

I close with an extract from a letter from a James Semple in Irvine to Blain, dated 8th November, 1778. Semple writes—"Sometime last summer I desired James Stuart, "Smith in Rothesay, to send me a boy from Bute for a "servant, and about the end of July he sent James Stuart, a "young lad, son of Janet Stuart, a widow woman in Rothe- "say. He came here quite in rags and staid about a fort- "night till he got a scarlet coat and vest and a pair of "leather breeches which I gave him five shillings to pay for "at Kilmarnock, and a pair of plated knee buckles. When "he got himself drest in these cloathes he eloped to Rothe- "say." The boy and his mother refused to return the clothes, and Semple asked Blain to recover them for him. But history is silent as to whether Blain was successful or whether Stuart was able to walk the streets of Rothesay in his finery—the admiration of his youthful companions.



THE FOLEY PIGEONS.

By R. D. WHYTE.

(Read 5th March, 1929).

During the latter half of the Eighteenth Century the Town Council of Rothesay were offering inducements for people to settle in the town and to build houses. One is accordingly rather surprised to find that when John Gordon, formerly of Bengal, shortly after his arrival in Bute, approached the Council saying that he was much attached to the Island and wished to fix his residence in it, that his settlement in Bute might be productive of good effects to the trade of the place and that he desired to feu or purchase outright Craigmore Farm, consisting of about 51 acres, the Council turned the proposal down. Had they some information of his litigious tendencies or was he already assisting the Radical party, who were a thorn in the flesh of the majority of the Council? Whatever may have been the reason of the Council, Gordon had quite made up his mind to settle here. He purchased a small property in High Street from Archibald Sharp, Shoemaker, and then feued from the Bute Estate a piece of ground adjoining. And one is more mystified than ever. For Peter May was Factor on the Bute Estate, and it is difficult to conceive of Peter May not doing all he could to prevent a feu to a friend of his avowed enemy, Bailie Robertson, and especially to one whom he described some five years later, as "a man, or rather a demon, who seemed to pike (sic) himself in creating mischief and discord." Be that as it may, Gordon got his Feu Charter in 1786, and then proceeded to build a house. Now, had he contented himself with building a house all would have been well, but he must needs build a pigeon house adjoining the main house. This was—and is still, strange as it may seem—illegal. An Act of Parliament

of the year 1617 declares that no person can build or have a "doucat" neither in burgh or county unless he possesses land yielding a yearly rent of "10 chalders victuell." This in Gordon's day would represent something like £198, and clearly Gordon had no such land. Whatever Gordon's position may have been in 1786, he was now—three years later—a leader of the Radical party and apparently a well-known litigant. His defiance of the law by the building of the pigeon house was too good an opportunity for his opponents to let slip, and so an information was laid before the Sheriff. Now, although it was illegal to build or have a "doucat," the Court of Session had decided that once a dovecot was built by an unqualified person there was no need to pull it down. It might be used for other purposes or the owner might become qualified to have one through the acquisition of other lands. After litigation extending over a year Gordon was ordered to close his pigeon house. He declined, and tradesmen were employed to do the work—Sheriff Bannatyne himself attending and seeing that the work was properly carried out.

But soon afterwards it was noticed that the holes on the East side were open, and the case again came before the Sheriff—in October, 1790. Gordon appeared along with his Solicitor, John Muir, but Gordon seems to have conducted his own case. He raised preliminary objections—amongst others, that the petitioners' agent was not authorised to bring the case into court; that the petitioners themselves—George Gilroy and others (who were really nominees of the Bute Estate)—had no lands on which pigeons could feed; that the pigeons were tame and fed at home; that the keeping of pigeons was quite common all over the whole kingdom and so the Statute must be held to be abrogated; and above all that the whole case was a political one as he happened to differ from the complainers in politics. In reply, the complainers stated that Gordon's assertion that pigeons were kept by great numbers of families in every place and that the Statute must be repealed was so extraordinary that it was impossible to give credit to it merely on his *ipse dixit*. He had

