beir the wrychtis lomis to the Newhavin and up again, and to bier the work and set up the gibbet, xxd."

The Town Council of Edinburgh, for several years thereafter, continued to expend considerable sums of money on Newhaven. The good town's accounts show entries for the wages of masons and wrights "on Saiterday at evin to thair supperis." There are also entries for timber and for "Danskin tow" (the Scotch expression at the time for rope), as well as for smith-work, and charges for cranes. Robert Quintin seems to have been the first master of the works, but latterly Sir John Wilson appears as "master of work at the Newhaven." The operations were suspended during the months of winter; but they were resumed in the spring.

The Minutes of the Corporation of 31st March 1557 show that a further sum of five hundred pounds was voted to be warit (spent) on Newhaven.<sup>1</sup>

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<sup>1</sup> The following is the entry in the Burgh Records: "31 March 1557.—The prouest, baillies, and counsale consentit that thair suld be warit (spent) vpoun the biggin of the Newhavin of the common gudis this yeir fyve hundreth pundis vsuall money of this realm." That they personally took interest in what was done for this grant, is evident from the following minutes:—"31 July 1557.—The prouest, baillies, and counsale ordanis Alexander Park, thesaurair, and Sir Williame M'Dougall, maister of wark, to pass the morne and vesie the wark of the Newhavin, and the laubouris maid thairupon be the men laubouraris thairat, and quhat beting and repairing the samyn misteris at this tyme for uphalding and sustening of samekle thairof as is ellis bigget, and to tak consideratioun quhat money will satefie the samin, and mak report thairof to the counsale upon Monunday nixt." Again on the 11th day of August 1557,—"The prouest [baillies and council] being convenit in the ovir counsale hous, ordanis the said thesaurer to deliuer to Sir Jhone Wilsoun the sowme of fourtye twa pundis xijs. iijd. ob., as for the expenssis maid be the Sir Jhonn, at the command of the prouest, baillies, and counsale,

The next entry in the Council Records is of date 18th September 1564, and seems to refer to a calamity at sea which had the effect of damaging lint (previously called tow) brought into the harbour from Danskyn, and the remedial measures to be taken.<sup>1</sup>

The first apparent Let or Tack which appears on the Records is contained in a Minute of 12th May 1567, wherein the Town Council agreed to "set in tack" to Anthony Hickman, John Achille, and Cornelius du Vois, all Englishmen, for the space of fifty years, a certain piece of ground for the purpose of making salt, and that the common "sele of this burgh be hungyn theirto." Two days thereafter, fourteen members of the Council were appointed "to pas to the Newhavyn and vesye the ground desyrit" for the aforesaid purpose, "and to cause met and mesure the samyn, and to report to the counsall the quantitie and situatioun thair of." On the 4th day of June, it was resolved that a portion of their lands, lying on the south side of the Newhaven, "contenand twentie thre fall of lenthe and sixtene fall in breid, ilk fall contenand sex elnis Scottis," should be set to the three Englishmen mentioned above "to mak salt in." On the 18th of June, three tacks, for the periods of 19, 19, and 12 years respectively, were granted.<sup>2</sup>

The Links at Newhaven were understood to be at one time pretty extensive, although the only part of them that now remains is the small

upon the Newhavin, fra the xix day of Junii in the yeir of God jm vc lvij yeris unto the last day of Julii in the said yeir . . . . and dischairges the saidis werke in the menetye."

<sup>1</sup> The following is the deliverance of the Town Council on the subject:—

"The baillies and counsale ordanis maister Alexander Logy, George Gourlay, and Alexander Cuke to pas to the Newhavin, and attend nycht and day upon the lynt and vther merchandice losit thair furth of the schyppis that cum laitlie furth of Danskyn, and se the samyn handillit, tryit, and purgit, and thairefter mak report to the counsale quhil forther ordour be tane, and to haue thair chairges of the merchanttis expenssis."

<sup>2</sup> These are stated in the printed volume of the Burgh Records for the period as "entered at length in the Council Records."

park at the foot of the Whale Brae on the east side. It would appear that in 1573, the city of Edinburgh received a yearly sum of thirty merks for their use as grazing ground, while upwards of twenty years thereafter, the rent was reduced to one fifth of that sum, or six merks. Maitland, the Historian, attributes the change to the extensive encroachments made upon the land by the action of the tides, until a good substantial bulwark was erected to check the further progress of the waters. The land around Newhaven appears in the beginning of last century to have belonged to Evan Macgregor, who, in 1710, entailed all his lands there. By way of denoting the jurisdiction of the City of Edinburgh, in virtue of the charter of James IV., it was for many generations a time-honoured custom of the Magistrates and Town Council of Edinburgh yearly to drive to Newhaven, and drink wine in the open space called Parliament Square. Under the Reformed Town Council, however, this practice was abandoned; although, from time to time, the property sub-committee of the Treasurer's Committee pay a visit to the Village, over which the City has still considerable superiority rights; and although the Stone Pier and its dues now vest in the Leith Dock Commissioners, the oyster and mussel fishings belong to the Corporation of Edinburgh, and are let to the Free Fishermen's Society of Newhaven.

The Pier and Harbour are now solely used for the accommodation of fisher-boats. At one time the *Tourist* steamer plied between Newhaven and Aberdeen. There was also a regular passage to and from Kirkcaldy, Burntisland and Pettycur. In fact, before the railway system was introduced, all the mails from Aberdeen and the east coast were brought through Fife to the Pettycur boat, and thence by Newhaven to the General Post Office in Edinburgh. It was at the Stone Pier, also, that Sir Walter Scott landed when he sailed down from London on his way home prior to his lamented death.

