

Dated 24 December 1818

The Principal Officers of the Ordnance

and

The Committee of Proprietors of Princes Street, Edinburgh

Agreement regarding the Banks and Ground of Edinburgh Castle

**Articles of Agreement** made and entered into this Twenty Eighth day of December One Thousand eight hundred and Eighteen. Between Sir Hildebrand Oaker Baronet, Lieutenant General of his Majesty's Ordnance, Sir Robert [Moorston?] Knight Commander of the Bath, Surveyor General, Robert Ward Esquire, Clerk of the Ordnance, Mark Singleton Esquire, Principal Storekeeper and the Honourable Edmund Phipps, Clerk of the Deliveries, Principal Officers of his Majesty's Ordnance (for and on behalf of his Majesty) of the one part and The Honourable James Clerk Rattray one of the [Bar.....jesty's] Court of Exchequer in Scotland, Henry Home Drummond Esquire Advocate, Andrew Murray Esquire Advocate, Henry Jardine Esquire, Writer to the Signet and Alexander Monro Esquire residing in [one?] Princes Street Edinburgh being a Committee named by the Proprietors of Princes Street, Edinburgh West of Hanover Street and acting under an Act of Parliament passed in the Fifty Sixth year of the reign of his present Majesty and Alexander Douglas, Writer to the Signet, Clerk and Treasurer of the said Proprietors acting under the said Act of Parliament of the other part.

**Whereas** the said Committee on behalf of themselves and the said Proprietors [.....2/3 words...] by the said Proprietors have applied to and requested the said Principal Officers to grant to them the use and occupation of All that the Bank of Edinburgh Castle called the North Bank and ground lying northwards from the said Castle and the Parade thereof towards a piece of Marshy Ground called the North Loch and Princes Street aforesaid. And also of the South and West banks of the said Castle, all which said Banks and Ground are now in the occupation of/

except and reserved however to the said Principal Officers and the Successors Principal Officers as aforesaid for the use of his Majesty his heirs and Successors the several Tenements now standing and being at the foot of the said Bank called the Castle Bank and in the occupation of Sundry Persons who hold the same under the said principal Officers/

for the purposes of draining and improving the said Piece of Marshy Ground called the North Loch. And whereas the said Principal Officers have agreed to comply with such request for such Term and under and subject to such conditions and restrictions as are hereinafter mentioned. Now these Presents Witness and it is hereby mutually covenanted, declared and agreed and whereas the said [Parties made in manner?] following, that is to say

1st

That the said Proprietors and their Successors shall and may use, occupy and enjoy the said Banks and Ground hereinbefore described (except and reserved the said several

Tenements as aforesaid) for the purpose of draining and improving the said piece of Marshy Ground called the North Loch henceforth for and during and until the same Banks and Ground shall be wanted for the Public Service and until notice therefor in writing shall be given or left for the said Committee or the said Alexander Douglas as their Clerk and Treasurer as aforesaid or the Clerk or Treasurer for the time being of the said Committee at his house in the City of Edinburgh aforesaid.

2nd

That for such use and occupation the said Committee for themselves and the said proprietors and their successors shall and will pay the Governor for the time being of the said Castle of Edinburgh on the Twenty Eighth day of December annually the sum of thirty two pounds the same being the amount of rent which has hitherto been received by the said Governor for the grazing or Pasturage of Cattle upon the said Bank and Ground hereinafter described.

3rd

That the said Committee for themselves and the said Proprietors and their Successors shall and will also pay to the Ordnance Storekeeper in the said Castle of Edinburgh for the time being the sum of one shilling for the use of his said Majesty his heirs and Successors, on the said Twenty Eighth day of December annually by way of acknowledgement of the Right and Title of his said Majesty his heirs and Successors to the said Banks and Ground hereinbefore described.

4th

That in case at any time hereafter the said Banks and Ground shall be wanted for the Public Service and notice thereof in writing signed by or on behalf of the said Principal Officers or their Successors Principal officers of the Ordnance for the time being shall be given to or left for the said Committee or their Clerk and Treasurer for the time being as aforesaid at the house of the said Clerk and Treasurer then the said Committee and Proprietors or their Successors shall and will upon or immediately after such Notice so given or left as aforesaid, peaceably and quietly leave, surrender and yield up the said Banks and Ground into the said Principal Officers or their Successors Principal Officers as aforesaid, for the use of his said Majesty his heirs and Successors.