further stated that pigeons were kept about Rothesay but could not mention a single individual who kept them. Further "politics had nothing to do with the matter—the action was "to free them from a nuisance they were not obliged to submit to. It was a new and curious plea to insinuate that "because he had chosen to erect himself into a politician he "was therefore entitled to retain a flock of pigeons to make "depredations on the property of all around him. He had "also introduced a strong and violent attack on the procurator in the cause (John Wright). Considering the fate of his "former numerous law suits it is not to be wondered at that "he should endeavour to drive away the only other procurator "practising before the court, so as the litigation might remain "with his own man of business alone." (John Blain, the other lawyer in the town, was Sheriff Clerk and he could not conduct actions in Court). The Sheriff found that the interdict had been broken, and he ordained William Jamieson, John Pringle, Robert Bannatyne and Thomas Hyndman to again close the holes. The account for the work amounted to £1 7s 3d, and it was rendered to the Sheriff with this letter :

"The above we humbly hope will not be looked on as
"too high considering that our concern in the business
"was and is likely to prove dangerous, not only to the
"interests of our families but to our persons. We are
"unwilling to enter into a detail of particulars. It is
"necessary to observe, to throw us upon Mr Gordon for
"our payment as was done formerly as to some of us, is
"the same thing as to oblige us to a service so disagreeable
"without any payment for he will not give us
"any money, and it may be easily conceived that we will
"not judge it proper to bring a process against him for
"matters so small."

But who had opened the holes? At first it was only on the East side that it had been noticed that the holes were open. Further investigation showed that the holes on the South side were also open. At the proof, one witness deponed that a person standing on the outside of the pigeon house and

beyond the burn on the South side might by throwing stones knock off some of the boards. Witness after witness gave his evidence as evasively as possible, and still the mystery was unsolved, until the last witness, John Macdonald, a servant of Gordon, admitted that he had opened the holes by the orders of Captain M'Alister, then living with Gordon! Gordon was fined £10 10s, or to be imprisoned in the Tolbooth of Rothesay till payment was made, and to find caution for obeying the interdict. He was further found liable to the extent of 15s towards the cost of shutting up the holes.

Gordon appealed to the Court of Session, but he did not find caution for the expenses, and the appeal was accordingly dropped. The proceedings in the Sheriff Court were resumed. After further objection by Gordon to the expenses of the Cause, decree was given against him for £3 2s 7d. Gordon paid no attention. Apparently, for financial reasons, he was anxious to sell his property and leave Rothesay.

"Lucifer like, his pride had got a fall and his crest "lowered. What a change and what a convulsion must have "been wrought up in his own breast that could force him to "part with his favourite Bellevue and his more favourite "pigeon house. *Sic transit gloria mundi*" So wrote Peter May.

But who would buy Bellevue—which must have been one of the largest, if indeed not the largest, house in the town. "It would make a fine manse for the Minister," thought Peter May. Truly the manse was in a dilapidated condition, but the heritors were busy enough with the Church, and the manse had to serve many a day before they would build a new one. But John Young, Professor of Greek in Glasgow University, and a frequent visitor to Rothesay, came forward as a purchaser. In the course of negotiations it was whispered that Young was not purchasing for himself, but on behalf of Lord Bute, Gordon's political enemy. If this were so, would Gordon sell? When put to him whether he would sell all his property in Rothesay he had declared that he would willingly sell—even to a Tyrant! But now he was making inquiry as

to Young's *bona fides*, and meantime the sale was held up—ostensibly on a technical point. It was possible to put a little pressure on Gordon—there was still the decree against him, with possible imprisonment. A warrant for imprisonment was actually asked on 26th May, 1791, the Sheriff-Substitute made *avizandum*—probably by arrangement—and shortly after Gordon left Rothesay. The sale of Bellevue and other Rothesay properties was completed in the following August, the purchaser being John, Viscount Mount Stuart, Lord Cardiff.

But the name Bellevue had been discarded by the public, and locally the house was known as Gordon's Folly, and in the minute of the Register of Sasines it is called "The Folly." The next occupier was Archibald Moore, then Surveyor of Taxes. He saw it was impossible to effect a change of name, so he slightly changed the spelling and named it "The Foley"—the name it still bears.