The Chain or Suspension Pier, which was constructed in 1821, by Captain Sir Samuel Brown, of Her Majesty's Royal Navy, at a cost of £4000, is about 500 yards to the west of the Stone Pier. It was used

1821 to 1861

for the purpose of traffic between Stirling, Alloa, Queensferry, and adjacent towns. It was for many years the landing-place of the Stirling steam packets. In 1840 it became the property of the Alloa Steam Packet Company. Ten years thereafter it became, and still continues to be, the resort of bathers. The Granton Pier, the railway system connected therewith, and the regular supply of steamers plying in conjunction with the various trains, entirely superseded the use of the Stone and Chain Piers for passenger traffic. All the steamer service to the various towns on the Firth of Forth proceeds now from Leith, by the excellent provision made by the Galloway Company ; while the chief railway traffic for Fife and the North is conveyed across the water by means of the Forth Bridge.

At what period Newhaven became noted for its Fisher population it would be difficult to tell. There is no doubt whatever it was at a very early period of its history. Tradition says that the Fisher folks came from Belgium. One thing is certain that they have kept themselves as a rule an exclusive race. The fishermen of Newhaven rarely intermarry even with the women of other fishing communities. A woman must be well acquainted with the preparation of nets and lines, and the use of the oar, if she would become a thorough fisherman's wife. She must be able also to don the creel and attend markets, or make her usual rounds of calling for the purpose of disposing of the fishes her husband has caught. The Fishwife is the bargain-maker, and the conjoint bread-winner. Hence it is no uncommon remark when one of the sisterhood, who is not reckoned an adept at the duties referred to, is reported to be about to be married—"She tak' a man! What wad she dae wi' a man? She canna keep (support) him."

The Newhaven Fishwife's dress is quite unique. Compared with the women of other fisher communities, she is the yellow butterfly of her species. Her attire is more gaudy as a rule than that of the fisherwomen of other districts. A writer in *Chambers' Edinburgh Journal*, many years ago, thus describes it:—"A cap of linen or cotton, surmounted by a stout napkin tied below the chin, composes the investiture



of the hood ; the showy structures wherewith other females are adorned being inadmissible from the broad belt which supports the creel, that is, fish-basket, crossing the forehead. A sort of woollen pea-jacket (usually of dark blue colour), with vast amplitude of skirt, conceals the upper part of the person, relieved at the throat by a liberal display of handkerchief. The under part of the figure is invested with a voluminous quantity of petticoat, of substantial material and gaudy colour, generally yellow, with stripes, so made as to admit of a very free inspection of the ankle, and worn in such numbers that the bare mention of them would be enough to make a fine lady faint. One half of these ample garments is gathered over the haunches, puffing out the figure in an unusual and uncouth manner. White worsted stockings and stout shoes complete the picture. Imagine these investments endued upon a masculine but handsome form, notwithstanding the slight stoop forward, which is almost uniformly contracted—fancy the firm and elastic step, the toes slightly inclined inwards—and the ruddy complexion resulting from hard exercise, and you have the *beau idéal* of fishwives.”<sup>1</sup> The Fisherwoman’s garb has not escaped the notice and even patronage of the votaries of fashion. About fifteen years ago, it was all the rage in London and throughout the country generally. Young ladies donned the fisher lassie’s costume, substituting silks for the more common and more durable material.

The fisher people of Newhaven use most religiously the Scottish vernacular. Even the civilising influence of the education the young people now receive at the School Board schools has no effect upon them. They follow in colloquial conversation the *lingua* of their parents. When King George IV. visited Edinburgh in 1822, a trades’ procession took place. The Newhaven fishermen had their place in the gathering. When they appeared on the scene, several fisherwomen, who were collected at the Tron Church, being proud of their order,

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<sup>1</sup> The unmarried fisher girls, when pursuing the trade of hawking fish, wear the same costume, with the exception of the Cap or “mutch.”

called out: "Ah! there's the wale o' men." At the great Fisheries Exhibition, recently held in London, the fisherwomen of Newhaven were honoured by having twelve of their number selected to go up as attendants. They naturally created much interest, and proved a great attraction. When the Royal party came among them, H.R.H. the Princess Beatrice was considerably astonished when a prominent member of the sisterhood familiarly addressed her thus: "Hoo's yer mither, ma lamb?" Having politely replied that the Queen was very well, the Prince of Wales, realising the situation, said: "You'll not know who I am?" Her answer at once was: "Toots, maun, wha doesna ken you? You're the Queen's auldest son." The Prince still addressing her said: "And do you know that fellow over there?" "Yes," she said, "that's your next brither, the Duke o' Edinburgh. Ye ken he gets his title frae oor pairts."

The Free Fishermen's Society of Newhaven, instituted, it is said, by a Charter of King James VI., contend that although the City of Edinburgh is the superior of the oyster and mussel fishings, the members are the perpetual lessees, and none but Members of the Society have a right to fish in the adjacent waters.<sup>1</sup> The body is very exclusive. No one can be admitted to the membership, unless he is a lawful descendant of a previous member. It is governed by a preses, a box-master, a secretary or clerk, and fifteen of a committee, all of whom, with the single exception of the secretary, change office every year. The preses is in the habit of wearing, on gala days, a handsome silver medal which was presented to them by the father of the late Duke of Buccleuch in presence of several other county gentlemen. It bears on the one side the following inscription:—"In testimony of the brave and patriotic offer of the fishermen of Newhaven to defend the coast against the enemy, this mark of approbation was voted by the County of Midlothian, Novem-

