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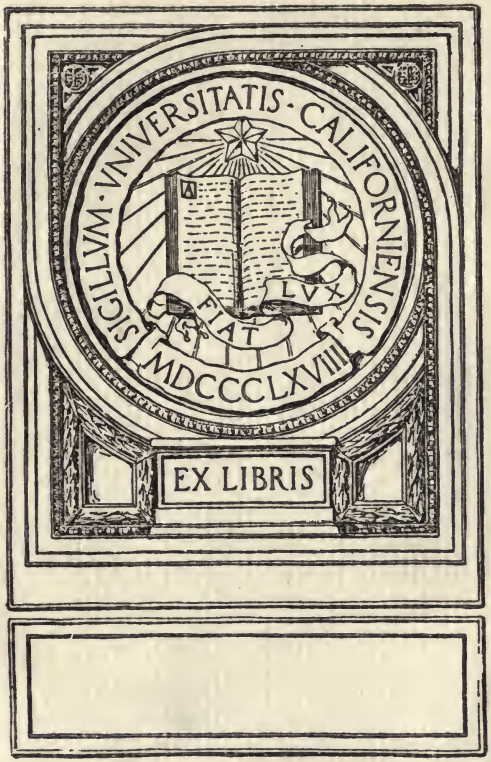
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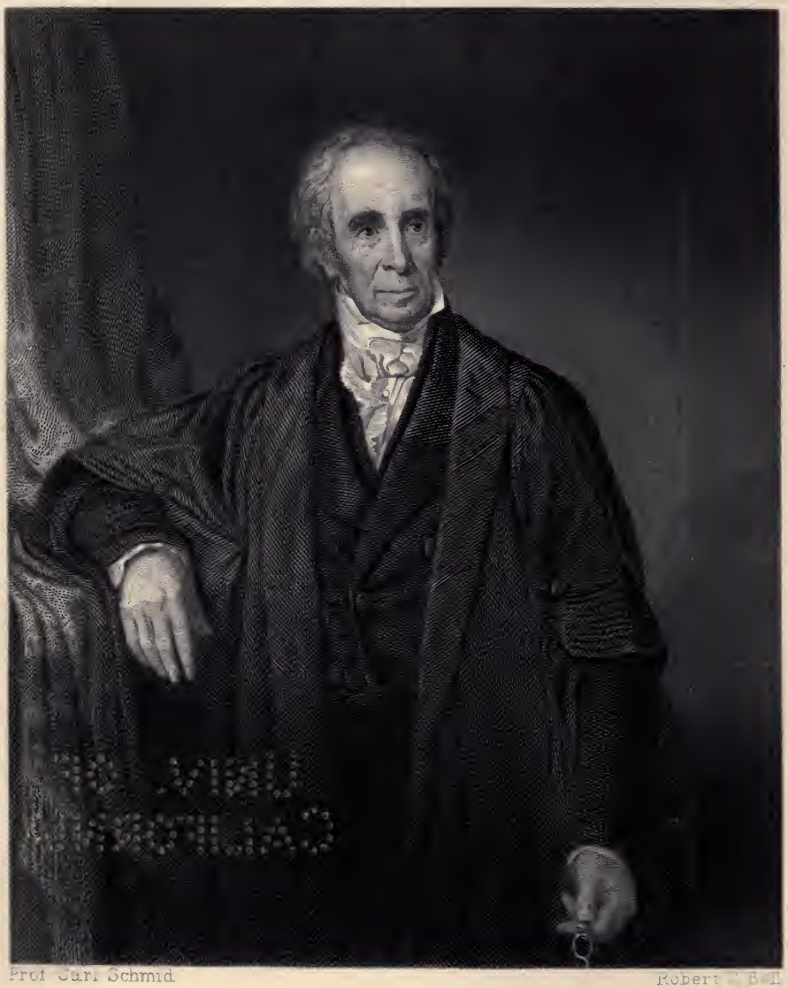

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Tho Thomson

MEMOIR

OF

THOMAS THOMSON,

ADVOCATE.

EDINBURGH.—MDCCCLIV.

EDINBURGH: T. CONSTABLE, PRINTER TO HER MAJESTY.

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Soon after Mr. Thomson's death, now two years ago, several persons who thought that some memorial should be preserved of the life and labours of one who had rendered so great service to historical literature and record learning, requested me to undertake such a work. Friends of Mr. Thomson at the same time offered me the use of portions of his private correspondence; and, by the kindness of the present Deputy-Clerk Register, I had access to some volumes of his official letters, which he had collected and preserved during the first years of his employment on the National Records.

With the help of these materials, I have compiled the following Memoir, and must only regret that accidental circumstances should have delayed it so long as to lose some of the interest derived from the fresh memory of its subject, as well as perhaps to raise expectations of a much more elaborate performance than this slight compilation can satisfy.

To the friends of Mr. Thomson who entrusted me with his letters, or otherwise aided my undertaking, I beg to offer my grateful thanks. Mrs. Thomson placed in my hands a large mass of her husband's family papers and letters, which afforded nearly the whole of my information of his early life, and have been my chief resource throughout this Memoir. Mr. Leonard Horner allowed me the use of some early letters of Thomson's, the more valuable as forming the counterparts to those of his brother Francis Horner, which I regard as the most precious of the contents of the present volume. The Earl of Minto, to whom I am personally unknown, was liberal enough to give me the use of all the letters he had preserved from his old friend. To my friends Lord Murray and Professor Pillans, I am under similar obligations. The Marquis of Lansdowne was obliging enough to permit me to print his letter communicating to Mr. Thomson his appointment as Clerk of Session in 1828.

Private friends, to whom I am obliged in many ways, will not doubt my gratitude, though I feel that to enumerate their names would seem to claim for this little work an importance which I am sincerely conscious it does not merit. I cannot, however, omit to mention two, the late lamented Lord Cockburn, who earnestly encouraged me to this undertaking, and whose reminiscences of his

old and loved friend would have been its greatest ornament; and Mr. Laing, the Secretary of the Bannatyne Club, the efficient coadjutor of its four successive Presidents, who has afforded me zealous assistance in this labour of love.

Mr. Gibson Craig, whose friendship for its subject first suggested this Memoir, and without whose active assistance it could not have been carried through, has borne the whole expense of printing these sheets.

Mrs. Thomson has contributed the engraving of her husband's portrait.

C. INNES.

Edinburgh, 22d November 1854.

MEMOIR.

THOMAS THOMSON was born on the 10th of November 1768, in the Manse of Dailly ; a parish on the Water of Girvan, in Carrick, of which his father was minister.

The family did not forget that their forefathers had been lairds. They were proprietors of the small estate of Newton of Collessie in Fife, which they sold in 1760. The father and uncle of the minister of Dailly were both ministers of the Established Church of Scotland, the former at Auchtermuchty, the latter at Elgin.

Of Thomas Thomson, minister of Dailly, we can now speak only from his letters to his children, and from the impression he made upon some country neighbours. He had been tutor in the family of Kilkerran, and it was through the influence of Sir James Fergusson, better known as Lord Kilkerran, that he obtained the crown living of Dailly, where he was admitted minister on the 3d June

1756. He was twice married, first to "Miss Peggy Hope, daughter lawful to the Hon. Sir Alexander Hope of Carse," (10th January 1759,) and, secondly, to "Mary Hay, daughter lawful to Francis Hay, in Lochside, in parish of Dundonald," (5th January 1768.)* By the former he had a daughter, Margaret, who became the wife of her cousin, James Thomson, minister of Girvan, the "Mr. James" of the manse correspondence. By the latter, four sons and four daughters. His second wife had been previously married to Mr. Lockhart, and a daughter of that marriage, Miss Jean Lockhart, kept house for Thomas Thomson, in Edinburgh, after the death of his mother and all his unmarried sisters.

The value of the living of Dailly, including manse and glebe, amounted at an average to £105 a year. It is not known that the minister or his wife had any private fortune, yet they lived socially with their neighbours, by the best of whom they were much respected; exercised some hospitality, and gave their family the best education which the country afforded. The thing is still so common in the manses of Scotland, that it would be impertinent to praise the virtuous economy, the rigid self-denial, that it requires to live like gentle-folks, and educate a family on £105 a year.

The boys received their elementary education at the parish-school, at least if we may judge from some kind messages to the schoolmaster, communicating any step or success

* Register of the Parish.

in after-life. His name was Welsh; his salary £8, 6s. 8d., and his whole emoluments, including his perquisites as Session-Clerk, did not amount to £30 a year; for which he taught "English, Latin, French, Writing, Arithmetic, and Book-keeping;" and he did one part of his duty so well, that as the Statistical Report states, "there was scarcely an individual in the parish who had not been taught to read and write English."

At fourteen, Thomas, the eldest son, was sent to the University of Glasgow, where he lived with his aunt, Mrs. Traill, the widow of R. Traill, D.D., Professor of Divinity at Glasgow. The first letter that is preserved of his father's, perhaps the first that he had occasion to write to his son, brings us a little acquainted with the character of both.

THE MINISTER TO HIS SON.

"*Dailly,* 17*th November* 1782.

"I hope, Tammie, you are now heartily engaged, and that you see the necessity and use of diligent application. From the abundance of work you have to do, if you wish to excel, which I believe you do, you will not find much time for amusement. But your studies will soon become your most pleasant entertainment, when your attention is fixed, when exertion is necessary, and when you are conscious of a capacity of overcoming difficulties. I am very well pleased with the particular account you give me of your studies, and how you are commonly employed. Continue to write me in the same manner. Write me in your next what you

are to 'profess.' Let me know if you are often examined. Are you *bene—valde bene—optime?* You may tell me of this some times. Let me know also if you have been fined any more. I do not wish to see you morose or sulky, but I am not ill pleased that you have not, *as yet*, got any new acquaintances. Time and a little observation will discover some that are worthy. But the best and noblest way of having good acquaintances and friends is to excel in good behaviour and to excel in your several exercises. The best and worthiest will then wish for your acquaintance.

"But above all, my dear Tammie, let no hurry, let nothing whatever make you neglect the duties of piety and devotion. If you are attentive and serious, which I pray God you may always be, these duties will be no task, no burden, but your most delightful employment. It gives me a most sensible pleasure that you are in the company, and under the direction of your aunt and cousin. I hope your attention and dutiful behaviour will shew that you are sensible of this blessing.

"I wish to hear from you as frequently as you can conveniently. You can never doubt the anxious concern of your affectionate father, THO. THOMSON."

Glasgow was not merely the nearest university to the Ayrshire manse, and the literary metropolis of the west. It stood already high as a school of letters and philosophy. Adam Smith and Reid had raised the tone of metaphysical

study far above any of our other universities. Young and Jardine, then in their vigour, were the most successful of teachers in awakening the youthful mind; and John Millar, nominally Professor of Law, embraced a wide range of speculative philosophy, and in his lectures and his wonderful Platonic conversations, did in some degree for Glasgow and for that generation, what Dugald Stewart did for the students of Edinburgh at a somewhat later period.

Thomson distinguished himself from his first entry at College. He carried off four prizes in the "young side" of the Greek class,—one of them awarded by the votes of the class, and he had evidently impressed his friends already with the belief of his powers.

At the end of the next session, on the 10th May 1784, his father writes to him:—"I can congratulate you on your success. Though you have not received a great number of prizes, yet, I think, your first is the best that can be obtained, and your second prize is surely a good one, as the subject of the exercise is nice, and requires some extent and accuracy of knowledge."

Before the end of next session, Thomson had communicated to his father an essay which he had written as a class exercise, and desired him to criticise it. The answer is too long for full insertion, and the minute criticism, though judicious and excellent, is here omitted.

THE MINISTER TO HIS SON.

"*February* 2, 1785.

"DEAR TOM,—I am sorry to hear of your uproar. The worst effect is to embitter the spirits of the people most engaged, and to take off the attention of the students from their proper business.*

"As to your essay on attention, you say, you know it has many errors. I cannot say I am struck with many, or to speak more properly, with anything that deserves the name of an error; there are some inaccuracies rather in the manner of placing your thoughts, than in the thoughts themselves. . . . . .

"After all, your exercise is wonderfully well, considering all circumstances. Despair not, your powers and habits of attention will grow, and I am happy to think that you know and feel the importance of acquiring early and perfecting that habit of attention and application which you have explained and recommended so well."

In November 1785, Thomson was presented by the Earl of Dundonald to one of the bursaries founded by his Lordship's ancestor, the first Earl—a preferment so valuable to the minister's son, that to fulfil its conditions, he turned back on part of his studies, and continued a "gown student" for the unusual period of seven years.

* Alluding to some indecorous disputes among the members of the University, one episode of which was an attempt to oust Burke from the office of Rector.

At the end of the session 1786-87, a prize was to be given for the first time, which had been founded by Mr. Graham of Gartmore, a late Rector, for the best discourse on "constitutional liberty." It was open for competition to all students, and much excitement prevailed as the time drew near for announcing the successful essay, though it was generally believed that it would be carried off by Samuel Rose,—then considered the most brilliant lad of Glasgow University, afterwards known as the friend and comforter of Cowper. It was even said by the grumblers that the subject was chosen to afford him an opportunity of fresh distinction, and it was therefore with surprise that on the decisive day, the 1st of May 1787, Thomas Thomson was declared the successful candidate.

Although thus distinguished, he is said not to have been very popular among his fellow-students. He was remarked not to join in the rough sports of "the green;" to keep rather aloof from the homely *burschen* of the University, while he preferred the society which he found in Professor Millar's house; and last and least excusable of all, he was more attentive to his dress than was thought at all tolerable by that "fierce democraty."*

At length Thomson completed his course of literature and philosophy, and took his degree of Master of Arts on 27th April 1789. Hitherto whatever may have been the views of his friends, nothing in his father's letters indicates his

* Chiefly from the information of the venerable Principal Macfarlane, his contemporary at College, and his friend through life.

being devoted to the paternal profession of his family; and, now, although he commenced the study of theology, he appears from the first to have shewn some reluctance to make the church his profession. The neighbourhood and friendship of the family of Kilkerran procured him the acquaintance of Lord Hailes,* and the historical pursuits and speculations of the first of Scotch critical inquirers, with the half legal atmosphere in which he lived at Kilkerran, had undoubtedly a powerful influence upon his views and his future life. His friend and fellow-student of Glasgow—his attached friend through a long life—George Cranstoun,† alludes to this in the earliest letter of his that has been preserved :—

CRANSTOUN TO THOMSON.

"*Abbey Court, Edinburgh, June* 5, 1789.

"DEAR THOMSON,—Before this time I expected to have seen you here, as you half promised to come to the General Assembly, or at least to use the opportunity of accompanying some of your countrymen to visit this little world of wonders. If you had come, I am sure you would have received the greatest satisfaction from the debates, particularly those on the clerkship, which were maintained with great ingenuity and often eloquence on both sides. I am too well acquainted with your prowess in the fields of argument to doubt that the displays of skill in all the

* Lord Hailes was married to the daughter of Lord Kilkerran.

† Afterwards Lord Corehouse.

branches of the orator's art which were then made, would have amused and interested you exceedingly; but since I have been disappointed of the pleasure of seeing you entertained, I must console myself with what is next best, the hearing that you are so, which I hope to do soon. You are now enjoying in perfection the *otium cum dignitate*—*otium*, walking, fishing, lounging, chattering, lovemaking, eating, and sleeping,—*cum dignitate*, with a master of arts cap! What a happy man are you; what would I give to exchange situations! . . . . . When we parted, you like myself had formed no resolutions about your future schemes in life; indeed, every profession is to us poor men, beset with so many and so insurmountable difficulties, that it is almost impossible to determine. As for myself, I believe I shall never come to a resolution; but as you are confined within rather narrower bounds than me, (I mean there are fewer lines which you can have in view,) therefore it will be more easy for you to make a choice. The church is out of the question, for there, like a candle under a bed, your light would be extinguished, or you would set it all on a blaze. A law education is fearfully expensive, and the profession is very much overstocked, so that*
only remains; and physic, to one of your, I wont say abilities but habits, no very eligible line. . . . . .

"Mr. Thomas Thomson, Jun.,
Dailly, Maybole."

* A word lost by a tear of the paper.

At the beginning of next session of College, Thomson received a letter from his father beginning in the old affectionate way:—

"*Dailly*, 21*st November* 1789.

"My dear Tom,—I received yours, enclosing Lady Hailes' letter to you. I value it equally high as you do, and for the same reason I shall preserve it carefully. The friendship of one so worthy is indeed a treasure. May God grant that your behaviour through life may be such as to merit and preserve the friendly attention of the best and worthiest."

In much uncertainty of prospects, and even of wishes, Thomson spent two years, partly attending the theological and law classes at Glasgow, and partly at the manse, where he directed the education of his brothers, and so fixed himself in their respect, that John used to say half a century afterwards, that he had never quite shaken off the feeling of awe for his elder brother and master.

His time was not lost, since the delay enabled him to attend the classes of law and political science, then taught by Professor Millar, with so much approbation at Glasgow. We must not judge of the influence of Millar's instructions from his published works, nor even from the large MS. notes of his lectures preserved by several industrious students. His historical works and writings on the philosophy of history, made up of his lectures, are almost forgotten. They were not without merit that should have preserved

them; but an intense love of systematizing, a determination to account for all phenomena by the dogmas of his limited philosophy, and a style without life, condemned them to a premature oblivion. The real merit of his instruction was apart from the matter of his lectures. The Professor asked questions, encouraged questions in return, and the freest conversation and argument. There was no knocking down with an authority; he checked no inquiry; no speculation was too daring; he was the companion of his students not only in class, but in their recreation; he walked with them, *sparred* with them, received them at his table to supper —stimulated conversation everywhere, always—not gossip, but free and vigorous interchange of thought. Jeffrey, who was not allowed to attend his class, used to say that the severest exercises at Glasgow were those supper disputations at Professor Millar's. The acceptance that this system met with is a remarkable thing in the history of Scotch education. Pupils crowded from all parts of Scotland to Glasgow to attend Millar. At a time when Toryism was in the ascendant, even some Tory families ventured to expose their sons to the undisguised Whiggism of his doctrines, and his still more alarming dethroning of the old oracles and substituting reason as the sole arbiter. That could not have been borne after the French revolution had given its heavy blow to freedom. It was the encouragement of such a man that led young Thomson to plan a flight beyond the narrow limits of the paternal and almost hereditary profession.

At length his wish found words:—

THOMSON TO HIS FATHER.

"MY DEAR FATHER,—For some time past my thoughts have been almost totally absorbed in reflecting on my present situation and future destination in life. In the many conversations we have had on this subject, perhaps we have both acted with too much reserve. You have never very fully or strongly expressed to me your ideas or your wishes, from a generous apprehension of placing too violent a control on my inclinations. Doubt and indecision have on the other hand prevented me from forming or declaring either a desire or a resolution. . . . . In adopting the clerical profession, I will own to you I should have doubts and scruples of a kind not easily to be lulled or conquered, and which my sincere veneration for the order would tend only to heighten and confirm. In other respects, with many recommendations, it presents to me some striking disadvantages. In arriving at the object it holds out, the hazard of disappointment is, I own, small; but on the other hand, even after the gratification of his highest ambition, a clergyman must sit down in hopeless obscurity, with an income which in the present *luxurious and corrupted age*, hardly amounts to a competency, and is by no means adequate to the support of that rank in society in which by his profession he is placed. After a liberal and expensive education of many years, and at an age when even the most phlegmatic temper is in-

clined to indulge in the alluring prospects of ambition, he is at once, for ever chained down to a little spot, (*adscriptus glebæ*,) without the possibility of progression, without the opportunity of advancement beyond the point from which he set out, and without the prospect of rising to a situation in which he can be effectually and extensively useful to his friends and connexions. You will easily perceive that I speak here only as a man of *this world*, and leave out of view those sublimer enjoyments which certainly must arise from reflection on a life well spent in the service of religion. On the other hand, the profession of the law, with some alarming disadvantages, exhibits many tempting inducements. The hazard of success is no doubt greater than in the church; but the object when attained, is also great in proportion. In the lottery of the law, the blanks are more numerous than in that of the church, but the prizes are infinitely higher. At the same time, I can say upon good authority, that the hazard is now less formidable than it was formerly accounted. It is not the man of rank and independent fortune, who is reckoned to have the best chance of rising at the bar. Amidst the various dissipations which wealth and luxury hold out, the law is too dry and too laborious a study for him. It is the man of no fortune, who must solely depend on his own industry and exertions for subsistence, whose early habits of labour protect him from the temptations of idleness, and whose poverty obstructs the avenues to dissipation—it is a man of this description who is most likely to rise to eminence

at the bar. Unless endowed by nature with an uncommon portion of stupidity, a lawyer in this situation may, in a few years, acquire a tolerable subsistence, and by resolution and steady perseverance may, in no very long time, attain a comfortable independency. This doctrine my friends Professors Millar and Jardine have frequently preached up to me, and with this have they encouraged me to try my fortune at the bar. After all this, you will be at no loss to discover how my inclinations at present lie. . . . . If for a few years at first I should be unable to support myself completely, I hope a moderate additional assistance would be sufficient. Except in the article of dress, no extraordinary expense is necessary, as there is no rank to support, and it will be very difficult to starve a man who can live on bread and milk. As the court sits only one half of the year, living in Edinburgh will not, in fact, be much more expensive than spending a session in Glasgow, and it will be hard if I cannot gain as much as a Dundonald bursary. There is yet one circumstance of difficulty not to be forgotten, and which may probably have already occurred to you. The sum of *two hundred* pounds must be paid at entry. Here, I am afraid, *lies the rub.* It must depend on my friends whether they will choose to risk this sum on my life and fortune. I own their generosity would not be altogether without hazard; but hope flatters me that I should soon be enabled to repay them, and that it might be the means of procuring me an honourable and advantageous situation in life. I must conclude this tedious

letter, with requesting your thoughts upon it as early as possible. I do not indulge sanguine hope, and on your riper judgment I rely for advice.—I am, dear father, your most dutiful son.—T. T."

There was no doubt after this how the thing would go; the minister was no hard-hearted parent. How the "one circumstance of difficulty"—how the unlucky £200 was provided, does not appear; but before the end of the year, the young man was working in Edinburgh, preparatory to becoming an advocate. He had read civil law under Millar at Glasgow, for he passed his first or civil law trial on 23d November 1792; four of his examiners being Mr. Robert Cullen, Mr. Wolfe Murray, Mr. Adam Gillies, and Mr. Alexander Irving, all subsequently Judges. His letters during this time describe him as living much in the society of the family of New-Hailes. The "Lady Hailes" was an old family friend, and the learned lawyer and historian must have discovered in the son of the minister of Dailly the qualities which were to elucidate the legal and constitutional antiquities of Scotland. Thomson did not long benefit by his counsels, but he always retained the warm friendship of his family.

THOMSON TO HIS FATHER.

"*Edinburgh, December* 1792.

"You will with pleasure hear particularly from Sir Adam of Lady Hailes' welfare. She has borne her loss with all

the fortitude and propriety which your high idea of her character would lead you to expect. All the rest of the family are well,—as well as can be looked for. I was there yesterday with Mr. Fergusson. We went to church to hear a funeral sermon on Lord Hailes, by Dr. Carlile. At the conclusion of his sermon, he drew a neat and, in some particulars, a striking picture of the character. It bore I believe a strong but unexaggerated resemblance to the original. At the end, he very happily connected with his subject an address to his audience on the present spirit of political discontent. I need give you no particular account of it at present, as I understand it will probably be published. I may then, perhaps, send you a copy.

"My Scots law studies go on tolerably well. By this, I allude only to my relish for, not my success in, the study; for in every branch of science, as well as this, which I have ever made any attempts to acquire, I have always for a considerable time at the beginning, found myself wandering and groping in the dark, before I had learned the extent and relative situation and importance of the numberless objects in the landscape. In this, however, as in many other respects, I enjoy great advantages in Mr. Fergusson's* company and conversation—though, indeed, I have not yet acquired enough, completely to avail myself of the opportunity. I have also another great advantage in the collec-

* George Fergusson, afterwards Lord Hermand, the brother of Sir Adam of Kilkerran, and of "Lady Hailes."

tion of books on Scots law with which Mr. F. has so generously presented me. As Mr. Creech had neglected the commission Mr. F. had given him about them, he has given me liberty to procure them for myself under his inspection. I have already collected copies of most of the Decisions, which are the most expensive part of a law library; and also a number of other law books most immediately necessary. I have still funds for a considerable addition to it. By the bye, Mr. F. told me he had received a very kind letter from you some time ago. He begs his compliments to you, and hopes his being so busy at present, will excuse his not immediately answering it." . . . . .

Of Thomson's early professional study, we can judge only from the results. The Scotch student of that period still laid his foundations deep in the noble study of the Roman law; and perhaps the study of the common and customary law was pursued as advantageously for the learner's mind, while still guided by the system and principles of great institutional writers, founded on the well digested practice of ages, as in these later days when each lawyer must elaborate it for himself from a vast multitude of rashly published decisions, which he has to reconcile to each other and to principle. Thomson early addicted himself to a study to which Lord Hailes or his memory must have introduced him—the feudal law as evidenced by original records and charters—a study then almost unknown among us, but to which he was destined to give shape and character, and to

render it no longer pardonable for a Scotch lawyer to be altogether ignorant of it.

Next winter, (1793-4,) the student of law was again in Edinburgh, established with his brothers, Adam and John, at "Mr. Shepherd's lodgings, Hamilton's Entry, Bristo Street."

The minister had obtained a situation for Adam in Sir William Forbes's Bank, through the kind offices of Thomas Kennedy of Dunure, a parishioner and fast friend of the minister's family. John was now the son selected for the church, and he was "entered" at college under Professors Dalzel and Hill. On the 13th of November 1793, Thomas writes to his father of his care for "the boys," and the difficulty to force John to exert his own strength. He continues:—"My Scots law trials come on, on Friday se'n-night, after which, (if I don't stick,) more than a fortnight must elapse before the whole business is concluded. We all walked out to New Hailes on Saturday last. Mr. Fergusson arrived there on Sunday. I returned to town with him in the evening; the boys on Monday in Lady Hailes' coach. We continue to like our lodgings very well. Shepherd is a civil, handy fellow." . . . . .

On the 23d, — "Yesterday, I went through my trials on Scots law, and although everything of the kind must always be somewhat alarming in prospect, yet, in reality, it was as little so as could well be. I think the whole did not last above five and twenty minutes. I am now busy writing my thesis, which indeed I have too long neglected.

It must be printed and distributed by this day se'n-night. On the Saturday following, I have to defend it, in syllogistic form, and on the Tuesday immediately succeeding, I make my Latin harangue to the Lords, and put on my gown." Even the excitement of this event did not prevent him from noticing that "John's Latin lessons begin to be a good deal easier than at first, and the whole now sits lighter on him. I think he will in a short time acquire habits of close application."

A letter from the minister, (25th November,) crossed that communication. It is tripartite, and gives a scrap to each son. To Thomas, he says he has no doubt his letter is on the way informing of his success, and hopes that it will be particular. To Adam, he enjoins the wearing of his "big coat" in the evening, and not to sit with wet feet. To John, his letter runs thus:—"My dear Jock, I have received accounts of you, and I hope soon to hear from yourself. I have not the smallest doubt that a continued application will make every thing easy to you, and that your success will increase your pleasure. . . . . Your mother will write you soon, and in the meantime, I send you an extract from your mother's catechism. 1. How are you provided for victuals? 2. What do you get to your breakfast?—to your dinner? Get you any tea in the afternoon? What do you get to supper? How do you sleep? Who sleep together? Have you clothes enow? &c. &c. What kirk do you go to? Do you walk any? Have you good fire? Do you take care to change your shoes when

they are wet? and who helps you to comb your hair as your mother did? These questions concern you and your brothers."

The next letter from Edinburgh announced the happy conclusion of all the probationary labours—the supporting of the thesis in the public examination, and the "lesson" to the Lords and Faculty, which took place 7th December 1793. Copies of the thesis were of course sent; the presentation copy, handsomely bound, for "Sir Adam"—"the dedication, the shortest and simplest that was ever used;" one copy to "Mr. James Thomson, with my best respects," and another "to my old schoolmaster, Mr. Welsh—he is one of the few who will not despise the offering." . . . . . Economical reflections then intrude. "The printing of this piece of trash cost me about £9, the other dues at passing about £7 more; and my gown will, I understand, cost me near £6. When will all these outgoings be compensated?"

The next letter, December 14, announced the first fee,—"for which I am indebted to Mr. Crawford, a young man from Ayr. All my business, however, was to utter about half a dozen words at the Lord Ordinary's bar."

