

SUPPLEMENT

TO THE

COURT OF SESSION

GARLAND.

EDINBURGH:

THOMAS G. STEVENSON,

87, PRINCES STREET.

M.DCCC.XXXIX.

One Hundred and Fifty Copies Printed.

EDINBURGH :
PRINTED BY ALEX. LAWRIE & CO.
NORTH BANK STREET.

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NOTICE.



THE present Brochure is intended as a Supplement to the COURT OF SESSION GARLAND, and contains various articles, chiefly taken from a Manuscript Volume compiled by the late Mr. William Hume or Home, who, for many years of his life, was Clerk to the first Lord Meadowbank. This collection is rich in satirical effusions, chiefly political, and no inconsiderable portion of its contents has evidently come from the public journals, although a great part seems to be derived either from memory or manuscript copies.*

The Song of Sir Walter Scott, in which the late Lord Ellenborough is so severely handled, occurs in this manuscript; it appears never to have been printed previously, and the Editor has much satisfaction in being enabled to present a copy of it to his readers.

Mr. Hume had also in his possession another manuscript volume, in which many of the Parliament House *jeux d'esprit* were included; this, some short

* The Diamond Beetle Case occurs in the volume, but the variations between the printed and manuscript copies are too unimportant to require particular notice.

time before his demise, was destroyed,—a circumstance much to be regretted, as a gentleman, who had it once in his possession, recollects that it contained several curious pieces, which he has never seen since.

This opportunity is taken of correcting some mistakes which have crept into the GARLAND; one of the most important is, the assertion that the Parody on Helvellyn was the joint production of Lords Jeffrey, Cockburn, and Murray, and of John Richardson, Esq. Solicitor, London,—whereas it was, with the exception of one line by the former, entirely the composition of the latter gentleman. The error, in giving the Song upon occasion of the dinner in honour of Lord Melville's acquittal to the wrong party, is explained in the notice prefixed to Sir Walter Scott's Song. In both instances the evidence of authorship seemed positive and conclusive, yet, in both instances, it turned out to be erroneous.

The Errata, so far as discovered, are enumerated in the note.* It is possible some inaccuracies may still have escaped detection, for it is next to impos-

* ERRATA.

Prefatory Notice, p. ix. Note, *for* Lord Cockburn *read* Lord Jeffrey.

P. 47, *for* tailzie *read* failzie.

P. 48, Note, *for* Thomas Pringle *read* Andrew Pringle.

P. 48,* *for* then in *read* threw in.

P. 48,* Note, *after the words* "inherited from her father," *read* "the eldest son and heir of" [the Judge.]

P. 70, *for* correspondence *read* condescendence.

P. 77, *for* Commissioners *read* Commissaries.

P. 150, Note, *for* Lord Jeffrey *read* Lord Medwyn.

sible to avoid mistake, and even the most experienced eye will at times overlook a blunder,—a fact which those acquainted with passing sheets through the press well know. The late worthy and learned Dr. Adam, for many years Rector of the High School, was the author, or rather compiler of many useful works, chiefly of an elementary nature. The proof-sheets, after he had corrected them himself, used to be brought by him to the class, and were then put in the hands of the boys, to see if their vigilance could detect error; strange to say, there was hardly a revise without a blunder, a lucky circumstance for the detector, who got an hour's play for his acuteness.* The proof used to be given to the dux, and transmitted from boy to boy,—frequently the discovery was not made till after it left the duxes form; and it was not uncommon for some one perhaps twenty below, to point out a blunder that had escaped all those immediately above. Notwithstanding all this care and anxiety, there is not one of the works, and they are many, of this venerable person, in which clerical mistakes may not be found. This anecdote is mentioned to shew how exceedingly difficult it is, with every precaution in the world, to produce a work altogether immaculate, although several books have been most erroneously called so.

* Dr. Adam taught the fifth, or Rector's class, (being the one preparatory to College,) and as the boys at the top had for the most part previously been studying Latin for five years, the mode of revision adopted by the Rector was judicious enough. It was usual to remain two years with the Rector—so that in this way boys were generally six years at the High School.

SUPPLEMENT

TO

COURT OF SESSION GARLAND.

I.

EPIGRAM UPON THE REPORT THAT MR. YORKE, WHO MOVED THAT STRANGERS SHOULD BE EXCLUDED DURING THE EXAMINATION OF EVIDENCE CONCERNING THE EXPEDITION TO THE SCHELDT, WAS TO BE CREATED LORD DOVER.

From Mr. Hume's MS. volume.—This Epigram is from the pen of the Honourable Henry Erskine.

Since Yorke's made a Peer by the title of Dover,
All fears of Invasion must surely be over ;
When *he* guards our coasts it may well be concluded,
We shall always be sure to have strangers excluded.

II.

EPIGRAMS ON PHILIP SYNG PHISIC, M.D. 1792.

From Mr. Hume's MS. volume.—An American gentleman, from Philadelphia, of the very singular, but somewhat harmonious name of Philip Syng Phisic, having taken out his degree as Doctor of Medicine in 1792, the late Lord Kinnedder then Mr. William Erskine, an accomplished lady, now no more, and an eminent lawyer, afterwards raised to the Bench, in a playful mood wrote the following Epigrams, both on the name and the inauguration. The first five are, it is believed, by the gentleman last alluded to, but the Editor has been unable to assign the remainder to their respective authors.

1

Sing Phisic, sing Phisic, for Philip Syng Phisic,
Is dubb'd Dr. Phil for his wonderful skill ;

Each sick phiz he'll physic, he'll cure every phthisic,
 Their lips fill will Philip, with potion and pill.

2

If music, as Plato does stoutly maintain,
 In every disease be a sovereign thing,
 For calming the spirits, and cooling the brain,
 Be sure, Dr. Phil, when you physic, to sing.

3

Lo, Phisic, the College permits thee to work,
 In curing diseases, the greatest of curses,
 Syng! Dance then for joy, when thou thinkst at one jerk
 Phisic can empty both stomachs and purses.

4

What a fillip to physic, if Philip Syng Phisic
 His skill and his quill to support her shall bring,
 Of fever and phthisic each Master and Miss sick,
 Of Syng Phisic's physic the praises shall sing.

5

Each gap in the science of physic to fill up,
 Old Phœbus young Philip Syng Phisic bestows ;
 Then the potion and pill of Phil still shall we swill up,
 And Syng shall be sung at the close of the dose.

6

The physic of Philip so sweetly to swill up,
 Health, joy, and delight among mortals shall bring,
 With pap and with praise then still Philip we'll fillip,
 And loud Io Pæans to Syng ever sing.

7

O Death, since Phil physics, thy triumphs are past,
 And broken thy dart is, and blunt is thy sting ;
 Phil shall fill us with physic, while physic does last,
 And while Syng Phisic physics, we'll Syng ever sing.

8

To each creature his own still is dearest and sweetest,
 Mine host loves old stingo, and honey the bee,
 Then Phisic with physic still Philip shall fillip,
 And sung by Syng Philip, Phillipics shall be.

9

When Philip's great son, as old chroniclers sing,
 Fell sick, to great Philip* for physic he clung,
 Then Philip with physic so fillip'd the king,
 That physic and Phil by Timotheus were sung.
 Now broke be Phil's pill-box and Timothy's lyre,
 Let fame to my hero their blazonments bring,
 Like Philip's great son he can bleed, or the sire
 He can physic like Philip, like Timothy sing.

10

Syng Phisic for fees seeks the sick man to physic,
 But unsought hopes the fee of his physic and skill ;
 So ne'er let Phil Phisic of physic the fee seek,
 Nor the sick man be fee sick of physic and Phil.

11

Let physic sing Philip, for Philip Syng Phisic,
 From plain Philip Phisic is dubb'd Dr. Phil,
 Sing Syng then each patient, while Philip shall physic,
 And Phisic shall fillip with potion and pill.

12

That Apollo the God is of Physic and Song,
 Each school-boy I think will full readily hollow,
 Then since to his name the same arts do belong,
 Be Philip Syng Phisic our Magnus Apollo.

* Alexander's Physician.

III.

SCRIPTURAL MOTTOS, PROPOSED TO BE PUT UP IN THE INNER-HOUSE INSTEAD OF THE CREED AND COMMANDMENTS, WHICH WERE TAKEN DOWN WHEN THE COURT WAS REPAIRED.

FROM MR. HUME'S MS. Volume.