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<sup>1</sup> Their ground, they contend, extends to the Green Scalp on the breast of Inchkeith, and to the beacon grounds lying off the Black Rocks.

ber 2d, 1796." On the other side is a representation of the Scottish Thistle with the national motto, and "*Agmine Remorum Celeri.*"

The minds of the fishermen of Newhaven are, in their views of things somewhat strangely constituted. They are superstitious to a degree. To think of dogs or cats, or of pigs or hares, bodes ill-luck. To encounter any of these near their boat, on road to sea for a long voyage, would cause them to turn back. When at sea, if the thoughts of any one reverts to one of these animals, he must keep silence. They never go to sea on a Friday. That is put down on their calendar as an unlucky day except for marriage. But, on the other hand, they are generally a sober, industrious, and very religious class of men. The dangers to which they are exposed on the deep seas may have led to this last-mentioned characteristic. The late Rev. Dr. Johnston of North Leith (the benevolent founder of the Edinburgh Blind Asylum), as well as the late Rev. Dr. James Fairbairn, the much revered pastor of Newhaven Free Church, used to remark upon "the stern weather-beaten faces of these hardy seamen, subdued by the influence of a religious feeling into an expression of deep reverence and humility, before their God." They have always proved themselves to be good neighbours; and, considering their past services, they deserve to be thought well of, and encouraged by the citizens of Edinburgh.

The herring fishing in the Firth of Forth has been a large industry since 1793. Strange to say, this great "harvest of the sea" was not discovered until the time mentioned. It is to the late Thomas Brown that the credit belongs, for having found out this fertile source of revenue to the fishermen. The discovery was made by him quite accidentally, near Donnibristle, on the northern side of the Firth, when he was fishing near the shore, with hook and line, to catch haddocks and podlies. He suddenly discovered that the waters were invaded by shoals of herrings, which could be gathered together in bucketfulls. The herring fishing in the Firth of Forth was soon made a great enterprise, and has been celebrated in song:—

"Wha'll buy my caller herrin' ?  
 They're bonny fish and haesome farin' ;  
 Wha'll buy caller herrin' ?  
 New drawn frae the Forth.  
 When ye war' sleepin' on your pillows  
 Dream'd ye aught o' our puir fellows,  
 Darklin' as they faced the billows  
 A' to fill the woven willows.  
 Wha'll buy my caller herrin' ? etc.  
 Wha'll buy my caller herrin' ?  
 They're no brocht here without brave darin' ;  
 Buy my caller herrin',  
 Ye little ken their worth.  
 Wha'll buy my caller herrin' ? etc.  
 And when the creel o' herrin' passes,  
 Ladies, clad in silk and laces,  
 Gather in their braw pelisses,  
 Cast their heids and screw their faces.  
 Wha'll buy my caller herrin' ? etc.  
 Noo neebor' wives come tent my tellin'  
 When the bonnie fish ye're sellin',  
 At a word be aye your dealin',  
 Truth will stand when a' things failin'.  
 Wha'll buy my caller herrin' ?" etc.

The dredging of oysters in the Firth of Forth, upwards of a century ago, was also much engaged in. The oysters were then very plentiful and of a superior quality. They used to be sold at that time in the open market at the rate of sixpence for what was then known as "the long hundred (120)." There used to be a notice in the Edinburgh fishmarket (an edict of the Town Council) that no oysters could be sold there for more than one shilling per hundred, under a penalty. The railway system has altered entirely this arrangement. It has served to equalise prices over the country, and brought within reach of all what was previously a specialty in a district. The supply of oysters is now very limited.

Various reasons have been given for this state of things, which it would be quite unprofitable here to dogmatise upon. The current price is now from one shilling and sixpence to two shillings per dozen. The melodious and beautiful cry of the Newhaven oyster lassies that used to ring through the streets of Edinburgh more than half a century ago, "Caller ou," is seldom now heard, although it is still the subject of song:—

"When winter's bitter blasts come in,  
An' stars are twinklin' bricht,  
When frost and snaw gaur ilka chiel  
Draw round his plaid fu' ticht,  
The Oyster Lass gangs blythely bye,  
Ne'er heed in' snaw nor drift,  
And bravely cries her 'Caller Ou!'  
Thro' a' the hours o' nicht.  
'Mang simmer's sweets the mavis sits  
An' chants his blythesome sang;  
Neist Autumn winds, frae bush an' tree,  
Bring notes baith sweet and lang:  
But ilka season has its joys,  
For they whose hearts are leal;  
An' winter aye brings 'Caller Ou!'  
The lassie and her creel.  
I've travelled meikle in my day,  
An' mony a place hae been,  
But nought like Scotia's Oyster Lass  
E'er passed before my een:  
Her sonsie dress an' weel-faured face,  
Ding a' that e'er I've seen;  
An' 'Caller Ou!' 'yont Scotia's shores  
Can ne'er be heard, I ween."

The cry has become, like many other things, a relic of the past. During every month with the letter *r* in it, Newhaven oysters can always be had. The other months, from May to August inclusive, are still regarded, and strictly observed, as the close season in the Firth of Forth.



## CHAPTER VI.

### SHOULD THERE BE AMALGAMATION WITH EDINBURGH?

**S**IXTY years have passed away since Leith became a separate and independent municipality, with the right to elect its own Provost, Bailies, Treasurer, and Town Council. At that time the distance between the houses of Edinburgh and Leith, by way of Leith Walk, might be truthfully stated at half-a-mile. Elm Row on the east side, and Haddington Place on the west, were the northern boundaries of the city, in so far as business or population was concerned. With the exception of a tenement here and there, and a few straggling cottages, the ground was chiefly utilised as nursery grounds or grazing fields, down to Pilrig Street on the west and Smith's Place, at the foot of Leith Walk, on the east. This state of matters is now altered.

