

CHAPTER III.—PROTECTION OF SCHOOLS.

WE quoted in the first part of this work cases of 'protected' schools—schools to which the sole right of teaching was limited, the monopoly being granted for the protection of the grammar school and encouragement of the teacher. From an early period down to a comparatively recent time, the burgh schools enjoyed a protection more or less rigid; for long and dreary centuries there was as little free trade in teaching as in other articles of merchandise, of which monopolies—oppressive monopolies, were granted, at the expense of the community, to some favoured persons; salt, leather, coal, and other articles of daily use could only be sold by those who received patents to deal in such goods. The doctrine of free trade, allowing a man to do as he likes with his capital and abilities, is of modern growth; it was long before that law of our political economy was accepted which affirms that according as the individual improves his condition by honest labour, in the same proportion he benefits society at large. We can hardly reflect on our forefathers if they failed to realise that every poor adventure teacher—treated by them invariably with contumely till the beginning of this century—who obtained a livelihood by imparting to our youth the blessing of education, conferred a benefit on the community, and was in truth a benefactor of the race. It was not till the beginning of this century that protection was abandoned, and freer ideas crept in; and we feel relief when, in several places, we find the councils actually subsidizing adventure schools—schools competing with their own burgh schools. The extracts quoted show that protection was not confined to a district, but that it prevailed all over Scotland.

In 1563 the town council of Haddington undertake 'not to

permit any other school to be held in the burgh' than that taught by the proper schoolmaster.¹ In 1567 the master of the grammar school of Crail complains to the council that Sir George King is 'seducing the scholars from his school,' and 'teaching them as he pleases in the manner of a school;' the council discern that there shall be no other teacher in the burgh than the master of the grammar school, who alone has title to teach.² The peace of Crail seems at this time to have been much broken by the minister and master of the burgh with their respective followers: on 9th June, and again on 18th February 1580, Mr Buthill represents to his patrons that he had been admitted schoolmaster, but, nevertheless, Mr John Edmiston, minister, has 'seduced' certain of his scholars, contrary to the provision made to him; and it is further complained, that Mr Edmiston's pretended scholars by casting stones at the grammar school and 'dynging the bairns' to the great effusion of their blood, have troubled Mr Buthill, who is supported in his office by the town council.³ In 1576 the council of Haddington take blame to themselves for permitting other schools to be held in the burgh, and discharge 'fra thyne furth all athir scholis within thair burgh, bot the hie grammar schole allanarlie.'⁴ In 1582 the council of Kirkcaldy undertake to the master of the grammar school, to allow no other school to be taught in the town;⁵ and in the same year the council of Ayr statute that no schools shall be held in the burgh by any other person than the common schoolmaster.⁶ In 1584 the council of Edinburgh 'discharge, inhibit, exclude, and stop' all other persons, except the master and the doctors of the high school, from teaching grammar or Latin authors;⁷ and in the same year burgesses are for-

¹ Burgh Records of Haddington.

² Burgh Records of Crail. There is an entry of similar import on 8th December 1569.

³ Ibid. A further entry is found on 29th May 1582, when the same intruder is again specially discharged from teaching 'to the prejudice of the said Buthill's gift.'

⁴ Burgh Records of Haddington. ⁵ Burgh Records of Kirkcaldy.

⁶ Burgh Records of Ayr. ⁷ The Original in the archives of Edinburgh.

bidden to send their bairns to any other school under a penalty to be paid quarterly to the master of the high school.¹ In 1585 the council of Kirkcaldy order all scholars who are attending James Morrison's school to be remitted to that of Mr John Mitchelson, grammar master, and to pay to him the quarterly fees; and any scholar going to any other teacher shall pay to Mr Mitchelson 20s. yearly.²