FROM HIS FATHER.

"*Dailly*, 21*st December* 1793.

"MY DEAR SON,—You will not doubt of the heartfelt satisfaction of your father and mother and all your friends, that your trial is finished, not only safely, but with approbation. May God bless and prosper you, and enable

you to act a worthy and honourable part through life. . . . . Your finances will, I think, from your account of unavoidable expenses, need some supply; acquaint me freely, you know my willingness—my stock is not yet exhausted. . . . . Mr. Welsh begs respectful compliments to you. He said he never was so proud of any present he ever got, and desired Jeanie to put it in the best part of his library."

FROM SIR ADAM FERGUSSON.

"*Kilkerran, December* 24, 1793.

"DEAR SIR,—It was only yesterday that I had an opportunity of receiving from your father the copy of your thesis, with your letter which accompanied it. I feel myself much obliged to you for the honour you have done me in prefixing my name to it. With regard to the work itself, undoubtedly the subject could not have been more unfavourable. At the same time, in that part of it which alone, according to the usual form of that kind of composition, admits of anything like good writing, you have shewn that if the Scottish mode of education does not materially lead to the acquisition of an elegant Latin style, it is at least by no means inconsistent with it. That your success in your profession may answer the just expectation of your friends, is the sincere wish of, dear Sir, your most faithful and obedient servant, AD. FERGUSSON."*

* His Thesis on the unlucky title "De re militari," really in irreproachable Latin, is inscribed—"Viro spectatissimo domino Adamo Fergusson de

Another subject of congratulation soon followed, in the marriage of his kind friend, Mr. Fergusson of Hermand, to Miss Macdowall.

THOMAS THOMSON TO HIS FATHER.

"*Edinburgh, December* 27, 1793.

. . . . . "I wonder how either of us could so long refrain from writing of Mr. Fergusson's marriage,—an event which gives agreeable surprise to everybody, and most sincere pleasure to all his friends. Nothing of the kind has given me more. I believe he has lived one of the happiest of bachelors; I am persuaded he will live one of the happiest of husbands. I hear he is to be at Kilkerran on Monday. I know you will not be the least alert in paying your respects to the happy couple. . . . . I received a very polite and kind letter from Sir Adam today. He insinuates a compliment to the Latinity of my Thesis, which I am sure you must be sensible it little deserves. You have said nothing of it, and I am very glad of it, or rather tolerably indifferent; for I am sure you cannot with a good conscience say any good of it. In truth, I believe, none but one's friends in the country ever take the trouble of turning the first page.

"John and I have been holding our Christmas at New-

Kilkerran Equiti baronetto theses hasce juridicas d. d. d. Thomas Thomson." It is not to be found in the collections of the Advocates' Library, but a copy has been preserved ἐν χειμηλίοις by his old and much valued friend, Principal Lee.

Hailes. . . . . This I have already said is our vacation. Everybody is employed in feasting and making merry. I believe I shall be *permitted* to spend my holidays very soberly. I am glad of it. I feel more and more every day the necessity of applying hard to my law books." . . .

The first years of an advocate's life, however bright with hope, are seldom eventful or lucrative. The young lawyer had already found among his fellow-students friends worthy of him. Mr. Lockhart tells us "that the most intimate of Walter Scott's daily associates from this time and during all his subsequent attendance at the bar, were, the first legal antiquary of our time in Scotland, Mr. Thomas Thomson, and William Erskine, afterwards Lord Kineddar." They read German together, and no doubt compared notes on that discursive reading to which all three were addicted. The little lodging in Bristo Street was not a mere cell of study and penance. Scott found it an agreeable retreat from the dull office in George Square, and liked especially to steal away there to breakfast on Sunday mornings. John Thomson used to speak with delight half a century afterwards of the conversations of Scott and his brother, at which he assisted as a listener, at these gay Sunday breakfasts in Bristo Street.

Thomson's life passed in the pleasant alternation of study among such associates in Edinburgh in the winter, and the summer spent with the dear friends at the manse. The letters of this period shew chiefly confessions of ex-

hausted exchequer,—vows of strictest economy—reluctant demands for money—and scanty remittances made cheerfully and without grudging.

MR. THOMSON TO HIS FATHER.

"*Edinburgh, February* 26, 1794.

. . . . . "The statistical account of Dailly is just published. I have glanced it very slightly, and think I perceive a few alterations in the language, but not having the MS. by me, there may be a good many others which have escaped me. I was most surprised to observe that the editor has omitted the tables of the annual births, deaths, and marriages, and given only the short abstract which I added to the end of them. This was the kind of thing I had imagined Sir J. Sinclair was most desirous of having.

"This is the day of the general fast, and we are just come from hearing Dr. Blair. French politics, as you may believe, was his only theme. His discourse, though respectable, fell considerably short of my expectations.

"Matters go on with us here as usual. We are all in tolerable, I ought to say perfect health. The other day I made a sort of first exhibition in the Inner House. It was no great business—a *cessio bonorum*, which I knew nothing of till I went to the Parliament House. However, though fluttered a good deal, which I am sensible no preparation would have prevented, I got through it pretty distinctly. This is the second guinea, no less, that I have made by my profession! I have to thank Mr. Fergusson for

it. And this leads me to talk of money matters,—a subject to me of extreme vexation. I flatter myself better days are coming, yet it cannot but be very distressing to think of being felt by one's friends only as a burden. Such, however, must be my situation for some time to come. Whether we have embarked on an undertaking beyond our strength, it is not now time to consider. Of this, however, you may be assured, that I shall feel it as a sacred duty to manage as economically as possible." . . . . .

His father replies:—(2d March 1794)—"I have sent ten guineas. Though I have entire confidence in you, I shall be glad to see a state of what you call the national debt, chiefly that I may be able to conjecture what may be necessary for the service of the year." . . . . . And a month later,—"I can easily suppose that your money affairs make you uneasy, but I hope to relieve you from all this distress, and I hope we shall all be so wise as use every decent and prudent precaution of avoiding what may be avoided." . . . . .

There is little in this correspondence of public affairs. One letter alludes to the trial of Skirving, the "Secretary-General for Scotland," of the friends of the people; and many speak of naval victories, expected invasions, and volunteer corps. But evidently more interesting to the three young men in Bristo Street, was the periodical despatch of the box by M'Harg the Ayr Carrier, filled with hams and cheeses, and the interstices stuffed with shirts

and stockings. Thomas announces an occasional fee, and describes ingenuously his embarrassment in his first appearances in Court.

For some years he suffered all the irksomeness of drawing his supplies from the slender resources of his father. It seems that young Scotchmen had not yet learnt to eke out the scanty family supply, and the professional earnings indefinitely postponed, with the profits of literary labour. Great sums had indeed been received by Scotch authors for great works; but it had not occurred to the young barrister—and perhaps it was fortunate for his legal studies—that he might turn to account otherwise the forced leisure of the beginning of his professional career.

But though the delay and hope deferred were frequent topics in the letters discussing "the national debt," we must not suppose that they threw much gloom over the life of the young man, not unconscious of his own powers, and secure in the esteem of good friends. And when he had spent an unprofitable session in Edinburgh, and had even to reproach himself, as who does not, with time and opportunities misapplied, he had the manse ever open, and the kind parents willing to make larger allowance than he could himself for his shortcomings.

At the end of the summer session 1795, he boasted that his fees amounted to 40 guineas, four times as much as the preceding year; and moreover, he was "retained in the great Bargany cause."

In 1796 Thomson was threatened with an attack of illness

which alarmed his friends, but left no serious effects upon his constitution. In a letter of June 13, he announces that Adam was very busy with his optical operations, and had succeeded astonishingly in polishing a small speculum for a telescope ; and that he himself persevered in his regimen, drinking nothing but the pure element of water, and was perfectly sensible of its good effects. In July, when the summer vacation was approaching, he had his horse sent up from the manse, and was laying out visits to New-Hailes, to Hermand, and to the family of North Berwick, and "might peradventure be induced to extend his ride a little along the coast." "It will thus," he writes, "be towards the end of July before I return to Dailly. I almost grudge it ; but from that period I shall have at least three months' complete *retirement from the great world.* I have been inviting my friend Cranstoun to spend a week or two during the vacation at Dailly, and pressing him very much to go along with me. He has not absolutely consented, but I hope he will. I have little skill if you won't be pleased with him. I am the more anxious to prevail, that he confines himself too much for his health in town, and has at present no very particular inducements to go to the country elsewhere."

The answer from the manse may be anticipated—"You may be sure that Mr. Cranstoun will always be received in this house with real kindness." And the friends spent a good part of the autumn together at Dailly. The visit is alluded to in the conclusion of a gay

letter from Cranstoun's sister, afterwards the Countess Purgstall.

FROM MISS CRANSTOUN.

"*September* 1796.

. . . . . .

"Erskine is reading the Knights of the Swan; my dear Scott at Kelso, his Ballads in the press. I am just going to F. Tytler's Farewell. Mrs. Thomson has spoilt George sadly; he cannot get a shirt washed so that he is able to wear it, or anything done as it was at Dailly."

The rest of the letter is in Mr. Cranstoun's own hand.

"As it was your desire that my secretary, and not myself, should announce my safe arrival, I have been urging her, ever since my return, to execute this duty, but she is as lazy as a hippopotamus. She has infected me too. The devil an ode have I got since my return. Erskine promises to write. No news. Give me a postscript, to tell me what you have been doing to keep yourself out of languor since my departure. I have been reading novels. God bless you. Love to all *nominatim*."

When Thomson returned to Edinburgh, he was again ill. "When I came first to town, I had got a pretty severe cold, had been several times annoyed with asthma, and was looking miserable. This last induced my friends, particularly the Cranstouns and Mr. Stewart, to press me to consult some more experienced sage in the profession than my physician in ordinary; and Mr. Stewart had the goodness

to mention and recommend me to Dr. Black, who has little practice to distract his attention, and has skill equal to any. I have been with him twice. He considers my asthmatic complaint as purely spasmodic—not at all inflammatory; and though he considers that and my stomach complaint (which are intimately connected) as not likely to give way to any medical applications, yet from great regularity in diet, exercise, &c., he gives me hopes of gradually removing them; and meanwhile, there is no cause of alarm or symptom of danger. For some time, and particularly since I consulted Black, I have been most methodical and punctual in taking exercise; wet and dry, hot and cold, don't in the smallest interrupt my system; and already I feel its good effects. My cold is quite gone—no asthma, and not much acidity in the stomach. So much for the bulletin of health."

Next year the young advocate proposed to have a house for himself and his brothers, instead of the Bristo Street lodging. As before, the expense of furniture was a serious consideration.

FROM THE MINISTER.

"*February* 7, 1797.

"MY DEAR TOM,—I wrote a hurried line by Mr. Muir, from which you would see my wish to assist as far as my power could go. I have had a conversation with Mr. James, who desires me to acquaint you that he will contribute cheerfully to make up the sum you mention. He is

altogether against your applying to strangers, as you know I am. If you agree for a house, there will be time to deliberate upon particulars. Your finding a proper servant seems to be one of the most difficult things. I hope we will see you before you need to buy any furniture. My compliments affectionate to the Adelphi. I am sorry I cannot speak to Jock upon a favourite subject, as I have long wished to do; *causa patet.*

"In the box you will receive a dozen shirts, viz., six ruffled for Thomas; six for Adam, viz., five plain and one ruffled—all to be known by their names. Johnnie will get some when he comes home.—Yours most affectionately, "THO. THOMSON."

THOMSON TO HIS FATHER.

"*Edinburgh, February* 26, 1797.

. . . "We had good accounts of you by Sir Adam, which made us all very happy. I have received the money, but have not yet paid the Widows' Fund. It shall be done without delay. The remainder shall be applied to 'the national debt.' John has, for the present, relinquished his scheme of buying a fiddle, and has patriotically contributed the money to the exigencies of the state. This, I hope, will save us from making farther demands upon you at present—an object I have been labouring with all my might. I am more and more pleased with the prospect of taking up house. It must be inconceivably more comfortable as well as respectable. . . . . One of my greatest

fears has been, that the money necessary for furnishing you may find it inconvenient to advance. We are very much obliged to Mr. James for his very kind offer of assistance. I entertain no doubt that the sum I first mentioned will be amply sufficient. . . . . .

"I am to be employed to write the appeal case for the House of Lords in the Bargany Cause, and if it must be done before leaving town, I cannot hope to get away sooner than a fortnight after the session. By the bye, it is a great thing for me to have this to do, and you may believe I am anxious to do it all justice. Nothing else would have kept me here, as I am anxious to have a month or two of uninterrupted labour upon Lord Hailes' Decisions, which have lain so long by me neglected; and I am hopeful, and indeed partly nearly resolved, to have a part of them ready for publication next winter. It is a very serious undertaking, but must prove of infinite advantage to me if tolerably executed."

THOMSON TO HIS FATHER.

"*June* 16, 1797.

"MY DEAR FATHER,—We have got pretty fairly settled in our new abode, and with everything very much to our mind. I have now procured almost everything for which we have any immediate occasion, and I flatter myself that the expense of the whole will not exceed the sum I had originally supposed. I promised my mother a particular account of everything, but it will, I believe, be better re-

served for our meeting, and brought out in the way of question and answer. In general, everything is neat, and though upon a small scale tolerably genteel. My female friends have been of great assistance to me, and in that number your own Miss Whiteford undoubtedly stands foremost. She has taken a degree of trouble in our affairs, and gone through it with a degree of kindness and assiduity that cannot be described, and which I will not undertake to praise. I am, however, almost sorry to say, that her generosity has, I am afraid, cost her pretty dear. Besides the very handsome present of linen, which you already know of, she has, in the course of her purchases for us, made a present of a great number of different articles, which I am afraid must have occasioned a very considerable expense. But presents made as she makes them cannot well be refused. In one of her notes, she is pleased to say, that any kindness or attention she can shew to any of your family is but an inadequate return for the attention you shewed her at a time when she stood much in need of it. . . . . .

" We are tolerably well pleased with our servant. She seems not a bad sort of body, is tolerably oldish and ugly, and of a sort of timid anxious disposition, but seemingly good tempered, cleanly, and extremely attentive, and desirous to please. I take for granted she is thoroughly honest, which will be lucky, as I am always inclined to trust people pretty implicitly. Upon the whole we have made an incredible change in our situation to the better,

and I still persuade myself we shall be cheaper upon the whole. I hope you will now come and see us. It will be a pretty little jaunt for mamma and you. We can accommodate you royally.* . . . . .

"It is thought that the Bargany case may come on in July after the rising of our session. The Case is not yet finished, but will be very soon. I have been very much interrupted in it by other little things, not to mention flitting. The fees come in very tolerably. I have a 'hearing in presence' next week. I have not yet looked at the papers in it." . . . . .

THE SAME TO THE SAME.

"*June* 26, 1797.

. . . . . "I must begin by telling you of an event which has surprised, pleased, horrified, and delighted me excessively, I mean the marriage of my friend Count Purgstall to my friend Miss Cranstoun. It surprised me, for though it was much rumoured in Edinburgh last winter, and though I knew their intimacy, yet I never believed it probable, and his leaving Scotland, as I thought for ever,

* The first house which Thomson called his own was up a "common stair," then numbered 19, in North Castle Street. In 1799 he had moved to what was then 32, South Castle Street, and about 1804, to a house with a street door, in his time numbered 12, now 61, North Castle Street, which was many years subsequently occupied by his dear friend, Mrs. Malcolm Laing. It is on the same side of the street with Walter Scott's, but a little lower down. His mother, after John's marriage, took a house in South Castle Street; but afterwards lived with Thomas, and died in his house, 42, Charlotte Square, in 1822.

completely dispelled all idea of it. However, it had been fixed upon four months ago, and he suddenly returned last week to carry her off. The event horrified me excessively, for she was the soul and delight of our little circle, and the great solace of poor George's existence. It is to him a cruel loss indeed, and absolutely irreparable. They went away on Saturday, on the journey towards Germany, *via* London and Paris. His estates are on the borders of Stiria and Hungary—almost at the opposite corner of Europe; and of course the prospect of ever seeing her again is at best remote and uncertain. At the same time, though there is some disparity of age on the wrong side, yet it is certainly a very splendid, and I am confident will always remain a very happy match. He is, without exception, the most amiable and innocent creature I ever knew; and she has every quality of understanding and heart that can contribute to their mutual comfort and happiness. She has had a cruel parting with her friends, who all doated on her. George's spirits are greatly affected, and her loss he has not yet felt in all its severity. He is now quite desolate and alone. . . . . Love to mamma. Bid her send us a new cheese. I long to eat some Dailly curd. The hens, I fear, have given over laying." . . . .

THE SAME TO THE SAME.

"*July* 30, 1797.

. . . . . "I believe I mentioned to you formerly that my summer fees had considerably exceeded last year's. I think

they amounted to little short of £50, besides what I yet expect for my appeal case, which may, perhaps, be £15 or £20, but this *inter nos*. Things, I hope, will continue on the mending hand. I believe I shall deny myself the pleasure of seeing you at Dailly for a few weeks to come. It is, I think, rather for my advantage to remain here. A fee drops in now and then; besides I have some papers on hand which will take up a little time. I don't mean, however, to be stationary altogether. I propose making my visit to North Berwick next week. I have consented to wait till then to go along with Sir J. Whiteford. Cranstoun and I made a very pleasant excursion last week into Roxburghshire. We went by Galashiels, a sweet village, but did not stop. The plums not yet ripe. Could hear nothing of that winsome man Mr. Hugh Craig. Much delighted with Melrose, and observed all the beauties I had heard you mention. It is indeed a precious remain of Gothic architecture. Spent two nights at Dryburgh Abbey with Lord Buchan, by much the most singular natural curiosity we met with. Kelso and Jedburgh were the limits of our tour. I was much delighted upon the whole. . . . . .

"My kindest love to all at Dailly. I long to be with you. If you knew and believed how much good a letter from Dailly does my spirits, I rather imagine you would not treat me so rarely with that indulgence."

CRANSTOUN TO THOMSON.

"*Dailly, March* 1798.

"*My dear Cranstoun,—I arrived here a few days ago, and found everybody in good health and spirits. Our journey from Glasgow was remarkably pleasant. It was a charming spring morning—cloudless sky—genial sun—western breezes—the smiles of nature and of Miss Macadam!* Good God! what delightful subjects for description, and yet have you, Thomas Thomson, remained nearly three weeks in the country, and in contempt of good faith, natural duty, and express stipulation, preserved a wicked and obstinate silence. Would that the *peine forte et dure* were still part of the law! never did a criminal better deserve to be pressed to a mummy. You have forced me to begin the correspondence, and the devil a thing I have to tell you but one. Nin. has got a son. I had a letter from the Count two days ago in mad spirits. She was taken ill at Regensperg, but recovered and got safe to Vienna. Some days afterwards, on the 19th of February, a young gentleman made his appearance four weeks sooner than he should have done, and therefore of very diminutive size, but stout and well. Nin. was declared five days afterwards to be perfectly recovered; and since that she has herself written a few lines to Henry. Lady Elizabeth Eden called the day she was brought to bed, and attended her regularly since—a fortunate circumstance, as it forms a sort of intimacy which may be of use to her during her stay at Vienna. I intended to have written this to you the day I got the Count's letter,

but my sister and Maia, and plays and balls, &c., have kept me in a ferment till this moment, when the party set out on their way to Lainshaw. I have seen scarcely any of the mountaineers for this week past, but I mean to volunteer a dinner with Erskine to-day. I shall leave this open till my return, to tell you the news, if there be any.

"Erskine is engaged, but I have seen him and Clerk, and they send you their love. Mrs. May has hired a lass for you—a decent, sober woman, and an excellent cook. She was last with Mr. Cleghorn the coachmaker, and had been sixteen years in the family. Wages, £5 per annum, and £1, 10s. for tea. She is very anxious that there should be a girl in the house, not to assist her, for she thinks herself up to all the work, but because it is dangerous to live in a house alone with young men! Eight strikes.—Yours for ever.—G. C."

In the summer of 1798, the minister's health had failed. In June he had been desirous of having a settlement prepared. His son (7th June 1798) excuses his delay in executing his father's orders—"but procrastination is, I am afraid, one of my constitutional vices. I now, however, enclose you such a one, which our friend Mr. George Fergusson was so kind as to draw up and get copied on the proper stamped paper by his own clerk." . . . . . "Sir Adam Fergusson, whom you may have occasion to see about this time, will, I am sure, be so obliging as to

witness your subscription, and fill up the testing clause in the proper form."

This is the last letter from Thomson to his father, and there are no more letters from the manse preserved. The old man died on the 19th February 1799. He had been struck down by palsy some time before, and the last scene of his life was a period of imbecility; his parish duty done by an assistant. "May the memory of his virtues (writes Mr. James Thomson, communicating the event) lead us to imitate his example, and then we shall share in his happiness!"

His eldest son must have visited him in the autumn of 1798, and perhaps took the charge of arranging his papers. The following memorandum in Thomson's hand accounts for the preservation of many of the letters which have been used in the previous part of this memoir:—"This collection of my own letters to my father I brought from Dailly, November 1798, with the intention of glancing over them, as containing a sort of diary of our own little trivial occurrences."

The manse was not at once deserted by the family. The minister's youngest son John succeeded him in the church of Dailly, though barely of age to be eligible. He was finally determined to make the church his profession, chiefly through a strong desire to preserve that home for his mother and sisters. The following letter, the first leaf of which is torn off, is in Mr. Cranstoun's hand-writing.

and has the post-mark of "Stewarton." It is addressed "Thomas Thomson, Esq., Dailly, Maybole:"—

"John's appearance pleases me much, but does not in the least surprise me. His talents are more than equal to the situation, though I believe scarcely any other young man at his age, and with so little previous study, would have been qualified for so serious a charge. He must preach next Sunday from that text in Luke,—'Let him that hath no sin among you throw the first stone.' I saw Nelly and Adam the night before I left Edinburgh, they complained much of your silence, and were anxious to hear about your health. With regard to the Greenock expedition, I will give you satisfactory reasons at meeting why I cannot at present undertake it, and convince you that it will be better for us both to spend the time it would require at Lainshaw together.—Yours for ever, G. C."

Thomson had been five years at the bar when his father died. If he had not quite established himself in a practice sufficient for his support, he had at least made a character for abilities and learning, and secured the esteem and affection of some of the best men at the bar. Not every age has produced at the Scotch bar such men as were the contemporaries of Thomson. John Clerk had passed eight years before him, Adam Gillies six, William Erskine three, Walter Scott one, George Cranstoun passed the same year with him, and Francis Jeffrey the year

following. All these men were already his associates and fast friends, and continued so for life. In the struggle of their common profession, he was acknowledged their equal; in some of the rarer departments of learning, he stood above them all; but in that generous profession, rivalry never mars friendship. He had besides many personal and family friends beyond the limits of his profession, and friends once acquired by him were never lost.

Soon after the death of Lord Hailes, Thomson, at the request of his widow and daughters, had undertaken to publish a collected edition of his works, with a memoir of his life, and selections from his correspondence. His collections were impeded on every hand. On the 23d of December 1802, Miss Christy Dalrymple writes that they had applied to the Bishop of Worcester (Hurd) for any letters of Lord Hailes, "but had not got much satisfaction." None of his letters to Lord Orford were found. Dr. Carlile, then a high authority, wrote to Miss Dalrymple—"Your father's publications were very few of them to be called *works;* they were chiefly translations and collections, to which he added notes. His Annals of Scotland may merit republication; and a good edition may be a saleable book to repay the expense; but I very much question whether the republication of all his other publications would defray the expense." Sir Adam Fergusson saw "the difficulty in writing his life, namely, a lack of materials." "His conduct as a judge," wrote Sir Adam, "however respectable and respected, does not afford materials for biography, and there are but

few circumstances of his life, exclusive of his labours as an author, that are striking. No man was a better correspondent than he was, nor was there any one who had more pleasing anecdotes and remarks to enliven conversation; but these are all gone." Lord Haddington made the same objections, and added a curious story of Lord Hailes having changed his opinion upon the subject of the feudal tenures and the law of succession, upon which he had founded his great pleading in the Sutherland Peerage case; but Miss Dalrymple adds—"However, I am only a little shaken, but not convinced, since Lord Haddington did not hear it from my father himself; for I know Lord Haddington is rather against female peerages, and he may have talked with people of his own way of thinking." Bishop Percy wrote to Sir Adam Fergusson—"I had a great regard for my late worthy friend, Lord Hailes, but have not preserved any of the letters he occasionally favoured me with, being only letters of civility and private friendship;"—and desired to have his own letters to Lord Hailes returned to him. This was sufficiently discouraging, and although Mr. Heber undertook to use all diligence amongst his literary friends in London and Oxford, with many of whom Hailes had corresponded, nothing seems to have come of it. Very little correspondence, if any, was recovered, and Thomson does not appear to have ever commenced the memoir. One sentence of a letter of Mr. Heber's, written from Hodnet, 1st November 1803, serves to shew in some degree the estimation in which Thomson was held in the society in

which Mr. Heber had lived in Edinburgh—"Permit me to congratulate myself and the public on the prospect of your editing the works and writing the life of your justly celebrated and respected Scottish historian and antiquary—an undertaking which has been for some time a desideratum in British literature, and which no one is so well qualified to supply as yourself. . . . Pray, commend me to Scott, Erskine, and Cranstoun, and believe me, dear Thomson, very faithfully yours, R. Heber."

Lord Buchan proposed that Mr. Thomson, instead of writing Memoirs of Hailes, should throw his "*Commercium Epistolicum*" into the materials which his Lordship was collecting for a history of the literature of his own age. His letter is dated March 14, 1804, which marks the time of the following undated draft:—

To the Earl of Buchan.

"My Lord,—The plan which your lordship appears to have formed, of a literary history of the age in which you have lived, is one which cannot fail to be highly interesting to men of letters, and I should think myself fortunate in being able in any degree to promote the successful execution of it. At the same time, I am sorry to say that in this view very little indeed can be promised from the quarter to which your lordship alludes in your letter of this morning. The whole of Lord Hailes's correspondence has not been preserved by his family; and the remains of

it which have been put into my hands relate exclusively to the different literary works in which he was himself from time to time employed. They consist either of suggestions and advices relative to the minute parts of the execution of these works, or of mere addresses of compliment on their publication. They would serve very little indeed to illustrate the general history of literature during the age in which he flourished, and can be of use only to mark the progress of his own literary pursuits. Even in this view the lights they afford will, I fear, be very scanty; and hitherto I have succeeded so very badly in recovering the counterparts of the correspondence, that I have ceased to be very sanguine in my hopes on that subject."

The only result of Mr. Thomson's projected collection was an edition by Constable, some years subsequently, of Lord Hailes's Annals and Historical Tracts, in which the publisher was guided by Mr. Thomson's advice.*

When the Edinburgh Review came forth to startle the world, Thomson was living in the very heart of the society that gave it birth, and his judgment and taste were much relied on. In that reliance his friends were not disappointed; but for active co-operation in the periodical labour of the Review, they should have known, and they soon came to know, that he would not be serviceable. He was ever careless of money to a fault, and the pressure of

* Edinburgh: Constable. 1819. 3 vols. 8vo.

immediate necessity was now over with him, even if the Review had been looked to as a source of emolument more than it was by its first contributors. There were other reasons, in his studies, and in his habits. He had raised for himself a standard of excellence in literary work which it was difficult to reach, and which was not always worth the labour. He had cultivated a style, too, somewhat too polished and stately for rough work and every-day use. These were not qualifications for a Reviewer; but above all, the indolence with which he reproached himself in early life had grown upon him. To pour out his thoughts freely and carelessly upon paper was not very natural to him in any circumstances, but to do work for a task-master, to study the publishing day, to keep the printer regularly in "copy," was to him intolerable.

His correspondence informs us of two papers only, contributed by him to the Review—a critique on Darwin's "Temple of Nature" in the number for July 1803, and on Miss Seward's "Memoirs of the Past," which appeared in April 1804. Lord Cockburn believed that he was also the author of an article on "Good's Life of Dr. Geddes," published in the number for January 1804; but if so, these were all his actual contributions to a work which in the hands of his friends did so much for literature and freedom. On two different occasions he took charge of editing a number in Jeffrey's absence; but of the letters preserved by him in connexion with the Review, far the greater number consist of editorial entreaties for

help, which was never given, and reproaches, alas! for not performing what he had undertaken.

Horner wrote a note to Thomson on the eve of his departure for London.

HORNER TO THOMSON.

"*March* 13, 1803.