5th

That in case the Water Pipes or the Tanks or Reservoirs of Water in the said Castle, or any of them, shall at any time during the continuance of these presents be out of Order or in want of repair then and in such cases and as often as the same shall happen, it shall and may be lawful to or for the Soldiers or Personnel forming the Garrison of the said Castle for the time being have free access [...2/3 words...] drawing of water adjoining [?] at the foot of the [..?..] Rock whereon the said Castle stands and to have, take and use the Water therein until the said Pipes, Tanks or Reservoirs shall be again put in order and fit for use and that the said Spring shall in the meantime and from time to time by the said Proprietors and their Successors be cleaned or caused to be cleaned out and kept clean and free from Dirt or Soil.

6th

That the said Committee and Proprietors and their Successors shall and will permit and suffer the Governor and Lieutenant Governor of the said Castle, the Officers of the North British Staff, the Civil and Military Officers of the Ordnance and the Fort Majors of the said Castle for the time being and their respective Families, Friends and Acquaintances at all times gratuitously to have free access to and the Free use and enjoyment of all or any of the Walks which shall have been made by the said Committee and Proprietors on the said piece of Marshy Ground called the North Loch or any part thereof.

7th

That the said Committee and Proprietors for the time being shall and indemnify and save harmless the said Principal Officers and their Successors Principal Officers as aforesaid and also his said Majesty his Heirs and Successors of and from any additional expense which may be incurred for or on account of all or any of the present Sewers or Drains of the said Castle in consequence of the said proposed Improvements and in case it shall at any time be found necessary to lengthen all or any of the said present Sewers or Drains in order to join the projected new Sewers or Drains, then the expense of lengthening the said present Sewers or Drains and of all future Repairs of such parts thereof as shall be lengthened as aforesaid shall be paid and borne by the said Committee and Proprietors and their Successors it being the true intent and meaning of these Presents and of the Parties hereto that the charge and superintendance of the said Principal Officers or their Successors of or over the said Sewers or Drains shall not extend further than to the Termination of the said present Sewers or Drains.

8th

That the said Principal Officers having with a view to preserve the clean lines of the Parade and of that part of the Castle Bank which immediately adjoins the same lately caused to be erected and set up a Dwarf Wall with a close Iron Rail thereon extending from the Angle of the Castle Works to the Angle of the Garden Wall belonging to Hugh Warrender Esquire; the said Committee and Proprietors shall be at liberty to plant a Belt of Shrubs and young Trees beneath the said Wall.

9th

That if at any time from or after the planting of the said Shrubs [.....7/8 indistinct words...] of his Majesty's Ordnance, or the Commander of his Majesty's Forces in North Britain for the time being shall think it necessary for the Security of the said Castle, or for any other reason of cause whatever (but which reason or cause it shall not be necessary for him or them to make known) that the said Shrubs and Trees should be cut down or rooted up and that the Ground whereon the same shall be there standing or growing should be levelled then and [in?] such case it shall and may be lawful to and for the said Master General or Principal Officers or the said Commander to cause the said Shrubs and Trees to be so cut down or rooted up and the said Ground whereon the same stood to be so levelled as aforesaid without making any compensation whatever for the same either to the said Committee and Proprietors or their Successors or to any other Person or Persons whomsoever.

Lastly,

That the said Principal Officers of his Majesty's Ordnance shall not in any sort be liable [...indistinct line of text at join of parchment...] Action of Covenant or upon any other manner answerable in their any or either of their private Capacity by reason or means of their being on his Majesty's behalf parties for these Presents. In Witness whereof the said Parties to these Presents have herunto set their hands and Seals the day and Year first above written.

Sealed and delivered

being first duly stamped in the presence of

HH Bowe [?] of Edinburgh Clerk to Alexander Douglas

David Brown of Edinburgh, apprentice to Alexander Douglas

[Signatures and seals signed and stamped of]

A.....Drummond

.....Rattray

....Murray

.....Jardine

A Munro

Alex Douglas