In the year following, on the complaint of the master of the grammar school of Aberdeen, against a certain notary, who holds a school without the licence of the master of the grammar school, the council strictly discharge the interloper from holding in future any school in Aberdeen.³ Though William Simpson was discharged in 1590 from keeping a school in Dysart, still, by 'colour and subterfuge,' he teaches a school in Mitchelson; and being still a neighbour of the town, he is ordered to desist and the neighbours are forbidden to send any bairns to him; the act published by the bell.⁴ On the complaint of Mr Thomas Cargill, master of the grammar school of Aberdeen against Mr David Kanzie, in 1593, for teaching grammar, instructing in oratory, poetry, and subjects belonging to the liberal sciences, without his permission, the usurper is enjoined to desist from holding a grammar school;⁵ in 1597, the council, considering that the grammar school of this and of all other burghs, has the prerogative that no other school can be held within the burgh except the music school, without licence of the master of the grammar school, ordain that there shall be no teacher within this burgh except the sang master who shall not be subaltern to the master of the grammar school and have his goodwill.⁶ In 1595, the council of Ayr inhibit any school to be held in the burgh, except the common school, without the licence of the master; and in a contract between the town and the mas-

¹ Burgh Records of Edinburgh.

² Burgh Records of Kirkcaldy.

³ Burgh Records of Aberdeen.

⁴ Burgh Records of Dysart.

⁵ Burgh Records of Aberdeen.

⁶ Ibid. In October 1618 the Burgh Records of Paisley contain an entry excepting also the music school from the prohibition.

ter, dated in the same year, it is agreed that there shall be no other school in the burgh for teaching Latin or English to the male children, but the grammar school.¹ In 1598, all persons in Edinburgh are prohibited from teaching the rudiments or any other Latin book, in their lecture schools, in order that the first regent in the high school may be held answerable for their grounding in the rudiments.² In the same year, the council of Burntisland declare that no person shall be allowed to set up a school without their leave,³ and in 1620 we learn that only women may hold private schools in Burntisland.⁴

In 1602, the council of Stirling ordain 'for the better flourishing of the grammar scole' that all bairns exceeding eight years of age sent to any other school within the burgh, or to any landward school about the same, 'to the quhilk bairnes gang furth in the morning and thairfra cumes hame at evin,' be removed from such schools and sent to the grammar school;⁵ in 1603 the magistrates bind James Duncanson and Nicol Murdoch, to receive no male children, under penalty of £10, and their 'scole durris steikit up;'⁶ and on 27th May 1609, Duncanson is again discharged from teaching longer than Whitsunday next;⁷ in the same year the council discharge John Matheson of all further keeping of a writing school; he promises to obey;⁸ in 1613, Thomas Couper, tailor, becomes cautioner for Alexander Stevenson, that he shall not instruct male children in his school or in any private house from this time forth;⁹ and, again, in 1625, James Wallace is discharged from teaching 'ony maill childrene,' and ordained to remain in ward until he find caution not to contravene the act of council.¹⁰ In 1605, the town of Ayr again promises to the master of the grammar school to allow no other school within

¹ Burgh Records of Ayr. It would appear that there was not the same strict prohibition against adventure schools for teaching girls.

² Burgh Records of Edinburgh.

³ Burgh Records of Burntisland.

⁵ Burgh Records of Stirling.

⁸ Ibid.

⁹ Ibid.

⁶ Ibid.

¹⁰ Ibid.

⁴ Ibid.

⁷ Ibid.

the burgh than the grammar school and music school—boys attending the former, except such as choose to learn music, and girls the latter, or (it is added) ‘any other school they please.’¹ In 1616, a notary in Perth is discharged from teaching bairns,² and in 1623, it is enacted that no other schools shall be allowed in the burgh than the grammar school, without prejudice, however, to the ‘weemen schollis, according to use and wont.’³ In 1618, the council of Paisley prohibit the keeping of any reading schools in the burgh, except the grammar school and music school.⁴

About this period we find in the records a number of entries directed against teaching by women. Thus, in 1626, the council of Dysart, for increasing the number of scholars in their school and promoting literature, ordain that no woman mistress shall receive any male children who can go to the principal or high school.⁵ In 1635 the schoolmaster of Burntisland complains that Mansie Maceggan and Bessie Davidson keep schools to the injury of the grammar school.⁶ In 1636 three ladies in Aberdeen having likewise presumed to take up English schools in the burgh and teach their scholars to read, thereby prejudicing the masters of the English schools, they are discharged from holding any other schools than for teaching bairns to ‘sew and wywe pearling allanarlie.’⁷

At the head court of Jedburgh it is statute in 1638 that burgesses shall send their sons, after six years of age, to the high school only, under pain of £10 for each fault unforgiven.⁸

¹ Burgh Records of Ayr. Whether the licence to attend any other school they please, refers to a private school, or the grammar school, it is difficult to decide: probably it means the grammar school. See a further entry, under 27th May 1606, imposing a penalty of £5, for boys attending any other school; also an indenture, dated June 1612, to the same effect as the contract above quoted.