"DEAR THOMSON,—I return you Garnier's little work, and send you at the same time the loose sheets which I formerly got from Bell, of Reid's Life; also Dumont, 3 vols., which I expect you above all things to review for the fourth number.

"I am sure you are a man over whom all pious and benevolent superstitions have a powerful influence; now I beseech you to obey this as my parting injunction.—I am ever, my dear Thomson, yours most sincerely,

"FRA^{S} HORNER."

THOMSON TO HORNER.

"*Edinburgh, June* 16, 1803.

"MY DEAR HORNER,—You would do me a gross injustice if you did not suppose that I had begun to be somewhat disappointed by your long silence; and I flatter myself I should be guilty of a similar injustice towards you if I were to think that I had altogether escaped your silent reproaches for neglecting so long to thank you for your letter. I cannot, however, dissemble that it tended to remind me somewhat painfully of how much I had lost by

this cruel desertion of yours. Indeed, indeed I have sad missing of you. Though our acquaintance had not been of very long standing, I trust we had not altogether neglected the improvement of our time, and there was, I think, between us a certain community of pursuits which I am afraid I shall in vain look for again in another. However, I hope you will continue to do all that you now can for me, and indulge me with hearing from you as often as your more important avocations will permit. Some of your correspondents may probably have informed you of an association, yet only in its infancy, which has led all in common to feel and regret your absence. It is a sort of literary club which was projected among some of my oldest friends here, and which is intended to embrace a selection of the best people of that general description whom we can collect together. The plan has been very zealously gone into by a considerable number of your particular friends, by all, indeed, to whom it has been proposed, and we flatter ourselves that we are already in respectable force.

"August 4th!

"This is very disgraceful, I must own. In prudence I ought perhaps to have suppressed this sad piece of *real* evidence against myself, but I leave it to your merciful construction, without further comment. Here I am in town, with three of my acquaintances remaining to keep me in countenance. I often think of *our* intended perambulation of Kent; I hope it is not destined to be an

empty vision. The Stewarts set out next week for the south. You may probably see them in London. I am much pleased with your 'Lord King,' though a little surprised at the confidence with which you adopt his leading conclusion. I confess I don't feel the ground under me. This last number of the Review seems very popular. I have given to it a *humbug* criticism on Darwin. In the view of trying Dumont, I wish much of your aid. Tell me all about Bentham and his *Rédacteur*, that may be useful or curious, and tell me *soon*. What are you a-doing besides being idle? I have some curiosity to know how you relish the society of London,—I hope not so well as to forget entirely what you have left behind you. You are very ungrateful if you do. Not a word of Allen for months. His last letters were written before the war broke out. I understand you have heard of our *club* from your other correspondents, so I need not resume my account of it. I shall remain almost constantly here during the vacation, and to hear from you would be a very great, though undeserved alleviation of my solitude. Have you procured any more of Bentham's Tracts for me, or anything else *in my way*. Here I can promise no return in kind. I have duplicates of Forbonnais "Recherches sur les Finances," and Vaughan on Coinage—both at your service. Cranstoun is gone to the country, but desired me to offer you his best respects. He and my friend Erskine are your warm well-wishers.—Yours faithfully,

"THO. THOMSON."

On the 2d September, Jeffrey writes,—"Thomson has done nothing yet to Dumont."

MR. THOMSON TO MR. HORNER.

"*Edinburgh, November* 17, 1803.

"My DEAR HORNER,—The long and dreary intervals of our correspondence have given me a more magnificent idea of my own laziness than I ever entertained before. Certainly in neglecting to entitle myself to the pleasure of hearing from you, I forfeit more than I can venture to express, and act in opposition to one of the strongest motives. For this pitiful inconsistency, I have no apology to offer. It may serve to shew how far we are apt to fall short of a rational and genuine epicurism.

"After making some progress in the study of Dumont, for the purpose of *reviewing* him in the last number, I was compelled to desist in absolute despair. It is by far the most dismal undertaking I ever set about. I am still urged to renew the attempt, and God grant a speedy deliverance. In the name of pity give me all the aid you can. I should like to say something about Bentham, and the character of his writings. Favour me with some of your ideas, and with any information you may have picked up, of which I can possibly make any use.

"We are much pleased with the whipping you have so lustily bestowed on Miss Williams. I hear the emigrants in this place consider the letters as not genuine, judging I suppose on the external evidence of the case. Monsieur

must be able to say something as to that part of the correspondence in which he is directly concerned. Have you heard anything from that quarter?

"Have you heard of Lord Lauderdale's intended publication? He promises it in the course of two months. I had no opportunity lately of seeing him, and have never learned precisely what it is to embrace; but I take for granted it will give us all his own leading notions in so far as they differ from Smith. It will fall on you to *review* him, and the sooner after the publication the better. At second hand I have heard some of his notions about the effects of the sinking fund in annihilating that vast receptacle for capital, the stocks; but I have not been much impressed with any opinion of their sagacity.

"The Curators of the Advocates' Library are about to complete as far as possible, or as is the least desirable, the collection of books on English law, and in that view I have to request your assistance. I have got Manners to go through Worral's Catalogue, and mark on the margins all the books which we have not got; and I propose to send this copy to you for the purpose of pointing out everything which is, in the very least, worth getting, and of giving your advice how to set about the purchase. I should wish to be able to say at an early meeting of the Curators, whether or not you be willing to undertake all this trouble. I have been too long of sending you *Forbonnais* and *R. Vaughan*, but will by the first opportunity. Have you picked up anything for me in the course of your rambles among the

book shops? Any of Bentham's or Turgot's pieces; and if you stumble on Hobbes' 'Tripos,' or the pieces of which it is composed, I beg you will secure them. I am endeavouring to collect all his works, and have already got a good many of them. I have not seen Stewart since his return from London; but I hear he spent his time very pleasantly among you. How does he take among the London philosophers?

"My dear Horner, I have written a very stupid letter; but accept the will for the deed of something better; and believe me, with sincere regard, yours affectionately,

"THO. THOMSON."

HORNER TO THOMSON.

"23*d November* 1803.

"MY DEAR THOMSON,—As you wish something to be done without delay about the English law books for the Advocates' Library, I can afford you a letter just to say,—that I will give you all the assistance in my power, with the greatest pleasure. As yet, I know nothing myself of that department of Bibliography; but I have access to some lawyers of good sense as well as learning, from whom I can obtain every information you can require.

"I have now got a copy of Forbonnais, but not of Rice Vaughan; the latter I should like to have. It is very difficult to pick up Bentham's Tracts, and altogether impossible to get those of Turgot which you and I want. I will think of *Hobbes* for you.

"I must give you another letter soon, though you have been so very naughty. Dumont has lately returned from Petersburg: I have not met with him yet; but our 'king of clubs,' of which he is a member, meets next Saturday, and I expect to hear all his news. You will think it almost incredible that 300 copies of his book have been sold in that metropolis of barbarism; but there is a rage, I believe, in that court for schemes of legislation, like the passion among our gentry (a more beneficial one) for cottages and agriculture. The Emperor Alexander has spread invitations all over Europe, some of them (I know) have come to London, for plans of a civil code, &c. What do you think of a chair for lectures on political economy at Vilna in Lithuania? Such a professor is wanted, and has been applied for. The person in London, to whom the ambassador was directed to apply for advice, was requested to have his eyes on Glasgow, and 'surtout sur Edinbourg.'

"I meant to give you a page, and have almost gossiped out the sheet. But I found your letter when I returned from the House of Commons, where I had the pleasure of beholding Fox's fat figure and honest face, but the disappointment of having no debate. Remember me to my friends, particularly Cranstoun, whom I just saw enough of before I left you, to make me regret that I did not see more. Farewell, my dear Thomson; I have not enjoyed society in London so much to my mind as when I was with you, 'et le prêtre Schmidt, et le bon Allen.'—Ever yours,

"Fra. Horner."

THOMSON TO HORNER.

"*Edinburgh, December* 24, 1803.

"MY DEAR HORNER,—I have been living in the hope of a letter from you, which I think you fully promised me in your last. I intend to devote these Christmas holidays to this cursed review of Bentham,—the most ungrateful task I ever engaged in. I clearly foresee that it will turn out to be a most contemptible article; but Jeffrey is inexorable to my prayers and tears, and of a truth hath no bowels of compassion within him. He certainly dashes away himself with marvellous rapidity, though I think, that like the light-footed Camilla, he does not always *touch the ground.* Pray write me a long letter about Dumont, and Bentham, and all that you can muster for my relief. I am very sorry to find that we are to lose Brougham. It is very wicked of you both. Since you left us, B. has been a most rational being, and in every respect a most agreeable companion,—in every respect better than I ever before knew him—I pray God you may keep him so. I presume your other correspondents have told you of the hostilities meditated by the redoubted Mr. John Thelwall, against Jeffrey and his conclave of literary assassins. *Telum imbelle sine ictu*, it will be; but I believe it is yet uncertain if any printer will be mad enough to assist him in making this *ejaculation.* I hope you are to give us Malthus for next number, or what else. Lord Lauderdale is going rapidly through the press,—a *thumping* octavo. Stewart says it is better written than any of his former

publications, and contains some good ideas, blended with a good many erroneous ones,—it is rich in valuable quotations. What a *bonne bouche* for your politico-economical maw. I long to see you munch it. I suspect you are busy with Appeals; at least our friend G. Russell applied to me t'other day for your address, in that view.—Ever yours faithfully, T. THOMSON."

In 1804 Thomson had taken charge of editing the spring number of the Review, and himself contributed an excellent paper on the writings of Dr. Darwin and Miss Seward's memoirs of him; tracing the peculiar style and even the language of the then popular Darwinian School to an obscure prototype in a poem published anonymously in 1735, entitled "Universal Beauty."

JEFFREY TO THOMSON.

"*London, 26th April* 1804.

"DEAR THOMSON,—I have a thousand apologies to make to you both in my own name and that of my associate; but I choose rather to begin with offering you my thanks for the eminent and laborious services you have done us. . . . . .

"Miss Seward is delightful. The revival of 'Universal Beauty' will fill the Magazines with our name. I shall leave this place early in next week, and be in Edinburgh I think before the 6th. In the meantime, I really have not time to sleep or wash myself, and keep the postman

waiting till I close this.—Believe me always, dear Thomson, very gratefully and sincerely, F. JEFFREY."

Almost simultaneously with the Review, another work was in progress more suited to Thomson's studies, and which was to be the chief object of his labours for the subsequent part of his life.

In 1800, the select Committee of the House of Commons appointed to inquire into the state of the public records of the kingdom, made many important suggestions for the better preserving and publication of records, founded on "the acknowledgment of all times that our general histories shew abundant marks of ignorance and incorrectness with regard to the existence and contents of our public records;" and the "manifest importance of our having the most ready knowledge of the records of the country in the daily concerns of Government, legislation, and jurisprudence." The Committee further called the attention of the House to the policy of establishing a system of general registration for all records and instruments whatever, or at least for such as affect landed property, similar to what had been tried in some districts of England, throughout Ireland, "and tried for ages upon a still more perfect and extensive plan throughout Scotland, with the most complete success and the most salutary consequences."

The House of Commons passed unnoticed the last suggestion, but recommended to the Crown to give directions "for the better preservation, arrangement, and more con-

venient use of the public records of this kingdom," and the Royal Commission was issued accordingly, 19th July 1800. It authorized the Commissioners to name a Secretary, and appoint paid sub-commissioners to make diligent inquiry, and "to cause such matters to be duly and speedily executed as they should judge fitting and proper to be done."

The names on that commission were high and noble. It embraced the heads of the Government, the Duke of Portland, Lord Grenville, Mr. Pitt, Henry Dundas; but not one man who was the least conversant in records, or had hitherto turned his attention to their nature and use. Indeed that kind of learning, and the taste for it, were then almost extinct in England. There were no representatives of the industry of Prynne and Dugdale or the learning of Selden, nor, till the Record Commission had been for some time at work, were the common qualifications which every pupil of the *école des chartes* possesses, to be met with among our lawyers or record officers. Of the lamentable results of that ignorance it is not here necessary to speak, except in so far as it affected the management and publication of the Records of Scotland; but it may be noticed, that the general mistake was an over eagerness to print and publish. Rather than appear to do nothing—rather than bestow some time in preparing works useful and well considered, the Commission hurried to press any office calendar or index of records, without even taking the trouble to compare it with the original

records, though extant.* Fortunately there was but one step of this hasty career taken in Scotland. In answer to the questions of the Committee of the House of Commons, the keepers of the Records of Scotland had rashly stated that they had in their custody, among other national records, "the Records of Parliament from the year 1210, to the year 1707." This astounding announcement seems to have produced no wonder nor doubt in the English officials, and on the 19th of December 1800, at a board of the Royal Record Commissioners,—"it was ordered that his Majesty's printer for Scotland do forthwith print the Parliamentary Records of Scotland;" and in 1804 a large volume of these "Parliamentary Records, from the year 1210," was actually printed at Edinburgh; with no better authority for the title which it bore, than the lettering which the indiscretion of the bookbinder had

* The first of these publications that comes to hand happens to be the "Calendar of Patent Rolls." The Rolls themselves are some of the most important records in the kingdom, and are for the most part in good preservation. On the 22d July, three days after the sealing of the Record Commission, the Commissioners ordered "that the Secretary do write to Thomas Astle, Esquire, Keeper of the Records in the Tower of London, to request him to cause the office Calendars and Indexes to the Patent Rolls to be printed." These imperfect and inaccurate calendars were printed accordingly, and published in 1802, and we are not surprised that the editor thought it necessary to prefix the following caution:—"It may be proper to observe, that as this Calendar, though entitled to great merit, is only a selection; various entries appear in the Patent Rolls which are not here described; and therefore, though this work will be found to yield abundant information, no one is to be deterred from an examination of any record, referred to elsewhere as being on the Patent Roll, because it is not discovered here."

marked on the backs of certain books in the Register House. On 7th March 1804, Chief Baron Dundas, one of the Commissioners, called the attention of Lord Frederick Campbell, Lord Register, to this strange volume which was then about to be issued, and suggested that by correction and excision, it might be made somewhat less objectionable.

On the 20th March 1804, Mr. James Ferrier, himself one of the sub-commissioners, writes to Lord Frederick Campbell,—"I have had several long consultations with the President and Advocate, who both see very clearly the defects and imperfections in the work as it stands, and the necessity of employing a qualified person to correct as far as possible the errors which have been committed, and to superintend the business in its further progress. They join in recommending a barrister of ten years' standing, named Thomas Thomson, who was present yesterday at our last consultation, and is to look a little into the business, and then to say whether he will undertake it. They know him to be a man of ability and industry, and one who has been giving his mind to such things. He began under Lord Hailes, and is possessed of all his papers. I have explained to the Robertsons the necessity there is for the change, and they will be ready to join me in giving up the charge as soon as Mr. Thomson, or some other person, shall be ready to take it up."

MR. FERRIER TO MR. THOMSON.

"*London, April* 18, 1804.

"DEAR SIR,—I have communicated your favour of the 11th to Lord Frederick Campbell, who is much pleased with your agreeing to undertake the office of sub-commissioner, and bids me assure you of every encouragement and support from himself and the other Commissioners. Lord Chief Baron Dundas is expected here this day, and it is probable that a meeting of Commissioners will be held before I leave London, which will not be for a week, and I shall soon after, I hope, have an opportunity of speaking to you in person on the subject.—I am, in the meantime, dear Sir, your faithful humble servant,

"JAS. FERRIER."

Then followed the pressure to print and publish. Lord Frederick writes on May 31,—"I am pressed hard to know what is doing by Mr. Thomson towards making the first volume of Records ready for publication. The speaker will allow me no peace till I can give him some satisfaction on this point." But Mr. Thomson was not to be goaded forward blindfold. His very faults here came to his rescue. He explained gently, and at length got the Commissioners to understand, that the Parliamentary Records of an ancient kingdom cannot be found stitched up in any one cover, or even standing on any one shelf, and that it will not do to order the King's printer to print "the Par-

liamentary Records," as the King's tailor is ordered to make coats and trousers for the army and navy.

It turned out that the volume in the Register House, " marked on the back" with the imposing date of "1210," and from which had been printed all the earlier part of what was boldly titled " Parliamentary Records of Scotland," had no pretension to be a book of Record at all, but was a sort of scrap-book or collection of legal memoranda of some nameless lawyer.

MR. FERRIER TO THE LORD CLERK REGISTER.

"*August* 14, 1804.

" MY LORD,—Soon after the rising of last session, I had a meeting with the President, Mr. Thomson, and Mr. Alexander Robertson, when it was resolved to suppress about 100 pages of the first volume of the Records, and that Mr. Thomson should select something more correct."

This was the first step; but a full and minute examination of the hastily printed volume, while it proved the perfect honesty and fidelity of the editor, shewed that the sources of parliamentary learning had been mistaken. Parliaments had been misplaced; dates assumed without testing; old authorized editions of statutes, the record of which is now lost, had been overlooked; better manuscripts than those used had been ignored; nay, in numerous instances the original instruments which constituted the Records of Parliament were found to be extant, while

this book was printed from garbled and mistranslated copies. It became at length evident that the whole volume must be suppressed.

Mr. Thomson's correspondence on this subject, and still more, his personal communications, made a great impression upon the Record Commissioners. Lord Glenbervie, during a residence of some months in Edinburgh, became intimately acquainted with him, and continued for life an admiring and attached friend. Through his intervention, in part, Lord Frederick Campbell, who had been at first startled with Mr. Thomson's new and revolutionary plans of publication, came to place great confidence in him.

THE LORD PRESIDENT TO MR. THOMSON.

"*Garscube, September* 29, 1805.

"DEAR SIR,—I have a letter from Lord Frederick Campbell, requesting, in the Speaker's name and his own, that you should favour them with a meeting in London, as soon as convenient for you, upon the business of the Registers. The letter reached me two days ago, but being uncertain how to address for you, and, indeed, expecting every day to see you here, I delayed writing till now, that I take the chance of finding you still at Kilkerran. I am, &c.,

"ILAY CAMPBELL."

A little scrap of journal memorandum shews us that

Mr. Thomson went to London next month, and how he passed his time there. His mornings were filled with meetings with Lord Frederick, "the Speaker," and Mr. Caley, the secretary to the Commission; in hunting after Scotch parliamentary matter in the London record offices, in examining MSS. in the British Museum. He consulted with George Chalmers, then the only man engaged in pursuits similar to his own, and took the opinion of Mr. Lemon and Mr. Douce about the age and writing of some of his materials. For his evenings, when allowed to spend them as he would, he had his old friends, Horner and Sidney Smith, and their friends, for the friends of each soon became common property; and this first introduction to London society, when his mind was full of an engrossing object, and when he was surrounded by friends who valued him, and could sympathize with his pursuits, was long after described by Mr. Thomson as some of the happiest days of his life.

He was called home by the commencement of the Winter Session, when Horner thus notices his departure:* "I intended to have sent you a letter by Thomson, who left me on Friday evening; but I found myself disposed, when it came to the last, to lounge away as much of my time as I could with him. There are very few of our friends more to my taste than he; and as we had become thoroughly accustomed to each other before I left Edin-

* Letter to J. A. Murray, Esq., 13th November 1804, printed in "Memoirs and Correspondence of Francis Horner," vol. i. p. 268.

burgh, this revival of our intimacy seems to have 'breathed a second spring' upon me. His information is very much diversified, and, just like his library, brought together in a desultory way, to be sure, but with excellent judgment, in the selection of the best sorts. Then his temper is so manly and cheerful, and with all his seeming calmness and suspense, has a sufficient portion of that vice of admiration which it is the fashion to quiz, but which I am old-fashioned enough to be very willing to dispense with."

THOMSON TO HORNER.

"*Edinburgh, November* 14, 1804.

"MY DEAR HORNER,—I need hardly inform you that my journey to Edinburgh was dull in the extreme—as dull as an uninteresting line of road, stupid companions, bad weather, and the jolting of a mail-coach could possibly make it. On arriving at York I determined to bring the business to as speedy a conclusion as possible, and set forward accordingly without stopping. Of course I arrived here on Monday morning, and have suffered nothing from the rashness of my proceeding. Yesterday I had the pleasure of again meeting our common friends at the commencement of the Session—all well, and all very dutiful in their inquiries for you. Jeffrey is busy preparing for the discussion in the Justiciary Court about which he wrote you. This is one of his apologies for not having written to you. The frank which incloses this I got from Murray,

who meant to have used it himself, but finds himself so busy with *Session* that he can neither write letters nor come here to-night as I wished him. I have just come from the Stewarts, where I have been gossiping for two or three hours. Mr. Stewart is far advanced in the composition of his intended work. It will extend to two volumes, and will not appear till next year, that is, till next winter or the following spring. I hope soon to give you a more particular account of it. To give himself more leisure, he is not to lecture this winter on Political Economy. He was much delighted with the new edition of the Wealth of Nations for the benefit of the mechanic, the wholesale dealer, and the shopkeeper. If the paper were somewhat coarser, and the print less legible, it might be accounted one of the most brilliant triumphs of modern philosophy. In the Advocates' Library to-day I amused myself turning over two different copies of T. Aquinas; but on neither have I traced the pencil of Hume. The passage you gave me a note of is extremely curious, and is a very striking coincidence. It has given me a desire to look a little into the writings of the angelical Doctor. Lauderdale lost his election to-day by a majority of thirty-two to twenty. This result was expected, though the numbers on both sides are smaller than was previously talked of. Our law arrangements have not yet taken place. Hope will be the J. C.; but some *embarras* seems to have taken place as to the appointment of a Lord Advocate. One report is that Blair will be Advocate; but I believe it will end as was

at first supposed in the appointment of Sir J. Montgomery. It is all *tweedle dum* or *tweedle dee.*

" I hope to hear from you soon. I look back, and will always do so, with peculiar complacence, on the happy hours I enjoyed in your society during my late visit to London. I am a wretched correspondent; but let us do a little to break the horrid interval that must separate us for the greater part of our lives.—Yours faithfully,

" Tho. Thomson."

" Remember me with all possible kindness to our excellent friends in Doughty Street."

Thomson to Horner.

" *Edinburgh, December* 29, 1804.

" My dear Horner,—From a wish to write to you at great length, and with due deliberation, I have suffered myself to procrastinate from day to day for the last month; and now at last I sit down only to give you a hurried note for the purpose of informing you, that by yesterday's mail-coach I despatched a parcel for you which you would do well to inquire after, if it has not already made its appearance. It contains only a copy of the printed volume of Parliamentary Records which I promised you; and in the leaves of it you will find the caricatures of Black and Hutton. I have got a copy of the old Justice for you, but could not venture to send it by this conveyance. Did your orders extend to anything further, excepting a copy

of the first edition of the Theory of Moral Sentiments, which I shall not forget to pick up for you? I did not send you Playfair's Euclid, as I supposed you would find it in the Row; it contains considerable additions, and will, of course, attract your curiosity. So much of it, in general, I learned from Playfair himself, for I have not seen it. Indeed I have been nearly lost to all liberal pursuits since the commencement of our Session, and any hours of leisure I have had have been given to desultory preparation for the Record business. The infinite details in which it is involved, and the numberless little teasing puzzling difficulties of which no satisfactory solution can well be hoped for, are enough to appal a stouter heart than mine. I shall labour, however, to frame a comprehensive and rational plan, under which all the materials of which I am likely to be possessed may be arranged; and in which the materials which may be discovered at subsequent periods may find a natural and proper place. The Board of Commissioners, at a late meeting, have resolved to *suspend* the publication of Mr. Robertson's volume, probably for ever; and have directed me to prepare a very full and detailed plan of what I propose to substitute in its place, which for their own justification they wish to see and consider before giving final directions for its execution. All this is, on the whole, rather satisfactory to me, as it must tend to diminish the responsibility I should incur by proceeding without their previous sanction.

"I have seen little of Stewart this winter, and can give

you no account of his labours. We had a club dinner last Sunday, when he was present; but I sat at the opposite end of a long table. However, Murray and I had the benefit of Playfair, who was in excellent spirits, and was, as usual, very choice company. I am anxious to hear of Smith. Have you been a hearer? Tell me about him. I hope for good news also of Mrs. S. They both have my entire good wishes—as indeed they must have of all who have been admitted to any share of their friendship.

"I have frequently inquired for Mr. Basil Montagu's Ancient Prose, but no copies have come here. I had actually persuaded Cranstoun to undertake such a work—upon a very comprehensive plan—and am curious to see how far we have been anticipated by Mr. Montagu.

"For God's sake pardon this hurried scrawl, to the effect of holding it as a letter, and of writing me soon. Remember me to all at Hampstead. My sister joins me in best compliments.—Yours faithfully,

"Tho. Thomson."

The correspondence between these two friends again slackened. On the last day of the year 1804, Horner writes, "You will tell me soon, I trust, how your own labours proceed, and after how many different ways you are idle." On the occasion of Mrs. Jeffrey's death we have another letter.

HORNER TO THOMSON.

"*London, August* 14, 1805.

"MY DEAR THOMSON,—I am very anxious to hear of Jeffrey, whose late misfortune will sit very heavily upon him. You will probably have some opportunities of seeing him, and it will be great kindness to let me know how he is, and where he is likely to be during the remainder of the summer.

"If, after a few weeks are passed, he could be tempted to come into England, I would postpone all other plans in order to join him. This, of course, cannot be proposed for some time; or, if he shall feel disposed to remain in Edinburgh, rather than undertake the exertion of travelling, I will arrange matters so as to spend a few weeks among you, and assist you in bringing him gradually back into society.

"Something, I suppose, must be determined on very soon with regard to the next number of the Review. He will probably need to be relieved of it. In the meantime, the best one can do is to collect as much MS. for it as possible. I hope to produce a good many pages.

"Pray let me hear from you very soon, and believe me, most truly yours,

"FRA. HORNER."

The next letter has reference to a proposal soon to be made in form by the Record Commissioners, for inducing

Thomson to accept a permanent office in superintendence of the public Records of Scotland.

HORNER TO THOMSON.

"*Hampstead, September* 23, 1805.

"MY DEAR THOMSON,—I began to answer your last letter the same day that I received it. But I soon found the subject on which you asked my opinion attended with more difficulty than I would at first allow myself to discover. I have turned it over and over in my mind since, and have at length, and indeed in every stage of my reflections, found myself unable to give you any other advice than what I should have confidently or even peremptorily delivered in the first instance. It is the choice which I can perceive you are not perfectly inclined to yourself, but which I must nevertheless tell you seems to me the most prudent in the mean time, and the most likely to satisfy yourself in the end. It is no other but to persist in the drudgery of the bar.

"I would rather you would profit by this advice, oracularly delivered without reasons, than that you should have the advantage of examining such as I can give. I feel my conclusion with great confidence, though I can hardly describe the premises out of which it has grown.

"I begin, however, with laying quite out of consideration those internal solicitings which you speak of, because I look upon them to mean no more than your taste for that sort of luxury called literary indolence, and your disincli-

nation to that sort of labour which you do not like the best. I have likewise suppressed, for the sake of keeping my judgment as clear from selfish partiality as possible, all those little images of seeing you more frequently, and your sojourning here, which I could not help noticing how you threw in with great address. When I keep down these temptations, I have really a most distinct and positive opinion upon the subject.

"Taking it for granted that a very large independency would be offered in compensation for quitting your profession, of the largeness of which, however, *you* would not be the fittest judge, I have still to ask whether an absolute security can be given, that it shall never be withdrawn or retrenched, under a ministry who cared nothing for Records, or among the schemes of economy that may be thought a cure for embarrassed finances. Supposing all this adjusted (if possible) to our satisfaction, I should next inquire what degree of freedom would be reserved to you, in the spirit of your contract with the public, for other literary undertakings, besides the arrangement and illustration of the Records? Would you have more than every Scotch lawyer, the best employed, may command in the course of the year? Would you have so much?

"I really cannot consent to give you up for life to Records. We have need of you for higher purposes. A few years occupied on that subject, as you know how to occupy your time, seems a most appropriate discipline for a lawyer; and, both in reputation, and upon the great

occasions of professional research, will give you an immense advantage. A few years will give you the whole of this advantage; you have already worked into yourself most part of the technical mass of Scotch law, as well as the general principles of theoretical jurisprudence and history. Would it not be an inexcusable waste and extravagance to suffer all this stock to lie unproductive, when, by the new resources you are about to combine with it, you may render the whole such a large and active capital?