The access to Leith by the Easter Road presented a condition of greater sparseness as regards residence and population. Norton Place, with a few tenements at the back now fast going to ruin, two villas, one tenement, and a few cottages which stood near to where Gordon Street is now placed, formed all the inhabited district. It should be mentioned, however, that the proprietor of the house and grounds of Drum, and the Edinburgh Town Council as Governors of

Trinity Hospital, proprietors of the farm of Quarryholes, were the chief landowners of the period.

The Trinity Hospital ground marched with George Heriot's Hospital's land on the one hand, and with Drum on the other. The Heriot's ground had the advantage of preference as a feuing subject; inasmuch as it was situated on the main line of Leith Walk which intersected it, as does the Easter Road the grounds of Trinity Hospital. The oldest road or access to Edinburgh as the reader of these pages will have discovered was by Restalrig, in the days of Logan of that ilk, thence by what was then known as St Anthony's Road,<sup>1</sup> the Duke's Walk, and Abbey Gate to the Canongate Port. A more direct road to Leith was, however, afterwards found from the Watergate, by way of Abbey Hill, passing Norton Loch and Quarry Holes, onwards to Leith Links. All this was before the North Bridge spanned the valley of the North Loch, or the Regent Bridge and Regent Road were formed. But long before these great improvements were thought of, a western access had been by way of the Leith Wynd, a street now removed by Lord Provost Chambers' great improvement scheme. This was called the Nether Bow road. From the foot of Leith Wynd, along St Ninian's Row, and the western base of the Calton Hill, past the village of "Picardy"<sup>2</sup>

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<sup>1</sup> This road, referred to otherwise, no doubt took its name from the Trading Company of the Monks of St Anthony, whose headquarters were either in South Leith or Restalrig, more probably in the latter, and who were connected with the ruin on the northern face of Arthur Seat, commonly known as "St Anthony's Chapel." It is obvious that, from this elevation, a most distinct view of the Harbour of Leith, and of the seaward way out to ocean was very discernible. The road referred to, as leading to the precincts of the Abbey, though on a much lower level than the ruin, was immediately opposite to the chapel referred to.

<sup>2</sup> The village of Picardy consisted of a colony of French refugees, who had to leave their native land on account of their having embraced the Protestant religion. They were mostly weavers. They settled on the northern slope of what was then known as Moultries Hill. Their children used to mix with the Edinburgh boys and girls,

on the one hand, and Greenside<sup>1</sup> on the other, was the third route to Leith that the citizens of Edinburgh utilised. The formation of Leith Street and Leith Walk as a continuation of the North and South Bridges could not fail to constitute this road when made the main access between the burghs; and it has continued so to the present time. The formation of the Regent Bridge and Regent Road has greatly tended to improve the Easter Road, which is now rapidly being built upon, as a way of access between the burghs.

Leith Walk is now inhabited on both sides. Continuous rows of tenements, containing warehouses, shops, and residential dwellings, as well as public buildings, have brought the two burghs together. Though there is room for lateral extension, eastwards and westwards, this is naturally very circumscribed. On the north, Leith and all its adjuncts are hemmed in by the sea; on the south, it is confined by Edinburgh. In both these respects its doom is written, "Thus far shalt thou go, and no further." It cannot, therefore, be susceptible of much progress. Even its lateral extension, which has been considerable of late years, especially on both sides of Leith Walk, stretching to the Easter Road,

and some remnants of their French games have come down as a tradition of the past, The top of Moultries Hill is where St James Square now stands.

<sup>1</sup> The village of Greenside was celebrated about the middle of the sixteenth century as the place where the real drama was first sought to be established. The performances were given in the open air, in the valley at Greenside and the Calton Hill, near to the place where Greenside Church and Blenheim Place now stand. At this place some of Sir David Lindsay's plays were acted, and the educative and persuasive influence of the drama over the minds of the masses was such that a well-known writer in Church history, the late Rev. Dr M'Crie, frankly states his opinion that the Reformation was greatly assisted by these plays. One thing, however, is certain, that the people must have found them interesting, because it is recorded that "the Queen Regent sat patiently nine hours on the bank to witness 'The Pleasant Satire' of Sir David Lindsay." In the same village was the Hospital for Lepers, who used to be visited by the priests attached to the Trinity College.



has very much by this time discounted its future development. When Leith got its independence as a burgh, the line of demarcation between the two communities of Edinburgh and Leith was well defined. The intermediate fields showed this. Now, an imaginary line in the centre of Albert Street, Pilrig Street, and the Ferry Road to the foot of Inverleith Row may be said to indicate roughly the termination of the respective boundaries. The two burghs, in reference to building and population, *have therefore, to all intents and purposes, already joined hands.* It cannot fail, however, to be observed that, on the one side of the street or road, there is a system of management in regard to watching, lighting and cleansing quite different from the other.

The communication between Edinburgh and Leith has been always great, although in respect of railway service, the remark may be made that a direct line would have been a great convenience. About twenty minutes to half-an-hour lost on a journey of only two miles is a great waste of time in these days of steam and other motive power. The two railway stations at Leith have never been placed with any regard for the convenience of the town's people, but for the convenience of the railways themselves. The tramway system has been a great boon compared with the old omnibuses, which used to "rattle your bones over the stones."