² Burgh Records of Perth.

³ Ibid.

⁴ Burgh Records of Paisley.

⁵ Burgh Records of Dysart.

⁶ Burgh Records of Burntisland.

⁷ Burgh Records of Aberdeen.

⁸ Burgh Records of Jedburgh. A similar ordinance, but without the provision of a penalty, is found in the Burgh Records of Stirling, under date 4th December 1649; likewise under 2d May 1653.

For the encouragement of the doctor of the grammar school of Paisley, the council, in 1647, conclude that all men children shall attend the grammar school, and ordain at the same time women to be discharged from receiving boys into their schools, under pain of censure;¹ in 1648 the council intimate, 'be tuck of drum,' that no woman may keep school without licence of the council;² in 1651 the council discharge all persons from teaching men children so that they may repair to the grammar school.³ It is recorded that in 1654 James Potter, having usurped the privilege of keeping a school in Glasgow, for which he could produce no warrant, and having been warned to pray the council to allow him to keep a school, and seeing he has 'slighted and neglected to do so,' is discharged from keeping school.⁴ In 1656 the council of Peebles discharge 'those women' who keep school for female bairns to receive any male children, either of town or landward, under pain.⁵ A similar indignity to the female teachers of the time occurs in 1658, when the council of Glasgow appoint the bailies to discharge 'the woman' who has at her own hand taken up a school at the head of the Saltmarket;⁶ the council, in 1660, recommend the bailies to take up the names of all persons who keep Scots schools, to ascertain by what warrant they do so.⁷

In 1660 and 1661 vulgar schoolmasters were discharged by the magistrates of Edinburgh from teaching Latin.⁸ In 1662 the magistrates of Inverness prohibit all persons, excepting the town teachers, from giving instructions in reading or writing within the burgh.⁹ In the same year the council of Stirling repeal the statute of 1602—altering the age to six years, above which none shall be taught in any other school within the burgh than the grammar school.¹⁰ Again,

¹ Burgh Records of Paisley.

² Ibid. ³ Ibid.

⁴ Burgh Records of Glasgow.

⁵ Burgh Records of Peebles.

⁶ Burgh Records of Glasgow.

⁷ Ibid.

⁸ Chalmers's Life of Ruddiman, p. 90. See also Burgh Records of Edinburgh, under date 1654.

⁹ 'Memorabilia' of Inverness.

¹⁰ Burgh Records of Stirling.

in the same year, the English and writing schools of Aberdeen having been for several years much neglected and abused by too many persons who had no ability teaching them, licence is granted to two persons to teach these schools, and all other persons are discharged from instructing in reading, writing, or arithmetic.¹ The schoolmaster of Forfar having, in 1664, been compelled to resign his charge, but finding that he still teaches children, the council forbid the 'whole inhabitants from putting children to him.'² The council of Irvine enact in 1665 that no person shall set up as schoolmaster in the burgh without consent of the council;³ and at Ayr in the following year, when William Wallace was appointed schoolmaster, all other persons were prohibited from teaching, except himself and his doctor.⁴ In 1666 women are forbidden in Perth to teach boys older than seven years, or to teach writing to any boys.⁵ In 1668 the council of Edinburgh, finding that though it is specially provided by acts of council that no person may teach Latin or grammar within the city, except the masters of the high school, and that none residing within the town may send their children to be taught without the gates, yet several teach within the city 'to its public loss, and to the overthrow of the high school;' therefore ordain that no person upon any pretence whatever teach grammar within the city except at the schools of Leith, Canongate, and the readers' school of West Port; and that no inhabitant send their children to Bristo, or any other place within the liberties of the city; any one teaching in contempt of this act shall be imprisoned, and parents sending their children elsewhere shall pay quarterly to the master of the high school as much as his other scholars.⁶ In 1674 the council of Brechin ordained that no person shall send a boy, above ten years of age, to any other school in or out of the burgh than the grammar

¹ Burgh Records of Aberdeen.