"Though the drudgery of the Scotch bar requires peculiar resolution for a man who allows himself much literary indulgence, yet surely there are prospects in your Court large enough to rouse the ambition of one who has literature enough to conceive them. I speak not of your offices, which in themselves are no object whatever for any feeling that can be called ambition. What I mean is, that in the peculiar present circumstances of your jurisprudence, there is a great opportunity to effect important and lasting benefits, if a set of men well educated to general principles, and entering into the same views, would resolve to effect them. Such opportunities very rarely present themselves to the lawyers of any system, considered as having a sort of legislative power, independent of the constitutional legislature. I hardly think there is such a one in any department of the English system at present. The last that was open was seized by Lord Mansfield. In Scotland you have the materials of an admirable system, if you would fix them together and give it stability, by putting in force

the right rules of administration. A few reformations, in point of form, may be wanted, but much more would be accomplished by the resolute system of lawyers liberally and learnedly educated to their profession. This seems wandering from you, but I have my eye upon you the whole way, and this is not a sudden excursion of mine, in consequence of your setting me to think about the Scotch bar, but faithfully an account of what I have long considered as in reserve for those whom I knew best in the Parliament House. Beginning just above your contemporaries in the Faculty, and coming down to the last of mine, there seems just such a class of men as might be brought to co-operate steadily together, if one or two ruling understandings would labour out the general views for their direction.

"Independently of this professional scheme, which appears to me as practicable as it would be full of pleasure in the execution, and for which you would have prepared yourself by all the historical and antiquarian erudition you are now amassing, as well as by the general speculations in which you were formerly trained; but independently of it, why do you look upon practice as wholly incompatible with your historical undertakings? I think I could quote innumerable instances against you, some of them exactly your case, as you ought to make it. The example alone of Lord Hailes, you are bound to regard as a ruling authority; and it is therefore unnecessary for me to name those in other countries, by which I am more in the habit.

of stimulating myself, when I occasionally despair of being anything but a Chancery draftsman.

"Such is the way in which I have long looked forward upon your progress at Edinburgh, and that of one or two other friends there. I have reviewed it very carefully upon this occasion, and feel myself more and more confirmed in it, provided you will do yourselves justice, by working hard, and by thinking high enough of what it is actually in your power to accomplish.

"I am delighted to think, from what you say in your last letter to Murray, that we shall have the pleasure of meeting in Westmoreland, and travel together to Edinburgh. We shall not require you to be upon the spot till the 17th, which you may surely accomplish; and after examining the map, and adjusting all our calculations of time, we beg to have the honour of your company to dinner on Thursday the 17th of October, in Atkinson's Inn at Kendal, at five o'clock. Jeffrey gives us hopes that he will come. He can easily delegate the last sheets to another editor, and you will do him great service by preventing him from travelling alone. Believe me, ever faithfully yours,

"Fra. Horner.

"*24th Sept.*"

The next letter from this admirable person is on more general matters. He suggests Mr. Pillans for the vacant Latin chair in the University. "He was a great favourite

with Adam and Dalzel;* and he has never lived with any person, or near any person, who will not bear testimony to his worth and high sense of duty. . . . Say who it was that praised Pillans so much at the Archbishop of York's table, when he was at Bishopthorpe. . . . If you meet any one whom you can interest in his favour by using my name,—I sat for three years next to him at the High School, and two afterwards at the Greek class, and have ever since retained a strong impression of regard for the integrity of his principles, and the independence of his opinions. . . . Elmsley said a thing at the club yesterday, which moved my indignation a little, about Scott's edition of Dryden. He had been in Ballantyne's office, he said, who was printing the plays from a common octavo copy, so incorrect, that he was forced (he, the printer) to make conjectural emendations of his own. Surely this is very careless, and will utterly prevent the sale of the edition, as soon as it is known, as well as injure the reputation of Ballantyne's press. It is inexcusable, too, considering how easy it is to get all the early editions of Dryden. Heber, I suppose, would furnish them with delight. Pray use your influence upon this occasion, in defence of what, I well know, is dear to your heart—the purity of text."

* The Rector of the High School, and the Greek Professor in the University, both well-known from their writings, and both esteemed by a large generation of Scotch scholars as the ablest teachers of their day.

THOMSON TO HORNER.

"*Edinburgh, December* 12, 1805.

. . . "Tell my friend Elmsley, that I wish he would, for the present, spare his prophetic criticisms on Scott's edition of Dryden. The book will have its faults, but your pious indignation at conjectural emendations, or rather corruptions, need not rise very high. I know very well the solitary instance of which Elmsley happened to hear. The plays are printed chiefly from Congreve's edition; but one passage in 'The Tempest' happened to strike Ballantyne as unintelligible, and he sent it to me for my advice, as Scott was then in Selkirkshire. I thought the corruption very palpable, and told him what occurred to me. He adopted what certainly was with me a conjecture; but after all, that conjecture has been exactly verified by the earlier edition. Scott is becoming every day more and more anxious about the purity of the text, and, I trust, will give us a very valuable edition of your favourite.

"Since you left us we have been living in sober sadness. To-morrow we hold a chapterly meeting of the Club, when we shall have missing of you. D . . . dines to-morrow with Jeffrey, and will, I suppose, be with us in the evening.

"If you want to see a curious passage about sheep-farming in Scotland in the reign of James V., consult Sir Ralph Sadler's Letters, p. 6, and p. 38. I hit on the passage yesterday, and shall give it to Lord Selkirk. Pray set me a good example in writing soon. It is now one

o'clock *ante meridiem*, so good-night, my dear Horner. Yours most faithfully,

"THO. THOMSON."

THOMSON TO HORNER.

"*Edinburgh, February* 22, 1806.

. . . "I need hardly tell you how ardently I have been longing to hear from you. I am myself too lazy a letter-writer not to owe very ample allowance to my correspondents; yet I should be a little mortified if you should always forget me.

"The late political events furnish matter for much reflection, and I should much desire the edification of an epistolary discourse on the subject from you, did I not indulge the hope of seeing you very soon. The measures, which have been for some time past, and now are going on, relative to a permanent office of superintendence over the Scottish Records, will, I believe, make it proper for me to be in London about the middle of March. I look forward with impatience to our meeting, and shall count the days till I return to our old haunts.

"Playfair's pamphlet has made its appearance to-day, and in spite of urgent avocations I have devoured it. By the time you receive this you will probably have committed a similar debauch. I am every way delighted with it. The execution is masterly; the whole tone and spirit perfectly worthy of his erect and ingenuous mind. The argumentative part, throughout which he is quite victo-

rious, is marked by all that firmness of tread and easy regularity of progressive motion which so much distinguish his scientific writings. All this was to be expected; but he has disclosed new powers, of which we were not so well aware,—powers of ironical wit, and of smooth, deep, cutting sarcasm, which form a striking contrast to the dark and dull malignity of his antagonist. Indeed, the controversial talents which have on this occasion been called forth so unexpectedly from Mr. Stewart and Mr. Playfair are both of the first order, though marked by many curious characteristical differences.

"I ought to have said a great deal more to you on many subjects, but it is very very late, and my letter must be despatched in the morning. Remember me kindly to Brougham, Murray, &c.—Ever most faithfully and affectionately yours,

"Tho. Thomson."

"My kindest compliments to all at Hampstead."

On 14th December 1804, the Commissioners had formally resolved that the publication of the printed volume "be for the present suspended," and requested Mr. Thomson to prepare a detailed report of a plan for printing the Acts of the Parliaments of Scotland in a worthy manner. The report was to describe former editions and their authority, and the "means by which the most complete collection might be made from the most authentic materials, specifying the nature of those materials, the proofs

of their authenticity," &c.; "such a report," it was added, "as may be produced, if necessary, to Parliament in justification of such an undertaking."

Once more the Commissioners were in danger of spoiling their work by over-haste. Not knowing, or not reflecting on the topics which such a report must embrace, and the previous investigations on which it was to be founded, they urged Mr. Thomson almost beyond his long-suffering patience, for despatch. Many of his letters of that period deal with detached portions of his subject, and they evidently impressed the Commissioners with a high opinion of his powers; but we must be satisfied with one extract.

MR. THOMSON TO LORD GLENBERVIE.

"*Edinburgh, December* 27, 1805.

. . . "Your Lordship is, I believe, fully aware of the actual state of the work at the time when I was first called upon to take a share in it. One volume had been already printed as a commencement of a series of the Scottish Parliamentary Records; but the plan of compilation which had been adopted was unfortunately such as could not have failed to render the whole extremely imperfect in almost every important requisite of completeness, accuracy, or arrangement. The suppression of this volume was scarcely a matter of choice; and, in proceeding to frame and digest a new plan, it was certainly of the utmost advantage to be thus completely disencumbered of the old.

"In these circumstances it appeared to me that a fortunate opportunity yet remained of attempting to supply, as far as may be possible, one of the greatest desiderata in the history and jurisprudence of Scotland. The Acts and proceedings of the Scottish Parliament, in the exercise of its various constitutional powers, must be acknowledged to be of the very highest importance and curiosity; and, at different periods, the attention of our statesmen and lawyers appears to have been strongly attracted to the formation of some plan for retrieving these great national Records from that obscurity and neglect under which they had been suffered to remain. I hope to find another opportunity of entering at greater length into the history of those projects, of which the greater part would seem to have proved nearly abortive. The only exceptions of any importance are to be met with in the reigns of Mary and of her son James VI. In the year 1566, a Royal Commission was given to certain persons in whose 'science and experience in the laws of the realm' her Majesty could confide, with full power and authority 'to visie, sycht, and correct the Lawes of this our Realme, maid be us and our maist nobill progenitouris be the avise of the thre Estates in Parliament halden be thame, beginnand at the buikes of the Law callit *Regiam Majestatem* and *Quoniam Attachiamenta*, and sua consequentlie following the progress of tyme unto the dait of this our Commission.'

"Although the plan thus committed by Mary to 'certane nobill and learnit lordis her traist counsaloures' was

expressly limited to the publication of that portion of the proceedings of Parliament, which consists of general Statutes and Ordinances, yet the execution of the whole was soon found to be a task of very serious difficulty. Accordingly, it appears that 'in the undertaking of the charge and work thus committed to them,' the saidis Lordis 'thocht it maist expedient to begin at the mending and forthsetting of the Actes of Parliamentis halden be King James the first, secund, third, furd, fyft, and be hir Majesties powar havand and hirselfe, and thairefter in all gudlie diligence, to reik and extend thair care to the emendatioun and publicatioun of the precedent and mair ancient lawis, the quhilkis, as they are mair difficill to be decernit on, swa they requyre langar tyme to thair dew correctioun.'

" This account of the labours of the Commissioners is taken from the Preface to that edition of Scottish Statutes commonly called the *Black Acts*, written by Doctor Edward Henryson, the ostensible editor, who appears to have been chiefly aided in his undertaking by two persons of very great celebrity, John Lesly, Bishop of Ross, and Sir James Balfour. The work has been rendered invaluable by the subsequent loss of some parts of the original Records from which it was compiled; but, in itself, it appears to have been compiled in a hasty and slovenly manner, and is even lowered in its intrinsic value by that very diligence which has been unhappily bestowed on the 'mending' of the original texts from which it has been taken.

"Queen Mary's Commissioners were soon afterwards called on to act a busy part in scenes of a very different nature, and do not appear to have ever resumed their literary *travel*, or to have employed their 'gudlie diligence' upon the more ancient laws of the realm. The object, however, was not altogether lost sight of; and, in the reign of James VI., new Commissions were granted by the authority of Parliament, for 'the examination and imprinting of the Lawes of this realme.' The person to whom the execution of these new plans was committed was Sir John Skene, Clerk Register, a lawyer of considerable eminence, and who enjoyed the reputation of great learning and industry. Like his predecessors in the reign of Mary, he began his labours with a republication of the Acts of Parliament, from the return of James I. in 1424, downwards to the year 1597, when the work was printed; and it was not till twelve years afterwards that he at length ventured to publish his celebrated collection of the more ancient law of Scotland.

"In his dedication of this work to the King, Sir John Skene has given an account of it, which, however hyperbolical in so far as regards his own labours, is perhaps not greatly exaggerated in so far as regards the real difficulties of the undertaking. After having mentioned that he had very early conceived the project of illustrating the ancient municipal law of his country, he proceeds in these words:—'Sed mihi currenti et œstro quodam diligentiæ percito, multa spem meam et gradum remorantur. Etenim

constitutionibus tuo mandato in lucem editis, quæ in publicis regni tui *Scotiæ* Comitiis, post Regem *Robertum* ejus nominis tertium promulgatæ sunt, (Acta Parliamenti vulgo vocant) cum in priscas et antiquas leges, paulo diligentius inquirerem, incidi in *Augeæ* stabulum quod ne *Herculis* quidem labore purgari aut evacuari potest. Libri enim complures mihi objiciuntur, antiquæ quidem fidei sed tinearum et blattarum epulæ. In his multa quæ antiquitatem nobis ignotam et judiciorum formulas olim vsitatas, nunc ab vsu remotas, sapiunt. . . . . In his quoque libris, scriptorum imperitia et negligentia, multa corrupta, divulsa, multa sparsim et confuse digesta, quæ sensum corrumpunt, aut nullum reddunt. Verumtamen ab opere incepto non destiti. . . . . Vt igitur vrsus informem partum lambendo informat, ita improbo labore fructum aliquem, nescio an satis solidum et maturum, ad communem Reipublicæ vsum, producere conatus sum. Quantum enim ipsius rei difficultas timoris attulit, tantum ademit ejusdem rei a nullo adhuc tractatæ nulliusque pede tritæ, tum novitas, tum vtilitas.'

" But I must not fatigue you with the egotism of Sir John Skene. It would have been more judicious and certainly more fortunate if, instead of this idle *tirade*, he had given a critical and detailed account of those manuscripts which he actually consulted, and on the faith of which he has professed to give us an accurate compilation of the more ancient law of Scotland. But his silence on that head may, I am afraid, be traced to no very creditable

motive. There are still preserved many manuscript collections of our ancient law of dates long prior to the age of Skene; and, on examining them, it will be found how very little his skill or industry has either added to or improved upon the labours of those earlier compilers. His work was, however, received by his countrymen with unqualified approbation; nor was it till a period comparatively recent, that the accuracy and candour of Skene began to be questioned. The person who first ventured publicly to express a different opinion was, I believe, my venerable friend the late Lord Hailes, who incurred the ignorant censure of his contemporaries, by stating what perhaps nobody at present would have the weakness to deny, that 'Skene was a careless if not an unfaithful publisher.' But the truth of this criticism I must not at present stop to illustrate.

"Not many years after the publication of Skene's book, a work still more arduous and extensive appears to have been projected. About the beginning of the reign of Charles I., a Commission was granted by the Crown, and afterwards repeatedly confirmed and renewed by Parliament, for authorizing a number of the most distinguished and learned men of the age, 'to reid recognosce and consider the haill Lawes, Statuites, and Actes of Parliament of the said Kingdome, alsweill printed as unprinted; Togider with the customes and consuetudes of the said Kingdome, quhilks ar and have beine observit as Lawes withine the same, aither in the civill or criminall judicatories;

And quhilks have beine receaved in practick by the decreits of the Lords of Sessione or Justice Generall; and to that effect to caus be exhibit befor thame be the Clerk of Register and Justice Clerk, and thair deputtes, the haill registers and rolles contening the Lawes and Actes of Parliament of the said kingdom, alsweill unprinted as printed, with the Registers of decreitts and interloquutors of the Lords of Sessioun and Justice General, togider with the buikes intitulat Regiam Majestatem, quhilk conteines ane record of the auncient Lawes and customes observit within the said Kingdome; And efter dew consideratioun thairof, To conclude and determine anent the trew sense, meaning, and interpretatione of all such Lawes and Actes of Parliament quhilks ar wnclear and doubtsome in the selff and may receave divers interpretationes, And quhilk hes beine drawen in questioun befor the Lords of Sessioun, in respect of the doubtsomnes and wncleirnes thairof: And anent the printing of such Lawes and Statuites as ar not yett printed: And anent the omissioun of such Actes and Statuites as ar abrogat or become in desuetude and out of use: And Siclyk, To collect and set downe the haill customes and generall consuetudes inviolablie observit in the said Kingdome, alsweill in the civill as criminall judicatories, to the Effect the samyne may, be thair allowance ratificatione and approbatione, be registrated in the buikes of Parliament, and be maid notour and knawen to the haill Lieges.'—The unprinted Act of Parliament, (A.D. 1633,) from which I have quoted the preceding sentences, goes

on to declare that 'the Ordinances to be aggried resolved and concludit upon in the premises,' shall have the force and authority of Law in the meantime, until the whole shall be submitted to the consideration, and shall receive the final sanction of a future meeting of Parliament.

"Of the proceedings under this Commission I have not discovered any traces, nor can it excite the slightest surprise that such a project should have proved completely abortive. It is, however, a very curious fact in the history of Scottish jurisprudence, and may here serve as one additional instance of that eagerness which appears to have been felt, to rescue the ancient records of our law from obscurity and oblivion. No further or more fortunate effort would seem to have been made; and the publications of Skene continued to be regarded as the standards of the *Statute Law* of Scotland. In the year 1681, permission was granted to Sir Thomas Murray of Glendook, Clerk Register, to republish 'the Laws and Acts of Parliaments,' from the reign of James I. downwards; but although he professed to extract the whole 'from the Public Records of the Kingdom,' it is obvious, on the slightest examination, that he had contented himself with copying implicitly the text of Skene's edition in 1597. The edition of 1566, although incomparably more accurate and authentic, does not appear to have ever been consulted by him: yet it is the edition of Sir Thomas Murray that, for more than a century, has been quoted every day

in all our Courts of Justice, as a correct and genuine code of the Laws of Scotland.

"I have been unexpectedly led into this detail, merely from the wish of exhibiting to your Lordship a general view of the difficulties, as well as importance of the various attempts which have been successively made to retrieve the more ancient Records of the Law of Scotland from that obscurity and corruption under which they have unhappily laboured. It must at once be obvious that all of these attempts have had an exclusive reference to forensic practice, and have aimed at nothing more than the establishment of an authentic standard for the decision of Courts of Law. This is undoubtedly by far the most important object which such researches can possibly tend to accomplish; yet there are objects which, in their due subordination, ought not surely to be overlooked or neglected; or which may be rather said, from their comprehensive nature, to embrace the former as an essential part. Without attempting to analyze very curiously the various considerations and inducements which may here be supposed to operate, I believe that all those whose minds have been directed to such pursuits will be prepared very readily to acknowledge the propriety, and even the duty of attempting to recover from the wreck of time every genuine fragment of national history, however minute and broken,—every authentic fact illustrative of national antiquities, however unimportant it may now at first sight appear to the immediate and practical business of life.

" It was under this more extended view of the capabilities of the subject that I was led to state to your Lordship that I considered the publication of the Parliamentary Records of Scotland as calculated to supply one of the greatest desiderata in the history and jurisprudence of the kingdom. The mutilated state of all our national Records, the only genuine sources of law and of history, has long called forth the dismal eloquence of all our antiquaries; and that the Records of Parliament have sustained their full share of the common fate, has been ascertained with but too great certainty by the printing of the volume already alluded to. It appears that in those volumes of Parliamentary Record which now remain in the General Register House, not a fragment of original matter is to be found of earlier date than the year 1466; that in the succeeding periods, downwards to the union of the Crowns, many long and lamentable blanks are to be met with; and that to the recent discovery of a manuscript in the Paper Office, (London,) we are indebted for the only fragment supposed to remain of the more ancient Records of the Scottish Parliament. All this is sufficiently discouraging; but instead of idly bewailing our loss, or sitting down contentedly under it, it becomes a sort of bounden duty to attempt somewhat to diminish, if we cannot altogether retrieve the injury that has been thus sustained. But if the Commissioners in the reign of Mary, in attempting to extend their care to the more ancient laws of Scotland, experienced so much difficulty and occasion of delay; and

if, in the time of Skene, the ancient writings from which those laws were to be drawn, were in that state of confusion and decay, which he has been so anxious to describe, it is almost needless to state that, in the lapse of two additional centuries, the obstacles to such an undertaking must have greatly accumulated. At the same time, it may perhaps alleviate the weight of this consideration to observe, what an attentive examination has convinced me to be the fact, that, with the exception of some portions of a later date, the original Records of the Parliament of Scotland were not in a more perfect state in the reign of Mary than they are at the present day. The evidence of this assertion is involved in minute details which would be here out of place; and I have now mentioned the fact merely as suggesting new inducements to the vigorous prosecution of those researches which have been so long suspended, but the importance and curiosity of which have not surely been diminished. The ancient Statutes and Ordinances of the Scottish Legislature may, in many instances, have been abrogated, or may have lost their force merely by desuetude; the judicial proceedings of the Court of Parliament may have ceased to be regarded as affording precedents for the guidance of modern Courts of Justice; and in few, perhaps, of the other solemn acts and proceedings of the great national Council, shall we find anything which bears directly upon the great public rights and interests of the kingdom. But, as parts of the civil, political, and domestic history of Scotland;—as facts illus-

trative of the early state and gradual progress of law in all its branches, as links of that unbroken chain which, at almost every point, connects the more refined and complicated system of modern policy and modern manners, with the rude institutions and customs of our ancestors,—there are no fragments of Parliamentary Record, however minute and apparently trifling, which do not possess an intrinsic and permanent value, much more than sufficient to reward the toil of a difficult and tedious research.

"Under these general impressions of the nature and extent of the undertaking in which I was about to embark, I began more than a year ago to bestow upon it whatever leisure I could redeem from my professional engagements. I can have no hesitation in owning, that I entered upon it without any practical knowledge or experience of the difficulties, and that I brought to the task literally almost nothing excepting a very deep rooted attachment to the study of the history and legal antiquities of Scotland. The natural effects of this inexperience I have already had occasion in many ways to feel. In the first place, in this as in every new pursuit where the objects are not placed distinctly in view, and where the paths which conduct to them are not already trodden, I have unavoidably incurred an enormous waste of labour. Groping in the dark, without a guide, I have too often spent the day in wandering after what was not to be found. This, happily, is one of those evils which gradually become their own cure; and though I am yet very far from being able to flatter myself

that I shall escape such difficulties in future, yet what I have now stated may help to account for the slowness and irregularity of my progress hitherto.

"Other difficulties I have had to encounter, which ought, perhaps, to have been better foreseen, but against which I could scarcely have been able effectually to provide. It is but too well known, that what may be called the constitutional antiquities of Scotland, although the subject of many angry controversies, have hitherto received very little real illustration, and the meagre discussions of some of our theoretical writers have little other tendency than to mislead and bewilder their readers. This desideratum in Scottish literature never can be properly supplied without the aid to be derived from a regular series of the genuine proceedings of Parliament; but, on the other hand, it happens unfortunately that the researches necessary for obtaining such a series cannot be conducted with safety or success, without a great deal of that knowledge of the constitution of Parliament which its own proceedings can alone supply. Amidst this action and reaction of ignorance, it becomes necessary to proceed with the most timid caution; to retrace, again and again, those steps which have at first been taken at random, and to borrow all the lights that can be furnished by analogy to the laws and constitution of the neighbouring countries of Europe. In this manner, I have, at every turn, been opposed by some difficulty which perhaps could not be immediately surmounted,—some puzzling question which I could

not hope to solve till I had arrived at a more advanced stage of my progress; and have experienced the necessity of extending my inquiries into some departments of the legal and constitutional antiquities of England, where a resemblance or analogy to those of Scotland may be supposed to exist. The delay which such collateral studies must unavoidably occasion will, I trust, be in the end very sufficiently compensated; and where the choice has lain between rapidity and accuracy of execution, I presume I shall not be blamed for having given the preference to the latter.

"Another effect of this inexperience of the route in which I was travelling, has, to me, been still more mortifying. It has greatly misled me in my calculations of the probable period within which I should be able to accomplish some parts of my undertaking. Of this I am afraid I need seek for no stronger instance than the delay which has occurred in the preparation of the Report I have been directed by the Board to make on the proposed collection of the Parliamentary Records. In this Report I am desirous of giving a detailed exposition of the various matters connected with Scottish Parliaments and parliamentary Records, which can possibly bear on the practical question which the Board may have to consider as to the publication of those Records. In this view, I should wish to offer a sketch of the history, constitution, and progressive changes of the Parliament of Scotland, an account of the nature and different kinds of its written Records; the fate which

they have experienced at different times, and the state in which they now seem to be; a full and detailed account of the plans and methods which have at different times been adopted for the publication of the statutory part of these Records; and, in particular, a minute critical account of the various editions which have been successively prepared and published by Royal or Parliamentary authority; and, last of all, a statement of the nature, authenticity, and extent of those materials which yet remain from which a more ample collection of parliamentary proceedings of all kinds may be made than any which has hitherto been published.

"From the variety of matter which this Report is meant to embrace, and from the long period of time to which it relates, your Lordship will, I trust, be at no loss to find some apology for the delay in its preparation. The truth is, that the greater part of the materials for its compilation have been collected for a considerable time past, and I entertained sanguine hopes many months ago, of being able, without any loss of time, to reduce them into proper shape and arrangement. On a nearer approach, however, the difficulties have always increased in magnitude; and, on many important points, I own I have not been able to make up my own mind. Further inquiry and more deliberate consideration have appeared to me to be necessary, and, under the constant interruptions to which I am unavoidably exposed, and which seldom leave me the master of my own time for a week together, I have insensibly

procrastinated the completion of my work, till I have become almost ashamed to think or speak of it. What degree of progress I have actually made in the collection of original materials I shall probably take an early opportunity of stating in a letter to the Secretary. In the meantime, I have ventured to trespass so far on your Lordship's patience, from my earnest desire of placing the nature and difficulties of this undertaking, and the consequent reasons of delay in the execution of it, in that light which appears to me to be the fair and true one.

"Within what time I can now venture to promise the Report, I should be wrong, after so many unforeseen disappointments, to state with confidence; yet this I may say with truth, that no voluntary delay is likely to occur which the utmost anxiety on my part can possibly prevent. I flatter myself that a few weeks longer will enable me to speak on this head with greater precision."

LORD GLENBERVIE TO MR. THOMSON.

"*January* 8, 1806.

"MY DEAR THOMSON,—I cannot deny myself the pleasure of sending you the enclosed, which I have just received." . . .

FROM THE SPEAKER TO LORD GLENBERVIE, (enclosed in the preceding.)

"*Kidbrooke, January* 6, 1806.

"MY DEAR LORD,—I return you, with many thanks, the first part of Mr. Thomson's letter, dated 27th Decem-

ber, and also the latter part, dated 30th December last. The entire letter appears to contain so much erudition, good sense, and ability for this work, that we cannot but be anxious for the success of every measure which may ensure his superintendence of all the general works which we have projected in Scotland. . . . Believe me ever most truly yours,

"CHARLES ABBOT."

We see that Thomson had now established himself on the right footing with the Commissioners, and was appreciated as he deserved. They now knew that he was fit for his work, and they knew in part what sort of work that was. There was no longer a demand for instant printing of the whole "Records of Parliament." A petulant secretary, or sub-commissioner new in office, might still harass him now and then with exhortation to despatch; but with the excellent Speaker Abbot, with his dear friend Lord Glenbervie, and with Lord Frederick Campbell, the head of the Record department in Scotland, he had established a full and cordial confidence.

It was no light work that he had undertaken. To publish in becoming shape, the Records of Parliament alone might well have been looked to by most men as sufficient occupation at one time, if not as full labour for life. Taking as complete the preliminary education,—the thorough appreciation of the objects of the work, there was still to fix the authenticity of each statute and code of

laws, and to test its date by all the canons of charter learning. Next came the settling of the texts by a search and collation of innumerable manuscripts, always in subjection to sense. The details of the work were immense; from corresponding with foreign scholars, and recovering MSS. from libraries abroad,* to the form of the page, and the correcting of typography. The mere cutting of the type matrixes cost Mr. Thomson a world of personal trouble and time; for in Scotland such studies and all record learning were dead, or concentrated in himself. He gradually trained up a set of zealous coadjutors;† but at the beginning of his work, he actually had not a clerk who could read old hand, and he stood alone and unhelped in all the historical research and record scholar-

* The two most valuable manuscripts of ancient laws were discovered—one in the Library of Berne in 1814, the other on a book-stall in Ayr in 1824.

