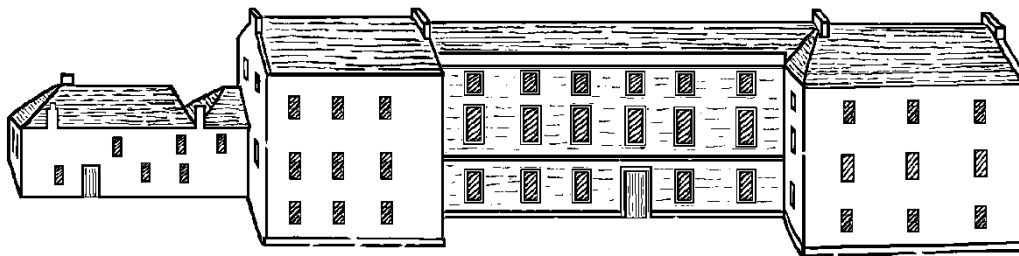

The Sale of the Callendar Estates in 1783

by Thomas McGrouther

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Illus: Callendar House as it would have appeared in 1783.

The Livingstons, latterly Earls of Linlithgow and Callendar, owned the lands of Callendar for three hundred and seventy-one years, from 1345 till 1716, at which latter date the estates of James, fifth Earl of Linlithgow and fourth of Callendar, were confiscated in consequence of his attainder for taking part in the rebellion of 1715, and, although the estates were sold, the heirs of the last Earl continued in the occupancy of the lands as tenants with all the powers of a proprietor for another sixty-seven years. It is not surprising, therefore, that, when the Linlithgow estates were exposed for sale in 1783, the Earl of Errol, the great-grandson of the last Earl of Linlithgow and Callendar, then residing at Callendar House, should have desired to buy back the Callendar estates. He accordingly arranged for what he and his advisers thought was sufficient money to be available, and gave instructions for offers to be made for him at the sale. He thought he had thus accomplished his object. His plans, however, were upset by the appearance at the sale of William Forbes with a longer purse. The result was that Mr Forbes became the purchaser of the barony of Callendar and Falkirk, and the barony of Almond or Haining, the principal estates.

The ousting of the old proprietors from the Callendar estates caused a sensation at the time, and the story of the sale was told and retold for long, and indeed occasionally down to the present day. For many years those telling the story, unless they were archaeologists who studied the subject, have generally said that the sale took place at Callendar House instead of in the Parliament House, Edinburgh, and some other errors crept in. It has been thought advisable, therefore, to put the facts on record.

The Callendar estates confiscated in 1716 were, along with the majority of the estates confiscated at the same time, acquired in 1720 by the Governor & Company of Undertakers for raising the Thames Water in York Buildings, called for short the York Buildings Company, and were in the following year let for twenty-nine years to trustees for Lady Anne Livingston, afterwards Lady Kilmarnock, only daughter of the last Earl of Linlithgow and Callendar, and were let before the expiry of that lease to Lord and Lady Kilmarnock for an additional thirty years. The second lease expired in 1780, but Lord Errol remained in possession of the estates as tenant of the Company.

The sale took place on 8th August, 1783, in virtue of an order by the Court of Session obtained in a case, the procedure under which was the most complicated and the most lengthy known. At a later date Sir Walter Scott's father was engaged in it, and it was no doubt the prototype of the famous law-suit in "Redgauntlet" - Poor Peter Peebles versus Plainstones.