- LORDS ANKERVILLE*
AND DUNSINNANE. { Mouths have they, but they speak
not.
- METHVEN. They say, Ha !—ha !
- MEADOWBANK. { My mouth shall speak in parables
and sayings dark.
- WOODHOUSELEE. My soul is like a weaned child.
- BALMUTO. { Then be not like the horse or mule
which do not understand.
- HERMAND. { My very bones are waxen old with
roaring all day long.
- LORD JUSTICE-CLERK
ESK GROVE. { I like a bottle am become that in the
heat is set,—I am dry and parched.
- LORD PRESIDENT
CAMPBELL. { From Heaven's end is his going
forth, circling to the end again.—
Take not the words of truth utterly
out of my mouth, O ! Lord.

* David Ross, Esq. son of David Ross of Inverchasly, passed Advocate 27th July 1751. He obtained, in 1756, the office of Stewart-Depute of Kirkcudbright; and on the 3d September 1763, became one of the principal Clerks of Session. On the death of Andrew Pringle of Alemoor, he was raised to the Bench 22d February 1776, upon which occasion he took the title of Ankerville. His Lordship died at his seat of Tarlogie in Ross-shire, 16th August 1805, aged 78.

IV.

JUSTICE LAW.

BY SIR WALTER SCOTT, BARONET.

Sung at the Meeting of Lord Melville's Friends, after his Acquittal.

IN the volume to which the present brochure is supplemental, the authorship of the Song there inserted upon the Acquittal of Lord Viscount Melville, was, upon authority which at the time could hardly be questioned, assigned to an accomplished gentleman, who, for a series of years, adorned the Scottish Bench. Subsequent investigations, however, have proved the assertion to be erroneous, and the verses in question are undoubtedly the production of Lord John Townshend, the grandson of George first Marquis of Townshend, who, although regarded as a Whig during the greater portion of a long life, would, now-a-days, be looked on as a Conservative.* He was born January 19, 1757, and died 25th February 1833, at Brighton, aged 76. He married April 10, 1787, Georgiana-Anne, only daughter of William Poyntz, of Midgham House, Berkshire, Esq. by whom he had issue.

The song which follows, so far as can be ascertained, has never been printed; it occurs in Mr. Hume's MS. by whom it is ascribed to Sir Walter Scott, probably correctly, as it is in exact conformity with his political feelings; and its being suffered to remain in manuscript is easily explained, from the severity with which Lord Ellenborough is treated. The

* Lord John was a contributor to the *Rolliad*, and, amongst other portions, he wrote the probationary Ode of Mr. afterwards Sir Nathaniel Wraxall. In the *Jockey Club*, part 2d, p. 108, there is a satirical account of his Lordship, in which it is remarked, "In literature, Lord John has, in some degree, distinguished himself, and the public are indebted to him for a few ingenious satirical poems, which have contributed to their mirth and entertainment."

Editor may also state, that this assertion of Mr. Hume is corroborated by that of a gentleman of high rank in the literary world, who remembers the song,—could quote some verses of it,—and who, without hesitation, ascribes it to Sir Walter Scott.

Upon occasion of Lord Melville's impeachment, Lord Ellenborough, who held the high office of Lord Chief Justice of the King's Bench, took a very decided part against the party accused, so much so, that as he was one of the *three Peers*—the other two being Lord Fife and Earl Stanhope—who voted Lord Melville guilty of having *fraudulently* taken ten thousand pounds, or some other large sum or sums of money, placed in his name as Treasurer of the Navy, from the Bank of England, and applied the same to his own use, or to some other corrupt and illegal purpose. His Lordship having spoken with that violence which he sometimes indulged in, was answered by the Archbishop of Canterbury, in a temperate but energetic manner, and so effectually, that he attempted no reply.

In Scotland, excepting with a small minority, Lord Melville was highly popular,—nor was this at all remarkable, as his Lordship's partiality for his countrymen was notorious, and numberless persons owe their fortunes and station to his friendly exertions. When the news of the acquittal came to Edinburgh, it was intended that there should be a general illumination. This ebullition of public feeling gave great offence to the "talents," and Mr. John Clerk, then Solicitor-General, determined, at least, to prevent this as far as he could: he waited accordingly on the Chief Magistrate, and delivered to him a written legal opinion, the evident object of which was to terrify the Town-Council, which he certainly succeeded in doing;—a copy of it is preserved in Mr. Hume's MS. and is too curious to be omitted in this Collection.—

"I am of opinion that it is against law, in a city of the

“ size of Edinburgh, to do anything by which a mob may be
“ collected, for the purpose of compelling the inhabitants to
“ illuminate their windows. The meanest person in the
“ city who attempts to make a mob, or does anything where-
“ by a mob may be gathered for the purpose aforesaid, acts
“ against law, and is not only liable civilly for any damages
“ that may be done, but may be prosecuted criminally for
“ punishment ; and the crime does not depend upon a follow-
“ ing mischief, but upon the act by which a danger of mis-
“ chief is occasioned, whether such mischief actually follow
“ or not. And if it is illegal, even in mean and ordinary
“ persons, to do such acts, I conceive it to be much more
“ culpable, and therefore, more highly punishable, where
“ such acts are committed by persons in the higher ranks of
“ life, whose example is more dangerous, and who have not
“ the excuse of ignorance. And, most of all, do I hold it
“ culpable, when such acts are committed by Magistrates, or
“ persons in authority. These persons must not only abstain
“ from such attempts themselves, but they must give no
“ countenance to them in others, either directly or indirectly,
“ by connivance. And, on the contrary, it is their duty to
“ do everything in their power, by exertion of their authority,
“ and by employing those who are under their orders, to pre-
“ vent every attempt of the kind.*

“ And, farther, it is against law, in any case, to do any
“ thing whereby the inhabitants of the city may be compelled
“ to illuminate their windows against their will. I hold the
“ breach of the law to be much greater, as it is much more
“ dangerous, where the proposed illumination is on account
“ of an event as to which there is not an union of sentiment.
“ Where an account arrives of a great victory obtained by
“ his Majesty’s arms, and every person is filled with joy,
“ there is so little risk of harm from an illumination,—that it

* What would Mr. Clerk have said to the Marquis of Anglesey’s “ Agitate, agitate, agitate” ?

“ is held to be allowable to give way to the public feeling,
 “ though it is not strictly agreeable to law ; and there is a
 “ sort of sanction by practice, to illuminations on such occa-
 “ sions. And where there is reason to apprehend that the
 “ public mind is very much divided, and that the most oppo-
 “ site feelings possess different parties, the joy of the one
 “ must not be allowed to break out in anything in which it
 “ may be met by the discontent or displeasure of the other.*
 “ An illumination is a thing of this sort, and if it is allowed
 “ to take place on account of the event, the news of which
 “ has just reached this city, I do not think it will be possible
 “ to prevent mischief. Wherefore, I am clearly of opinion
 “ that the authors, promoters, and persons in authority, who
 “ connive at an illumination on this occasion, must involve
 “ themselves in illegal acts, and will be very deeply responsi-
 “ ble for the consequences.

(Signed) “ JOHN CLERK.”

Edin. 15th June 1806.

(Sunday.)

In consequence of this strongly expressed document, the Magistrates issued a proclamation, in which they stated, that
 “ information having been received that many of the inhabi-
 “ tants of this city and suburbs are desirous to testify their
 “ joy on the acquittal of Lord Melville, by illuminating their
 “ houses ; but His Majesty’s Solicitor-General for Scotland,
 “ in absence of the Lord Advocate,† having communicated to
 “ the Lord Provost and Magistrates of the city, and Sheriff
 “ of the county, ‘ that from information received by him, it
 “ appears that there are apprehensions of riot and disturbance
 “ in the city, in case of an illumination upon the acquittal
 “ of Lord Melville,’ the Lord Provost, Magistrates, and

* The illumination on the passing of the Reform Bill, for instance.

† The Hon. Henry Erskine, M. P. At the subsequent Election he was returned Member for the Burghs of Dumfries, &c.

“ Sheriff, however desirous the citizens may be to illuminate
“ their houses on the above occasion, do hereby recommend
“ to them to abstain from that mode of testifying their joy
“ at this time.

“ While they congratulate their fellow-citizens in the
“ honourable acquittal of that distinguished statesman, by
“ the highest tribunal of the nation, and participate in the
“ general feeling of happiness on that occasion, they trust
“ that nothing will be done to injure the property or persons
“ of individuals, which the Lord Provost, Magistrates, and
“ Sheriff, are determined to protect.”

Notwithstanding this manifesto, the illumination was pretty general ; and amongst other instances of enthusiasm, may be noticed that of Messrs. Campbell and Young, brewers, who, in the centre of their yard belonging to their premises, placed a butt of their excellent stout, over which was suspended a transparency of the Dundas Arms, under which, was “ the friend of his country,” the supporters of the Noble Lord entered by the west and retired by the east gate. This continued till near twelve o’clock at night.