† One of these, Mr. A. Macdonald, should not be passed over in commemorating the labours of Mr. Thomson. He was his clerk from the first employment on the Records, and, although latterly holding the office of Keeper of the Register of Deeds, he was his trusted and useful assistant to the end of his life. Mr. Macdonald's skill in arrangement, innate love of order and regularity, were invaluable in the Register House, and under a chief like Mr. Thomson. To the consulters of the Public Records for nearly half a century, his almost intuitive knowledge of Records and accurate memory were most valuable, and were never withheld when demanded for any worthy object. His disinterested love of antiquities, his obliging nature and modesty endeared him to all the antiquaries of Scotland. As Mr. Thomson walked with me from the Canongate churchyard, in which we saw him buried, he said he had been connected with him for forty years, and in all that time there had never been a difference, never an angry word had passed between them.

ship, even in the constitutional and antiquarian law, which were necessary for the discharge of his labours. The requisite learning and accomplishments he had already, or was rapidly acquiring. His extensive and varied reading was soon brought admirably to bear upon his present pursuits; but far above all other qualifications, he brought to the work a sound and temperate judgment, never failing sagacity, and a taste critical even to fastidiousness.

The Scotch members of the Record Commission, when once aware of the value of such a servant, were eager to secure his services permanently for reforming the whole system of records in Scotland. At a meeting of the board, 31st January 1806, the Commissioners resolved, "that it was expedient that the Lord Clerk-Register should be authorized to appoint some person, who should be resident in Edinburgh, and duly qualified by his education, studies, and reputation for learning, and diligent in his profession as an Advocate of respectable standing at the Scotch Bar, with an adequate salary, to be charged on the Civil Establishment of Scotland, to act as a deputy to the said Lord Clerk-Register;" . . . such person "to have the control and direction of, and superiority over all other persons acting as deputies or clerks under the said Lord Clerk-Register, in the execution of the ordinary duties of the said office."

LORD GLENBERVIE TO MR. THOMSON.

"14*th March* 1806.

"MY DEAR THOMSON,—I have just seen Lord Frederick Campbell, who had that moment been with Lord Grey. He had read Lord Frederick's memorial, and the minute of our board; and he and the other Lords of the Treasury entirely approve of our suggestion, and are to give directions accordingly. You will recollect that neither the salary nor the person were mentioned in the minute, but Lord Frederick mentioned both £500 per annum and you, to Lord Grey to-day, and he entirely approves of both. I have seen the Speaker since. He agrees with me, that as to one or more transcribers, it is much better to leave that for annual incidental bills. I congratulate you on the conclusion of a matter which is so highly honourable, and yet not more than just to you, both in regard to the motives and the means by which it has been brought about. I shall be quite impatient to see you, and am, my dear Thomson, yours affectionately,

"GLENBERVIE.

"Lady Glenbervie desires kindest compliments. Pray remember me to all friends. Constable has not sent me Playfair's pamphlet."

FROM LORD GLENBERVIE.

"*Pheasantry, 7th June* 1806.

"MY DEAR THOMSON,—I find by the Speaker, that after conference with Lord Frederick and his concurrence, he has written to you to desire that you will prepare a commission, according to the draft we settled, and send it up, when it will be executed immediately by his Lordship, and attested by the Speaker and myself. This was a suggestion of mine, and I now write to urge you to lose no time in the business, as there is no proverb in Solomon more true, than that delays are dangerous.

"We are to have Playfair, Horner, and all the house of Selkirk to pass the day with us to-day. You will easily believe what an addition you would be to our party. But we hope to see you here in little more than a month.

. . . . . .

Ever, dear Thomson, yours most affectionately,

"GLENBERVIE."

The Commission to Mr. Thomson, to be Deputy Clerk-Register, was finally executed on June 30, 1806.

Before his appointment as Deputy Clerk-Register, Mr. Thomson had commenced another work which has proved of infinite utility to the Scotch conveyancer and pedigree lawyer. This was the abridgment of "Retours," or of the returns made to Chancery of the services of heirs under brieves of inquest from the commencement of the record at

the beginning of the seventeenth century—a work which, in the words of its author, "exhibits an authentic history of the transmission by inheritance of the greater part of the landed property of Scotland, as well as the descent of the greater number of considerable families during the seventeenth century." One purpose of the publication, much esteemed at the time, was for affording evidence of those valuations of land denominated the Old and New Extents, the former of which furnished a measure of freehold qualification in the counties of Scotland. But although that purpose has been swept away by the reform of our representation, and though the published book ends where the matter of the record gets most practically useful, enough was given to make the volumes of "Retours" more frequently handled by the Scotch conveyancer than any other book of the Record publications. The first volume was issued in 1811, and the work was completed in 1816.

Nor was this the only work that had engaged the attention of the Sub-Commissioner before he became Deputy-Register. The earlier and more interesting parts of the Record of the Great Seal—the Crown Charters, by which all land is held immediately or through an intermediate person—were in a state of frailty and actual decay. From these rolls and books he compiled the thin volume entitled *Registrum Magni Sigilli*, containing all the recorded charters, from the reign of Robert Bruce to the accession of James I. in 1424—perhaps, on the whole, the most valuable contribution that has yet been made to

the Scotch student of history and of legal antiquities. It was printed and published in 1814,—a work so careful and accurate as to have quite superseded the consultation of the original Register.

While wholly directing and doing much of the actual labour of these great public works, Thomson, up to the time when he became Deputy Clerk-Register, kept his ground among the best men of his profession. The business of the Bar was very different then from what it is now. There were no juries to be addressed; no witnesses to be examined. A case dragged its slow length through volumes of printed pleadings—petitions, answers, memorials, replies, duplies—ending perhaps at last with a great field-day in full Court, when the counsel having felt their way and marked the assailable points in the previous papers, did at length indulge in a careful oral pleading, dealing only *in apicibus juris*. For the first part of that routine, for the written pleadings—especially for whatever required deep legal learning or investigation of the sources and progress of law—Mr. Thomson was already in the first rank. His speaking was not impressive. He could not condense his matter; his arrangement was unstudied; neither his voice nor his action were pleasing, and it seemed as if he despised the art and trick of oratory. Yet he spoke easily and always pertinently; rather as a man of education and legal accomplishment conversing about the case, than like an advocate arguing for a side. The best practice of his day arose from entail questions, and

from questions touching the qualifications of county freeholders—both subjects, but especially the latter, giving rise to the finest and subtlest discussions of feudalism. In both these classes, (now, alas! forgotten, or remembered only for points of law settled incidentally,) Mr. Thomson had his share. In some others, requiring learning of a rarer kind, he stood almost unrivalled.

"The Craigengillan Case" in 1805-7, sufficiently important from the magnitude of the property at stake, involved questions of perhaps as grave moment to society as have ever been settled by a court of law in Scotland. A gentleman, in perfect possession of his senses, had taken his mistress by the hand in presence of his assembled servants, and, pointing to her and the children whom she had borne him, said—"Before these witnesses, this is my wife, and these are my lawful children." He then left the room, walked for some hours, in a state of apparent composure, about his estate, returned to his house, went up stairs, put a pistol to his mouth, and shot himself. It was questioned whether from these proceedings—without subsequent cohabitation, or any presumption of both parties intending to live afterwards in the state of marriage—could be constructed such a consent of both parties as is required by the law of Scotland to constitute marriage. The discussion of the case, and especially Mr. Thomson's pleadings, went to the very foundations of our marriage law, and of the jurisdiction under which questions of *status* were to be tried. His friend Cranstoun was on his side; his friends

John Clerk, Gillies, Jeffrey, were against him. The decision of a majority of the Court of Session and of the House of Lords adopted Mr. Thomson's view and doctrine; and, in supporting the validity of the marriage and the legitimacy of the children, may be said to have at least settled the law on the points at issue, if it has not altogether satisfied the minds of later jurists.

His acceptance of his new office was undoubtedly injurious to his professional advancement. Whatever men of more regular habits of industry might have done, he was but too willing to withdraw from the pressure and punctuality of law work into the comparative retirement and independence and discursive study of the Register House. It was many years after that he told me, with avowed pride and some mixture of regret, that his fee-book was above Cranstoun's when he took the office of Deputy-Register.

By virtue of this office there devolved upon Mr. Thomson the superintendence of all the records of Scotland, as well of their formation as of their custody; though for a long time the Lord Clerk-Register had not interfered with the former. Scotland was very proud of its record system, which was held by a series of careful checks to preclude the hazard of fraud, and by complete publication to render absolutely secure the whole land tenures and securities of the country. But this just pride had produced an overconfidence in the well devised system, and diverted attention from its defects of working, and the corruptions which may grow up in any system.

There were abundance of evils to be corrected in the formation of Records. The record of decreets, or rather of judicial proceedings, had become enormously bulky and inconvenient, by loading it with volumes of unnecessary matter, which only served to bury the essential out of sight, and to pay the extracting clerks. The well devised record of deeds and of probative writs was in danger of becoming unsearchable from dividing into three rival Registers. The Registers of the Seals, or of Crown charters of lands, though inordinately complicated and expensive, by a defect in their working, actually failed to afford full evidence of the formal completion of the title by the appending of the Great Seal. The custody of all records had got into the hands of sinecurist beneficiaries, who farmed out the work to subordinates, and, content with the profits, took no great care for its execution. The most important Records, including the Record of Seisins, (the foundation of security in land rights,) were either not written up, or lay untransmitted sometimes for twenty years, for the sake of giving the local custodiers the benefit of fees for searching. The interest of the sinecurist was to produce the work cheap, and the effect was that all the records were in bad writing, bad ink, bad vellum, bad paper, bad binding.

These and a hundred other mischiefs were to be corrected in the current Records. A substantial and uniform paper was to be procured, and its materials were to be chosen not only for strength, but with a view to the

chemical effect that ink might produce upon its fabric in after ages. Dr. Hope and the chemists were advised with, about a permanent and undeleterious ink, in which investigation the late Sir George Mackenzie engaged, and carried on his experiments and a correspondence thereupon for years. But those physical defects were the least part of the difficulty to be overcome. It was to be expected that the new office should at first be viewed with jealousy and dislike. Wherever a bad practice was to be corrected, up started some champion for the old way. The keepers of the Registers, some of whom had bought their offices, and all of whom regarded them as their benefice of freehold, saw no advantage to them in any of the changes, and supported the bad parchment, and tea-paper, and the school-boy hand, as sanctioned by use. The clerks claimed a vested right to make their pages of a larger or smaller size, as best suited them. Where the materials of the Register were furnished by themselves, and the registration paid according to the length of the deed, the Register was crowded with writing so small as to be "almost illegible to the naked eye." Where the payment was by the page of the Register, the clerk was the most esteemed whose sprawling hand gave the appearance of a full page with the fewest possible words. No uniform mode prevailed of framing even the important Register of Seisins, nor any uniform charge. Each keeper alleged a local or provincial usage as to size of page, as to amount of payment, as to time of transmitting. In too many

cases it was found that no Register was formed at all; the keeper, at a safe distance, took the fees and granted a certificate of registration, but left the record unmade. Mr. Thomson's way of dealing with these mischiefs and impediments, was to lay the foundation by a careful inquiry into the original institution and successive practice of each record; for he found that precedent and practice were more efficient arguments than any drawn from expediency, where private rights interfered. From these materials he adjusted a reasonable and just scale of work and pay, and he exacted absolute correctness of writing and transmitting. He gave those whom he coerced no opportunity of personal collision, and by extreme good temper, with abundant firmness, he always carried his point of an effectual reform of each Register to which he turned; including both its shape, and, in provincial Registers, the manner and period of transmission to the head office. To be sure, he was supported by the cordial approbation of the Record Commission, and whenever he required it, he obtained the sanction of the Supreme Court, or, if necessary, an Act of Parliament for enforcing his measures of reform. Opposition relaxed, too, when it began to be understood that Thomson undertook no unmeaning or useless changes, and that he was sure of his ground and of needful support, before he moved.

While the formation of records was undergoing a great and much wanted revolution, no less attention was required to their custody. The older part of the National

Records, the whole Records of Parliament, the Books of Secret Council, and several others, were in a state of decay which made it dangerous to handle them. In a large proportion, the paper was so destroyed by age and damp that it could not bear sewing or binding. It was well for Scotland that the new Deputy-Register did not count it beneath the dignity of his office to look to the binding of books. He let nothing escape him; no volume or leaf passed without his own inspection. Where the binder could be employed, he directed the arrangement, division, binding, lettering. But in the nicer cases alluded to, an operation called inlaying was used, which, without covering any of the writing, had the effect of fixing the frail leaf, like a picture, within a frame of stout paper, fit for binding. For this work no person in Scotland was at first found qualified; but after some ineffectual negotiation it was undertaken by an old lady from London, Mrs. Weir, who worked in the Register House for several years, and taught three or four Assistants to perform the operation very satisfactorily. The best proof of the goodness of the work is the state of beautiful preservation in which so many books in the Register House are now found, that must have gone into dust when handled, but for Mrs. Weir's curious art.

Day after day saw the Records of our country rescued from destruction—Records that had never yet been used for history, but without which history is a delusion. Leaf after leaf, saved from crumbling into dust, grew into

volumes; and volume after volume was put in a dress of Russia leather that will endure handling, and promises to last for centuries.*

A no less pleasing duty for Thomson was to reduce the amount of fees, which had come to be exorbitant, under the system of officers benefiting immediately by them instead of having fixed salaries. From the beginning of his control, he gave admission, for literary purposes, without fees, a practice which has since his time been further carried out, by the appointment of a searcher of records to assist such literary inquirers.

From henceforward, for many years, Thomson's existence may be said to have been in the Register House. His occupation, reforming the framing and custody of current records—rescuing and repairing old records—and editing a long series of publications of the first consequence for the law and history of the country.

These works are the best memorial of his life and labours. He kept no journal, nor was he a professed or regular letter-writer, even to his friends; but his correspondence, while it proves his general and almost universal interest in all liberal pursuits, indicates sufficiently the subjects which henceforth commanded his first and constant attention.

* Of nearly 12,000 volumes in the Register House, 6,500 were re-bound; 180 volumes (of 30,000 leaves) were *inlaid*, and a very large proportion of the whole were carefully and effectually repaired in other modes—between the years 1807 and 1816.—*Tenth Annual Report.*

A few letters were omitted in their order, to avoid interrupting the transition of the Sub-Commissioner of Records into the Deputy Clerk-Register.

In the midst of a kind and zealous correspondence of Scott, having for its object to place his old friend John Thomson in the kirk of Duddingston, one letter breaks into other subjects.

"*Ashestiel*, 18*th April* 1805.

"DEAR TOM,

. . . . . .

"I wish you and Miss T. would make a start our length. You have no idea how delightful the country is; birds singing, lambs skipping, everything but foliage and verdure, and that fast approaching.

"I like the epigram on John Leslie vastly—it is quite delicious. I hope our Scoto-Hibernian friend will for once stumble into something like the right, though, if he does, it will be for the first time in his life, and should be hailed as something hardly short of a miracle.

"Skene is still with me, and will be during my stay here. He is a charming companion, and smokes a social pipe *à miracle*. He is taking some vignettes for next edition of the Lay. In the meantime we walk, eat, drink, and read nonsense. I fear no good is to be expected from me till this busy time is over. Do pray come to us if you can. Love to Erskine,—he said he would be here, 'but I would never trow him.'

"I will acquaint you with the news from Lord A. the instant I hear them.

"Anne's face is quite well. Gilnockie and Sophia in high glee. Charlotte sends best love to Miss Thomson and you.—Ever yours,

"W. S."

Lord Minto, about to sail for India, writes to Thomson,—

"*Arlington Street*, 12*th Jan.* 1806.

"My dear Sir,—Your letter has given me great pleasure, by furnishing me an opportunity of saying, before my departure, how much I regret this, as I should every other interruption in the improvement of an acquaintance, and I should wish to say friendship, from which I have already derived so much, and from which I looked forward to so much more satisfaction and comfort. I recommend myself, however, to your kind recollection, and I hope still to live to make myself amends for the interval of privations on which I am entering.

. . . . . .

"With the most sincere assurances of regard and esteem, believe me ever, my dear Sir, faithfully and affectionately yours,

"Minto."

FROM THE SAME.

"*Dalkeith*, 24*th Jan.* 1806.

. . . . . .

"I must now thank you heartily for all the kindness I have experienced at your hands. It has been such as, together with the goodness of some other friends, would almost tempt one to be sick and interesting every now and then. As gratitude has two pair of eyes, one that looks back, and the other forward, you must allow mine to be a little prospective too, and to convert your past favours into a title to new ones, by bespeaking the continuance of a friendship, if you consent to call it so, which was begun under the auspices of our common friend Lord Glenbervie, but which I shall endeavour to perpetuate *proprio marte*. Sincerely and affectionately yours,

"MINTO."

FROM LORD GLENBERVIE.

"*Pheasantry*, 11*th January* 1806.

"DEAR THOMSON,—I am particularly gratified by your very interesting account, and Mr. W. Scott's, of the curious relique of the ancient Douglases found among the ruins of the old castle of Hermitage, [*a seal ring.*] Will you have the goodness to return him my hearty thanks for his friendly attention in the communication of this discovery, and his obliging promise to send me also the details and verifications of the circumstances. I shall be curious to be informed of Mr. Scott's reasons for thinking that the

quatrefoil had been assumed for the Earldom of Angus. I find it said in Nisbet that the old Earls of Angus carried 'Gules a cinquefoil or,'* &c."

The rest of the letter, like several of Lord Glenbervie's, in the beginning of that year, is taken up with anticipations of the coming change in politics, which all parties agreed could make little difference in Record arrangements. The official members were indeed changed by the new Commission, (23d May 1806,) but the business of the Board continued to be discharged by the same persons who had conducted it under the Commission of 1800. Lord Glenbervie's pleasant letters were not confined, however, to such subjects. He was busy with a project of publishing the poems of Gawin Douglas, on which he took Thomson's advice at every step. His son's education was another subject on which the friends consulted with at least equal interest. Frederick Douglas had already passed a winter in Edinburgh, and had become much attached to Mr. Thomson. He was now with the Bishop of Rochester, (Dampier,) at Bromley, and describes his life there, (19th June 1806,)—"This is a most admirable house, with some beautiful grounds about it. Of the Bishop's library you already know everything that I could tell you. The Durandus you got for him occupies one of the most conspicuous places in it. He himself is an admirable scholar, and a most excellent good humoured

* Heraldry, i. p. 228, last edit.

man ; eats and drinks in a most bishop-like way, and keeps the best table in the county. . . . We read a great deal of Cicero and Demosthenes, and I take an amble by the side of the Bishop, on the dusty London road, every day. Upon the whole, I am very happy and comfortable. I suppose you are abusing the decision of the House of Lords. I must say, I think it very glorious that a majority should at any time be found in the House of Peers against the interest of Government," &c.

From Lord Glenbervie.

"*Pheasantry*, 18*th July* 1806.

"My dear Thomson,—The alarms and objections you hint at, however groundless they may be, were perhaps in some measure to be expected. But towards the malcontents, and, in general, in the execution of your office, I am sure you will act *suaviter in modo*, though *fortiter in re.*

"This being Friday, I calculate that this note will reach you before the day you had fixed for your departure, even if you keep to it, which I should hope will be the case, though I think I have observed that, like myself, you do not always ride when you saddle—an adage as often verified as any among the chiliads of Erasmus. . . . Lady Glenbervie begs I will take the liberty to give you a jog respecting a commission she troubled you with,—to bring her some layers of clove carnations. . . . I have now in my possession the MS. of G. Douglas's Virgil, mentioned by Urry, and also the copy of the original edition

of 1557 with which he appears to have compared it, both lent me by Lord Bath, from his library at Longleat, where Urry must have seen them. Lord Bath's grandfather's name appears among the subscribers to Ruddiman's edition. Can you tell me any particulars concerning Urry? . . . Many events have happened since you left us, and many are happening to add to the singularity of these times, concerning which I look impatiently for the opportunity of talking at our ease *ore tenus*. *Inter alia*, I doubt whether I quite like Lord Minto's appointment, for his own sake, everything considered, and I very much regret it on my own account. We have heard much of a song ascribed to W. Scott, on Lord Melville's acquittal, but though it was in the Newspapers, I have missed seeing it. Pray bring it with you."

The next letter shews Thomson still in London. It is addressed to "3, Garden Court, Temple." The allusion to his "brother's scheme" I cannot explain.

FROM HORNER.

"*Ride, Thursday Evening,*
29*th August* 1806.

"MY DEAR THOMSON,—You have probably thought me negligent, yet I have not been so, in forming intentions of writing to you. But Jeffrey exhausted the picturesque in his quarto volume of hieroglyphics; and Murray gave you information of our course, as far as we had determined

it. We are just arrived here from Portsmouth; we shall lounge in the island three days, and mean to reach Southampton on Monday evening. You had much better come down there, and assist Murray and me in our efforts to seduce Jeffrey from his resolutions of hastening back to London, that he may hasten away to Scotland. I tell you to come to Southampton, though not wholly without hopes of your having set off to find us out while we are here. Our stay at Bognor was very agreeable, I believe, to all of us, particularly to me; for we found four or five of the most pleasing women I have been introduced to since I came to England. We had two days besides of Rogers and Petty, who were more at their ease than in the midst of the business and fastidious terrors of London. We had no politics at all, and the scandal was not more than was very amusing, sixty miles off from all parties concerned, and tinctured with Sam's peculiar humour.

"I have been thinking of your brother's scheme, but not enough yet to suggest anything farther than my confirmed and most cordial approval. It may be rendered the groundwork of most important improvements in the general system of Scotch education. We ought, all of us, to offer our mite of contribution, and as soon as I can fix my notions, you shall hear them. I am most anxious, upon the first sight of the subject, about the classical learning, because it may be the most liable to be slighted, and because I well know and feel every day that it is too much slighted under the present system. A much larger portion of it

than can be had at Edinburgh by young men of ordinary application is undoubtedly compatible with the more substantial acquisitions of the place.

"I have not much anxiety about your indisposition, for you seemed determined to take care of yourself; and care at the first is almost infallible. The worst is that it may have kept you out of society, which it would otherwise have been very pleasant for you to have seen. You had insinuated yourself so much into the favour of Lady Holland, that you had secured the means of partaking of all the choice male society that is left in London.

"Farewell, my dear Thomson, and believe me always faithfully yours,

"FRA. HORNER."

"Forward the letters to Southampton, and have the goodness to give my laundress [orders] to do so with mine, if any come on Saturday, not afterwards."

FROM THE SAME.

"*Temple, 15th November* 1806.

"MY DEAR THOMSON,—We are in strict observance of our old ceremonious silence, but I am tired of it, and become very impatient to hear from you, and to hear of some things you can tell me about better than any one else. And in the very first place, of your judicial reformations, which I fear are most sadly and culpably neglected. It will be no justification of all this, when it

comes to be judged of, that John Clerk's time was occupied with electioneering. It ought not to be left to John Clerk alone, not to any single person; least of all to one who knows the established practicks, but nothing of any other establishment, or of any theory. Tell me, however, what he has done, and what he is trying to do, and whether any of you, younger and more generalizing heads, are employed at all upon the subject. If you are neglecting it, do not flatter yourselves that one of you shall escape the disgrace of letting slip so fair an opportunity of securing great good to the country. I cannot recollect an instance where the occasion was ever so open for important innovations. Lord Grenville is evidently desirous that his administration should be distinguished by a measure of this high order, and, knowing nothing of the particular subject, he has no prejudices to embarrass him, nor any theory of his own to force upon you. He wishes to do what is best and comes best recommended, and is open to all plans and suggestions. I must say, then, that if the work is ill done, or half done, or not done at all, (of which I have some fears,) it will be for ever to the shame of the men who hold such means in their hand, and will not direct them. Everything else you can do in your own time is, for reputation, nothing, compared with the introduction of juries into your system, upon wise and practical principles. It is not to be done by saying the word, as Lord Grenville perhaps fancies, but the difficulties cannot be greater than to give honour to the achievement. I say all this in the way of

exhortation, and hope we shall not have to repeat it in the way of reproach. A very short time will shew.

" Jeremy Bentham is at work upon the subject, to what purpose I do not know yet, but I hope soon to hear. I have sent him, through Whishaw, all the pamphlets that have appeared, and the book called 'Form of Process.' He ought to be exhorted to print. Though his talent is much more to criticise than to build anew, he cannot fail to suggest many useful reflections. I must defer my other inquiries till another time. Most truly yours,

" F. H."

A fortnight later Horner was applying in favour of a learned " Scotchman, of the name of Jamieson, who has published a collection of popular ballads—one whose fortunes had not gone well with him." This was the same unlucky scholar to whom Scott wrote a letter, (16th Dec. 1806.) Jamieson was then a tutor in a merchant's family at Riga;—" I wish with all my heart you were safe in Scotland. Mr. Thomson, who has been lately named Deputy of the Lord Register, has great occasion for assistance from some person as well acquainted as you are with Scottish antiquities. He is a noble-minded fellow, and would strain a point to make your interim situation comfortable, if you would think of assisting him in his department, which is the publication of the ancient records and diplomata of Scotland." Poor Jamieson was employed accordingly ; but he was one of the *irritable genus*—it was

not in his nature to be content; and he fretted extremely at the moderate pay and subordinate station.

A letter of Mr. Horner, (March 15, 1807,) more valuable at the time, but even now not without value, gives his views on the new Scotch Judicature Act, which he did not greatly admire. "The innovation I am most anxious to see accomplished," he writes, "is the introduction of juries: but I am terrified at the mode in which this bill proposes to force them upon the country." . . . "It is a great point to have more courts than one" sitting at the same time; "without it, the whole scheme is nugatory, either in respect of increased despatch or of the advantages to be derived from a competition of Courts."

In a series of letters of this year Horner advocates these views, and tries to unite the law reformers of Scotland, who were split into two parties. "There are only two subjects," he writes on January 1, 1808, "which give me any interest in Scotch politics, the improvement of the Courts of Justice, and the reform of the Parliamentary representation: I should like very well to confine the glory of both to my own friends, but I will give my little help to all parties when a step is to be gained towards either of those objects."

HORNER TO THOMSON.

"*Temple, June* 25, 1807.

"MY DEAR THOMSON,—You are now thinking, I hope, of your arrangements for coming to the south in the

course of the long vacation. We never seem to have any intercourse except when we meet in the flesh; and I hope while we can move, we shall continue to hold that communication once at least every year. Gout and rheumatism will come upon us soon enough, my good Lord Register. This year I cannot answer for myself sooner than September; for the circuit and a short excursion after it with Murray will occupy me till then. But all September I shall be in town, and most rejoiced to have you here too; there will be no difficulty in getting chambers for you: or if you prefer being more to the westward, I shall have no objection to live in Albany, where Lord Webb is so kind as to let me have the use of his set of chambers.—Yours ever most truly,

"FRA. HORNER."

FROM THE SAME.

"*Temple, 5th September* 1807.

"MY DEAR THOMSON,

. . . . . .

"I should be glad to know something of your plan for reforming certain branches of the Scottish Records; the outline of your schemes, and what principles you wish to give a new or more free operation to. If we ever consent to reform anything in England, or to do anything new in the law, some system for the registration of deeds will be attempted. There is another respect, in which I feel a peculiar curiosity at present about your Scottish registers; because the effects of that establishment upon your rules of evidence, and modes of

trial, ought to be taken into account in attempting to ingraft the forms of a jury upon your existing institutions. By the way, I have been discussing this subject a good deal lately; and I am more confirmed in all my original impressions that Lord Grenville and John Clerk were attempting far too much, as well as more convinced than I was till lately of their unskilful innovation in that particular part of their bill which relates to Jury Trial. I have derived a great deal of light, I think, from contending in single combat with Murray. I wish you would give me some of your light upon this subject. Tell me also what you are doing.

"People, who think they are wise, say this investment of Copenhagen will necessarily last several days, but that the city has no chance of making an effectual resistance. The multitude are in great clamour about the spirited proceedings of the Ministers in this expedition. We Whigs say it is an unjust, most unprincipled measure, full of treachery to the virtuous Danes, and projected for the Cabinet by Lord Wellesley in the great style of Indian morality, in which it is said that expediency does not always coincide with justice. Perhaps it may be one of those violences, with respect to which it would be difficult to adjust the morality, if it should be attended with entire success, wisely and humanely used; but the authors of which must take the chance of being condemned to shame, as well as the certainty of being abandoned by the mob, if they fail.

"Give my best compliments to Miss Thomson, and believe me ever affectionately and faithfully yours,

"FRA. HORNER."

On the 18th December 1807, Lord Glenbervie, who had lost his office during the short Whig administration, again writes from the "Office of Woods"—"At a Record Board two days ago, the intelligence, importance, and activity of your late proceedings were unanimously applauded, and I think all your suggestions ordered, *inter alia* the purchase of Mr. Hamilton's statutes; pray what Mr. Hamilton is it?* Lord Frederick shewed me all your Record correspondence since his return, and is quite pleased with it. His zeal is very amiable," &c.