The tramways which run to the west end of Edinburgh from Bernard Street have had the effect, to a great extent, of withdrawing not a few of the larger merchants from Leith to the city for their places of residence. In fact, it may be asserted, and may easily be proved, that the generality of the large traders in Leith have now no local habitation in the town, with the exception of their warehouses, and offices or chambers. They have become citizens of Edinburgh. While the Kirkgate is still busy and brisk of an evening, Bernard Street and Constitution Street, which are the very commercial life of Leith during the day time, are on the other hand at night "as dull as the grave or as Peebles." To walk along Bernard Street and up

Constitution Street, in the dark night, one will find it as abandoned as Cheapside in London on Sundays at mid-day. This result shows that in so far as the great business centre of the town is concerned, traffic is not by any means local, but is the result of Leith being the Port of Edinburgh. Campbell, in his "Journey from Edinburgh to Northern Parts of Britain" (1811), says, "As Wapping is an appendage to London, so Leith is literally to be considered such to Edinburgh." Such it is, such it has been, and such in the near future it is likely to be.

The municipal independence of Leith has never in any way contributed to the success of its local institutions. Before that event happened, it had its local banks. These are now out of existence. There was *The Bank of Leith* (a beautiful engraving of which appears in Storrar), a neat but small edifice situated in Bernard Street. It was built in 1806, and is now used as the Leith branch office of the National Bank of Scotland Limited. Again, there was *The Leith Banking Company*, which began business in 1792, and failed fifty years thereafter,—in 1842. *The Shipping Bank* in Leith had a very short career. The burgh, for its banking facilities, is, with the exception of the Clydesdale Bank, now dependent upon the superior concerns managed in Edinburgh. The *Bourse*, also, has disappeared, which, when the old alliance between Scotland and France was so intimate, was the chief meeting place of the Shippers and Traders for the transaction of business. It is now known by the corrupted phrase of the *Timber Bush*.

The Merchant Company of Leith seems to have entirely gone into oblivion. Those who desire to join such a Corporation find their way to the city and become members of the Edinburgh Merchant Company. Of the 470 members of that body, so large a number as upwards of sixty hail from Leith. While Leith has started a Chamber of Commerce of its own, there is still a large representation of Leith merchants in the Edinburgh Chamber of Commerce.

The Gas Company of Leith has now no existence. After carrying on business on its own account for about twenty years it was absorbed.

When the Edinburgh Gas Company was constituted by Act of Parliament in 1818, the Leith Company was formed, and for a few years thereafter supplied oil gas to certain districts of Edinburgh as well as to the burgh of Leith. Oil gas, however, proved a failure. A separate company with the same object was started in Edinburgh in 1824, at Canonmills; but it was not a success. It was eventually bought up by the Edinburgh Company. Meantime, the Leith Company began to manufacture gas from coal. Although they had obtained no statutory powers to open the streets of Edinburgh, the Corporation, on the 18th day of March 1829, gave them permission to extend their mains into Edinburgh, to supply coal gas in competition with the Edinburgh Company. A memorial for the Edinburgh Company was presented to the Town Council, and was discussed a few days thereafter,—on the 25th of March of the same year, with a similar result. The Leith Gas Company was, however, found not to be sufficiently strong to prove a rival to its powerful opponent. It required the assistance of Edinburgh influence and funds to support it. Hence the origin of the Edinburgh and Leith Gas Company in 1840. The latter Company purchased all the rights of the Leith concern, and, it is understood, paid well for these. Now all this is changed. By recent legislation, the two Corporations of Edinburgh and Leith acquired both of these gas undertakings, which are now managed by a body of Commissioners, with the Lord Provost of Edinburgh as statutory chairman. The Provost of Leith is also a statutory member. The Town Council of Edinburgh appoints fourteen Commissioners, while the Town Council of Leith appoints six. In the matter, therefore, of providing a Gas Supply, *Edinburgh and Leith have already joined hands.*

The same remark may be said to apply to Water. Originally, as we have seen, Leith had a supply of water of its own, brought in towards the close of the last century. The source of supply was Lochend Loch. The incorporation of the Edinburgh Joint-Stock Water Company, and the introduction of the Crawley springs into the city of Edinburgh,

were found most beneficial to the community. The very fact that the Edinburgh families, as a rule, received a provision of fine fresh spring water conveyed into cisterns within their own dwellings, without having to carry such supply from the public wells, naturally led the town's-people of Leith to clamour for the same. Besides, the shipping interest of the Port felt that the trade at the Docks could be greatly fostered by a good supply of wholesome water being provided at all times for the various ships and vessels resorting thereto. The town of Leith and the shipping interest, therefore, appeared before the Directors of the Edinburgh Water Company, and practically said, "Come over and help us." The Edinburgh Water Company owed nothing to Leith. Neither the *habitues* of the Port, nor the inhabitants of Leith, took any part or interest in the undertaking. The promoters of the scheme were essentially and solely Edinburgh ladies and gentlemen, backed by the various public bodies which were to obtain a certain representation at the governing board. The appeal of Leith, however, was not in vain. Their request was granted. A Bill was passed for the purpose. The town of Leith and the village of Newhaven were included in the area of supply; and a clause was inserted, which gave to the Shipping interest, in the event of a scarcity of water, a preference over all other interests that purchased water, the shipping interest being made to rank next to the household supply. The extension of Edinburgh and Leith, and the consequent increase of population and manufactures, eventually proved too great for the resources of the Edinburgh Water Company. Besides, the feeling began strongly to prevail in the public mind that what was a necessity of life should be controlled by the local authorities, and not by a money-making company of shareholders, how useful soever they had been to the public in the past. An application to Parliament to buy up the Water Company, on the part of the Communities of Edinburgh, Leith, and Portobello was successful. A Water Trust was constituted in 1869, of which the Lord Provost of Edinburgh was made Statutory Chairman. The Provosts of Leith

and Portobello are Statutory Members. To that Board Edinburgh contributes seventeen members, Leith four, and Portobello one. In the matter, therefore, of a Water Supply, *Edinburgh and Leith have already joined hands.*

