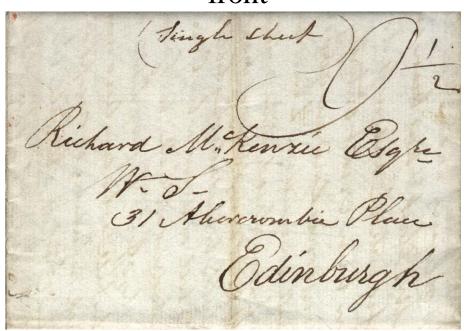
Gatehouse Postal History

1829 – 24th October

John Brown, Enrick to Richard McKenzie W.S., Edinburgh Postal charge was 9½d.

front



back





Re: Dispute over liability for deceased contractor's debt



Gatehouse collection stamp



Edinburgh receiving stamp

Ruburd McKente Lagr Enruk 24 Och 1829 M. J. Edenburgh S Dear ter I pured your of the 21" last rughton my return here from Dunfrees - Stating that MYBlack Monter, & agent forthe Brokesh Linea & in Migton, had written loyon to know the names of Mr Aughans Curators, & thather intended to ruse an action against them for payment of a Bell for £ 187 descounted by the late Gordon Green on Shepherd in Halbar - In order that you may moreland Me nature of the business I think should be list to good you a nurrative of the facts - It the line I got the surragement of Mr Aughans properly you are aware that Falbant Colerous ever in the possession of the Curators Theed been for some years manerges by hir off Lean, who residing on the adjoining land of Mark had them weder his eye However as myplan of residence evas about 15 Trules destant, I was anxious that there farms should be let, but as the Stack was on the land I as thewas contidered an unfavorable tun both for desposing of it and for letting the farms I was requested to writing to manage whereth the afsestaring of any respectable person receding on the neighbourhour as an overteer to look occasionally after the Shiphieds Ho affect abthe buying Helling of the Stock -The late Gordon Greerson, who resided on the adjoining land of Cool & who aposted several Gentlemen en the mighbourhood, in the management of rural concerns was recommended to me as the most house a Home bestertal person that wald be got & land of Bool twho aposted Several y all concerns was recommended to me as the most house Skilful Hounfedential person that would be got & as he agreed to superintend the management of the land flow the resummer about the Courators or to me, he aftethed in the valuation timentory of the Stock & continued to devote what have be could spare tar attending to these lands - As he has occafreon to be at Falbar only two or three times can the week he said he would be satisfied in the meanterne with the proce of the most mails let to the people

about Crutown which amounted to about Twenty & ours annually - I saw that he would any farther remuneration to the Curators exto Mr Aughan when he came of age, provided In gave complete Subsfaction to all parties. When Mr Elewart was appareted on of the Curations he frequently retited Healbar I was very much Seiterfie with Grierkous Manuegement, Holing hetter acquainte with him than Lives, he approved of his continuing to manery the lands, Hevas agreed on, that he was to after m buying I Litting the Stock, but he was not to do so without previously consulting with Mr Stewertor me the was thrully enjoined nuther to purchase nor till either Theep or Couttle on credit, but to do every thing by ready money, nor evereither Mr Shwarl or Lever ceware that he had in any instance down otherwise titl after his death I When he wanted money to pay the Cuttle has purchased with the Sanction of mir Shewart or me, I gave it to him, twhen he disposes of their or battle with the Sanction of aller of us, he either paid this amount with part of the free purchased young purchased with the summer of their or battle with the Sanction of ether of is, he either paid this amount to hu, or with part of the prin purchased young cattle borglein those told & paid the difference our to me, I frequently peur about lothe land Twhen I was making up my yearly aucusts I excurred the Stock or the lands & Charged my delf with the cuth I had received from him in the worke of the ye ar, as the rent of the land In this way matters continued, & afew years ago he came to reside on Fulbar, as the house was Standing empty, but he that continued to do buseing for coveral Gentlemen with me plour hood in afsekling them to livy Ill Stock as formerly ver Mr Ligner of Shouch an, Mr M Caa, + Mr Black in Mugton low how he was particularly obliging the also did huseny for Mayor Compbell of Capterway the was in Dunifrees burging tilling calle for hun