On 15th June 1808, Horner wishes the opinion of Thomson and his brother curators of the Advocates Library, as to a proposal for extending the copyright of authors to 28 years certain, coupled with some provisions for enforcing a more punctual and complete distribution from Stationers' Hall, of the books entered there, to the several public libraries which are entitled to that advantage.

FROM THOMSON TO LORD GLENBERVIE.

"*Sept.* 18, 1808.

"MY DEAR LORD,—Since I last saw you in the south, I

* Robert Hamilton, Sheriff of Lanarkshire, known as an antiquarian and pedigree lawyer. His copy of the various prints of the "Black Acts" was purchased for the use of the Record Commission.

have never been more than a single day absent from Edinburgh, and during the last two months of vacation have been employed watching and superintending Record operations. . . . In the course of my Parliamentary researches I had occasion to examine very carefully the Records commonly called 'the Bukis of Counsale,' which have been usually supposed to contain only the judicial proceedings of the Supreme Civil Court which preceded the institution of the College of Justice in 1532. I found them, however, to contain much very interesting matter of other sorts; and when you recollect that the 'Lords of Counsale' were in fact the same persons who acted as a Privy Council in all matters of State, you will not wonder that their 'bukis' should contain their proceedings in both characters. The truth is, we have no separate Privy Council Record now extant prior to 1545, and it does not appear to me very probable that in the period prior to 1532 any separate Record was kept. This remark is peculiarly applicable to the first ten or fifteen years of the minority of James V., during which many of the most important *State* proceedings are found blended with the judicial proceedings of the Lords of Council. In particular, there is much respecting the marriage of the Queen, the intrigues and government of Albany. . . . These State proceedings I consider as making an important addition to the materials of Scottish history, and my clear opinion is, that they ought to be printed by the Commissioners without delay. What I am to propose is this,—

that the Records of the Scotch Privy Council, from 1545 downwards to the Union should be printed, and that, prefixed to these there should be a *selection* from the books of the Lords of Council of all matters of a public nature, such as would naturally have formed the materials of a State Record of Privy Council. To justify the propriety of this proposal, I have already made the selection, which occupies four considerable volumes, and would make more than half of a printed folio volume similar to those already published by the Commission. That the whole of the State Record of Privy Council ought to be published I am very clear, and till it be so published the history and political state of Scotland must remain comparatively obscure."

Speaking of the Record of Charters, now well known as the thin volume of "*Registrum Magni Sigilli*," he says, "I am ambitious of making it the most accurate and characteristic publication of the kind that has yet been made."

To the proposal for publishing the Privy Council Record and its curious prefix, Lord Glenbervie replied that he thought the whole selection would make a very interesting part of our Record publications, and that he had written this opinion with his reasons to the Speaker, (17th Dec. 1808;) but that was one of the schemes only the outline of which has been preserved to mark the great views of its author.

Another project of Thomson's, though not directly car-

ried into effect, was yet not altogether unproductive. On the 25th of November 1807 he recommended, in an elaborate Report to the Commissioners, a complete selection of all the entries relative to the affairs of Scotland that occur in the Patent, Close, and other Rolls and Records at the Tower, Chapter House, and British Museum. One part of this collection was to consist of the Scotch Rolls, and he was fortunate enough to see them carried through the press, almost to their conclusion, with admirable care and accuracy, by an editor of his own choice.

From Lord Glenbervie.

"*Pheasantry, 7th March* 1809.

"My dear Thomson,—We held a Board last Monday of the Record Commissioners, when your proceedings in Scotland were much approved of.

"I flatter myself, if you can show, in your next Report, that the selection from the books of Privy Council can go on, *pari passu*, with the Parliamentary Records, that the Board will authorize them to be resumed.

"To-morrow, Lord Frederick, Caley, and I, are going to make a Scotch survey at the Cotton library.

"My restricted plan for Gawin Douglas proceeds very leisurely, but it proceeds.

"Are you a co-patentee of the Edinburgh playhouse? The manager's wife, Mrs. Henry Siddons, (*née* Murray,) is one of the most amiable and best, pretty looking, modest creatures that can be, and a very pleasing actress. She

is a model of a wife and a mother, to a worthy husband and two little cherubs of children, both daughters. I hope the respectable company of Edinburgh ladies, as well as gentlemen, will countenance and patronize them. She is worth ten thousand Abingdons, whom they opened their houses and hearts to. Pray write.—Ever affectionately yours,

"GLENBERVIE."

In the spring of this year Thomson went to London, and passed his "Act for better regulating the Public Records of Scotland," which remedied many of the evils that had sprung up in the system. It lessened the number of records of probative writs and deeds, sanctioned the fashion of recording only in volumes previously "marked" by the Clerk-Register, enforced periodical transmission of Records to the Register House every six months, and, above all, established beyond dispute the Clerk-Register's control over all Registers. It abolished the Privy Seal, and at last rendered the Great Seal Register really a proof of the sealing of the writs it contains.

Horner's correspondence recommenced on Thomson's return to Edinburgh. He is earnest for information about the sale of judicial offices, indignant at Gifford's attack on Sidney Smith in the Quarterly, zealous for a monument to Locke, and that his Scotch friends should have the privilege "of shewing their respect for that great advocate of civil liberty and toleration." Frederick Douglas introduces

three young Oxonians going to complete their studies at Edinburgh, and "particularly anxious to be acquainted with the (Dugald) Stewarts," Lord Desart, Mr. Fazakerly, and Mr. Hartop; and Horner, in the end of a letter of ephemeral political gossip, written to cheer Thomson in an illness, begs him to notice "young Henry Webster, Lady Holland's son," who is to pass the winter at Edinburgh; as two years later he introduces Mr. Richard Napier of All Souls, Oxford, (son of Lady Sarah,) "going to Edinburgh chiefly to attend Playfair's lectures."

On the 15th November Lord Glenbervie announces his son's journey to Edinburgh, after taking his degree at Oxford, to attend Playfair's and Stewart's lectures, and to study "as much Scotch law as his time will allow," and begs Thomson's counsel and guidance for the young man. He has heard with envy of Thomson's being about to make a visit to Minto, and that he had already been there this autumn. His Lordship was suffering from bile, and ends his letter—"Besides my stomach, I am sick of the Junta—of the peace with Austria—of Walcheren—and particularly of Persia and Madras, on account of our Governor-General, to say nothing of our civil war in Covent-Garden playhouse, and the double-refined Wat Tylerism of Cobbett. Is it true that there is to be an interesting review of a French translation of Fox's work in the next Edinburgh Review? Believe me, very affectionately yours,

"Glenbervie."

Poor Frederick had been dangerously ill, soon after his arrival, and his parents for a time, only overflowed with gratitude for Thomson's kindness to him during his sickness and convalescence. At last they begin to think of work again :—

FROM LORD GLENBERVIE.

"*Bath, 7th January* 1810.

"MY DEAR THOMSON,—Frederick writes from Pennycuik that he is quite recovered. I hope he is now attending the lectures, and now and then, under your auspices, the courts of law. He never can learn, but in that way, an accurate knowledge of your form of procedure, modes of property, and technical language, which English lawyers and statesmen, when they have occasion to speak of them, make sad work of. . . . .

"Pray, my dear Thomson, try to entice (rather than openly persuade) Fred—if he is or can be elected of the Speculative Society—to hazard speaking there. He will be nervous at first, but till he has tried and tried often, and had courage to bear failing, and to try again and again, it will never be sure how far he has that most useful of all talents or arts. He has many of the elements of it; but practice, early, and before many, and those persons who don't care a farthing about him or his success or failure, can alone make a public speaker. Whatever other qualifications he may have, he is full of gratitude and affection to you."

From 1805 downwards, Sir Alexander Boswell of Auchinleck was a frequent correspondent of Mr. Thomson's. He consulted him about the arrangement and completing of his library, and was always ready to communicate whatever of books or MSS. his grandfather old Lord Auchinleck's curious collection afforded.

FROM SIR A. BOSWELL.

"*Auchinleck, May* 14, 1810.

"DEAR SIR,—I sent you under cover to Mr. Kerr of the Post Office, one of the parchments I promised, which I hope you got safe. My copy of Winton wants forty or fifty lines of what is published. I hope the printing of the 'Chronicle' goes on well. I shall send you part of the index of the proceedings of the Privy Council in a day or two. It is evidently a collection made, but contains some curious letters of King James VI. to the Privy Council; one directing that the noblemen and other Commissioners for the Union should, before taking their journey south, be sworn not to make suit or petition for *anything in England*, lest the English should say that they came more to *beg* than for the errand appointed. There are many others which mark the times too well, but I know not if you have already seen them or not.

"Let me hear whether you received the deed of provision to Margaret or not.—I am, dear Sir, your most obedient and humble servant,

"ALEXANDER BOSWELL."

The "Chronicle" was the "schort memoriale of the Scottis corniklis," which Thomson valued as one of the few contemporary authorities of the reign of James II. It was the first of his publications, and he printed it very carefully, giving first, precisely the matter both in words and in order as it stands in the Auchinleck MS., and, secondly, the events arranged in chronological order, so far as that could be ascertained. In his next letter (June 30) Sir Alexander says,—"I am not sorry that you have condescended to print two or three copies of the 'Croniklis' on vellum. It is foppery, but not merely modern foppery, and one for the Advocates Library is desirable. I agree with you in thinking that the 'Croniklis' alone should be so printed, and am glad you have got a good paper, than which nothing can look more beautiful."

A letter from Boswell, (23d Dec. 1810,) commences with a collation and disquisition upon the Auchinleck and other copies of the "Black Acts," and concludes thus:—

"By the way, I have written Clan Alpin's vow on the scene in Balquhidder kirk since I came hither. It ran out in spite of me to nearly five hundred lines. I think some of it is in Walter Scott's *worst* manner, and is in the true ballad measure, which gives a wonderful facility to versification. Rhymes recur so frequently, that the ear has not patience to stop and quarrel with them, and trisyllables that end in *y* are uncommonly useful, as they do duty for *e* and *i*, and if you are desperately put to it, for *ay* too. The most prominent fault in this fragment

is, that I have made the chief of the Macalpins make a very long speech, which I question if any one of the name had ever temper to do. I laboured under much disadvantage, as I was utterly ignorant of the scenery of the country, and had no map to supply me with *names*, so that all the charms of locality are awanting, and a rhyming gazetteer is very captivating. I have, for the sake of variety, and, I think, with more dramatic truth, made my Macgregor *red*—Scott has him *black*. I would gladly have put in a few Gaelic words, like plums in the pudding; but on consulting Shaw's Dictionary, I was much amused to find that when I looked in the English for a Gaelic, and then proceeded with my Gaelic word to its own side of the Dictionary, I received a totally different explanation. I should like to see a *variorum* edition of Ossian.—I am, dear Sir, yours sincerely,

"ALEXANDER BOSWELL."

David M'Pherson, the author of the "Annals of Commerce," and the accurate editor of Wyntoun, had been selected by Thomson for editing the *Rotuli Scotiæ*, and was at this time regularly transmitting for his approval the proof-sheets of that important record. Occasionally his letters diverge into other matters.

FROM MR. DAVID M'PHERSON.

"*Church Terrace, Pancras, London, 29th December* 1810.

"MY DEAR SIR, ... I have looked into Chalmers's second volume. He seems more peaceable than in

the first, the only person I find him abusing being Dr. Jamieson, the author of the Dictionary of the Scottish language. But what shall we think of a man who pretends to build a history of Scotland upon his knowledge of languages, and is so exceedingly ignorant of even the modern language of Scotland, (of which he has nevertheless taken upon him to publish a glossary,) as to say that a 'cod' is a pillow-slip, and a 'Dornick buird-claith' is a Damask table-cloth,* and whose Latin quotations are quite full of blunders which a school-boy would not have put out of his hands.

"Wishing you very many happy returns of the season, I am, with real esteem and regard, my dear Sir, your faithful humble servant,

"DAVID M'PHERSON."

On the 29th April 1811, he transmits proof-sheets as usual, and says, "you will find by them that Lord Hailes has rightly dated the siege of Dunbar, and you will find in the subsequent Records that he has antedated the recovery of Stirling." Two months later he writes,—"I have to acknowledge your favour of 15th May, wherein you are pleased to say, you should like to put yourself to school under me to learn the manufacture of indexes. But I trust you need no schooling, in that or any other branch of knowledge, from me. Some time ago being

* "I quote these from memory. See also his modernizations in note (I.) of p. 44."

hindered from going on with the Rolls, I made a beginning upon the index, which I wish, if I live to complete it, to make an useful key to the *thesaurus* of British history and antiquities, which has been buried so many centuries in the Tower. But I find it too heavy a work for me to carry on in concurrence with the Rolls, and must give my undivided attention to it, after they are finished."

From Professor Dugald Stewart.

"*Wednesday*, (*Jan.* 31, 1811.)

"Many thanks, my dear Sir, for the trouble you have so kindly taken about the proof. I cannot well conceive how I should have given it out of my hands in such a condition. I have desired Stark to shew it to you once more. If you are not quite satisfied, I beg you may alter it according to your own taste;

I'm all submission; what you'd have it make it.

"I am highly pleased with Ainslie. He gets on rather slowly, but is by much the most correct transcriber I have ever employed. I am glad matters have turned out no worse at the last election in the R. Society. We are all enchanted to hear of G. Elliott's success in his canvass.—Yours ever most truly,

"D. S."

His commission required the Deputy Clerk-Register yearly to report his proceedings in the exercise of his

office, and Thomson availed himself of those occasions to preserve the past history of all the Records in Scotland, as well as an account of their present state, their defects, and the proceedings and attempts for their amendment. His Fourth Report (presented July 10, 1811) was the most elaborate, and in it is contained a mass of historical and legal learning bearing on the origin and uses of our Records,—of minute details regarding their state and preservation,—of plans for publication of Records,—of regulations for their improvement in formation and custody,—that cannot be regarded without admiration and astonishment, when it is remembered that the Report was prepared amidst the pressure of professional business, and of many of the details of official duty which are described in it. These valuable Reports were rendered annually till 1820, when a year was allowed to pass without one. The fourteenth was made in 1821; and Mr. Thomson unfortunately did not continue the series longer. They are not of mere ephemeral interest, but will always be studied by the historical and legal antiquary of Scotland, as illustrating both the genuine materials of its history, and the admirable system of its records of private rights. They record the zealous and sustained labour of a vigorous intellect directed to a worthy object.

Horner's correspondence now slackens, not through his fault. Yet there are letters of 1811 which it must have been absolute pleasure for Thomson to answer, pouring information out of his abundant store. Horner (Jan. 26,

1811) informs him of a bill brought in by the Solicitor-General of England, to render the freehold estates of those who die in debt assets for the payment of their simple contract debts, (a measure which did not pass till many years after,) and demands upon what authority Stair and Kaimes had laid it down that real estates in Scotland were only made liable for debt by the statute of Alex. II., c. 24. Horner had arrived at the right conclusion that the statute of Alex. II. (if such a law was ever enacted) was merely a declaration of the practice established from the earliest period in Scotland, derived indeed from the Roman law; but when he includes in the same category the famous statute 1469, against distraining of the poor tenant for the lord's debts, it would have been very edifying to have Thomson's commentary on that opinion.

The flagging correspondence was revived on occasion of the marriage of Thomson's sister to Mr. Pillans. Horner concludes a character of his old friend thus:—(Aug. 27, 1811,) "He is exactly the same person he was then, (when they were in the same class at school,) and I have hardly known any one of greater simplicity and uniformity of character."

"I feel very often," writes Horner in the same letter, "a great curiosity to know something of your proceedings and labours, but as you never would write, and by your evil example have made me as bad as yourself, I must despair of knowing anything at all till I see you in large folio. For it is an idle question to ask a man in a note,

shot once a year from the other end of the island, what he has been doing for twelve months past. I hear now and then of your protracted vigils," &c.

In this year began Thomson's acquaintance and correspondence with the late Duke of Hamilton, who did not very long survive him. His letters to Thomson sometimes warm out of his usual very temperate style. He changes his address from "Sir," to "My good Sir," and "My good friend," and sometimes quite forgets the accustomed stateliness. In entreating him to visit Hamilton, (Oct. 14, 1811,) his Grace says, "Our common friend, Mr. Jeffrey, has promised to be of the party, but if he has not a nose for musty parchments, we will not admit him into our sanctuary." The Duke acknowledged that it became a general duty to assist Thomson's researches, and on one or two occasions even so far overcame his timidity about permitting his books or papers to be handled, as to intrust him with documents from the collections of State papers at Hamilton, when their publication happily tended to the public benefit and the honour of his Grace's illustrious family.

In 1811 appeared the first volume of the Abridgment of "Retours," the first published volume of Thomson's labours under the Record Commission. Such a series of *inquisitiones post mortem* must have been valuable for the local history and statistics of any country; but in Scotland it was doubly important, because there were not previously accessible any of the materials or apparatus for the study

of genealogy and land history which are found in other countries. There were no books like Dugdale, no collections of ancient charters, no county histories founded on authentic documents. A people not careless of birth and hereditary honour, and taking some interest in the successive occupation of the soil, had hitherto been satisfied with a few peerage writers repeating, one after another, the unproved genealogies of their chief families. Those few who required surer foundations, like Lord Hailes, had to dig for charters in registers and private muniment rooms. It is no wonder that the lawyer and antiquary hailed with joy the publication of a collection like the "Retours," and an entire register of charters, like the *Registrum Magni Sigilli*, which speedily followed.

FROM HORNER.

"*Tuesday Evening*, 14*th July* [1813, *London*.]

"MY DEAR THOMSON,—I am put into a fever by the intelligence of Lord Craig's death, particularly because I hear it is given out at Edinburgh that the President has said you ought to be his successor. I need not say what satisfaction, on every public as well as private account, I should derive from an appointment which would do much honour to the President, and to the Government in following his recommendation, and from which I should expect so much advantage to the judicial institutions of Scotland. In such an event, I hope you will be able to make some arrangement for preserving in your own hands the effective

superintendence of the Records, at least until your present operations are brought to a close. I see nothing incompatible, but every thing the contrary, in the union of your present office with that of a judge, unless the proper business of the former engrosses more time than I think you ought to allot to it, under any circumstances. Of all this you are yourself the only competent judge; but in the hope that you may soon have such a decision to make, I wish to put you in possession of my first impressions.

"I think there is some chance of my being able to leave this vile place on Thursday.—Ever affectionately yours,

"FRA. HORNER."

FROM MR. PINKERTON.

"18*th August* 1813.

"MY DEAR SIR,—When I returned from Raith I found you were in London, and I now learn from Mr. Gillies, (at whose house of Balmakuan, by Brechin, I now am,) that you are well, and fixed at Edinburgh. I have passed my summer both pleasantly and profitably at Melville, (many important papers and charters—five of William the Lyon,) Freeland, (curious monuments of the houses of . . . . and Gowrie,) Dunnichen, Middleton, Burnside, Spitalfield, &c., &c., everywhere with the greatest kindness and attention.

"Mr. Maule, with whom I passed some time at Brechin Castle, took me over to Panmure for two days. I examined

all the MSS., (of which at meeting,) and brought six to Brechin, of which I take two to Edinburgh by Mr. Maule's permission. Bishop Reid's "Norway, Orkneys and Scotland," is a mere trifle, a short account of Norway and the Orkneys, with the diploma, 1443, and a little chronicle of Scotland extracted from Fordun, and closing as he does. In the *Extracta e Chronicis Scotiæ*, I found some very curious notices concerning Roman and Pikish antiquities in Scotland, by Henry Sinclair, Dean of Glasgow, 1560. There was in his time an inscription over the door of Arthur's Oven, but which unluckily he does not copy.

"I learned at Brechin Castle, in company with Lord Maitland, the Fergusons, &c., that you are spoken of as the new Judge, in which case I hope you will name me as your successor at the Register Office. Joking apart, my thirst of our antiquities has been revived by this tour, the many MSS., the sight of the carved pillars, &c., and I mean to supplant the old vague histories, which, to my surprise, I still find everywhere, by a general history of Scotland, neither too short nor too long, in two thin volumes quarto, or four in octavo, in a popular manner, like my geography. I hope it will sell like bread, and beg your opinion as to the sum I should ask. This is my real and sole literary intention at present, and any others were merely floating ideas.

"I shall perhaps pass the winter at Edinburgh, as I have discovered some property belonging to my mother, which I must follow up. Mr. Robert Sym, W.S., George's

Square, has the papers, whom I have begged to send them to my old crony, John Young, W.S., Castle Street.

"Blackwood and coadjutors have acted most meanly in refusing any trifle on my 'Enquiry,' till the whole be finished. Am I obliged to go on correcting and enlarging, without any certainty, except his *word*, that I shall be paid at the end? This is the more mean, as I referred the whole at the first to himself. There is no term in the language to express the contempt I feel at the vulgarity of those literary midwives, which is the more apparent from the contrast with the high and polite society in which I move here as in England. The Dodsleys, Dillys and Longmans were gentlemen; but that race seems unknown on this side the Tweed.

"Is there anything curious with Lord Arbuthnot? Do write to me, if so; or anything else at Panmure? Excuse the postage, as Mr. Maule, I believe, is in the hills a grouse shooting.—I ever am most cordially your own

"J. Pinkerton."

In the autumn of 1813 Jeffrey went to America, and left Thomson his vicegerent for the affairs of the Review. While detained at Liverpool, he writes to Thomson (10th Aug.)—"I entreat you to meditate Reviews both day and night, and to stimulate all the wise and good to lend their aid to that good cause for which I have lived and bled with such exemplary devotion." His next is from on board ship.

FROM JEFFREY.

"*On board the Robert Burns,*
29th August 1813, *Sunday*, 12 *o'clock.*

"MY DEAR THOMSON,—Here we are fairly in for it. We expect to weigh anchor in an hour. The wind is fair, and everything ready.

"We have an excellent ship, and no passengers but a lady, and her five children—very fine babies, and the name Scotch. Do not be alarmed about our detention on the other side; but if any alarm should arise of a more serious nature than I foresee at present—for I think the cloud will blow over—I shall reckon upon you and my other friends using all your influence to get some protection and favour for me. At all events, it would be kind to send some letters to persons of consideration at Halifax, to obtain us a passage home, in a ship of war if possible, in the event, which is not improbable, of our coming by that route. Any letters to the Russian ambassador at Washington might be of use to me. But I daresay you will think of all these things.

"Send to Mackintosh if anything occurs to you. He has been uniformly and actively kind to me, and I feel almost ashamed of the trouble I have occasioned to him and to all of you.

"God bless you, my dear Thomson, and do not let the poor Review die till I come back, if any human exertions can keep her alive.

"I am thinking to-day a great deal more of what I am leaving than what I am going to, and shall continue to do so, I believe, till I come back to you. I wrote to Murray last night; kindest remembrances to Mr. Playfair. It would have been a comfort to me to have had one line from him before sailing; but I shall comfort myself with thinking that I shall be sometimes remembered among you. My lot in this old world has been eminently happy, and chiefly in the kindness and excellence of the friends with whom I have lived. If I die now, I shall be to be envied, and if I live, I hope to live among the scenes and the people whom it overcomes me a little too much to leave.

"We have plenty of stores and of room, and go directly to New York. If any opportunity occur of writing, either on the way, or before I can return, you may depend upon my embracing it. . . . . I could cry a little with great good will this morning, if I could find a quiet hole, but the ship is crowded with visitors, and it is an effort to write this.—Believe me ever, my dear Thomson, very affectionately yours,

"F. JEFFREY."

"Pray tell Mackintosh that I would have written him if we had not been hurried off at last. I could not write to Minto, I had not the heart; make my apology."

FROM SIR J. MACKINTOSH.

"*Great George Street, 22d September* 1813.

"MY DEAR SIR,—I received a few days ago your letter

from Minto, and delayed an answer till I could make it definitive. I wrote to Jeffrey to Liverpool, to explain my situation. I had been disabled from doing any important service in the last Number, and I told him that I should either send Burke, Rogers, and M. de Staël's Germany, or, if ill health absolutely disabled me, that I should give you very early notice of my disability. On this day three weeks I underwent a very severe operation, with the hope of relief. I have not yet relinquished the hope of permanent benefit from it, but, as might naturally be expected, it has rather depressed and disturbed me in its first operation.

" I have notwithstanding finished Rogers, which is now copying, and will be despatched to you by to-morrow's post. It will, I suppose, occupy about twenty-four pages. The thoughts belong to the time of health, though the style will, I fear, sufficiently indicate indisposition. It is not exactly the article which ought to open the Number. But the progress of my health is so uncertain that I doubt whether I ought to advise you to suspend your printing for Burke. It is a subject which I do not wish to touch till I can do my best. I am very strongly dissuaded by my medical friends from much mental exertion. I go to Cheltenham in a few days, and Parliament, you see, meets for loans and subsidies early in November. All these circumstances make me very doubtful whether I ought to make a painful and probably very unsuccessful effort on so great a subject as Burke, which, if ever I regain my strength, I believe myself better qualified to treat than any

other matter. When you receive Rogers, I should be glad to hear from you your opinion on this point, and the precise time of printing and publishing the Number, which would very much regulate my decision.

"If I should decide on still delaying Burke, I shall not omit any effort to redeem my pledge to Jeffrey, by trying, at Cheltenham, an article or two of easier execution. I have hitherto sacrificed not a moment to dissipation or indolence. Perhaps I have rather erred on the opposite side, by struggling too much with my weakness. Your London Advertiser is by the bye rather a severe critic on my criticism. He excluded the title of my article alone from the contents advertised in the London papers.

"Lady Mackintosh joins me in kindest remembrances. —My dear Sir, most truly and respectfully yours,

"J. Mackintosh."

"My review of Madame de Staël will probably be a long article. I shall send it within three or four weeks."

When the vice-editor had brought forth his autumn number, it was not received with perfect complacency. Mackintosh and Allen both complained of incorrect printing of their papers. In a letter of November 1813, Horner reviews the Reviewer. He is not pleased with the unqualified praise of Madame de Staël. "I have read only Mackintosh's two articles, which contain many brilliant passages and some original speculations, though they are wonderfully ill composed in point of style. . . . It is

very much to be regretted that the Edinburgh Review, 'that scourge of impostors, the terror of quacks,' has upon this occasion laid by its thunders, when a work [*de l'Allemagne*] was before that tribunal which is calculated to make way for whatever it contains, by the reputation of the author, as well as by the genius with which some parts of it are written, and which contains much that is repugnant to good sense and rational morality, as well as vicious in point of feeling. Jeffrey, however, himself set the example in his account of the same author's work upon literature. Much and lasting injury will be done wherever the Edinburgh Review is read, by the unqualified approbation which it will be understood to have bestowed upon a great deal of nonsense that looks like fine writing, and a great deal of paradox, artifice, and exaggeration, that pretend to the character of good feeling."

The new year found Thomson in correspondence for a new number of the Review.

FROM SIR J. MACKINTOSH.

"*Great George Street, 12th January* 1814.

"MY DEAR SIR,—I am obliged to pass two days at the end of this week at Lord Grenville's at Dropmore. When I return I shall devote every instant to Burke, and hope to finish it by the time mentioned in Mr. Murray's letter. But I require full time.

"The articles which appear to me almost the only materials for the next Number are few. Among them are

'Sismondi, Littérature du Midi,' in four vols., including Italy, Spain, and Portugal; 'Lettres de Jean de Müller; Ginguené, Histoire de la Littérature Italienne;' 'Letters from the Bodleian, with the Aubrey MS.;' Lord Byron's 'Bride of Abydos,' and 'Corsair,' now in the press.

"The first is excellent, but the difficulty is to find a reviewer. To make a learned or a philosophical review of it, requires very rare attainments, besides great power. An amusing article might without much difficulty be made out of it. Either that or Lord Byron, or perhaps both, I might undertake, after Burke, in case of need. I recommended Sismondi to Allen, who declined. The Aubrey MSS. are curious, and might afford amusing extracts. So would Müller.

"The prodigious success of the Allies is daily causing the tide to set more strongly towards despotism and superstition. Whether any resistance at this moment be wise is a question that I must leave to you. In the midst of my vexatious and obstinate indisposition, I am indignant and alarmed at the dreadful example and consequences of a king given to France by Cossacks.

"I passed two days of last week with your friends, the Glenbervies, at Brighton. They are terrible Tories, like everybody else.

"Most affectionate remembrance to Wilson and his nieces from Lady M. and myself. May I again remind you of a nephew of Lady M.'s at Mr. Playfair's. I am ready for Mr. Stewart's book, if it be sent me by the coach.

