

As a dying effort he carried the case before the Admiralty Court, alleging that as the Clyde had long been a navigable river, the case by rights should have been, in the first place, brought before this Court. Much legal ability was displayed by Harvey's able counsel on this and other points; but it was no go, and we again got a final decision with all expenses.

Harvey in due time gave us notice of appeal to the House of Peers.

Our whole funds had been for long expended. I, in the hope that Harvey would at this point stop, had been advancing out of my own funds money to pay that which could not be staved off. I was now compelled to set going another subscription paper among the merchants, bankers and citizens who had originally promised to see me through, and a considerable sum was raised: I again appealed to the public generally, and weekly for a long time took my station at the Cross of Glasgow with the *famous box, which is still in my possession, and highly valued.*

By these and other means we were enabled to collect enough to remit sufficient to fee a first-rate Counsel in London and pay other necessary expenses, all of which were exorbitantly high. Harvey now got dispirited about the case, as his hopes of overcoming us by heavy expenses were at an end. His expenses must have been double what ours were, for he had to pay a great price for everything done, while I did everything out of court myself or at my own cost, such as collecting the proofs. I was fifteen times to Edinburgh attending the different consultations and hearings in courts, and twice to London at the pleading before the Lord Chancellor, for which I never charged the Cause a penny. I am sure, besides the great time I expended during the six years the case lasted, I expended on it a hundred pounds.

When the case was brought before the House of Lords, it took Lord Eldon, the Chancellor, some hours to go over it from the commencement, and I will never forget my anxiety during that time. He wound up by saying, their Lordships and all who heard him might be surprised at his having taken so long as two months to look over the very voluminous papers in this case, and consult all the high authorities on the subject, and all this work about a paltry by-road; but he had to assure them, that it was the most important case ever before him since he sat on the Woolsack. Continuing he said, "Our decision to-day fixes the law as to the rights of the public, all over England, Ireland and Scotland, for all time, as to the prescriptive rights to roads, or, as they term it in Scotland, and in this individual plea, the law of use and wont. The law to give full right to a road or foot-path through any property belonging to anyone—peer, prince or even the King himself, only requires proof that the privilege of using it, however at first conceded or acquired, lasted for *forty years*, and all the powers in the country cannot legally take it away. Now, my Lords, the parties raising claim to the right to the free use of this road through the Estate of Westthom on the banks of the Clyde, have clearly proved that this road has been patent to the public, not only for forty, but for eighty years. And from what has come out in the proof, it is probable that