In the question of the purification of the Water of Leith, two separate Commissions have been called into existence. The first of these was in 1864. It was confined to representatives appointed by Edinburgh and Leith. It ceased to exist when the new Commission was appointed in 1889. That included not only the representatives from the two burghs, but embraced several members from the landward districts. In regard, however, to the question of the purification of the Water of Leith, in so far as the territory of both burghs is concerned, *Edinburgh and Leith have, therefore, already twice joined hands.*

The management of public affairs by an elected body of Commissioners or Trustees, nominated by the municipal representatives, is not a proper mode of representation. It is, at best, somewhat *oblique*. It resembles to a great extent the old exploded system of representation when the public at large had no direct voice. It may be argued that there was no other way, or better way, at the time, considering the circumstances of the case, than to leave the municipal representatives, who are placed in the position they occupy by the direct vote of the ratepayers, to elect or select those of their number, or any other citizens or townspeople they thought best able to discharge the duty. This, then, is but an apology for adopting the second-best way of conducting business. The superior mode, therefore, would be to have one great municipal body entrusted with the management of all those important matters of civic control and necessity, with the power to entrust the care and management of the various branches of administration to the several Committees which they select to control the same—the ultimate determination of every question of

importance being devolved upon the Municipal Council, who would thus be directly responsible to the ratepayers.

One half of the municipal work of Edinburgh and Leith being at the present time practically done by Commissions or Trusts, the question naturally arises—Is this a state of matters that ought to continue? Possibly the more pointed question will be put—Do the electors of both burghs consider that it is a satisfactory state of affairs, that they should have no direct voice in the election of those gentlemen who manage and control so much of their municipal concerns? It may at once be conceded that a change in the existing state of things will not be welcomed by the comparatively small part of the community represented in the term—“*Officialism*.” The great body of the people is too much controlled by the paid official. He is like Tennyson’s brook—

“Town Councillors do come and go,  
But he goes on for ever—ever!”

The permanent official is always against reform. He views every matter from his own comparatively small and exclusive stand-point. Strange to say, he has a most wonderful power over those who ought to direct him. He is found too often to desire to direct them; and unless they have sufficient backbone, he is usually pretty successful. This matter of amalgamation should not be viewed from the stand-point of official life, but from what is best for the ultimate benefit of the community at large. It is pre-eminently and solely a ratepayers’ question. Neither is it to be viewed from the stand-point of mere “*sentiment*.” That is the outcome of vanity—pure, unmixed, unadulterated vanity. Such vanity savours of the conduct of the Scotsman who met a brother Scot, with whom he had no personal acquaintance, but whom he knew very well by sight as a fellow dweller in his own town, on the hill leading to Mount Vesuvius, and he coolly passed him by; because, forsooth, *he had not been introduced!* The ques-

tion of amalgamation is not one of sentiment. It is entirely a practical one. Would it, or would it not, be beneficial to the Town of Leith to be united with the City of Edinburgh in its municipal management and control?

In order to discuss this question further, it is very desirable to present some statistics, which may be of importance in the consideration of the matter :—

The Population of Edinburgh is at present	.	.	.	.	261,261
Do.	do.	Leith	do.	.	67,660

The number of Inhabited Houses in Edinburgh is at present					51,075
Do.	do.	do.	Leith	do.	14,045

The gross Rental of Edinburgh is at present	.	.	£2,129,723
Do. do. Leith do.	.	.	390,127

The proportion of rental, therefore, in Edinburgh per head of population is £8, 3s., while in Leith it is only £5, 15s. 6d. If the rental of Leith was equal to Edinburgh in the ratio of population, it would amount to £550,000, or at least £160,000 more than it is at present. In the matter of taxation, therefore, the community of Leith has largely to gain from the much higher rented city, in the event of amalgamation being resolved upon. The rental of Leith is not one-fifth of the whole. To be placed in this position, its rental would require to rise to £420,000, or £30,000 more than it is at present.

From the Table appended to this volume it will be seen that the progress of Leith, as compared with Edinburgh during the last ten years, presents very remarkable results, thus :—

	Increase in Population.	Increase of Rental.
Edinburgh, . . .	33,071	£356,843
Leith, . . .	9,467	23,832

Going back to 1862, and comparing the figures of that year with those of 1892, the rental per head of the populations of the two burghs are found to be,—

	1862.	1892.
Edinburgh, . . .	£5 3 4	£8 3 0
Leith, . . .	4 9 10	5 15 6

It will be evident, from the above figures, that the increase in the rental of Leith has been the result of increased population of the town, more than from any material prosperity in the burgh; on the other hand, the value of real property in Edinburgh, measured by rental, has very greatly increased. Building for a considerable number of years past has chiefly gone forward in the part of Leith which joins the Edinburgh boundary. And, as has already been stated, the progress and future development of Leith cannot be very great, being unfortunately hemmed in on north and south. The Leith ratepayers have much to get from being united with Edinburgh. The rapid development of the City, and its yearly increasing rental in proportion to its population, must necessarily tend to reduce taxation on the part of the smaller ratepayers. Leith taxes are this year 2d. more than Edinburgh, notwithstanding that the townspeople have not the same privileges as the citizens possess. The tendency of all taxation in these times is upwards. The Imperial Parliament has imposed on local authorities many duties, sanitary and otherwise, that were not dreamt of in the philosophy of Town Councillors many years ago. Taxes imposed within a restricted area, where there is no great relief by development, must eventually become hard upon the poor ratepayers.