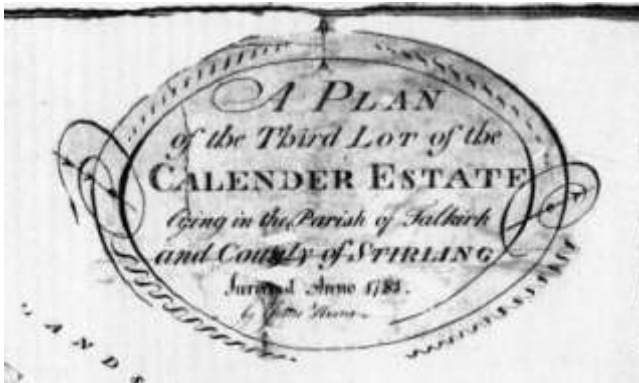
In 1735, the York Buildings Company being in financial difficulties, certain creditors of the Company raised an action of ranking and sale, then (there being no bankruptcy law in Scotland) the only method of distributing a debtor's estate among the creditors. This action has been described as the most elaborate, tedious, and unwieldy procedure known to the law of Scotland, and it certainly proved so in this case. The action was defended by the Company, and every known expedient used to cause delay. By 1750 little progress had been made, and in an endeavour to expedite matters, other creditors raised a second action of ranking and sale, but it was conjoined with the first, and the combined actions drifted on as before. In 1763 an Act of Parliament was obtained to give effect to an arrangement made between the Company and the creditors for the sale of four of the estates and the payment of the price to certain creditors, and by the Act authority was given to the court to carry out the arrangement in connection with the ranking and sale. The sale took place in the Parliament House on 20th February, 1764, the agreed-on creditors were paid, and the action of ranking and sale went on. In 1777 another Act of Parliament was obtained authorising the Court of Session to sell the remaining estates without waiting for the conclusion of the ranking of the creditors. Under this Act several estates were sold in 1779, others in 1782, and the remainder (including the Callendar estates) in 1783. The Company's estates in Scotland had now been realised, but the distribution of the money had still to be arranged, and it was not till 1802 that the order of ranking was decided on, and the action of ranking and sale brought to an end. It had lasted for sixty-seven years.

It is interesting to compare what took place at the sale in 1764 with what took place at the sale in 1783.

The estates exposed for sale in 1764 were part of the Marischal, the Panmure, the Southesk, and the Pitcairn estates. The sale is reported in the "Scots Magazine" for 1764. After explaining the circumstances leading up to the sale, the report goes on:-

"The estates were put up to public roup or auction on Monday afternoon, 20th February, 1764, in the Parliament House before the Lord Auchinleck, appointed by the Court, judge of the roup. The House was crowded. The Earl Marischal, the Earl of Panmure, and Sir James Carnegie of Pitarrow, heir male of the family of Southesk, were there in person, attended by some of their friends, and each purchased what formerly belonged to his family at the upset price, nobody offering against them. The people in the galleries

could scarce forbear expressing their joy by acclamation at seeing these estates returned to the representatives of the ancient and illustrious families to which they had formerly belonged. The small estate of Pitcairn was purchased likewise at the upset price by a gentleman for behoof of the sisters and heirs of the former proprietor, who was the only son of the celebrated Dr Archibald Pitcairn of that ilk, physician in Edinburgh, who died without issue."



Illus: Title caption from the plan of the Third Lot drawn up for sale in 1781.

In 1783 there was a keen competition between Lord Errol, the representative of the old family, and Mr Forbes. The barony of Callendar and Falkirk was exposed in one lot at £30,708 5s 3d, and was purchased by Mr Forbes at £66,500, and the barony of Almond or Haining was exposed at £8,179 5s 3 1/4d, and was

purchased by Mr Forbes for £16,600. There was now only one hope for Lord Errol. The Articles of Roup (conditions of sale) contained a clause that the highest and last offerer should be obliged within a certain period after the day of the roup to grant bond for the price offered by him, with a sufficient cautioner or other security. As Mr Forbes was not known in Edinburgh, it was thought he might have some difficulty in implementing this condition. He, however, had come prepared, and he produced a Bank of England note for £100,000 and asked for the change. Change could not be given him, as none of the banks in Edinburgh cared to become proprietor of such a valuable note. The total price paid by Mr Forbes, though more than twice the upset price, was considered low at the time.

In 1764 it was considered a point of honour not to compete at the sale with the representatives of the old proprietors. The feeling was not so keen in 1783, but it still subsisted to some extent, and in consequence Mr Forbes was disliked by the partisans of Lord Errol, among whom were the miners in Carron Company's coal and ironstone pits on the estates. After Mr Forbes took possession, the miners decided to show their disapproval, and one dark winter's night they went to Callendar House and shouted and made a great noise. Mr Forbes was not at home, but coming back from Linlithgow he heard the noise and saw a great glare in the sky. He thought Callendar House had been set on fire, and he turned back for assistance. When he returned, the glare was still in the sky, as it arose from the furnaces at Carron, and Callendar House was intact. In Kay's Original Portraits there is a cartoon in which Mr Forbes is shown standing and turning away from the furnaces, the title of which is "Copperbottom's Retreat, or a View of Carron Work."