The Magistrates, the Merchant Company, and other bodies, voted congratulatory addresses on the occasion. In short, every possible mark of respect was paid throughout Scotland by the citizens, generally, to their countryman.

At the dinner given by the friends of Lord Melville in Edinburgh, on June 27, 1806, in the Assembly-Rooms, George Street, upwards of five hundred Noblemen and Gentlemen assembled ; and among the company, says the Edinburgh Evening Courant, “ we observed the venerable William Law, late Sheriff of East-Lothian, now in his 93d year, and the oldest judge in Britain : He retired at an early period, leaning on his son, while the music, with happy effect, played the Scottish tune of “ *Auld Langsyne*.” A number of loyal and appropriate toasts were drank. In the course of the evening many excellent songs were given, among which

we noticed one which was received with loud bursts of applause. The poetry of which was said to come from the muse of "the last lay," and was sung with admirable effect by the proprietor of the Ballantyne Press."

The song alluded to, is that which was privately printed and circulated at the time, and which has been inserted by Mr. Lockhart in his life of Sir Walter, vol. 2, p. 106; but as the one that follows has been omitted in all editions of the works of Sir Walter, the Editor has much pleasure in including it in the present collection.

1

Come listen, brave boys, to my story so merry,
'Tis of the Archbishop of fair Canterbury—
How the mitre did keep the full bottom in awe,
And the Gospel taught manners and justice to *Law*.

2

A great lawyer stood up in a very great hall,
Some folks call'd him *Justice*, some *Law* did him call;
But neither like *Law*, nor like *Justice* spoke he,
But some foul mouth'd attorney who rail'd for his fee.

3

Then up rose this prelate so rev'rend and wise,
And expressed to their Lordships regret and surprise,—
" You should ne'er till you try folks, hang, quarter, or draw,"
Quoth the head of the Church to the head of the *Law*.

4

Then Lauderdale gaz'd on *Law's* tablet of brass,
And beheld it as blank as the brow of an ass.
Quoth his Lordship " next day he'll reply and content us,"
But the lawyer from thenceforth was *non est inventus*.

5

Whitbread's* lost all his *hops* of conviction we hear,
 But got plenty of *wormwood* to bitter his beer ; †
 For when some home questions by Plomer were put,
 The brewer of porter turned out a mere butt. ‡

* Whitbread was the chief manager on behalf of the Commons in the impeachment. He made a long oration both in opening and closing. The late Right Honourable George Canning gave the following versified speech of the patriotic brewer.—

I'm like Archimedes for science and skill,—
 I'm like a little maid running up a hill ;
 And to interest the hearts of the fair, be it said,
 I'm like a young lady just bringing to bed.
 If you ask why the eleventh of June, I remember
 So much better than April, or March, or November,
 'Tis because on that day—'tis with pride, I assure you,
 My sainted progenitor first took to the brewery :
 That day on the morn he began to brew beer,
 At night he commenc'd his connubial career,
 And my sainted mama having scap'd a miscarriage,
 You see here before you the fruit of that marriage.
 On that day too he died, having finish'd his summing,
 And the angels all cried, here's old Whitbread a-coming.
 That day then I hail with a smile or a sigh—
 For his beer with an *e*, or his beer with an *i*.
 And on that day each year, in the hottest of weather,
 The whole Whitbread family dine all together.
 My Lords, while the beams of this hall do support
 The roof that o'ershades this respectable Court,
 While the light of the sky pours in at those windows,
 Where Hastings was tried for oppressing the Hindoos ;
 My name, like my sires, now illustrious shines
 Emblazoned on journals, like his upon signs.

† Whitbread with his hops of conviction all blasted,
 Drinks wormwood more bitter than his quassia ere tasted.

‡ The following Epigram on Whitbread is tolerably good :—

Sam Whitbread, the brewer, for many a year,
 Has favoured the public with speeches and beer ;
 Till in his own trap, like other knaves falling,
 His speeches have poisoned his fame past recalling.
 The work to complete, and his pains to make shorter,
 Inspire him, good Heaven, to drink his own porter,

6

If a tradesman crave pay ere his work it is done,
 Or committee ask thanks ere their cause it is won ;
 You may judge of them both in the very same way,
 And believe both your money and thanks thrown away.

7

The party now find themselves in a fine stew,
 But must be contented to *drink* as they *brew* ;
 For we've found out the diff'rence 'twixt merit and jaw,
 And the damnable odds between Justice and *Law*.

8

Then here's to this prelate of wisdom and fame ;
 Tho' true Presbyterians, we'll drink to his name,—
 Long ! Long ! May he live to teach prejudice awe ;
 And since Melville's got justice, the devil take *Law*.

V.

A CHAPTER FROM THE BOOK OF KINGS.

In Mr. Hume's Collection, there is inserted a printed broadside, relative to the change of Administration, when the "Talents" went out, and their Opponents came in. It is very clever, so much so, that at the risk of its being of foreign growth, the Editor has given it a place in the present volume.

1. NOW GEORGE the Third was twenty and two years old when he began to reign, and he reigned King over all England forty and seven years.

2. And he did that which was right in the sight of the Lord, and served the Lord his God, with all his heart : so that before him was no King like unto him.

3. And it came to pass in those days, that the servants of the King, the wise men of the land, even "*all the Talents thereof,*" came in, and stood before the King, and said, "O King ! live for ever."

4. " May it please thee, O King ! to extend to certain of thy subjects throughout thy dominions, those gracious indulgences which others of their brethren possess ;" and the King answered, and said,—"*Let it be so.*"

5. Then the wise men of the land, even "*all the Talents thereof,*" communed among themselves, saying, "*Notwithstanding our Lord the King has granted us this our petition, nevertheless it sufficeth us not.*"

6. And they returned unto the King, and said, " Be it known unto thee, O King ! that there exist certain Statutes and Ordinances, instituted in the *darker ages*, and ordained in times of ignorance and superstition, when thy forefathers were called to the Throne of these Kingdoms :

7. " Which Statutes and Ordinances, may it please thee, O King ! to annul and destroy ; to the end that those may be satisfied who were never yet contented, and that those who were ever disaffected may be made loyal."

8. And the King answered, and said, " Not so. We cannot dispense with the oath which we have taken ; neither will we, that the bulwarks of our Throne be removed, nor the fundamental laws of our Kingdom changed."

9. Whereupon the servants of the King, the wise men of the land, even "*all the Talents thereof,*" were full of fury ; and the form of their visage and of their language was altered, and they said, " O King ! we are not careful to please thee in this matter :

10. " For we have bound ourselves by an oath, and stand pledged to each other, that we will not cease to offer this counsel unto thee, day by day continually, until all these things shall be accomplished."

11. Then the King's anger kindled, and he became exceedingly wroth, and he drove those his servants, the wise men of the land, even "*all the Talents thereof,*" from his presence, and from his Councils, *and they went out and wept bitterly.*

12. And they went unto the two Houses of Assembly,

the great Council of the Nation, and made grievous charges against their Lord, the King; but the Council regarded them not.

13. And they appealed unto the People, and the People regarded them not, but glorified the King, and held “*all the Talents*” in exceeding great derision.

14. So that they became a laughing-stock and a bye-word throughout all the land of England, in so much that they are called the “*lost sheep*,” the “*unprofitable Talents*,” even unto this day.”

15. Now the rest of the acts of the wise men, even of “*all the Talents*,” are they not known in the land of Turkey and of Egypt? And are they not written in the Books of Folly and Incapacity?

VI.

LORD BANNATYNE'S LION.

The exact degree of truth in the following Dialogue the Editor has been unable to ascertain. It is said that the Court had been engaged in the discussion of a Bill of Suspension and Interdict, relative to certain caravans with wild beasts on the Mound; in the course of which Lord Bannatyne fell asleep. This cause having been disposed of, the next was called, which related to a right of *lien* over certain goods, when the learned Lord, who continued dozing, having heard the word *lien*, pronounced emphatically *anglicé*, not *gallice*, by Lord Meadowbank, made the mistake here recorded.

MEADOWBANK.—I am very clear that there was a *lien* upon this property.

BANNATYNE, (*half asleep*.)—Certainly.—But it ought to be chained, *beca-a-se*,* &c.

BALMUTO.—My Lord, it's no a livin' *lion*,—its the Latin word *lien*.

HERMAND.—No, Sir,—The word is French.

BALMUTO.—I thought it was Latin,—*for it's in Italics*.

* The way in which his Lordship usually pronounced “because.”

VII.

JOYS OF THE JURY COURT.

A NEW SONG.