What are the further benefits that would arise from, and reasons for, amalgamation?

1. The double, and sometimes treble, agency would be avoided, and a large cost to the ratepayers saved. In the case of the Water of



Leith Drainage Scheme, the Town Clerk of Edinburgh was agent for the City, the Town Clerk of Leith was agent for his Burgh, and Mr White Millar acted for the landward part and the Water Trust. At every meeting all the agents appeared, contributed their respective wisdom, and noted down their respective fees. It was, therefore, a costly business. The Town Clerk of Edinburgh stood upon his dignity and rights. The Town Clerk of Leith took the same position. The Leith Town Clerk has been settled with ; but no adjustment has as yet been made by the Edinburgh Town Clerk. Although not a penny could go into the pockets of either, but the respective charges would go to the credit of what is known as the "Fee Fund" of each, the sum which the Water of Leith Commissioners had, or have yet to pay, was a great deal larger than would have been if one competent agent had been employed to carry out all the undertaking. The same remark also applied to the transfer of the Gas undertaking. The very differences of local interest frequently led to more meetings and prolonged discussions. This is not as it should be, and it is not in the interest of the ratepayers.

2. The different parochial divisions would fall to be re-adjusted. In Edinburgh there are two parochial boards with different management. The same remark applies to Leith. All this implies four separate sets of officers, with salaries, and a great deal of money loss in the management. South Leith Parish extends into Edinburgh. The inhabitants of Regent Terrace and the Abbey Hill district pay poors-rates to South Leith Parish, as well as School-board rates, although, strange to say, they have no vote in the election of the Members of the School-board that spends the money contributed by them. This is a great anomaly. There is evidently need for reform, not only in Edinburgh, but in Leith also ; and a union of the Municipalities would soon put these matters right. This also would be in the interest of the ratepayers.

3. Edinburgh has the good fortune to possess large educational

advantages. Leith is not so blessed. Edinburgh has a University which is deservedly the pride of Scotland; because, though the youngest in point of years, it has long been the largest and the most thoroughly equipped. It has a Medical School, and a Royal Infirmary second to none in Britain. It has a large number of endowed Educational Institutions, which are the pride of the city, and attract strangers from all parts of the world to visit and inspect them. Leith has none of these attractions. Even its High School, a time-honoured institution of the Burgh, falls now very far short of what it was in by-gone days. For the higher, as well as the secondary education, Leith is absolutely and entirely dependent upon the endowed institutions of Edinburgh; and the inhabitants of the Burgh have quickly recognised this, from the fact of the many names of Leith boys and girls that appear on the rolls of the Edinburgh Schools. Their right to these privileges would be more legal than it is, if the amalgamation of the Burghs took place.

4. Edinburgh has a Free Library. Leith has none, and is not likely to have, if left to itself. The advantages which such a library confers upon the community are only too obvious by a visit to any one of those which have already been established in various towns and cities. Even the boys and girls who crowd in, of an afternoon, will soon convince those who were formerly sceptical on the point, when they discover the amount of juvenile intelligence displayed by these urchins in the department specially set aside for themselves. The Edinburgh public has obtained this inestimable boon. Leith is without it. Leith residents have meantime no claim to it. An amalgamation between the Burghs would give the latter the same facilities for reading and culture which are so freely and fully enjoyed by the former. It may be said, the distance is too great for Leith people. There is no doubt that this difficulty would be speedily met by a district Free Library half way down Leith Walk.

5. Leith has no theatres or proper places of amusement. No first-

class entertainment ever ventures within the precincts of the Burgh, even although there are nearly 70,000 inhabitants. It has no daily press of its own, such as is enjoyed by even smaller communities. For all these necessities of civilised life it is dependent upon Edinburgh.

6. Edinburgh is a County within itself, with a separate Lieutenancy and Commission of the Peace. Leith would obtain its full share of these honours by amalgamation. It would be no longer subject to the County control, as regards its quarter sessions.

7. Edinburgh has large Charitable Funds at its disposal for decayed citizens:—The Trinity Hospital, Gillespie Hospital, the William Watherstone Fund, the William Hunter Fund, the Robert Christie Fund, the Craigcrook Mortification, the Pape Fund, etc., etc. Leith has no such bequests; but by union all these would become available to the town's-people.

The complications which have arisen in reference to the Tramways is but another illustration of the difficulties attendant upon divided jurisdiction. In that matter the Leith authorities were quite prepared to enter into an arrangement with Edinburgh for the joint purchase of the undertaking. In other words, they desired the establishment of another composite body to control this department of the public service without any direct responsibility to the ratepayers. Edinburgh declined such arrangement. Public feeling in the City was strongly against any more Commissions or Trusts. Edinburgh gave notice to the Tramways Company of its resolve to purchase, at the legal time and under the conditions prescribed by the Act of Parliament, the undertaking falling within its own jurisdiction. Leith, on the other hand, made arrangements with the Company to continue the present state of affairs, after being promised a money payment, or subvention. This was an attempt, on the part of both Leith and the Company to checkmate the City. What may yet come out of it has to be seen. When it is taken into

consideration that the interest of Edinburgh in Tramways is seven times that of Leith, it does look, in the meantime, as if there was a great desire on the part of the tail to wag the head.