³ Burgh Records of Irvine.

⁵ Burgh Records of Perth.

⁶ Burgh Records of Edinburgh.

² Burgh Records of Forfar.

⁴ Burgh Records of Ayr.

school, under a penalty of £20 Scots.¹ In 1675 the council of Ayr resolve that there shall be no other grammar school than that authorised by themselves; and the inhabitants of the town are forbidden to send their children to any other Scots schools than the public Scots school, unless to learn the catechism and psalm book.² In the same year the council of Rutherglen order persons who send their children to other schools than the grammar school of the burgh, to pay to the master of that school double the quarterly wages.³ In 1678 the council of Paisley 'discharge any reading school except the grammar school.'⁴

The Privy Council having issued a proclamation against keeping private Latin schools in Edinburgh or suburbs, the following declaration, dated 28th January 1681, was extorted from the private teachers of Latin by the magistrates of the city: We underscribers, keepers of Latin schools within this city, bind and oblige us, conform to the court ordinance, that we shall, before the term of Whitsunday next, cease to keep Latin schools, and shall not in time coming presume to keep a public or private school for that effect, under such a penalty as the town council think fit to impose upon us.— J. HANNAY, GEORGE YOUNG, W. LEESONE, ROBERT WILSON, WALTER GREENLAW.⁵ The adventure schools seem to have gained ground on the high school in the course of 1684, when the doctors appeal for augmentation, because of the number of private schools which, if suppressed, will become their mortal enemies, slandering them to all concerned.⁶ In 1682, the council of Peebles ordain all boys to be taught at the public school after they can read the psalm book;

¹ Black's History of Brechin (2d ed.), 89.

² Burgh Records of Ayr. A somewhat similar limitation is quoted in the 'Memorabilia' of Inverness in 1677 when Mary Cowie was ordered not to teach reading beyond 'the Proverbs.'

³ Burgh Records of Rutherglen.

⁴ Burgh Records of Paisley.

⁵ Steven's History of the High School, 75.

⁶ Burgh Records of Edinburgh.

and other schools are discharged;¹ in 1688 the women schools were visited by the magistrates, who ordered such boys as are on the psalm book to attend the public school, under pain of the quarterly payments;² and on 17th October 1692, the council, considering the great division in the burgh, in consequence of all the children not attending the public school, ordain the inhabitants to send their children to the public school within one month from this date, under pain of £10 Scots *toties quoties*.³ The council having, on 9th January 1693, cited John Govan, late provost, James Grieve, late bailie, and George Broun, carrier, inquired of them if they had obeyed this act; answered, they had their children at another school, from which they would not remove them unless there was a settled schoolmaster, which the present master, Mr M'Millan, was not, being a preacher and about to get a kirk; replied, that Mr M'Millan having been found qualified by the presbytery and having yet no other charge, they were bound to send their children to him, which they refused to do; therefore the council fine the delinquents in £10 Scots each and ordained them to lie in prison until the fine be paid.⁴ The encouragement afforded to private schools in Dunfermline by the kirk session raised the opposition of the burgh teachers;⁵ in 1686 Mr Patrick Dykes, schoolmaster of

¹ Burgh Records of Peebles.

² Ibid. A school having been established in a little house at Crosskirk by Henry Hay, a discharged master of the burgh, the council, in 1691, suppress it for preventing the ruin of the public school; he was again, in 1694, discharged from keeping a private school under pain of imprisonment.

³ Ibid. This dispute gave rise to a lawsuit, as we find in 1693 the council nominating Archibald Neill, bailie, to go to Edinburgh and do everything necessary for discussing the suspension raised by Provost Govan and others, of the acts of council anent the public school.

⁴ Burgh Records of Peebles.