Illus : John Kay's Potrait of Copperbottom's Retreat

"Copperbottom" was a well-known soubriquet for Mr Forbes. The incident which gave rise to the epithet is also well known, but may bear repetition. Mr Forbes was a native of Aberdeen, in business in London as a tinsmith, and had made some money. He got a hint from a friend in the Admiralty that the Government intended to sheath their ships with copper, so he bought up all the copper in the country (made a corner in copper, we should say now), and was able to demand a high price. The experiment was not successful, as iron nails were used and the copper corroded, so the copper was stripped off as useless, and Mr Forbes bought it back at a small price. Then he said if copper nails had been used there would have been no corrosion, and he met the argument that nails could not be made of a soft metal like copper by setting to work and proving that they could. Certain judicious gratuities helped him to get this view adopted, and he sold back the copper to the Government at a second handsome profit. This was the foundation of his huge fortune, and earned him his nickname. This nickname descended from father to son for two generations. Mr Forbes's grandson, was known in Falkirk as Copperbottom, and if it was wished to refer to his grandfather, the grandfather was called Old Copperbottom.

Footnote:

Thomas McGrouther gives one version of the story of Copperbottom's Retreat in the foregoing article. Hugh Paton, the editor of Kay's Original Potraits published in 1837 in Edinburgh added explanatory notes to the various drawings and his account of the incident is as follows:

Having realised a handsome fortune, Mr Forbes began to look about him for an eligible landed investment; by the sale of the Callendar estates, about 1786, a favourable opportunity presented itself. This property, forfeited in 1715, was in the hands of the York Buildings Company and let to the Earl of Errol, for an annual rent, we believe, of £870. Here the Earl of Kilmarnock resided till the fatal crisis of 1745. His lady, who was a daughter of the attained Earl of Linlithgow and who succeeded eventually upon the death of her aunt to the title of Errol, was naturally desirous of recovering her father's possessions but she survived the execution of her husband but a short time. Her descendants (*footnote: Livingston of Westquarter*), it was said, entertained a similar anxiety for these estates which, when brought to the hammer, were set up at a low price, to favour them. Forbes, however, did not fail to appear on the spot; and with his "copper transmuted to gold", became the purchaser at a remarkable cheap rate: so much so, that he has been frequently afterwards heard jokingly to remark that even the wood on the estate would have bought the whole.

The neighbourhood was much excited when this result was known. The inhabitants of the ancient burgh of Falkirk, always known for their clannish feeling, were in a paroxysm. The house of Callendar had ever been identified with "the bairns o' Fa'kirk" and kept up till a late period the old feudal dignity that had long distinguished it. So late as 1759 the following entries appear in the household accounts – "4th Nov. Shoes to my Lord's pyper, 2s;" "3d Dec. o my Lord's pyper, two weeks' kitchen money, 1s." This, we presume, must have been the piper of Kilmarnock.

Mr. Forbes and his brothers experienced the height of insult and abuse whenever they entered the town. His younger brother, James, in particular, was a favourite source of amusement to the then unchecked mob. He was not of the most shrewd intellect and his simplicity subjected him to much rudeness. His coat-tails were cut away on one occasion; and on another, his queue was docked, from which he was ever afterwards called *Rumpock*. It is singular that the colliers who had been the hereditary bondsmen of the old family were the most devoted to them. One night in autumn, during the militia riots in 1797, a great band of them, aided by a few of the town's lads, went out with a drum and, parading round the house, so alarmed Mr Forbes and his brothers that they fled by the back door and ran up through the wood. Looking round from among the trees, they beheld the flickering blaze of Carron Works and, imagining that Callendar House was in flames, proceeded with all speed by the village of Redding to Linlithgow, from whence they posted to Edinburgh where, applying to Lord Adam Gordon, the Commander-in-Chief, they caused a troop of Lancashire Dragoons to be sent out to Falkirk, who inflicted their unwelcome presence on the inhabitants for nearly half-a-year. It is to this affair the caricature of *Copperbottom's Retreat* alludes.

From John Kay, **Original Portraits**, edited by Hugh Paton and published in Edinburgh 1837-38; Volume 2, pages 105 - 110