In the determination of this important question of amalgamation, the matter ought to be discussed from a large and liberal standpoint, viz. :—What is best for the community at large. Mere territorial boundaries are a very small matter, where there is essentially one community. The Docks constitute the main feature in the trade of the town of Leith. It is on account of them, and by means of them, that the wholesale merchants of Leith do “live, and move, and have their being!” They have done great good to Leith. It has already been shown that Leith never made the Docks. The reverse is the case. The Docks have made Leith. The Messrs Tods’ flour mills, and the ship-building yards, and all the granaries, roperies, storehouses, etc., are the result of the Docks. Hundreds of labourers find employment there. Edinburgh has the greater right to claim an interest in the Docks, considering their history and the considerably larger population of the City as consumers of products brought into the Port. While Leith is entitled to all credit due to it for its progress, and may be still proud of its independence, it is nevertheless known over the world as the harbour of Edinburgh, the Metropolis of Scotland. It is so called in all Gazetteers. The Dock Commissioners have always held that the Docks are not within the Leith confines. They close their gates, and they conduct their own watching, lighting and cleansing. Their territory is between Leith and the sea. As a matter of fact, all the ground occupied by the Docks has been reclaimed from the sea. Although some arrangement has now been come to, whereby they contribute to the police assessment of the burgh, it is not based upon rental, but upon compact. The Commissioners have never owned that the Docks are embraced within the Leith territory.

The matter of amalgamation is not, however, one to be forced.

it must eventually come. It has been so in other places. There are always objectors to reform. There are always people who will make up their minds without studying the whole bearings of a question. There is little hope of them. They are like frogs stuck in the mud. There is hope of those who keep an open mind on any subject.

There were objectors to the union of England and Scotland. There were those who considered that Scotland had lost her independence and her position as an unconquered country. There are those who deplored the departure of the Scottish Court from Holyrood and the nobility from the streets of Canongate. All these wished to stand upon their dignity. But what has been the result? Nearly two centuries have gone, and, looking back upon the past, he would be a bold man who would deny that the amalgamation of England and Scotland has been the means of contributing immensely to the material prosperity of both the nations.

There were objectors to the Railway System when first introduced. These were chiefly the landowners. They thought the new enterprise would interfere with the posting arrangements of the country, and be the ruin of all the hostelries scattered over the kingdom. They contended that there would be little need for horses. All their objections proved a myth. The railways produced more employment for men and horses; and the many well-appointed hotels that have taken the place of the old town and village inns over the whole country, prove too unmistakably the utter absurdity of their fears. They also thought that their landed properties would be greatly depreciated in value. They very soon found out that the reverse was the case.

There is an old saying that "Union is Strength." This the town's-people of Leith will soon realise, when they see their way to amalgamation.

In reference to the Burgh of PORTOBELLO, and its being included within the Edinburgh territory, that is a question which it

has not been thought desirable to treat in these pages. The union of Portobello to Edinburgh is so manifestly to the advantage of the former, that it is surprising that the authorities of the watering-place have never thought it to be their duty to approach the Edinburgh Town Council on the subject.

Portobello is too small a burgh to be able to make any great improvement such as is desirable should be done for its future development and welfare. Its rental is not sufficient for the purpose. By becoming part of Edinburgh the City would feel bound to improve the beach and promenade. Edinburgh owes something to its watering-place. Portobello is essentially the chief locality where the working classes of the City resort to on Saturdays, as well as on high days and holidays. The crowds that repair to the seaside, and the unruly conduct of many persons on such occasions, must be very trying to the Magistrates and Council, as well as to the limited staff of police officers at the service of the Burgh.

The question of amalgamation, however, is one for the local authority and the ratepayers of the town to determine. It is quite possible they may see the matter in a totally different light. If so, it will turn out to be only an illustration of history repeating itself, in regard to the want of foresight occasionally developed in mankind and in womankind :—

“She was daft to refuse the Laird o’ Cockpen.”

**TABLE**

SHOWING the PROGRESS of the BURGHS OF EDINBURGH AND LEITH respectively, during the last Thirty-five years, as regards POPULATION and RENTAL.

YEAR.	POPULATION.	INCREASE DURING FIVE YEARS.	RENTAL.	INCREASE DURING FIVE YEARS.
1857				
Edinburgh, . . . .	160,302	...	£761,863	...
Leith, . . . .	30,919	...	130,865	...
1862				
Edinburgh, . . . .	168,098	7796	£868,495	£106,632
Leith, . . . .	33,530	2611	150,642	19,777
1867				
Edinburgh, . . . .	168,121	23*	£1,003,793	£135,298
Leith, . . . .	33,628	98	192,922	42,280
1872				
Edinburgh, . . . .	196,500	28,379	£1,253,412	£249,619
Leith, . . . .	44,277	10,649	236,784	43,862
1877				
Edinburgh, . . . .	196,979	479*	£1,468,941	£215,529
Leith, . . . .	44,280	3	304,523	67,739
1882				
Edinburgh, . . . .	228,190	31,211	£1,772,880	£303,939
Leith, . . . .	58,193	13,913 +	366,295	61,772
1887				
Edinburgh, . . . .	235,357	7167*	£1,932,899	£160,019
Leith, . . . .	58,196	3	366,396	101
1892				
Edinburgh, . . . .	261,261	25,904	£2,129,723	£196,824
Leith, . . . .	67,660	9464 +	390,127	23,731

\* It would appear that the Returns for these years, as regards Population, are not reliable, being merely estimated numbers. All the others are made immediately after the New Census, and may be taken as correct. The Rental of the Burghs during each of the years may be held as accurate, being furnished by the Assessors. The figures are taken from Oliver & Boyd's Almanac.

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