⁵ A few extracts from the kirk session records of Dunfermline show that the sessions were often more enlightened than the councils in promoting education: 13th July 1679, the session, considering that the 'Gellts Easter' is so remote from the town that children residing there cannot conveniently come to the public school, authorise Patrick Mudie

Dunfermline, produced an act of council discharging all other schools in the town, except those who have licence from the council.¹ In 1686, and again in 1730, ordained that no other than the burgh school shall be held in Wigtown, except for 'lasses to learne shewing,' under pain of £10 quarterly, to be paid by the teachers, and five groats by parents for each child.² In 1688 the council of Banff prohibit private schools from being established in the town, under pain of banishment.³ In 1690 the council of Kirkcudbright forbid any other school to be kept in town (except for children until they learn the psalm book) than the burgh school, and ratify all former acts made thereanent.⁴ In 1693 the council of Edinburgh ordered the doors of private schools to be closed;⁵ and two years later the council of Ayr, for the encouragement of the master of the Scots, writing, and music school, appoint, conform to the ancient acts of the burgh, an 'edict to pass through the burgh by tuk of drum,' prohibiting any other person from keeping any common school for teaching these subjects, including arithmetic; the act extending only to the 'grounding' of young children.⁶ In 1698, and again in 1727, the council of Stirling forbid any child above six years of age to be taught in any other than the grammar school; nor shall any one have

to hold a school in that quarter, providing always that he live orderly and regularly; on 20th May 1683, the session gave out two 'byg dollars' to Patrick Mudie for teaching poor scholars, and £1, 4s. to Elspit Cusin for like pains. In consequence of the remonstrance of the town council, against the supporting by the session of private schools, the session were obliged to give the money mortified for teaching the poor to the master of the grammar school and his doctor, but at the same time resolved to give something out of the 'box' to private schools. Accordingly, James Lamb, who keeps a school in the town, receives £2, 18s.

¹ Burgh Records of Dunfermline.

² Burgh Records of Wigtown.

³ Burgh Records of Banff.

⁴ Burgh Records of Kirkcudbright. In the same year the council license James Bell to 'keep a school for young children for teaching the catechism and psalm book, and no further or higher.'

⁵ Chalmers's Life of Ruddiman, pp. 90, 91.

⁶ Burgh Records of Ayr. The extension of monopoly to the Scots school and music school only took place in 1687.

liberty to keep a private school.¹ In 1703 the master of the grammar school of Dunfermline once more complains to the council, that to his great discouragement two persons had at their own hand set up private schools in the town contrary to several acts of the council; the council unanimously discharged them and all others from teaching male children, except such as shall be under seven years of age, under pain of £20 Scots *toties quoties*; one-half accruing to the town, and the other to the master and doctor.² The council of Linlithgow, in 1708, for the encouragement of the grammar school, discharge all private schools from teaching Latin and writing.³

In 1713, the council of Ayr inquire by what authority Mr Alstoun sets up a public music school within the burgh;⁴ in 1714, the council, considering that there are several private English schools in the burgh, to the discouragement of the English master, prohibit all persons from teaching to read or write, under a penalty of £20 Scots;⁵ in 1723, he petitions against two private schools in which reading and writing were taught;⁶ in the following year, William Murdoch being examined for keeping an English school, acknowledges that his wife and he have taught reading and writing, but not arithmetic; also John Watson, woolcomber, being indicted for a similar offence, says that the neighbours, observing his business decaying, advised him to employ his time partly in grounding children in reading; and he had taught some children during several months to read the catechism and psalm book; the council, considering that the youth may be sufficiently instructed in writing and arithmetic in the public school, and that the allowing of many private schools discourages the masters of the public schools and prejudices the town, discharge these two private teachers under penalty of £20 Scots;⁷ in 1728 the English master again complains, that although, for enabling him the better to keep

¹ Burgh Records of Stirling.

² Burgh Records of Dunfermline.

³ Report on Burgh Schools, ii., 115.

⁴ Burgh Records of Ayr.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

the school, he has engaged an assistant, yet David Watt and others teach English schools publicly, to his great loss and discouragement. Watt, on being brought before the council, declares he taught only the A B C and catechism; he is discharged from teaching anything else; but if he does not behave himself christianly and soberly, he shall be discharged from keeping any school;¹ in 1738, there were eight adventure schools in the burgh, taught respectively by David Watt, Mrs Murdoch, Mrs Anderson, Ann Cochrane, Helen Smith, Mrs Maxwell, Jean Smith, and Ann Hamptrie; who were all discharged from keeping schools.²