the week before his death - On his residing writtently out Follow the only ordelition trade lakes wages was, in getting a Cow Kept, and four bolls of meal en the year - Things were managed in this way all Now last when he suddenly deed of our apopling, & Awas not till after his death that eether Mr fluvart or Levere cuvare he had ever dealt on Credit or on Bells, for Nullen Mefas Black, MEace nor any of the bankers who gave him oudst ever mentioned the subject to Milliwart or me till after his death, & although law me frequently I Her Hewart almost douby they never enquired whether Green con was allowed to discount bells greened was a very active intelligent tobligues nam yas he was very internate with Mr Black & has been employed buy how often in confederateal business, Mr Black That no doubt given him credit antirely on his own Gudit ash was considered in good arcumstances In regard who bell in question I ban day bille wothers, for as I have already stated neither Tewast nor I know cany thing of it nor of y of his other bull brenesachous till after his death - This bell is drawn by Greenon and accepted by a hir Andrew Migell, but on my presen our after Greenous death, ofered lapay £100, the rest being he had added to the bill tobe an accommodation to Greenson. Mr Black refusing to accept of the 5100 randaligence andhe hell I put allfill in fail, Will had prevently failed the then took out alefsio, Env Black has often applied to allo theward one for payment of this Bell, but we considered as we never authors Will had prevently fame. Err Black has often applied to elle Stewars of her for puryment of this Bell, but we considered as we never authors Cheeran either to draw or leuft bills, nor were aware that he grussion was we could not be liable, Besides the bell in question Leenes to have morely been an accommodation bill, for it thates only value received without referring to any transaction fas Grunon ded business for other Gullemen, Aught les as much consected with their business as with ours. I unserctain there is a cure in point labely duided with house ophords with year 1825. Telford Shirling Bank) again Lames, Wood James . When Arnot their agent drier abill in hy awn name for the prese of goods of their Sold to Paterson by Paterson the faciled the Bank brought an action against Lames Wood & James as buble for anuch their agent, they were held leable but this decision was reversed with house of Lords - but you will know about this care much better than bean inform you -

on getting information of Gooden Green on's death, Mr Thwast anthraguest of his friends, immedeally went to Fallant Lealed up his repositories, tafter the formeral these repositories were opened in presime of the Thewart & me & the relatives of the decated & an inventory of their Evertents taken the whole papers ever lodges with hands dawreler in Newton Stewart, linklo Keep aunkelog clear we that not meddle with any of Greenous effects, which were afterwards told forlishoof of this window & Creditors. The lands were immediately let & an unculory of the truck & laken which was within a few pounds of the Valen of the former enventurees, to we has no extruordinery profets, of the farm has live been let at a heat fully higher than the average of the rest produced by Greersons management Haltho his affairs even in abankright that yet we are hil withing the is rather in an debt them althornete - I brust you will must be good you apule thatement. Mr Black offers lobuke & 150 of the hell & gere up the cane, which shows he is doubtful oft, notworthstanding his great parade about the apenion of Countel, He threatens also to call a muting of the Creditors of Greenson to race the above in their name, but it is probable for or now of them well your him - All Thewart hand the Shepherds thur wages du ap Graveons death Vales Loveral bradesmens automats forfarm lovisk, wages of thearers the but we pair no bells nor any of graveous delets - If you but we pair no bells nor any of graveous delets - If you please to write to Mr Sewart by well comoborate all that I have Stated & you can contact Counsel of you think proper but Stated & you will desapprove of the gestion of I can possibly be avoided to mustical reference mulephler made to bounted with this will depend on The farther agreeing as with facts. W. Black must have given a very partial thatement to obtain the Opinion of bounted on the way he alledges. Jam Dear Le yours wer truly & forour

Enrick 24 Octr 1829 Richard McKenzie Esq W,S. Edinburgh Dear Sir I received yours of the 21st last night – on my return here from Dumfries – stating that Mr Black writer & agent for the British Linen Co in Wigton, had written to you to know the names of Mr Hughans Curators and that he intended to raise an action against them for payment of a Bill for £187 discounted by the late Gordon Greirson Shepherd in Falbae. In order that you may understand the nature of the business I think it will be best to give you a narrative of the facts. At the time I got the management of Mr Hughans property you are aware that Falbae & Culcronchie were in the possession of the Curators. I had been for some years managed by Mr McLean, who residing on the adjoining lands of Mark had them under his eye. However as my place of residence was about 15 miles distant, I was anxious that these farms should be let, but as the stock was on the land & as it was considered an unfavourable time both for disposing of it and for letting the farms I was requested to continue to manage it with the assistance of any respectable person residing in the neighbour-hood as an overseer to look occasionally after the shepherds & to assist at the buying & selling of the stock. The late Gordon Grierson, who resided on the adjoining land of Cool & who assisted several gentlemen in the neighbourhood, in the management of rural concerns- was recommended to me as the most honest skilful & confidential person that could be got & as he agreed to superintend the management of the lands & have the remuneration for his services to the Curators or to me he assisted in the valuation & inventory of the stock & continued to devote what time he could spare in attending to these lands. As he had occasion to be at Falbae only two or three times in the week he said he would be satisfied in the meantime with the price of the (moss mails?) let to the people about Creetown which amounted to about twenty pounds annually. I said that he would refer any further remuneration to the Curators or to Mr Hughan when he came of age, provided he gave complete satisfaction to all parties. When Mr Stewart was appointed one of the Curators he frequently visited Falbae & was very much satisfied with Grierson's management & being better acquainted with him than I was he approved of his continuing to manage the lands. It was agreed on, that he was to assist in buying & selling the stock, but he was not to do so without previously consulting either with Mr Stewart or me & he was strictly (enjoined?) neither to purchase nor sell other sheep or cattle on credit, but to do everything by ready money, nor were Mr Stewart or I ever aware that he had in any instance done otherwise till after his death. When he wanted money to pay the cattle he had purchased with the sanction of Mr Stewart or me, I gave it to him, & when he disposed of sheep or cattle with the sanction of either of us, he either paid this amount to me, or with part of the price purchased young cattle to replace those sold & paid the difference over to me. I frequently paid a visit to the lands & when I was making up my yearly accounts I examined the stock on the lands & charged myself with the cash I had secured from him in the course of the year, as the rent of the lands. In this way matters continued & a few years ago he came to reside on Falbae, as the house was standing empty, but he still continued to do business for several gentlemen in the neighbourhood in assisting them to buy & sell stock as formerly viz Mr Agnew of Sheuchan, Mr McCaa, & Mr Black in Wigton to whom he was particularly obliging & he also did business for Major Campbell of Cassencary & he was in Dumfries buying and selling cattle for