AIR.—“ *When the heart of a man is oppressed with care.*”

Written by a professional gentleman, some of whose lucubrations have already enriched this miscellany, shortly after the institution of the Jury Court, which was compared to the Garden of Eden, because it was made for Adam; at least, such was the popular scandal on the subject. Upwards of twenty years experience has failed to convince the people of Scotland of the beauty and excellence of trial by jury, in civil causes; and we believe, with few exceptions, all parties in this country, whether conservative, whig, or radical, would cheerfully concur in its abrogation. It appears to be a strange popular notion, that a dozen men usually illiterate, are better qualified for analyzing intricate evidence, reconciling contrary proof, or assessing damages, than persons having the education of gentlemen, who from their youth have been engaged in studying the laws of their country. As it is, the jury must take the law from the judge, and if they do not, then a new trial follows, to the benefit of no one but those employed professionally in the cause. Cases certainly may be figured where trial by a special jury would be expedient; but these are of rare occurrence, compared with the great mass which might be settled at one-fourth of the expense in the Court of Session. The most vexatious, however, of jury cases, are those which, being in value above forty pounds, have been advocated from the inferior Courts under the Statute, to be tried by Jury. In this way, no poor man dare venture to sue before the Sheriff in any action where there might be a proof, without the chance of being, *nolens volens*, dragged into the Jury Court at a most enormous expense. If Jury trial is such a fine thing, why not make it cheap? Why not allow subordinate Judges to summon Juries, if they think a civil cause ought to be heard that way?

I

When a man has money and time to spare,
 To the Jury-Court let him straight repair;
 'Tis the place of all places
 For settling of cases,
 'Tis a damnable shame that it has not a share.

2

The Court of Session is somewhat lame,—
 The Court of Exchequer is much the same,
 But our trial by Jury,
 I can assure you,
 Wants nothing at all except a good name.

3

The Law of the Jury-Court no one knows,
 It has rules for its friends, and rules for its foes ;
 Old HUM, if you'l ax him,
 Has no settled maxim,
 But to put down *these*, and to favour *those*.

4

'Tis a Court of a most enlightening kind,
 As those who repair to it surely find ;
 When we manage them rightly,
 They lightly, lightly,
 Leave the Court and their purses behind.

5

'Tis a blessing not to the Suitors alone,
 But to the Judges every one,
 For these great sages
 Have much better wages,
 Without working for them as we have done.

6

'Tis a Court as pure as unsunned snow,—
 A Court above all Courts below ;
 'Tis the glory of glories,
 The scourge of the Tories,
 And, please Heaven, it shall continue so.

VIII.

SKETCH OF THE FIRST DIVISION OF THE COURT OF SESSION
IN 1823.

From the Edinburgh Literary Gazette or Weekly Cyclopædia, Saturday, March 8, 1823, No. 5, and probably written by the Editor, Mr. Parry. The intention avowed of giving a continuation containing Sketches of the Scottish Bar, seems never to have been carried into effect. The First Division now sits in a very handsome Court, recently finished,—the picture of the old one is tolerably correct.

THE interior of the First Division of the Court of Session has nothing to boast of; it is a small confined apartment, with a gallery only fit for the accommodation of fiddlers,—to which the segment of a circle, within which the Judges sit, forms an exact counterpart. It is perhaps unnecessary to mention, that immediately beneath them, the Principal Clerks of Session have their seats, and the Crown Lawyers also, on the occurrence of criminal procedure. The body of the chamber is furnished with seats, precisely of the same form, and in the same manner, as those which are to be met with in country churches. They are of an oblong form, with a raised frontispiece of about six inches superficies at the uppermost part, and of such a breadth at the base, as may permit you to sit, with your knees doubled into the form of an Z. A wooden railing of the most clumsy and unseemly workmanship is carried down through the centre of these incommodious cribs, dividing them into two equal parts. On its first formation, none but gowned and wigged gentlemen were entitled to a seat on the right hand of the Judges,*

* In 1771, the judges, according to the following notice in the Edinburgh Evening Courant, (June 13,) put on summer robes,—an arrangement which does not seem to have been adopted by their successors, as they now wear the same robes in winter as in summer.

“Yesterday, the Court of Session sat down for the summer: Their Lordships appeared for the first time in elegant new summer gowns, the purple part of which is of a thin woollen stuff, and the red part is satin. It is re-

while the Writers to the Signet were, with great propriety, accommodated on the left ; but a perfect revolution has taken place in this arrangement, and all persons, I think, may now enter, and take their seats on either side, provided they do not interfere with those set apart for the accommodation of the College of Justice. Their distinguishing marks were formerly pointed out.

There are five Judges in this Division, as well as in the Second, and the *Magister primus Dominorum, in propria persona*, here holds Court. He sits in an arm chair, in the centre of the groupe, immediately before a statue of the late President Blair, which is placed within a niche in the wall, only fit for the reception of an eight-day clock.

On taking my position in the front of the gallery before mentioned, I found that the Judges had not yet made their entrée. The printed pleadings in the different causes, which were to be heard during the course of the day, had, however, been placed before their chairs, by their clerks. Several of these persons were talking together within the sacred circle. I never beheld a set of men, where the *appearance* of cultivated intellect was more strikingly deficient. They seem to have an air of vulgarity, an aspect of selfishness, which, to my eyes, is most revolting. The very cut of their coats is of a mechanical nature, the dulness of their looks, one might suppose to be a prototype of their understandings—the vacancy of their features to be an evidence of their employments. Yet all these observations are but deductions from appearances, and they are notoriously deceitful,—they are, at least,

“ markable, that although the judges in England have so long had both summer and winter gowns, the Lords of Session have, from the institution of the College of Justice in 1530 to the present year, which is no less than two hundred and forty years, continued to sit, both in the summer and winter Session, in their dark close and velvet gowns. The variation now introduced, by which a due regard is had to the different seasons, is certainly a considerable improvement in point of convenience, as well as a pretty variety.” The pomposity of this announcement of their Lordships’ change of garment is amusing enough.

generally so ; and in regard to the clerks of the Judges of our Supreme Court, *must* be so. Because it would be an absurdity to suppose, that the representatives of this nation in the House of Commons would tolerate the payment of several hundreds a-year, to men of such qualities as their appearances impressed upon my mind. Nor would the Judges themselves retain about their persons men of other than cultivated, upright, and honourable minds. But this is a digression. Besides the gentlemen of whom I have just been writing, there were two other persons, lounging within the bench, who evidently belonged to a different tribe. They carried large maces in their hands, and wore gowns, which the former wear not. They, however, shewed all the "circumstances of office,"—looked the audience in the face with the most contemptuous stare,—enjoyed their joke, and leaning their backs against the wall, exchanged snuff-boxes, and wiped their noses, with all the hauteur and elegance of their masters. One of the twain, who by the bye, is a most respectable kind of a man, and a serjeant in the Sharpshooters to boot,—("He and I went through the Castle campaign together,")—observed a certain Noble Marquis invading the hallowed precincts of the Outer House, with spurs upon his calces, to the great danger and detriment of many robes, that floated in sweeping elegance along the floor. This guardian of legal security instantly seized upon the person of nobility, and literally turned him out. My friend, who told me the anecdote, waggishly observed, that this was not exactly "*Sua-viter in modo*, but certainly *fortiter in re*."

Hang these jokes, they always carry one adrift from the thread of his story. To my purpose, then. This valiant macer shouldered his mace of a sudden, as if the *Sheriff* had given the word of command, and disappeared through a door on the left of the apartment. In a few minutes he returned, in solemn gait, and behind him came their Lordships.