"Best remembrances to all my Edinburgh friends.—Ever yours,

"J. MACKINTOSH."

Jeffrey's return in summer allowed Thomson to give his undivided time once more to the Register House and his profession. In autumn his kind old friend Lord Frederick Campbell was with him, engaged in repairs and re-arrangement of the Record Offices, part of which, exceeding the funds provided for the purpose, Lord Frederick determined to execute at his own expense. It was the last visit to Edinburgh of the venerable Lord Clerk-Register, who had laid the foundation-stone of the present General Register House in 1774, (27th June.)

FROM LORD F. CAMPBELL.

"*Queen St., May Fair, Saturday, Nov. 5*, 1814.

"MY DEAR SIR,—You will not be sorry to hear that we arrived here on Tuesday last, weather and roads being most favourable. In our way we passed a complete day at Tyningham, and another at Paxton House; leaving all our friends in perfect health.

"I hastened on Wednesday to the Secretary of State's office, very impatient to know that the Berne MS. was arrived. No such thing. But all is safe in our Minister's hands, who only waits for a secure conveyance to send it to this country.

"On Thursday a very happy triumvirate dined at my house—Chalmers, Caley, and your humble servant. We were in fact in and about the Register House all day, rejoicing in all you had done, and was to do so soon. Your health of course was drank with *three times three.*

"I am making up an express of business to Mr. Ferrier and Mr. Reid; so this scrap gets to you by the bye.

"The Speaker tells me he is to be in town this evening. He will be hardly able to hear my agreeable tale, I am afraid, till the business of Parliament is in some train.—With many good wishes, my dear Sir, yours most faithfully,

"FRED$^{K.}$ CAMPBELL."

In spring of 1815, Jeffrey was again preparing to leave the management of the Review in Thomson's hands during his tour on the Continent.

FROM JEFFREY.

"92, *George Street, 7th March* 1815.

"MY DEAR THOMSON,—Pray, do consider that you promised to review Gray for me near five months ago, and that I am going to France, *only* if I can get my affairs set in such order as to make it allowable for me to go. Do not refuse to help me to my passport, by doing what you ought to have done long ago, and will never do with more comfort than in the course of next week. I have begun printing, and reckon on having the conclusion matter

read by the 22d, when I expect to get off. You must be conscious that I have spared you to the very last moment, and that my necessity is now extreme.—Ever most truly yours,

"F. JEFFREY."

FROM THE MARQUIS OF DOUGLAS, (AFTERWARDS DUKE OF HAMILTON.)

"*Hamilton Palace, September* 30, 1815.

"As I suppose, my good friend, that you are to be found through the medium of Edinburgh, I shall send these few lines there as the most secure mode of *arresting* you. Let me congratulate you this year upon the convenient weather you have enjoyed in that metropolis. I understand water has been so plenty, that neither a dirty face nor an empty tea-pot has been to be discovered through the whole spring and summer.

"Since my arrival in Scotland I have hardly been at this place until now; my various plans and projects, particularly those in the Island of Arran, have jaunted me about (upon a small scale) like the sovereigns of Europe in search of the happiness and independence of France. At length I am about to rest myself after my wanderings, and I am anxious that you should know it, in hopes that you will be able to steal away from the charms of Edinburgh *contentions*, and pass a few days with me in the Vale of Clyde. I cannot answer for myself fully until the *tenth* of next month; but as soon as you can after that

period come over, I shall be most happy to see you, and I need not say, I hope, that the longer you can contrive to remain, the more shall I be satisfied with your visit.

"Is it true that Jeffrey is setting off for Paris without delay? Does he mean to succeed Fouchè? I wish he would go and prompt our great men; for as things are now going on, we may look forward to another volume of the old work, and *reviewing* it will not remedy the present evil.—Believe, with sentiments of regard and esteem, your most obedient servant, &c. &c. &c.,

"Douglas & Clydesdale."

From Mackintosh.

"*Weedon Lodge, near Aylesbury,*
2d October 1815.

"Dear Thomson,—Here, after long fluctuation and wearisome search, we are at length well or ill fixed. Our place is very small, rather neat and cheerful, and at a convenient distance from a good deal. Lady Holland calls our neighbourhood a cold boggy country infested by Grenvilles. The depth of the soil and the roads is in truth a serious objection to it. When you visit London we hope you will deviate from your direct course to give us a day. How is Wilson? Remember us to him most kindly.

"I received a few days ago an anonymous letter, with apparently the Stirling post-mark, containing a series of epigrams on the name of your new bridge. Some of them are so good that I wish I knew the epigrammatist.

"Jeffrey wrote to me that you were to be his viceroy. I therefore write that I have half written a large article to open the Review, on Mr. Elphinstone's embassy to Cabul, just coming, and that it will be despatched to you as soon as I receive information from you that you are at Edinburgh and ready to receive it. Whether I ought to notice Wraxall's answer I really do not know. He cannot be lower than he places himself. But I should like to be advised. What do you think ?—Ever yours truly,

"J. Mackintosh."

"Remember me very kindly to Gillies when you see him. Tell him that I have returned to home, but more moderately than thirty years ago."

Jeffrey's next letter announces his return to England:—

"*Dover, Wednesday, 25th October* 1815.

"My dear Thomson,—Once more safe on English ground, after a very wet, windy, and distressful voyage from Calais—and very glad to find myself there, not more from horror of the voyage than love of home. I was quite long enough in France, I think. You have no idea of any country being in such a state; and I am almost confident that you will hear of an explosion there again before Christmas, or soon after. I should rather say that the Government is in a perilous state; for as to the country, and the city, too, it has an amazingly tranquil aspect; but whoever has the least access to the considerable people in

either faction—for party is too weak a word—must see that they are irreconcilable, full of deadly hate, fear, and jealousy, and agreeing in nothing but their resolution, or rather their fierce and eager passion, to sacrifice the peace and the prospects of the country to the doubtful chance of being able to glut their vindictive rage against each other. The Court, on the whole, I think is most to blame, though its passions are less exalted and less daring; but it had all the game in its hands, and has thrown it away with the most tremendous and inconceivable folly, of which the most glaring inconsistency is but an insignificant feature. Knowing even the little I did know, it was impossible not to feel that there was not an hour of security in Paris, and that quitting the French shore was an escape from some hazard of life and liberty. I passed my time on the whole tolerably in Paris, having Samuel Rogers to breakfast with every morning, and to dine with whenever I could not do better; seeing a reasonable deal of the Constitutionalists—who, *entre nous*, are not *very* far from Napoleonists and Jacobins—by means of Kinnaird, Constant, De Staël, La Fayette, Humboldt, and the Institute people, and both hearing and seeing a good deal of the Royalists, through Simon's friend Hauterive and Hyde de Neuville. The sights in the morning, and the *spectacles* in the evening, I confess rather fatigued me, as you know I am no seer of sights, and not easily diverted with professed diversion; but I made it a conscience to go to them, and mean to indemnify myself for the *ennui* I

sometimes endured from them by talking of them in the most *ennuyeux* manner all the rest of my life. . . . .

" The chief use of going abroad is to make one fonder of home—though that was not very necessary for me—and to satisfy scrupulous people that men and things are much the same everywhere. Tell Murray I am decidedly of opinion that French cookery is bad, their fruit poor, and their wine middling. Tell him, moreover, that I have not ordered any champagne, not, however, for this reason, for I admit there are exceptions to the general rule; but because I was told that the champagne man had gone from home, &c. . . . I am very willing to be tried by a fair club jury for my whole conduct in this affair, and though I am sensible that no charge is so difficult to meet as that of not doing everything that a constant zeal for the service required, I don't despair of an honourable acquittal, or at least of being restored to my rank after a slight reprimand. Tell the said Murray, moreover, that his friend De Saade was in the country all the time I was in France, that I found Gallois very intelligent and agreeable, and Chevalier exceedingly kind and good humoured, but raving mad with royalism and anti-Jacobinism. The rage against the English and Wellington is incredible, and pervades all ranks and all parties. The said great lord has certainly behaved foolishly, though not in a way to justify the absurd and atrocious clamours that are made everywhere about him in Paris. . . . I likewise saw Bobus Smith on his way to Italy, and Romilly on his way from it, and

. . . . . , and fifty English besides; and I exchanged visits with Talma, and submitted to the interrogations of old Madame Suard. Tell Mr. Playfair, *imprimis*, that the women in Paris are not handsome; and, 2*do*, that he is at least as well known at the Institute there as at the Royal Society in Edinburgh. If it be true, as the Duke of Bedford told me the other day, that he has been lounging away all the time of my absence in England, he is never to be forgiven for not coming with us. I hope he is doing something for the Review, and that Mackintosh has done something, and you, and others. I of course have done nothing, and am more incapable of it than ever; at all events, write to me to York, and let me come back to my post with some sort of notion of the way in which it is to be maintained. God bless you.—Ever yours, &c.,

"F. JEFFREY."

The following sentence of a letter from the Secretary of the Record Commission, (9th Nov. 1815,) is preserved to show a useful design of Thomson's, which it is not yet too late to fulfil. The stores of our Record Offices in both countries are very imperfectly known to the general scholar.

"Your proposed Summary Account of all the Records in the General Register House, to be annexed to your next Annual Report, is highly approved of; you are earnestly desired not to omit the insertion of it. It is thought it will perpetuate the stock of knowledge, which peculiar circum-

stances have given you the power of communicating, more than any Record officer of Scotland has ever possessed before yourself."

In the year 1816 was finally produced the dissertation on "Old Extent," upon which, more than any other single effort, Thomson's character as a profound legal antiquary has been thought to rest. Mr. Gibson's vote for the county of Edinburgh in 1812, having been objected to, the case was litigated for two years, and after a "hearing in presence," the Court ordered "mutual memorials" upon the whole cause. That order was pronounced on the 10th June 1814, and was renewed by five successive interlocutors under various penalties, until Thomson's pleading was at length lodged, bearing date 24th February 1816. The precise point in dispute was the right to make up the requisite amount to complete the qualification of a forty-shilling land of old extent, by including lands, originally church lands, but held latterly, immediately of the Crown in feu-ferme. In the face of an undisputed rule—that any retour prior to 1681 was to be held evidence of that particular species of territorial taxation—he had to contend that a retour of 1654, setting forth in terms the requisite amount of old extent, gave that name erroneously to the annual duty of lands held in feu-ferme of a subject superior. The difficulty of the task perhaps excited Thomson. He put forth all his strength, and while he kept his object constantly in view, produced a dissertation which investigates the origin of land taxation in

Scotland, enriched with an amount of record learning and historical inquiry, such as were perhaps never before brought to bear on a question of private right. It was not to be expected that such a subject could be rendered popular or pleasant to the general reader, though John Clerk, who had to answer his pleading, declared that it "exhibited, with the greatest talent, a degree of knowledge and research perhaps unparalleled in the Court;" and Lord Glenlee, a judge of various and high accomplishment, declared that to read Thomson's "Old Extent," was to him like reading a lost decade of Livy. It has been truly said (what cannot be said of many law pleadings) that the ancient public history of his country will not be written fitly without careful study of that remarkable paper.

The case was decided on 16th May 1816, in favour of Mr. Gibson.

FROM HORNER.

"*London, Monday, 20th May* 1816.

"MY DEAR THOMSON,—I hear you left my quarters on Saturday evening, and I fear you had a very chilling night for your journey. You must let me hear in what condition you reach the end of it; but I am not so unreasonable as to ask you to do anything more.

"I have had an agreeable excursion into a beautiful country, though the sun did not look out upon it till we were about to come away this morning. I made the

journey both there and back again, with Grattan ; and had him all to myself. He gave me characters of all the Irish politicians and orators of his time, a sort of conversation which he takes pleasure in, and has great success ; and I got him to-day to narrate all his proceedings in the famous 1782, of which he told me many particulars that I knew nothing of before. I urged him much to present these details in a memoir of his own writing, and he did not seem averse to the idea. While we were at Sharp's, his chief conversation was about his favourite poets, the only books, with the exception of Demosthenes and Cicero, that he seems to have much acquaintance with.—My dear Thomson, very truly yours,

"FRA. HORNER."

To HORNER.

"*Edinburgh, May* 25, 1816.

"MY DEAR HORNER,—I was much gratified by your note of Monday last. As your excursion could not fail to be a delightful one, I flatter myself it has done you good in all respects. My journey was not delightful, but was abundantly expeditious. I came on without stopping, and arrived here on Tuesday morning, &c. . . . .

"Walter Scott has *covenanted* to write a popular History of Scotland, from the earliest period down to 1745, in four or five volumes 8vo, to be sent to press at next Christmas. It will be a very amusing book, I have no doubt—full of errors and mistaken views ; but these he

will gradually weed out in the course of successive editions, and I should not wonder at its becoming a favourite book in this country for ages to come. It will not, however, be a *good history;* it will rather be a collection of striking descriptions and characters, with little of true historical connexion. In some of its minute details, he will contrive to make the work extremely amusing.—Yours, my dear Horner, most affectionately,

"THO. THOMSON."

FROM HORNER.

"*London, 30th May* 1816.

"MY DEAR THOMSON,— . . . I have seen Playfair, and no more; but I was glad to find him looking so stout. He seems robust enough for all he is going to undertake. You must take care to make a satisfactory arrangement for him next winter, that he may have it free for Italy. We shall all be the better for it.

"Scott's facility is wonderful; his own confidence in it perhaps still more so. But I dare say he will make an amusing history, and provided he writes one that becomes popular, he will do a real service to our countrymen; for a favourite history with the people must strengthen their attachments to the country. In the early days, while liberty and patriotism were aristocratic distinctions, he will be on their side; indeed, no historian, especially a poetic one, could fail to be right about Bruce and Wallace. But

I fear he will be a mere Jacobite, when he comes down to the Reformation and the civil war.

"Remember me to Mr. Wilson. I hear of him from Alexander.—Yours affectionately,

"FRA. HORNER."

FROM THOMSON.

"*Edinburgh, June* 11, 1816.

"MY DEAR HORNER,—Our truly excellent friend Mr. Wilson died this morning. He went to bed last night in his usual health. Adam had sat with him till half-past ten, and though he was a little languid, he was apparently well. His servant found him lifeless at eight this morning. It was probably an apoplectic attack, and had been accompanied with a slight degree of sickness, in consequence of which he appeared to have raised himself on his elbow, and vomited a little, but there was no appearance of his having suffered any pain. This account I had from young Dr. Alison, who was instantly sent for. I have not yet had time to reflect what a heavy loss we have sustained. Mr. Wilson was of a class which has at all times been a very small one, and of that class the most perfect, perhaps, that I have had the good fortune to be acquainted with. . . . . Mr. Wilson was with me about two hours last Friday evening, and though he looked indifferently, I thought his mind uncommonly alert. One of his reasons for calling was to inquire if I had heard anything of Lady Glenbervie, of whom he understood there were very bad accounts in London.

"I have written to nobody but you. Pray inform Mr. Lens and Sir S. Romilly.

"This morning's post has brought me the account of poor Lord F. Campbell's death. This I shall feel as a private loss, and probably as a public misfortune. We shall get no such Lord Register as Lord F. . . . . Yours, my dear Horner, most affectionately,

"THO. THOMSON."

FROM DR. M'CRIE.

"*Nicolson Street, 7th May* 1817.

"MY DEAR SIR,—If I am not mistaken, the old MS., which I now return to you, will turn out to be of greater curiosity than the two which I returned this morning. I apprehend it to be a copy of *the three last books* of Bishop Lesley's history, as written (I mean composed in Scotch) by himself. I have compared it with the Latin, and find very little difference between the two—not greater than might be expected, upon the supposition that the author afterwards turned it into Latin. In his Dedication to Queen Mary of his three last books, he expressly says, that he had written them first in Scots, (*nostra lingua,*) that in that form he had presented them to the Queen, and that, since that period, he had translated them into Latin, and added the history of the preceding period.

"Bishop Nicolson says that separate copies of the three last Books are in the library at Oxford, but I do not know whether he means to say that they are in Latin or in

English. (*Scottish Hist. Library*, p. 111, 8vo ed.) You can ascertain this by an examination of the catalogue to which he refers.

"Lord Leven's MS. wants a leaf or two both at beginning and end.

"As I cannot find leisure to see you, I will take it kindly that you let me know, by a single line, what you think of my conjecture.—Meantime, in great haste I am, my dear Sir, ever yours,

"THO. M'CRIE."

FROM SIR A. BOSWELL.

"*Auchinleck, October* 30, 1817.

"DEAR SIR,—I forwarded the MS. by our carrier. I am sorry to say, that excepting that the handwriting marks an early date, it appears to have no interest. . . . .

"I must take this favourable opportunity of thanking you most gratefully for your liberality to me in your donations. All I can offer in return, is the assurance that no one values them more, or will preserve them more carefully.

"The objects to which you have given the exertions of an ardent mind and a clear head, are not those which captivate the mob. But you must console yourself with the proud reflection, that you have bestowed an inestimable boon, which all whose opinion you would wish to court must fully appreciate. I have often expressed how fortunate a circumstance it has been for your country, that an

individual should have arisen, possessing so much discrimination and sound judgment, so much enthusiasm to bear through so arduous a task, such unconquerable perseverance, combined with taste and liberal sentiment. It is rare to find such labours, which are generally abandoned to some dull drudge, performed by a man of genius. Had you not submitted to dogged industry which would have made the dullest man recoil, it were hopeless to have expected such a series of volumes of reference, admirable in the arrangement, and unquestionable in authority. With the deepest conviction of the value of what you have already achieved, I must earnestly urge you to go on.—I am, my dear Sir, yours very faithfully,

"ALEXANDER BOSWELL."

FROM DUGALD STEWART.

"*Kinneil House, 8th December* 1817.

"MY DEAR SIR,—I ought to have sent you the enclosed paper long ago, but I had unluckily stuck it into the leaves of a large folio, and only stumbled upon it this morning. I shall be truly glad to hear that Mr. Bowditch is elected, as he is very strongly recommended by some of the first names in America, and as I know that Sir J. Banks has himself recommended him to the Royal Society of London.

"Your syllogistic inferences from the *consubstantiality* and consequent *co-locality* of two of Bernier's volumes, were so consolatory to my mind, that I shall be disposed

henceforth to speak with more tenderness of that mode of reasoning."

The rest of Stewart's letter is about an edition of Bernier's Gassendi, which he hoped through Thomson's means to get, either from the Advocates' Library or Lord Glenlee's. The conclusion is by Mrs. Stewart:—

"The above will show you how much amused the *master* was with yours. He bid me keep it, for that it might 'learn me a good lock logic.' This he explained by telling me of a fellow-student of his, a Mr. Watson, now minister in Lanarkshire. Mr. S. observed he had been late of coming, as it was now December. 'Ay,' said he, 'I had to stay till the stacks were theaked, and I maun be hame afore the oat-seed; but I'll ha'e gotten a good lock logic or than.' I thought this story would amuse you, my dear child, as it did me. You good people in Edinburgh seem all mad with public meetings, &c., &c., not to speak of pamphlets and magazines. Write to me news and stories—we need them. Our poor fellow has had the fever which has desolated Trinidad. *He says* he is better again, and to sail the end of October, but till we see him, days are like months.

"I wonder if my brother Henry has taken Kirkmichael, (his brother-in-law's house,) &c. . . . . Adieu, my dearest bairn, yours ever."

In the autumn of 1818, (26th October,) Jeffrey, then detained under the surgeon's hands at Glasgow, writes to Thomson about a proposed visit of Sidney Smith,—"I

wrote to him yesterday, but in case he should have left home before my letter could reach him, I think it right to premonish you, as the head of the faithful in Edinburgh, that some other arrangement may be adopted for that apostolic person on his arrival. If Murray cannot house him, perhaps you might take the holy man into a chamber in the wall under your roof; at all events see that he has a cruse of water and a crust somewhere."

To Lord Minto.

"*Edinburgh, April* 24, 1819.

"My dear Lord,—Before this time you must have received the sad intelligence of poor Lord Webb's death. It had happened two days before my return to Edinburgh, and though I had, like you, heard of the Duke's sudden journey into Scotland, I was utterly unprepared for so sudden a termination of his life. . . . . He is to be buried to-day in the chapel of Holyrood House. The persons invited are, I understand, the few who lived in some degree of intimacy with him.

"There is something altogether sad in Lord Webb's fate. His was a life of preparation for intellectual exertions and enterprises, for which the ordinary endurance of human life was quite inadequate. Remembering what he was fifteen years ago, one could not have anticipated so speedy an exhaustion of a constitution which seemed naturally so sound and vigorous.

"May I beg to be remembered to Lady Minto.—Ever yours, my dear Lord, most affectionately,

"THO. THOMSON."

TO THE SAME.

"*Edinburgh, July* 24, 1819.

"MY DEAR LORD MINTO,—Mr. Playfair's funeral takes place on Monday at two o'clock, and I understand that besides the persons invited as his private friends, it is to be attended by the magistrates of the town, the professors, the members of the Royal Society and of the Astronomical Institution. I was at Kinneil yesterday, and found that Mr. Stewart was determined to be present—much against the remonstrances of his family. . . . . It is a loss to us all, which it is vain to think of expressing by words.

"Remember me with all kindness to Lady Minto, and believe me ever faithfully yours,

"THO. THOMSON."

FROM SIR A. BOSWELL.

"*Auchinleck, August* 11, 1819.

"MY DEAR SIR,—Let me begin with your roguish lawyer-like interpretation of my letter, when you say that 'I no longer think you *deserving* of an invitation,' when you well know I only adverted to the hopelessness of the appeal. I meet your waggery with that destruction of all jest, *matter of fact*, for whatever I may allow you on other points, this is no joke.

" However Bellenden has come to you, I am glad he is found, and as you have so kindly offered your aid, have the goodness to have him plainly bound, and as much of the old copy (although mended) preserved as possible.

" What you are pleased to say of the Auchinleck collection is *possible*, but not very *probable*. If I live I shall certainly endeavour to increase it; but in that department, viz., books relating to Scotland, I have unfortunately started too late, as they now bear a most exorbitant price. I gave £8, or guineas, for Phillips's defence of Queen Mary, and all others, of an early date, are in very great request in the south. It is much to be lamented that the Advocates did not see the value of such a collection long ago. Even now as a national library they ought to direct their attention to such books as relate to the history and progress of the literature of Scotland, for there should not be a book in existence connected with either that is not to be found in that collection.

" I am now reduced to that situation that I have no more room for books, and must put book-cases in our bed-rooms, and this without having many books. I do not like to remove any of the books on which my worthy grandfather set a value, although I must get rid of some of his copies, having purchased better. I bought Protheroe's copy of Thesaurus Stephani, *large paper*, with all the supplements, and Budæus inlaid to correspond, in all eleven volumes, which I believe was once sold for £120. I therefore think myself entitled to dispose of Lord Auchinleck's small paper,

without the supplements; but unless I supply a better, I keep all my grandfather's, out of respect to his exertions, which I regret were not greater at so favourable a time.

"Have you chosen a librarian for the Advocates' Library? I feel an hereditary interest in that collection, and hope to see it in much better train.

"You say you are at your dull post. I know you are not there for nothing, and therefore pity you less, as I look for the result. Auchinleck is in the county of Ayr, thirteen miles from Kilmarnock, through which a coach passes every day on the road to Dumfries, and the said coach passes within one mile and one half of the said Auchinleck, where there is a spare bed, victuals, and drink.—I am, my dear Sir, yours faithfully,

"Alexander Boswell."

I find Thomson during these years in close correspondence with Mr. Dawson Turner and Sir Francis Palgrave, and yet on friendly terms with the rival antiquary, Sir Harris Nicolas, who wanted information about orders of knighthood and changes of the calendar. Mr. Henry Petrie sometimes consulted him about his great undertaking of the "Materials for the history of Great Britain;" Sir Cuthbert Sharp about the "Rising in the North," 1569; Lord Dover about the Gowrie conspiracy; Mr. Lister about Clarendon. His learning and store of information were useful to book-collectors like Richard Heber, Mr. Thomas Grenville, Dr. Dibdin, and Mr. Beltz of the Heralds' College.

He corresponded with the late Duke of Hamilton, and his brother Lord Archibald, with Lord and Lady Holland, with Mr. Stewart Mackenzie, and other leading Whigs. In the crowd of letters on antiquarian and historical subjects now before me, I only find one correspondent of Thomson who generally rather gave than received information. That was his valued friend the Very Rev. John Lee, now Principal of the University of Edinburgh. His old and attached friend Thomas Kennedy of Dunure advised with him about those projects of reform, most of which have now become law. Dr. M'Crie drew upon him for those original historical documents which he knew to turn to such admirable account. Dr. Jamieson consulted him about his Scottish Dictionary and his edition of Barbour; General Hutton was assisted by him in his painful collection for a "Monasticon Scotiæ." Mackintosh paid him the compliment of begging for his opinion of the sad story of Glenco, in preference even to documents,—"Remember your promise about Glenco. I value your view of the subject much more than even materials which you might add."—(Letter from Weedon Lodge, cir. 1815.) The late Earl of Minto was one of his earliest friends; the present Earl honoured him with the most confidential intercourse; Mr. Whishaw is found (1818) introducing to him "Mr. Everett, the Greek professor elect of the American University of Cambridge, well known to Lord Lansdowne and others of your

friends;" Allen, and the other friends of Moore, desired his opinion as to the safety of the sanctuary of Holyrood against his creditors and a Crown writ; the late Lord Spencer, among other common pursuits, took his assistance for procuring a copy by Raeburn of the Dupplin picture of the poet Spenser; Mr. Hodgson acknowledged his obligation for help in his Northumbrian history; Joanna Baillie (March 1, 1822) writes to him,—"I take pride in thinking you have published that interesting narrative (it was Lady Murray's memoirs of her mother, Grissell Baillie) the earlier for what I have said on the subject, and the world is so far obliged to me."

He had a high reputation as a peerage lawyer, not so much for his memory for pedigrees, as for his extensive knowledge of the principles of law that govern them. Even after he had left the Bar, he was consulted in every important peerage case that occurred. Lord Bute's correspondence was about the title-deeds and the conveyancing of his estates, as well as the curious Bute MS. of old laws and styles. Mr. J. P. Wood, the editor of a vastly improved Scotch peerage, in acknowledging the benefit he had derived from his advice, as well as the free access afforded him to the public records, observes of some historical letters in Thomson's hands,—"No person is better fitted to make a proper use of them than one of whom Dr. Parr said that he was the most accomplished man that he had met with in Scotland." I do not know on what authority that dictum of the learned Doctor is given; but he recorded his good opinion

by bequeathing in his will a ring to Thomson,—" whose rich and curious stores of information are accompanied by the clearest discernment and most exquisite taste."

I find numerous proofs of benefits conferred, advice and information afforded to literary friends, and friends not so literary. His time, never sufficient for his own business, was yet never denied to the demands of others. He might not always have the information required, but no man had more of that most valuable learning which consists in knowing where to seek knowledge. To poor scholars and artists he was ready with help of a more vulgar kind. His access to the great and rich was never used for any purpose of his own, but he made it available to the unhappy class whose existence depends on patronage. Such works of kindness were easy to him, and cost him no effort, so sure was he of his position in the esteem of his friends.

While he was quite conscious of the position he took in the world of letters, and valued his success in that more difficult world of English society, these never came between him and his proper duties. They were the *parerga* of his life. His heart was in the Record Office and among the friends who had grown up with him and loved him in youth and manhood.

His friend Cranstoun, now Sheriff of Sutherland, sends a letter from "Rosehall, by Tain," without date, and without means of exactly fixing one, which concludes with an expression of feeling that became almost habitual with him:—

"I am grieved to think these cursed records tether you

in Edinburgh the whole season. You will grow as musty both in mind and body as they.

"Do pray let me decoy you next year to this sweet Oasis, in the centre of a desert of mosses and moors. You would soon recover the elasticity of spirits and glow of health which we used to enjoy in the glen at Kilkerran, or the bowling-green at Bargeny, when we were getting Horace by heart. Will those delightful days never return! God bless you."

The following note without date invites to what must have been a pleasant dinner, and points perhaps to the birth of Quentin Durward. The water-mark of the paper is 1819.

FROM SCOTT.

"*Castle Street, Wednesday.*

"MY DEAR THOMSON,—I pray you of all loves to dine with me to-morrow at half-past five, to meet Sir James Mackintosh and Jeffrey.

"Can you *airt* me to any tolerable topographical account of the central provinces of France?—Yours ever,

"WALTER SCOTT."