him the week before his death. On his residing constantly at Falbae the only addition I made to his wages was in getting a cow kept and four bolls of meal in the year. Things were managed in this way till Nov^r last when he suddenly died of an apoplexy & it was not till after his death that either Mr Stewart or I were aware he had ever dealt on credit or (unBills?), for neither Messrs Black, McCaa nor any of the bankers who gave him credit ever mentioned the subject to Mr Stewart or me till after his death, & althouthey saw me frequently & Mr Stewart almost daily they never enquired whether Grierson was allowed to discount bills. Mr Grierson was a very active intelligent & obliging man & as he was very intimate with Mr Black & had been employed by him

considered in good circumstances. In regard to the bill in question I can say little or nothing, for as I have already stated neither Mr Stewart nor I know any thing of it nor of of his other bill transactions till after his death. This bill is drawn by Grierson and accepted by a Mr Andrew McGill, who in my presence soon after Griersons death, offered to pay £100, the rest being (in hand?) added to the bill when an accommodation to Grierson. Mr Black refusing to accept the £100 raised diligence on the bill & put McGill in jail. McGill had previously failed the then look out a Cessio. Mr Black has often applied to Mr Stewart & me for payment of this Bill, but we considered as we never authorised Grierson either to draw or accept bills, nor were aware that he had done so, we could not be liable. Besides the bill in question seems to have merely been an accommodation bill for it states only value received without referring to any transaction & as Grierson did business for other gentlemen, it might be as much connected with their business as with ours. I understand there is a case in point lately decided within the House of Lords in the year 1825.

often in confidential business, Mr Black had no doubt given him credit entirely on his own credit as he was

Telford (Stirling Bank) against James, Wood & James.

Where (Arnot?) their agent drew a bill in his own name for the price of goods of theirs sold to Paterson as Paterson & he failed the Bank brought an action against James, Wood & James as liable for Arnot their agent, they were held liable but this decision was reversed in the House of Lords-but you will know about this case much better than I can inform you. On getting information of Gordon Grierson's death Mr Stewart at the request of his friends, immediately went to Falbar & sealed up his repositories, & after the funeral these repositories were opened in presence of Mr Stewart & me & the relatives of the deceased & an inventory of their contents taken & the whole papers were lodged in the hands of a writer in Newton Stewart, but to keep ourselves clear we did not meddle with any of Grierson's effects, which were afterwards sold for behoof of his widow and creditors. The lands were immediately let & an inventory of the stock etc. taken which was within a few pounds of the value of the former inventories so we had no extraordinary profits, & the farm has since been let at a rent fully higher than the average of the rent produced by Grierson's management & altho' his affairs were in a bankrupt club yet we owe him nothing & he is rather in our debt than otherwise. I trust you will excuse the length of this letter, but I wished to give you a full statement. Mr Black offered to take £150 of the bill & give up the case, which shows he is doubtful of it, notwithstanding his great parades about the opinion of Counsel. He threatens also to call a meeting of the creditors of Grierson to save the action in their name, but it is probable four or more of them with join him. Mr Stewart paid the shepherds their wages due at Griersons death & also sever al tradesmens accounts for farm work, wages of shearers etc, but we paid no bills nor any of Griersons debts. If you please to write to Mr Stawart be will corroborate all that I have stated & you can consult Councel if you think proper but I am sure you will