The buzz which prevailed in the Court, previous to their entrance, and which produced a sound exactly like that which

issues from a hive of bees, was instantly hushed. All was silent as death, save the rustling hum of printed papers, turned over by the hands of men in eager expectation of debate, which to many, must have given "*dreadful* note of preparation." Suddenly the auditors uncovered and started on their feet. I naturally enough prepared for "God save the King,"—but it came not—the word was, "as you were." Every thing was now prepared for the "onslaught," as Sir Dugald would have termed it, and I, in like manner, prepared my instruments, by extracting from my pocket a small memorandum book and pencil. I had begun to make my observations upon the Judge who sat upon the extreme left, and had even got the length of "fine eye—aquiline nose—demonstrative brow—expressive mouth—" when a shrill pipe broke through my reveries, with the exclamation of, "Take off your hats in the gallery." Little dreaming that I was the cause of his vociferation, I stared around, in order to discover the offender, when observing all eyes turned on myself, I instinctively put my hand upon my occiput, and then, to my great confusion, discovered that my hat was there. I pulled it off with extraordinary celerity, and when my senses had recovered their usual level of conception, turned my eye towards the person from whom the rebuke proceeded. He was a red-faced man, of inferior altitude, and "spectacles on nose;"—when I say a red face, the expression is imperfect, because it was not merely red, but absolutely fiery, and the hairs of his head, in unison with the imperious characteristic of his countenance, stood directly upright, in stiff greyish bristles. The business of the day commenced.—Petitions on petitions were read (at least the prayers of them), and ordered to be answered. Notes, too, upon notes, followed, in numerous progression, and "amands" were cancelled on the causes shown, and time given to prepare pleadings. Then Cessios came, and sympathetic tales of misfortunes in trade having fallen on the heads of honest and industrious merchants, were related, that harrowed the very soul with com-

miseration ; but nothing of greater interest occurred—no display of legal eloquence was given—no opportunity afforded. I began to wax a little impatient from disappointment, particularly as I was ignorant of the names of all the Judges, except the Lord President, whom I knew, because we had been brothers in arms, ventured life and limb together for our country, and charged the “common cry of curs,” at the point of our invincible bayonets, down Elder Street, in company, on the ever memorable night of the illumination for her late most illustrious Majesty. Eheu !! My vexation was, however, soon absorbed by the operations of the joyous organs, on hearing a well-known voice enquire whether “they were done with the single Bills yet?” I expressed my inability to answer the question, by ignorance of his meaning. “What ! not know the Single Bills, man ?—well, I’ll tell you. They consist chiefly of Petitions, written or printed, and Notes to force in pleadings, when the period allowed by the Court for their lodgment is expired ; next follows (as you will see), the Summar-roll, which chiefly consists of Petitions and Complaints from the freeholders of Counties, against the admission of interlopers to their roll ; of Petitions from the Bill-Chamber, &c. &c. ‘Last stage of all,’ the Short-roll is called, which consists of cases ripe for advising, on Petitions and Answers, or the like—not know this ? why every barber’s clerk in Auld Reikie knows it. Good, my Lord, remember.” I promised obedience, but as I knew that my friend was particularly partial to locomotion, deemed it wise to gain what information I could of him, concerning the Judges. “Will you favour me with your ear a short time.” I therefore asked—“I wish you to answer me a few questions, which I will put to you concerning their Lordships on the Bench.” “Oh, with all my heart—only don’t be tedious, for to-morrow is teind-day, and I have a clerical friend waiting me in the Outer-House, to be introduced to my friend in the Hessians.” I again pledged obedience, and proceeded systematically to work, by inquiring

first, “ Who is that dignified, handsome man, with the sparkling eyes, compressed mouth, and classical features, on our left ?” “ That is Lord Balgray, the soundest-headed man on the Bench. He forms his opinion on a case after study and deliberation,—comes prepared to his seat,—and all the cunning of the Bar cannot drive him from the right path. His papers are his beacons, and by them he steers his course safe and sound, through all the quicksands and shallows that meet him in his voyage to justice. He stands by himself, and thinks for himself; and as he is always ready, generally delivers his opinion first, which he does firmly and distinctly. One of our great guns, you must know, has a habit of shaking his head, when he, forsooth, thinks his superior at fault. I have seen him do so, when Lord Balgray was speaking. The only effect his disapprobation had upon his Lordship was this,—it made him speak more forcibly and equivocally. He is not to be shaken.” “ Why, this is praise with a vengeance,—you are in the skies, my friend,—this is absolute flattery.” “ Not a whit, man—not a whit,—all true as the Pope.”* “ Well, I am glad to hear it. Now for the second; speaking from first impressions, I should say he was an irritable person—one that frets at straws.” “ It may be so—but you are mistaken, friend; although it is difficult to say what he *is*, because his bodily tackle is somewhat the worse for service. He *was* a shrewd man, that is certain; a straightforward, fearless man in his public, and amiable in his private life. Old age was honoured, you know, in Lacedæmon; therefore *punctum sat.*”† Be it so—I am content. The third I know—you need not trouble yourself to describe him. I already know him to be one of the best hearted men alive, though somewhat warm; the latter is a quality almost in-

* David Robertson Williamson Ewart, Lord Balgray, was raised to the Bench in 1811, and died at his house in George’s Square, Edinburgh, Feb. 3, 1837. His Lordship married Miss Robertson of Lawers, but by her had no issue. The picture given above is very accurate, for he was a fine looking man, and a most able lawyer.

† Lord Hermand.

separable from the former. What say you of him as a Judge?" "Just what you say of him as a man; as a Justice-Clerk, 'take him all in all, we ne'er shall look upon his like again.' I think it was a pity he resigned that situation; he was so completely calculated, by the fervid piety of his eloquence, to make an impression, in his address, on the mind of the most hardened criminal. But, in his present capacity, he does honour to his country, and no man could better uphold the dignity of a Senator."* "That's enough—time flies on. The fourth—he upon the left—that quiet-looking man—who is he?" "Lord Succoth; a very inoffensive man and well intended.* He has not sufficient confidence in himself to prove

The following character of the President from a Whig pen may be inserted here:—

"Tory though he be, I like the President much. Fresh, hearty, and sincere, you know in him whom you have to deal with, and sincerity in my eyes covers a multitude of sins. There is nothing about him of the modern shuffling look of fallacy, Toryism. He is of the genuine old Cavalier School, and scorns bush-fighting,—a word and a blow,—the blow first perhaps is what you may look for from him. Age has much tempered his fire since I first saw him at the head of the Edinburgh Volunteers. I can't help thinking yet he would have been more in his element at the head of his regiment than of a Court. Still he makes a very respectable Judge and is deservedly esteemed. He has none of that tact which assumes dignity as a cloak for ignorance, or makes a flash speech when a crowded court is to be expected, an excuse for want of attention during the rest of a week or a session. His talents are of that every day business kind which are the most needed and most useful though least attractive. I remember the President some years ago at the special commission for the trials of the rioters of Bonnymuir,—a job he did not seem to relish much. To the great consternation of the English functionaries he began by desiring the prisoners to be allowed seats. Taking some refreshment after the trial had lasted some hours, and observing the eyes of the prisoners following the morsels, he ordered them beef and bread; and still later in the day, noticing their flushed and anxious faces, he permitted them to retire two and two into the open air. This kindness quite overcame them, and, in passing me, one of them remarked, (and I concur heartily in the feeling which dictated the observation), 'My God, if they had been a' like that chap, we would not 'have been here the day.'"

(*Chronicle, 1st April 1831.*)

* Sir Archibald Campbell, Bart. of Succoth, was for many years a Lord of Session and Justiciary. Having served the usual number of years, he retired upon two-thirds of his salary. He is the eldest son of Lord President Campbell.

a great Judge. He keeps an excellent table, though—no bad Judge, in that respect, I can assure you.” “Very probably—and, no doubt, that will go far in your opinion; but ‘let that pass,’ as the man says in the play. Who is the fifth? He *must* be Lord Gillies.” “Right; ‘right as my glove,’ most wise, as Oldbuck hath it. It is that self same Lord. A man of wonderful talent, ingenuity, and research; but rather unwilling! Now, he has *much* confidence in his own opinion, which a consciousness of his own ability very naturally produces. He is rather much of a lawyer—of an advocate, I mean. But, notwithstanding, he is a brilliant ornament to the Bench.” ‘Very good, very well told indeed; very much obliged to you. Now I must bid you good-day. You know I am writing ‘Sketches of the Scottish Bar;’ so I must get rid of all this information, while it is fresh in my recollection.” “Oh, very true. But stop—I thought you had finished them. Can’t you stay to hear the pleadings? Your article won’t be worth lighting a farthing candle with, unless you give specimens of the different orators—half an hour will serve your purpose.” No, no; can’t upon my honour; I have more to say than I can well remember. But I am perfectly aware of the truth of your observations relative to the specimens; and as you said to-morrow was teind-day, I suppose that would be a good day to attend.” “Certainly, for variety, though not for display. However, for your purpose, I don’t know whether you could choose a better. The whole strength of the Bar will be assembled, and you can pick your men.” “That is just what I desire. You’ll look in upon me, then, to-morrow morning, and I shall do my utmost.”

It was in consequence of his being Judge in the famous case of Hay, during the dependence of which his Lordship left Scotland for the clime of Italy, that those memorable proceedings took place against Hay, which at the time created a great sensation, but are now almost forgotten. Hay intemperately complained of the delay, and he was proceeded against for contempt of Court.

IX.

HURRAH FOR THE BILL AND THE FRANCHISE SO LOW!