In 1714, the council of Paisley ordain one Pinkerton to be removed from teaching, in respect he is not a freeman nor a freeman's son, and prejudices the master of the English school;³ the last instance of the council's interference with a private teacher took place in December 1751.⁴ In 1720, the town council of Dundee grant to the music master of the burgh the sole privilege of teaching music, vocal and instrumental, exclusive of any others.⁵ In 1721, the town council of Selkirk, having appointed an English master, declare that no other person shall be allowed to teach, within the burgh, English to boys.⁶ In 1727, the schoolmaster of Forfar complains of such as set up 'schools of writing and arithmetic without any authority;' the council, finding that such conduct prejudices the public schools and discourages the petitioner, enact that no person shall establish private schools, excepting such as initiate children in reading, under the penalty of £40 Scots *toties quoties* and imprisonment.⁷

¹ Burgh Records of Ayr. In 1746 the teacher of this school prays the magistrates to suppress two private writing schools, in respect that he had been 'installed into the office of writing-master as well as English master.'

² Burgh Records of Montrose.

³ Burgh Records of Paisley.

⁴ Ibid.

⁵ Burgh Records of Dundee.

⁶ Burgh Records of Selkirk.

⁷ Burgh Records of Forfar. Alexander Williamson having contravened the act, the council, in 1732, discharge him from teaching writing, arithmetic, and reading.

Because of the 'vast discouragement to the burgh of Crail, and particularly to the master of the grammar school,' occasioned by the inhabitants sending their children to other schools, the council in 1728 agree, *nemine contradicente*, that for the future any person in the place who hath male children above six years of age shall send them to the grammar school, under pain of £5 Scots yearly, *toties quoties*—one-half going to the schoolmaster, and the other towards repairing the school; the act to be observed inviolably in all time coming as a precedent.¹

In 1742, Mr Miller, schoolmaster of Kirkealdy, complains of the decay of the public school, which he ascribes, in a great measure, to the tolerating of private schools.² In 1753, the council of Forfar passed an act, suppressing all private teachers;³ and in 1766, no one was allowed to teach English and mathematics in Kirkeudbright but the burgh teacher.⁴

We at last reach the confines of the blessed period of unrestricted competition—the true foundation and the surest guarantee for progress, civilisation, and the welfare of nations as well as individuals. The record cited of the multitude of adventure schools that surreptitiously came into existence, and, when discovered, most humbly prayed for toleration, from the Middle Ages downward, and of the difficulty experienced by the authorities in extinguishing them, is of great value to the student of education, indicating, as it does, an ardent desire on the part of our poor people to partake—in the midst of much darkness, heavy oppression, and national disorders—of the perennial fountains of knowledge, and proving that the public schools established in the burghs were not, as a rule, equal to, or well adapted for, the supplying of instruction to the son and daughter of every burgess and unfreeman, notwithstanding the pious endeavours of the town councils and others to make these schools accessible to the poor and rich

¹ Burgh Records of Crail.

² Burgh Records of Kirkealdy.

³ Burgh Records of Forfar.

⁴ Burgh Records of Kirkeudbright.

alike.¹ From this time forward we find the councils not only tolerating their old enemies the private schools, but actually promoting them with some of the zeal they formerly displayed in suppressing them: thus, on 24th March 1773, the council of Montrose granted 25s. yearly to a person who had set up as a teacher of English;² in 1812, they paid the school rents of fifteen teachers for the past year;³ in 1797, the council of Stirling granted £5 yearly to William Wands, private school-master, 'on account of his great usefulness';⁴ in July 1790, the magistrates and council of Ayr allow the master of the English school of the burgh to take a room nearer the centre of the town than the schoolhouse at the Old Tower, in order that he may compete with the several private teachers who had schools;⁵ the magistrates and council of Forfar, on 14th April 1803, considering that the state of the other schools in the burgh, besides the town schools, were on so good a footing, as to deserve encouragement, grant a small salary to the private teachers.⁶ Many acts of council occur after this date granting such small sums to adventure teachers for their encouragement.

¹ Cf. *infra*, under Fees and Salaries, where there is a notice of poor scholars.

² Burgh Records of Montrose.

³ Ibid.

⁴ Burgh Records of Stirling.

⁵ Burgh Records of Ayr.

⁶ Burgh Records of Forfar.