This Song is believed to be written by a member of the Faculty of Advocates, who has been very successful in his political squibs. There is prefixed this notification:—"The following Song was dropped from the pocket of a member of the Political Union of Edinburgh, and found by a Gentleman, who sang it at a Dinner of the young Conservatives of that place, held on the Anniversary of the Battle of Waterloo, 1832." The dinner referred to, was a sort of gathering of the Conservative party, consisting chiefly of Advocates and Agents, the great majority of whom were much opposed to that lauded panacea for all evils, the Reform Bill: they were in a woeful minority; for the citizens of Edinburgh, or rather the ten pounders, were intoxicated with Reform, which was as much puffed as Warren's jet blacking, or Dr. Goss's "Ægis of life;" and the old clothes-men of St. Mary's Wynd in the city sang hymns of praise for becoming politically as great as the aristocrats of Moray Place. Every thing was to be changed according to the newest and most approved fashion,—so much so, that the following Lines, by an Anti-Reformer, were not very far wrong:—

We thankful feel that the sun and moon
 Are placed so very high,
 That no presuming hand can reach
 To pluck them from the sky;
 If 'twere not so, we cannot doubt
 But some reforming ass
 Would soon propose to snuff them out,
 And light the world with gas. (Nov. 25, 1832.)

AIR—"The Black Jock."

Ye beggars and blackguards of every degree,
 Ye ruffians and rascals sing chorus with me,
 In praise of the Bill and the Franchise so low;
 Ye cobblers and tinkers, old clothes-men and all,
 Ye caddies and scavengers, hark to my call!
 Ye publicans shout, and ye sinners rejoice,
 Thieves, pickpockets, cheats, lift together your voice,
 Hurrah for the Bill and the Franchise so low!

Oh ! when shall time hasten that glorious day !
 When we shall have every thing in our own way,
 All under the Bill and the Franchise so low ;
 When order and law may be safely defied,
 When physical force shall the contest decide,
 When in riot and drunkenness round we shall roll,
 And a sprig of shillelah shall settle the poll,
 All under the Bill and the Franchise so low ?

No Aristocrat then shall dare utter a word !
 The voice of the people alone shall be heard !
 All under the Bill and the Franchise so low ;
 If to vote against us any Gentleman tries,
 Our brickbats shall level his nose with his eyes,
 Or o'er the North Bridge we may tip him a dance,*
 Even Jeffrey and Murray must just take their chance,
 All under the Bill and the Franchise so low.

Stockbridge and Jamaica Street now will outface,
 The Gentry of King Street and proud Moray Place,
 All under the Bill and the Franchise so low ;
 See what thousands the Cowgate and Canongate send,
 The High Street from closes and wynds without end,
 What swarms from the Bow and Grassmarket unkennel,
 Burke's corner, Main Point, Potterrow and the Vennel !
 Voting under the Bill and the Franchise so low.

No Tax then on Whisky, no Taxes on Ale !
 No Taxes on Knowledge, no going to Jail !
 All under the Bill and the Franchise so low ;
 No Sheriffs, no Baillies—no city Police,
 No Ministers' stipends our pockets to fleece ;
 No Fiscals—no Judges to hold up the rod—
 No King, Lords, or Commons—no, nothing, by G-d,
 All under the Bill and the Franchise so low.

* Alluding to the threat of throwing the Lord Provost Allan over the North Bridge, for supporting the Tory Candidate for the representation of the City.

X.

BILL OF SUSPENSION JOHNNIE GOW, MERCHANT IN MONTROSE,
 AGAINST JOHNNIE BELL, MERCHANT IN DUNDEE.

Party Agent.

Written by Mr. James Henderson, formerly Clerk's Assistant in the Bill-Chamber.

My Lords, unto your Lordships now,
 Most humbly means and shews
 Your present suitor Johnnie Gow,
 A merchant in Montrose,

That I am charged by Johnnie Bell,
 A merchant in Dundee,
 To pay the contents of a bill,
 For twenty-one pound, three.

The foresaid bill was drawn by me,
 As an accommodation
 To a poor deevil, Jamie Lee,
 Wha is by trade a mason.

The bill accepted was by Lee,
 Who, with my indorsation,
 Transfers the same to Bell, you see,
 For his accommodation.

Bell never gied a penny piece
 O' value for the bill,
 The blackguard only wants to raise
 The wind to spend on yill.

For want o' ony other way
 To prove it, tho' I'm loath,
 I'll prove non-onerosity
 By reference to oath.

*May it, your Lordships, therefore please,
To grant to me a sist,
Until Bell's oath upon the case
Shall come to be discust.*

According to justice, &c.

(Signed) JOHNIE GOW.

20th Feb. 1835.

INTERLOCUTORS.

The Ordinary to the charger's oath
The reference does sustain,
Ordains him therefore to depone,
To William Forbes Skene ;

To whom commission now he grants,
To take his deposition,
Report *quamprimum*, and meanwhile
He sists all execution.

The Ordinary has advised the bill,
Together with the oath,
Finds Jamie Lee and Johnnie Bell
Consummate blackguards both.

He passes then, of course, the bill,
Continuing the sist ;
No caution here, can be required,
The charge was so unjust.

XI.

RESOLUTIONS TO BE PROPOSED FOR THE ADOPTION OF A UNITED MEETING OF WHIG-RADICALS AND RADICAL-WHIGS, IN THE GRASSMARKET, TO BE HELD THIS DAY, FRIDAY 21ST NOVEMBER 1834, NEAR PORTEOUS' HOLE, AT THE OLD PLACE OF EXECUTION.

The following *Jeu d'esprit* was the production of the Parliament House Wits, upon occasion of an attempt by a section of the Citizens of Edinburgh to create, by a Public Meeting, agitation against the dismissal of the Melbourne Administration. It was heartily laughed at by many of the gentlemen intended to be satirized, and it has been, at the request of one of them, included in this brochure.

Moved by Mr. James Aytoun.

Seconded by Lord Provost Spittal.

I.—That this Meeting regard with the deepest grief and dismay the Dissolution of a Ministry, whose great and increasing incapacity and insufficiency had a tendency to bring all Government whatever into contempt, and to advance the progress of that political disorganization, which it is the object of the great mass of Reformers to accomplish.

Moved by Councillor Purves.

Seconded by nine other Gentlemen.

II.—That as “*measures*, not men,” has ever been the maxim to which the Liberal party has hitherto professed to conform their *habits*, the Meeting do not think that they are *cutting* before the point, by expressing their disapprobation of the men whom his Majesty has called to his Councils, without reference to the *measures*, whatever they may be, by which those men are to *shape* their conduct.

Moved by Mr. J. B. Gracie.

Seconded by Mr. C. F. Orr.

III.—That the un-looked for change which has occurred, has, on the very eve of fulfilment, disappointed the just ex-

pectations of a numerous body, founded on the most implicit subserviency to the purposes of a party, and the most vigilant attention to individual interests.

Moved by Mr. Charles M'Laren.

Seconded by Mr. Alex. Peterkin.

IV.—That the most appalling symptoms of the present emergency, is the gross apathy and insensibility of the public press, the distress of the sufferers by this calamity, and the presumption with which the *Times* newspaper, and other influential and hitherto Liberal Journals, have avowed the dangerous doctrine, that the new Administration should be tried before it be condemned—a course inconsistent with the first principles of Whig justice, and irreconcilable with its invariable practice.

Moved by Mr. R. B. Blyth.

Seconded by Mr. Peter Brown.

V.—That your meeting view, with the utmost apprehension, the alarming RISE IN THE PUBLIC FUNDS, on the announcement of the formation of a new Administration, which they cannot but deprecate, as indicating a delusive and plethoric state of the national credit, and the near approach of some peculiar financial crisis.

Moved by Dr. Browne.

Seconded by Mr. R. W. Jamieson.

VI.—That the Meeting cannot contemplate, without anxiety, the prospect that public curiosity will, in future, be deprived of the legitimate enjoyment afforded by the disclosure of those Cabinet secrets which have been deliberately divulged by the members of the late Administration, but which, there is too much reason to fear, will now remain confined to the breast of those who view, with a narrow-minded bigotry, the obligation of an oath of secrecy.

Moved by Sir T. D. Lauder.

Seconded by Mr. John Cuninghame.

VII.—That your Meeting cannot flatter themselves, that under the new Administration, the country will enjoy the advantage arising from the visits of a Lord Chancellor, who, having failed in effecting the Establishment of Local Courts, has endeavoured to supply their place by completing, with unexampled celerity, a voluntary circuit of Great Britain, from Dornoch to Dungeness, in a manner so well calculated to promote the *Diffusion of Useful Knowledge*; and at once so amusing to the public, so honourable to his judicial station, and so gratifying to his Majesty, whose sacred name he lost no opportunity of honourably associating with his own.

Moved by Bailie M'Farlane.

Seconded by Councillor Saunders.

VIII.—That this Meeting consider that under the various symptoms preceding and attending this event, demonstrating the inherent debility, and affording a certain prognosis of the demise of the late Administration, it was unfeeling to take advantage of its enfeebled state, and unnecessary to precipitate the Dissolution of a Cabinet already exhibiting the usual offensive indications of spontaneous combustion, and which must speedily have evaporated of itself, with the general commiseration of an indulgent though disgusted public.

Moved by Mr. Adam Black.

Seconded by Mr. Johnstone, Printer.

IX.—That this Meeting express a confident hope that his Majesty will specially exclude from his councils all who have not received the approbation of the Liberal Party, and this Meeting protest that the late statements in the Edinburgh Review, in favour of the Duke of Wellington and Sir Robert Peel, shall be held as *errata*, or shall be interpreted in a manner totally different from their plain and obvious meaning, any customs or practice to the contrary notwithstanding.

Moved by Mr. Murray of Henderland.

Seconded by Mr. Robert Hunter, Advocate.

X.—That after the boast so justly made by Lord Brougham, that the Whig Ministry in the last Parliament had done so *little*, and his cheering announcement that the next Parliament would *do less*, it is dreadful to contemplate the possibility that the New Ministers may actually do something for the country, and thereby secure a fallacious popularity, most injurious to the prospects of those who have been expelled from power.

Moved by Sir J. G. Craig.

Seconded by Mr. Wm. Bell, W. S.

XI.—That the present change, as well as various other recent events, naturally suggest the reflection, that the course of future *Improvements*, whether local or national, must proceed in the *Western* or *straight*, rather than in that *Eastern* or *crooked* line, which has uniformly been observed by adherents of the late Government; and which has, on so many occasions, led to much public good, and some private advantage.

Moved by Mr. Andrew Miller.

Seconded by Bailie Thomson.

XII.—That your meeting profess to repel, with indignant disbelief, the concurring statement of the whole public press, that the head of the late Administration was himself the bearer of that letter from his Majesty to the Duke of Wellington, by which he was called to his Majesty's Councils—a statement which they will believe, on the testimony of Lord Melbourne himself, more particularly as, if true, it must deprive the present Meeting of its sole ground of Complaint, and the preceding Resolutions of their whole propriety and application.

Moved by the Youngest Bailie.

Seconded by the Common-Executioner.

XIII.—That, inspired by the *Grave* and Elevating Associations which the Erection of a Scaffold in the *Grassmarket* is naturally calculated to excite, the Meeting feel that they will be *justified* in their confident anticipation that the *Subject* will not be allowed to *Drop*, and that the whole Meeting will *Hang* together in *accord* and *concord*, until the final execution of all that they have in view.

Moved by Sir John Dalrymple.

Seconded by Captain Carnegie.

XIV.—That an Address be prepared embodying the preceding Resolutions, and that the same be transmitted to the late Lord Chancellor, with a request that he will forward them to his Majesty, *by that Evening's post*.

XII.

COMPLAINT OF THE POLLYSYLLABLE "OTHERWISE," AGAINST MR. JOHN HORNE, ADVOCATE.

From the pen of Hew Murray Kynnymond, Esq. Advocate. This gentleman succeeded, in the month of March 1736, to what remained of the estate of the ancient family of Kynnymond, as well as to the separate property of Melgund, under an entail executed by his brother *uterine*, Sir Alexander Murray, Bart. dated the 13th September 1710. His mother, Janet Rothead, daughter of Sir James Rothead of Inverleith, was twice married,—1st, to Alexander Murray of Melgund, by whom she had one son, Sir Alexander, the entailer;* and 2d, To Sir David Dalrymple of Hailes, Bart.† by whom she had Sir James, his successor, and Hew who succeeded to the Kynnymond and Melgund estates, and died December 23, 1741. In the notice of his demise inserted in the Caledonian Mercury, he is described as "a most friendly and humane gentleman, and eminently distinguished for his knowledge in the law, and eloquence at the bar."‡ He married Isobella Somervell, one of the

* He died in 1713.

† 4th April 1691.

‡ In the copy from which this article is printed, there is written—"This was done by Mr. Hew Dalrymple, advocate, afterwards Hew Murray Kynnymond of Kynnymond, the prettiest gentleman of the whole faculty in his time."

daughters of Hugh Somervell of Innerteil, W.S. and had issue, one daughter, Agnes, who, by her marriage with Gilbert, afterwards Sir Gilbert Elliot, Bart. carried the Kynnymond estates to the Minto family, who, although they take the name of Kynnymond, have not any connection with that ancient race, excepting by succeeding to the estates, under the before-mentioned entail.

Mr. Hew Murray Kynnymond died considerably in debt, and the produce of the sale of his town house, books, and furniture, was insufficient to satisfy the demands of his creditors. His daughter had various law-suits with them, the Session Papers in which are preserved in Lord Elchies' Collection, vol. 18, 1742-1749.

Mr. Horne, who seems to have treated the Pollysyllable with just contempt, was an Advocate, and for many years one of the Dean's Council. He was possessed of a good estate in Aberdeen, being designated Horne of that Ilk. His daughter and heiress married Hew Dalrymple, a member of the Faculty of Advocates subsequently raised to the bench by the title of Lord Drummole. The estates of Horne now belong to his Lordship's grandson, Sir Robert Dalrymple Horne Elphinstone, who was created a Baronet 16th June 1828.

To the Right Honourable the Lords of Council and Session,
the Complaint of "OTHERWISE," an Injured Pollysyllable
and Adverb, against Mr. JOHN HORN, Advocate ;

HUMBLY SHEWETH,

That it is with grieff and vexation your petitioner is induced to intrude upon your Lordships' time in the hurry of the end a Session, but the circumstances of the case makes it absolutely necessary.

What gives occasion to the present complaint, is a certain paragraph, contained in a paper intituled "Answers for the Duke of Gordon to the Petition of the Earl of Murray," in which, to your petitioner's great surprise and mortification, he found the following words:—"He will not at this time of the Session presume to take up more of your Lordships' time about the gramatical signification of the pity-full monosyllable and adverb OTHERWISE."

I own I am an adverb, and I glory in the title, nor shall anything which a proper substantive noun can say make me ashamed of it. But to be made a monosyllable, and a pity-

full monosyllable, I burn with a just indignation at the very thought of it.

Little did I expect this return from a gentleman for whom I had done numberless acts of friendship. I put it home to his conscience, whether I have not alwise been a ready assistant to him, upon all occasions, nay, whether he has not constantly made use of my name and credit, when no other monosyllable or polysyllable on earth could serve his purpose. Let him say otherwise if he dares. Sure he will blush at pronouncing my name, though this is not the first time I have been sensible of his ingratitude; for I am credibly informed that he and his other brethren at the Barr have asserted that a thing was So, when they and your Lordships knew it was OTHERWISE.

The thing is so ludicrous, that I can hardly descend to an argument that I am a pollysyllable, having all the marks and apparent symptoms of polysyllability. I am a polysyllable, descended of polysyllables. The *alias's* and *alifers* of ancient Rome were my predecessors, and the *autrements*, a French family, own the same original. It is true, my mother was a monosyllable of the family of WISE, (a very fast headed race;) but they, for a proof of their wisdom, have deserted the monosyllables, and by matching into our house, are now naturalized polysyllables, ALWISE, LIKEWISE, SIDEWISE, and many others, are all children of the same lady.

Your Lordships are dayly witnesses of the hereditary antipathy that is between our family and the monosyllabical house of So. The disputes between So and Otherwise, I may say, without vanity, have made some noise in the world, and I dare say, that for the sake of the irreconcilable hatred we bear to that pitiful monosyllable, we shall continue enemys to the whole monosyllabical clan to the last letter of our name.

I need say no more, because I have the happiness of the intimate acquaintance of all your Lordships' numbers, in

whose mouths I have alwise made a very considerable figure. I must acknowledge the obligations I ly under to your Lordships' justice, in the many contests I have had with that diminative prig So; for often and many times after your Lordships have found So, upon application from my friends, you have found OTHERWISE; nay, I am so far convinced of your Lordships' gracious thoughts of me, that I firmly believe, that often when your Lordships say So, you mean OTHERWISE.

I shall not detain your Lordships any longer. I have raised and repeated a Declarator of Monosyllability, and I beg it should be found and declared, that I am a Pollysyllable, and that the Signer of the Answers may be ordained to answer summarily as a Member of the College of Justice, and may publickly recant and declare that I am a true and undoubted Pollosyllable, and own, that the HORNS are but pityfull Monosyllables themselves. ACCORDING TO JUSTICE, OTHERWISE.*

* From a manuscript obligingly communicated by the Reverend Dr. Lee.

A

PARLIAMENT HOUSE GARLAND.

BARON SCHIEDAM.

A MOST EXCELLENT NEW SONG.

(BY A PERSON OF QUALITY.)

TUNE — “ *Croppies lie down.*”

When the King (Heaven bless him!) resolved, as appears,
To strengthen his hands by a new batch of Peers;
Paper-Barons abolish'd — he call'd on Lord Brougham
To find something solid to place in their room.
Says Brougham, “ Please your Majesty, certain I am,
There is nothing more *solid* than Baron Schiedam.”
Chorus. Dam, dam,* Baron Schiedam.

“ To your Majesty's subjects how great the relief,
For these Barons of *paper*, one Baron of *beef*;
In a sole corporation, he weighs eight or ten
Of Lords spiritual temporal, all join'd in one;
A complete House of Lords, (deny it who can,)
Without any proxies, is Baron Schiedam.”
Dam, dam, &c.

In turning the page of our history o'er,
So prodigious a Baron was ne'er made before;
King John and his Barons we cease to admire,
Chief Barons avault! Baron-bailies retire!
Not Baron Munchausen, nor Baron Geramb,
Can compare for a moment with Baron Schiedam,
Dam, dam, &c.

* Care must be taken not to pronounce this *d—n.*—*Printer's Devil.*

To Lord Overgroggy, the news, it is said,
 By Lord Pilmagoggy were quickly convey'd ;
 Both Lords of the Law, each renown'd as his brother,
 For *Institutes* one, *Minor* practics the other ;
 For the Convict they sent, *transported* he came,
 And down they all sate with their fav'rite Schiedam.

Dam, dam, &c.

" A night of 't we 'll make," quoth my Lord Overgroggy,
 " So we shall, please the pigs !" roar'd my Lord Pilmagoggy.
 " What's that noise? the police?" (see, the Convict's afraid,)
 " No, 'tis Dauneey and Neaves, two blind fiddlers by trade.
 The Convict in silence sate sipping his dram,
 Quite subdued by the spirit of potent Schiedam.

Dam, dam, &c.

They drank and they toasted, they hip, hip, hurrah'd,
 Till not one could tell what the other had said ;
 " Very good, very good !" said my Lord Overgroggy,
 " Most glorious !" hiccup'd my Lord Pilmagoggy ;
 They embraced, and they danced, till they fell to a man,
 And the last words they said, were " Long life to Schiedam."

Dam, dam, &c.

Then join hand in hand, let our glasses o'erflow
 To the great Earls of Hollands, and Count Curaçoa ;
 With brave Chassé in *front*, he has nothing to fear,
 While his *breeches* effectually cover his rear ;
 The broad bottom'd union there 's no one that can
 Represent half so well as great Baron Schiedam.

Dam, dam, &c.*

THE BEAUTIES OF OVERGROGGY.

A SONG ON THE GENERAL QUESTION.

TUNE—" *Oh, the Groves of Blarney.*"

When all so voggie
 At Overgroggy,
 With Baron L[othia]n we go to feed ;
 Who, with airs and graces,
 Far surpasses,
 And his wit and beauty do much exceed.

* By Andrew Skene, Esq.

There I have seen, sir,
 With Mr Skene, sir,
 And P—— R—— so small,
 And N——s and D——y
 So wise and funny,
 Both singing to the deep canal.

There a profusion
 And rich confusion,
 Of lovely objects are to be found ;
 And our secretary,
 So brisk and airy,
 Swimming about in the horse pond.

No place is neater,
 Or more completer ;
 There are charming valleys and lofty hills,
 There 's every feature
 Of lovely nature,
 And also Thomson upon Bills.

When for relaxation
 Of conversation,
 All to the garden we repair ;
 'Mongst the currant bushes,
 And amorous thrushes,
 Meandering* in the ambient air.

There you may see, sir,
 J—— B——, sir,
 That charming creature so fair and bright ;
 Taking his ease, sir,
 Among the trees, sir,
 Or wandering in the pale moonlight.

Then for his fees, sir,
 'Tis what you please, sir,
 Since he disdains for to repine ;
 He's paid with whisky,
 To make him frisky,
 And candles for to make him *shine*.

* *Verba solennia* of the Abbot of Unreason.

B—— and Gillies,
 Two drunken fellows,
 Eternally sipping at their wine ;
 But R—— R——,
 He beats us hollow,
 All in the sentimental line.*

PETER'S FAREWELL ADDRESS.

As the worn show-horse, whom Ducrow so long
 Has taught to prance before th' applauding throng,
 Now all unfit to play his wonted part,
 Turns the dull mill, or trails th' ignoble cart ;
 If, midst his daily toil, perchance he hears
 Great Wombwell's trumpets, and th' attendant cheers,
 Strives from his rear the cumbrous load to fling,
 And longs to circle in his ancient ring :
 So I, when loud your festive laughter swells,
 Would gladly don once more my cap and bells,
 So sad it is to deem my triumph's past,
 And think these joyous plaudits are my last.

Warn'd by some symptoms of a certain age,
 To-night a veteran quits the mirthful stage ;
 A certain age a certain port requires ;
 Not prematurely Robertson retires ;
 At four-and-forty, when the locks are grey,
 'Tis time to doff one's comedy array,
 And leave, while youth's excesses we retrench,
 Some space between the banquet and the bench.

Time was, when even the rigid and the wise
 Might scan my levities with lenient eyes.
 Cast in a mould denied to other men,
 (Great Jove will hardly use it soon again,
 If not with wit, at least with words at will,
 The wish to please, and, shall I say, the skill ?
 Peers, parsons, players, applauded as I spoke,
 And Huntly loved, and Scott endured the joke.
 Each look would set the table in a roar ;
 And when the look was grave, men laugh'd the more.
 Hard task, and how perform'd you best can tell,
 To serve two masters, and to serve them well ;

* By Andrew Skene, Esq.

For manners can with mammon ill agree,
 And jealous Themis hates Euphrosyne.
 But now, farewell the mimic look and tone,
 The general question and the big trombone,
 That makes the orchestra nothing — O! farewell
 To Oscar's melody and Ossian's shell;
 The stammering cornet, the Italian air;
 Farewell the bagman, and farewell the bear;
 Pride, pomp, and circumstance of glorious fun,
 Farewell, — for Peter's occupation's done!

Yet still the fire, that burn'd too fierce before,
 May shed a chasten'd light your evenings o'er:
 Sometimes the mountain may bring forth its mouse
 To please the laughers in the Outer-House;
 Nay, e'en in yonder niche, install'd on high,
 Some jest or pun Lord Peter may let fly.
 Clerks, counsel, agents, and the weekly roll,
 Shall vainly strive their muscles to control;
 Wide spreads the infectious laugh, and ev'n awhile
 The losing litigant consents to smile;
 Bremner, exulting, chuckles as he goes,
 And purple Beveridge hides his quivering nose;
 All but the macer, grieved to see no more
 The classic gravity that Corehouse wore.
 But to return. — If you have owed to me
 One witless jest, one pointless repartee;
 If I at good men's feasts too long have loll'd,
 And seldom stirr'd when bells to church have knoll'd;
 If censuring tongues might of my errors tell,
 As loving mirth, not wisely but too well;
 If even in caution's course I miss'd my aim,
 Tried jokes by stealth, and blush'd to find them fame;
 The few abortive efforts I have made
 By this preposterous tribute are repaid.
 Could my big bosom prop the swelling line,
 I then could speak what feelings now are mine;
 But fancy fails, expression dies away,
 In feeble murmurs I can only say,
 Amidst my throbbing heart's tumultuous strife,
 "This is the proudest moment of my life!" *

* By D. Cheape, Esq.

C——, advocate, particularly distinguished himself, in a speech which lasted exactly two hours and a half, and which was as effective as a musical voice, graceful gesticulation, and pointless (we forgot, pointed) sarcasm could make it. Amongst the toasts, the following were received with rapturous applause:—“Lady Holland and the liberal ladies.” “Lord Teynham and the Whig peerage.” “Daniel O’Connell, the fine ould Irish gentleman,” by Mr W. G. Craig. “Pilmagoggy and the Scotch bar,” by the Chairman. “His Majesty’s Bill-sticker,” by Mr J—— M——, an embryo Advocate-Depute. Besides the public spirited noblemen, baronets, and citizens who so kindly roam about the county to patronize Whig dinners when the charge does not exceed 3s. 6d. (drink included,) about two hundred persons were present.

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