In the spring of 1821, Thomson was again taking charge of the Review. Jeffrey writes to him from London about its affairs, but passes at the end to other topics. His writing is more than usually illegible, and some words of what follows are almost conjectural.

"We have been very dissipated and idle here, and consequently very happy and penitent. The ladies are ruining us by shopping, and drive about all day to visit and stare; we do little better; though I have been rather in the way of receiving visits than of paying them. Then we all dine out every day, and come home and abuse the world over soda-water and lemon by our fireside.

"Mackintosh is in great beauty and vigour. . . .

"I dined at Holland House on Sunday, and yesterday, met John Cam Hobhouse, with D. Kinnaird, Lambton, and other Radicals; very good humoured and facetious. Ward as usual very fat and funny.

"I was smuggled in under the gallery of the House about three o'clock, and had the felicity of seeing the Catholic Bill passed near four o'clock this morning. That is something to remember.

"I also heard Peel for the first time—very fluent, mild, and feeble, extremely candid, conciliatory and modest, but washy throughout, and prodigiously silly and absurd in some of the most studied parts. I should have liked excessively to have answered him; however, it fell to Canning, who did it very well on the whole, but too diffusely, and with too much rhetoric, trifling, and flippancy, more flash practice and artifice than I had expected. The heat was dreadful. The roar of the Ayes and Noes on putting the question, absolutely sublime.

"No saying when the Queensberry cases will come on. I had a consultation with Gifford about them, who is the

image of our old 'Clathie,' with something less of debility. God bless you. Write me next week if the Review is done, and all supplies come in.—Ever most truly yours,

"F. JEFFREY."

A letter to Sir James Mackintosh shows how Thomson's failings were already obstructing his usefulness, and how he was himself beginning to be aware of them.

TO MACKINTOSH.

"*Charlotte Square, Edinburgh, March* 30, 1821.

"MY DEAR SIR JAMES,—It was my intention, long before now, to have sent you the remainder of Sir George Mackenzie's Memoirs, which have been all in print for some time, and of which I was most desirous to have your opinion. I have hitherto delayed it, from a wish of also sending you, at the same time, a sketch of my intended Preface, in which, besides giving an account of the MS., (and its accidental preservation from the hands of a butter merchant,) I had a wish to give some account of Mackenzie's literary character, and a short view of the value of this contribution to the history of Scotland in the reign of Charles II. My other avocations have hitherto prevented me from doing anything in the execution of this plan; and I daresay the matter will end in my giving some very short notice as to the manuscript. Another part of my original plan is in a state equally unprosperous; I mean the compilation of a series of original docu-

ments and records, illustrative of the Memoirs, to have been printed in an Appendix. But this, I have found, would swell the volume to an improper size, and that after all I should be obliged to omit many things of curiosity and value; and these considerations, aided by my own laziness, will probably induce me to give the text of Sir George unmixed with any other matters."

Thomson's old and dear friend Lord Glenbervie, who in 1819 had written on funereal paper, and reproached him for his silence, observing:—"Besides my regard and affection for yourself, which you know to be very sincere, you are connected in my mind with the remembrance of the two dearest friends I ever had—Lord Minto and George Wilson"—in October 1821, sends him "a little inedited trifle," his translation of a canto of the Ricciardetto, and uses his daughter-in-law's hand to write him a letter full of an old man's kindness. Thomson replies, (Nov. 8, 1821,) "To me the prose introduction and notes have been very edifying, but I own the metrical part has delighted me still more. Your translation is executed with an air of marvellous facility, which constitutes one of the great charms of the original," &c. And in another letter expresses "the delight it had afforded him, as a proof of that most enviable frame of mind which enabled his Lordship to derive from his love of letters so much occupation and amusement."

The success of this really pleasing literary exercise—the

first publication of a man of 77—encouraged Lord Glenbervie to other efforts. In the last letter from the good old man, (1st February 1822,) he announces that he has been "for some time employed in collecting materials for a sort of biography of Lord North. I know it is *incedere per ignes*—an undertaking of a most difficult and delicate nature, but in me it is a pious one, and I shall try to do my best. It will do me much good if you and friends like you (alas! *vel duo vel nemo*) will condescend to clap me on the back."

FROM MACKINTOSH.

"*Mardocks, near Ware, Sept.* 6, 1821.

"DEAR THOMSON, ... How is Stewart? I do not like the second part of the Discourse quite so much as the first.

"Ought I to believe that high official men in Scotland are patrons of the 'Beacon,' and even pecuniary contributors to it?

"Lord Byron has been tempted by the facility of the Whistlecraft style and metre, to become a mere *improvvisatore*, and indeed none of the best. The continuation of Don Juan will not do.

"Daru's History of Venice is one of the best books I have lately seen. It opens a very curious corner of European history, and from the possession of the Venetian archives by Napoleon, the historian has had access to the most secret recesses of that tyrannical policy which was so long thought the model of wisdom.

"Without renewing the fable of the league between Charlemagne and Achaius, I don't see why the 'Reguli Scotorum,' mentioned by Eginhart, might not have been chiefs of Caledonian as well as of Hibernian Scots.—Ever yours most sincerely,

"J. Mackintosh."

The allusion in this letter recalls the lamentable madness of the time, which drove high-minded and honourable men from their propriety, and terminated in the tragedy of Sir Alexander Boswell's death. Next spring, Mackintosh was consulting with Thomson as to the Scotch law touching duelling where death ensues, and conjecturing whether there might not be "some cause to dread that a Lothian jury might convict, especially where they might expect that execution would not follow."

In 1822 Thomson was much in London, engaged in some great appeal cases, and in the intervals of such work, arranging record business, and especially a large grant for extending the buildings of the Register House.

To Adam Thomson.

"*Jordan's Hotel, St. James' Street, May* 20, 1822.

"My dear Adam,—I wish you would write a few lines to a poor body, and tell me everything about everybody. Have you made any further progress in the *Statuta Roberti?*

"Though the two cases I came here for, will certainly not come on for at least ten days, I am in the meantime kept busy. I have another cause, *Vans Agnew* against sundry people, on Wednesday and Friday. Then there will be holidays next week for Monday and perhaps Wednesday.

"I have just got scent of another copy of *Regiam Majestatem*, formerly in the Yelverton Library, now in the possession of Lord Calthorpe. I hunted for it in 1804 without success; but I fear it is not very ancient. I expect to get it immediately. . . .

"I hope our dear Nelly (Mrs. Pillans) is better and taking exercise. What is John doing? Russell expressed great regret that we had not got him to come up with us. Kennedy is vastly well, but Mrs. K. is much affected by the sudden death of her cousin Miss Davies, at Paris, a girl of nineteen. My love to Janet and all at home.

"I entertain good hopes of a grant to complete the Register House. The Advocate, W. Dundas and others, all think well of my scheme. We shall have a meeting with Vansittart about it very soon.—Ever yours affectionately."

FROM CRANSTOUN.

"*Kirkfield, 28th September* 1822.

"MY DEAR THOMSON,— . . . We have been separated almost entirely for some years. Come to me, and recall the feelings of days that are past. I was in Dailly

church on Sunday, and walked up to the manse. I cannot describe my sensations. On Monday I passed the bowling green at Bargeny, and repeated *Odi profanum* which we got by heart there. Some days of leisure and quiet will be of use to you, and make me sincerely happy. —Believe me ever yours affectionately,

"GEO. CRANSTOUN."

A great part of 1823 was again spent in London. Before the end of the season he was looking anxiously towards home. His chief correspondent was still his brother Adam.

TO ADAM THOMSON.

"*London, Friday, 28th June* 1823.

"MY DEAR ADAM,—This is a sad weary life, and I wish it were over. I have had a good deal of appeal work, which has occupied much of my time and thoughts, but the case of Innes, which brought me here, is not likely to come on before next Wednesday, and perhaps not so soon. I have not been able to look at Record work for many days, but you will be glad to hear that the Bill for completing the Register House is going on prosperously, and will probably be passed in ten days or a fortnight.

"I send you a letter from T. Hay, a very good one, which, of course, you will read to the concern. It will please dear Nelly, of whose health I wish you could give me good accounts. Love to her and to all. I long to be

again with you. Mr. Kennedy has come to live in this hotel, and he and I sleep within cry of each other. It is very comfortable for all.—Yours, dear Adam, most affectionately,

"T. T."

The following letter is on the occasion of Cranstoun being elected Dean of the Faculty of Advocates.

FROM CRANSTOUN.

"*Kirkfield, Tuesday, November* 6, 1823.

"MY DEAR THOMSON,—Yours is come this moment. Many, many thanks to you and Clerk. I owe this promotion to you and him. It is very gratifying to me; but I shall make a woeful Dean, never having attended five Faculty meetings in my life, and not being able even to go through the motions. The Solicitor-General has behaved very handsomely indeed. So has the Advocate, from whom I had a long and kind letter on Sunday, offering his support. But nothing gives me so much pleasure as the certainty of our excellent and innocent friend Clerk's elevation to the Bench. He was sadly persecuted, and until the Advocate wrote that Peel's letter was actually sent off, I thought he would have been disappointed.

"The Stewarts are to be here to-morrow. Their situation at present is truly afflicting. I will of course remain with them as long as I can, but expect to see you on Sunday or Monday. All here send love.—Yours ever affectionately,

"G. C."

In the year 1823 the Bannatyne Club was instituted, of which Scott was the first president, as indeed he was its main promoter or founder; and Thomson was chosen vice-president though absent, Scott standing sponsor for his accepting the office. The Club was founded in imitation of the Roxburghe, but it very early took a graver character and more historical line of labour; and soon, in truth, became an efficient auxiliary to the Record Commission. The following note is without date.

FROM SCOTT.

"*Castle Street, Tuesday.*

"DEAR THOMAS,—The committee of Bannatynians dine here on Friday first, meeting at five for business, and dining at half-past five.—Yours truly,

"W. SCOTT."

"Without you we are a tongueless trump."

TO MR. PALGRAVE.

"*Charlotte Square, Edinburgh, May* 30, 1825.

"MY DEAR SIR,—The MS. History of Scotland, as to which you inquire, is the composition of Dr. Patrick Anderson, who, I think, was physician in Scotland to Charles II., and who is still better known as the original compounder of the celebrated Aloetic Pills which still bear his name. The copy of the work which is supposed to be the original, was given to the Advocates' Library by

the author's grand-daughter; and I believe there are several copies of it extant, one of which is, I am told, in the possession of Mr. George Chalmers. The intrinsic value of the work I am not disposed to rate very high; but my acquaintance with it is, I own, very slender.

"What you say of the discovery of Melville's Memoirs quite delights me. A genuine text of that most interesting and amusing work has been long a great desideratum. It has been anxiously sought after in many different directions, but till now without success. I earnestly hope that Sir George Rose will not long withhold it from the public; and were it not that it might appear officious and obtrusive, I should be most happy to offer my best assistance in the publication of it. The period of Scottish history to which it relates is one that has of late been attracting a good deal of my attention, in consequence of having in my hands a very interesting collection of original documents of the reigns of Queen Mary and King James VI.; and there are various passages in the contemporaneous Memoirs of Sir J. Melville, which it would be of importance to verify or contradict by reference to a more genuine text.

"My solitary labours on the first volume of the Scottish Parliamentary Collection places me often in the situation you describe, in great need of some one to whom I could state my puzzles, and who could give me a little advice and comfort. I trust that in a few months more I shall have brought it nearly to a conclusion.

"Your silence on the subject leads me to fear that you have not succeeded in extracting anything more from the repositories of the strange gentleman to whom the three papers belonged that you gave me last year. One of these—the Progress of the Regent Earl of Murray—has been printed in an Historical Miscellany by the Bannatyne Club; and a copy of it shall be placed at your service. I have printed a little tract for the members of the Club, which shall also be sent you, though not much worth your acceptance."

From Mr. Allen.

"13, *St. James' Square, March* 29, [1825.]

"Dear Thomson,—I have written for Jeffrey a review of the early volumes of Lingard's History, and should be much obliged to you if you would take the trouble, as you have done on former occasions, to correct the proof-sheets, which otherwise I am sure will be done very ill. There are some Saxon names, and two or three Latin quotations, besides references, of which I fear the printer will make sad work, unless there is some one to superintend his labours. I wish you would direct him at the same time to throw off one separate copy, to complete Lady Holland's collection of my articles in the Review.

"I fear, from what Murray tells me, there is little chance of seeing you here in the spring. . . .

"Cohen (Palgrave) has found in Sir Edward Coke's

Library at Holkham an ancient MS. of the Conqueror's laws, published by Gale in his Ingulphus. It is not quite complete, but as far as it goes, much more correct and much more intelligible than the one published by Gale; and what is wanting in this MS. may be supplied, as far as the sense is concerned, from an ancient Latin version discovered by Petrie in the Museum.

"The Catholic Bill will be thrown out in the Lords by nearly the same majority as before. But unless some unfavourable breeze springs up in Ireland on this new disappointment of their hopes, I think it bids fair to have a good chance of success next year. The public seem to care very little about the matter, with the exception of the High Church and the Wesleyan Methodists, who are petitioning against it.—Yours sincerely,

"John Allen."

A letter to Lord Minto, of 25th October 1825, has a postscript of some general interest:—

"Your neighbour on the Tweed has, I am told, already compiled a volume on the French Revolution, introductory to his Life of Napoleon. You may guess at his own impression of its success, when I add, that he has suspended the further progress of the work, and has, most wisely, begun a new tale,—'Woodstock, a Tale of the Long Parliament.' N.B.—This is said to be a profound secret."

It was in the year 1824 that I first became acquainted

with Mr. Thomson. He was just finishing the 11th volume of the Acts of Parliament, which completes the series down to its natural termination in the Union of the Kingdoms, and I was directed to prepare an Index of Matters for the whole work, trusting that the first volume would be speedily ready. The great difficulty attending the more ancient part of such a collection, had rendered it expedient and almost necessary to postpone the publication of that preliminary volume for some time. The delay had now extended over many years, not indeed without some advantage, by the discovery or acquisition of new materials, which afforded an excuse too readily adopted by the fastidious editor, for hesitating to launch the produce of his long labour. But as his knowledge extended, as each canon of criticism was rigidly applied, they seemed to show him only more clearly the defects of his work. His passion for accuracy was shocked at the numerous points still left doubtful. In time, also, the very length of the previous delay made it more alarming to take the last steps. He had reserved the final volume as the vehicle of his views, constitutional and legislative, as well as strictly editorial. It seemed as if he had challenged public attention to its importance, and the reproaches endured, and the excuses made for its delay, all helped to render its completion a most anxious task. His fastidiousness, too, had unfortunately much increased with the increasing accomplishment of his fine mind, and along with it his besetting sin of procrastination,

long before age had diminished his power or physical energy.

When I first had opportunities of observing him, he was still patient of labour, though somewhat addicted to following an incidental point of interest so far as to forget his way back to the main subject. To correct a proof-sheet was a favourite occupation of his time; to spell out a hard passage of old writing an actual enjoyment. In conversation no one was more copious of fine speculation and accurate narrative, no one more suggestive of the right direction and channels of study. Like his friend Scott, his great quality was admirable and never-failing common sense, and I think he had it in almost an equal degree. With a keen appreciation of wit and humour, he never attempted playful writing, and seemed to turn aside to avoid any sparkle. In the details of editorial labour it was very instructive to work beside him. His eyes were not so good indeed as those of some of his assistants. When I have brought him a passage in a record, or a word in an old charter that puzzled me to read, he would put on two pairs of spectacles, and used besides a large broad reading glass, and with these helps he would study and pore over the parchment, turning it in various lights; then he used to pull down from the shelf dictionary after dictionary, and he rarely spoke till he had made up his mind, and could pronounce confidently the right reading. I need not say that he was generally right. His sagacity supplied the place of youthful eyes. The knowledge of what should be, taught

him what to find; and for decyphering documents touching civil matters, as well as for extracting their true sense and bearing, he was unrivalled. His mind had not been so much directed to ecclesiastical antiquities. The study of that department had not yet revived among us, and he seemed to me to find little interest in investigating the organization of the ancient church, and still less in extracting the corn out of the chaff of saintly legends and the mythical histories which beset the introduction of a new religion.

But his grand defect was, a morbid reluctance to commit his opinions to paper. The principles on which he had made his selection for his great work—for the text was nearly completed—were all in his mind, and he conversed quite unreservedly upon the subject; but when I, or some one more privileged, urged him to note them down, however slightly, he recoiled from the task. He knew not, indeed, how to work slightly. His prefatory matter was to be a series of disquisitions on law and history, each exhausting its subject. He had more excuse for such vast projects than most men. His learning was more extensive, his knowledge more exact on all subjects of constitutional and legal antiquities than any of his countrymen had ever reached. It cannot be said of him, as of Lord Webb Seymour, that life was inadequate for the enterprise which he had dared to plan. On the contrary, it seemed to his friends that he had but to sit down in his easy chair, and pour out, through the pen of some ready writer, the accumu-

lated cogitations of his life. They never came crude and undigested from his lips. He hazarded no doubtful assertions. He knew where to limit his inquiries, and where conjecture must take the place of evidence. But it was not to be. Each succeeding year found him more averse to commit himself to the great undertaking. Even the excellent books which he employed his leisure in preparing for the press—the Accounts of the Lord Chamberlain, the little Auchinleck Chronicle, Sir George Mackenzie's History, Leslie's History, the Pollock Journal, the Ragman Rolls, he allowed to go forth without any worthy preface. Each of these correct, tasteful books he turned out upon the world, with the slenderest introduction. He took no care "to put a staff in the hand or a hat on the head" of the stranger, as Scott used to say of his own stories. The illustrations which his richly furnished mind could so well have supplied, the information which gathers round even a common-place editor in printing a book, and which is so pleasant and profitable to the reader, were lost to the world. He persuaded himself at last that this was the proper plan. He would not add or diminish anything, nor give a colour to a historical document! But his procrastination was too visible in some of his books. The Gray papers, he acknowledged, did require some historical introduction, and he would put together a few pages touching the remarkable figure of the collection, "The Master of Gray." The Morton papers had been a favourite subject of his study, and he had bestowed some earlier labour on

the family of Douglas, from the interest he felt in his friend Lord Glenbervie. Of that, he promised to give the public the benefit, in a disquisition on the early and disputed history of the illustrious house. But he could not collect his powers, even for these petty works. The Gray volume, after much delay, was circulated by its contributor with an apology instead of a preface; and the volumes of charters and letters from Dalmahoy, were delayed from year to year, after the whole text was printed, and were upon his table when he died. An epitaph which he undertook to prepare for Dugald Stewart's monument, is still unfinished. It became at last as difficult for Thomson to compose anything original as it was for Addison to announce the Royal demise to the successor of royalty.

He very early admitted me to the society of his house, and from his kind encouragement I soon became so intimate with him that I now find it difficult to recall the impression he produced upon me at first. Notwithstanding our relative position, and the respect which I felt for his learning, there was little of fear or restraint. He was considerate and even respectful towards any effort of industry or intellect, very tolerant of rational difference of opinion. Nothing could be more agreeable than his manner in general society. His tall erect figure suited well the perfect repose of his manner. His features though plain were not commonplace. His large dark eyes shone with intellect, and his mouth expressed great benevolence.

Without any diffidence, he was free from assumed dignity or arrogance towards the humblest person present. If he showed particular attention to the small man of the company, it was generously done, and without offensive condescension. Feeling his own position quite truly, he never found it necessary to assert it, or to take society by storm. Towards women he was always gentle and kind, and won their regard by seeming to admit them, without effort, to an equality in conversation. His great charm was an entire freedom from affectation—a manly simplicity of manner and language.

I was too late to observe him in company with the old objects of his respect and veneration. I never saw him with Dugald Stewart and Playfair; but surrounded, as I have seen him, by a society of whom I may name the dead—surrounded by Jeffrey, Cranstoun, Moncreiff, Fullerton, Cockburn, he took his place easily and gracefully as their equal. Indeed I do not know that there ever was a society of men at once so eminent, so agreeable, and living so much together, in which such perfect equality reigned. No jealousy appeared there—scarcely emulation. There was no sententious dictator in that Club. No dictation would have been tolerated. No effort was visible. They met to enjoy each other's society, and to relax from the toil and excitement of life.

The following, though but a letter of introduction, seems worth preserving:—

FROM MACKINTOSH.

"*London*, 26*th July* 1826.

"DEAR THOMSON,—I beg, in no ordinary manner, but very earnestly, to recommend to your kindest attention the bearer, M. Paravey, a most ingenious, accomplished, and amiable banker, at Paris. Whatever you can do to make his stay at Edinburgh agreeable I shall account a mark of your friendship. He was most respectably recommended to me, but my anxiety for his pleasant journey arises from the impression made on me by his mind and character. Among his other attainments he is a distinguished metaphysician, one of the favourite pupils of M. Cousin, who has been successfully employed in enlarging the views of the Parisian philosophers. M. Cousin, who in some respects treads in the footsteps of Mr. Stewart, is desirous that his friend should, if possible, see so great a philosopher. I should not have ventured to hint at this wish, if I had not heard with delight of the great improvement of Mr. Stewart's health, and I leave you to judge whether it can be proposed to Mr. S. to indulge the wish of M. Cousin, and (may I presume to add) my own. Pray introduce M. Paravey to all my friends at Edinburgh, with my warmest wishes that he should be well received. I also beg you to give and get introductions for the remainder of his tour in Scotland.

"As I may not have time to write to Jeffrey, shew him this note as meant also for him. May I mention also

Murray, Cockburn, Cranstoun, Dr. Thomson, Macculloch, and M. Napier.

"David Constable sent to me last year, from the Advocates' Library, the folio edition of Harris's Life of King William, printed at Dublin, 1749—a very rare book, which contains more Irish history than any other. I shall need it for some months longer, especially as I have just made the unexpected discovery that it contains much more matter than my edition, in four vols. 12mo, printed at London, 1747, though there be no warning of the variations and enlargements in the title-page or introductory parts. Shall you be able to obtain permission for me to keep it? Write to me on this subject.—Ever yours,

"J. Mackintosh."

The following letter announces a discovery of great importance, the volume of ancient Scotch laws now known as "the Ayr MS." It was speedily acquired for the Record Commission.

From Dr. M'Crie.

"*Newington, 8th November* 1826.

"My dear Sir,—When lately in the West I happened to see the manuscript which accompanies this in the hands of Mr. E. Thomson, of the Ayr Academy, and requested liberty from him to shew it to you. You will see what he says about it in his letter. Mr. Stevenson, to whom he refers, does not leave town until the end of next week, so

that you may perhaps have leisure, before he returns to Ayr, to examine the MS., and provided it contain anything for your purpose, to have it extracted.

"I would have seen you in the course of the summer, but I have been very 'busy with other men's matters,' busier than I am wont to be with my own; for I am one of those people who, like horses, need to be ridden with two spurs.—Believe me, my dear Sir, ever yours most faithfully,

"THOMAS M'CRIE."

On the 14th November, Cranstoun formally announced to Thomson, as the vice-Dean of the Faculty of Advocates, his promotion to the Bench as a Judge, on the resignation of Lord Hermand.

TO LORD MINTO.

"*Charlotte Square, Nov.* 21, 1826.

"MY DEAR LORD MINTO,—I have no apology for having delayed one moment to give you my opinion as to your proposed contribution to the Bannatyne Club. I have not a doubt that the collection of Mr. Baillie's correspondence immediately prior to the Union will be in itself very interesting, and will prove the most valuable book we have yet got. Besides being probably the best, it will certainly be the largest of the private works of our members.

"The printing of Sir James Melville's Memoirs from the original manuscript is in pretty rapid progress. About

one-half of the work is now completed; but the whole will not appear before April. It will be, I think, a considerable acquisition to the genuine materials of Scottish history.

"Cranstoun—Lord Corehouse, took his seat on the Bench to-day. This is the most important event for Scotland that has taken place for many years. Even in his mock trials, he has had opportunities of shewing his superior learning and talents that have not surprised, but however have greatly delighted me.

"Pray what are your plans? Are you coming to live a while with us this winter before going to town?

"Among our domestic *casualties*, by far the most wonderful is Murray's marriage. He is quite in the third heaven; and by all we can learn, his choice is a happy one. I believe the lady is to make her appearance in this region about the middle of December.

"My friend Pillans is come back in the highest health and spirits—all owing to his dreadful illness at Geneva, without which, I do believe, his bilious depression would have continued. Best respects to Lady M.—Ever truly yours,

"Tho. Thomson."

On the 13th May 1827, Thomson wrote to the Lord Clerk-Register about the extension of the money grant for the Register House buildings from £30,000 to £50,000. "The great record room," he adds, "is advancing to

nearly a finished state. I hope on your return to Scotland your Lordship will find it completed, and I trust we shall be actually in possession of it in July or August. I do not anticipate that it will disappoint your expectations in any respect, and to myself it will be an unspeakable relief to be at last enabled to dispose the public records of Scotland in a regular and systematic order; an advantage utterly precluded by the former state of our accommodations."

In July 1827 Lord Minto wished, through Thomson, to ascertain the sentiments of the leading persons among the liberal party, with regard to the individual whom it might be expedient to select as Solicitor-General under the coalition Government, which produced the following letter:—

To Lord Minto.

"*Charlotte Square, August* 4, 1827.

"My dear Lord Minto,—I have delayed writing you, in the hope of meeting some of those persons whose sentiments you are desirous of ascertaining. Several I have seen; but Jeffrey is gone into the West, and Cockburn I have not succeeded in catching. However, I believe I am quite safe in stating, it is the prevailing opinion, that in the event you anticipate, Cockburn would be far the most desirable companion for the new Lord-Advocate. If indeed it were thought necessary that the Solicitor-General should go into Parliament, an obstacle might arise to Cockburn's

acceptance of office, as his private fortune and the nature of his professional business would with difficulty admit of such an arrangement. However, I feel assured that every one of those whom you could contemplate as fitted for the situation, would be disposed to make every sacrifice for the attainment of what was thought a public object.

"The situation alluded to would certainly be a delicate one, but I think, for that reason, the frankness and firmness of Cockburn's character peculiarly qualify him for conducting the public business, in which both must naturally be consulted, with the best chances of an amicable as well as a safe result. I should conceive it quite impossible, in practice, that the person in the subordinate place could supersede the superior. Both must be consulted in all cases of importance, and must be presumed to hold confidential intercourse with each other; and soundness of view, directed and maintained by force of character, would probably be decisive of the result."

FROM LORD MINTO.

"*Minto, 5th August* 1827.

"MY DEAR THOMSON,—Many thanks for your letter, which gives me all the information I wanted. I do not apprehend that it will be thought necessary to have the Solicitor-General in Parliament, and it would not be reasonable to ask Cockburn to make so great a sacrifice, unless the stability of the Government were sufficiently

confirmed to enable it to hold out a prospect of further promotion. I think that Abercromby would be induced to take a leading part in Scotch business in the Commons. I hope that Cockburn continues to keep Abercromby informed of all that is worth telling of Scotch matters.—Ever yours most sincerely,

"MINTO."

In the beginning of August 1827 is the first hint that I can trace of a proposal of Thomson's taking the place of a Clerk of Session. From some conversation which had taken place at Corehouse, Lord Minto gathered that he would prefer that situation, in conjunction with his place in the Register House, to a seat on the Bench, and asked Thomson to put him right if it was otherwise. Here is the reply,—

To LORD MINTO.

"*Charlotte Square, August* 6, 1827.

"MY DEAR LORD MINTO,—I cannot delay thanking you for your kind letter. It relates to a subject on which I have scarcely ever exchanged two words with anybody, till the other day at Corehouse, and on which, in fact, I never felt the use or the propriety of speaking to any one.

"The sort of arrangement to which you allude has repeatedly crossed my own brain in my waking dreams, and I remember to have mentioned it slightly to Kennedy, as one that seemed better suited than perhaps any other to

my peculiar habits and circumstances, and even under a different *régime* from the present, it was one which there might have been some colourable apology on my part for proposing. As to *the other*, I have not only felt extremely diffident of my own qualifications, but I must fairly own I have been impressed with the belief that my best friends fully participated with me in that distrust. You will not suspect me of a silly affectation in saying that my own consciousness of imperfect preparation for the arduous and deeply responsible office of a Judge has gone on increasing every year; so much so, that were the two situations now placed within my immediate choice, I should not be free from hesitation; and preferring, as I should do in my own mind, the less responsible and less ostentatious position, I should have no prevailing motive for deciding in favour of the other but a sense of justice to others with whom I am connected, whose interests might require on my part what truly in itself would be somewhat of a sacrifice of that ease and independence which I prize above every other good in life.

" If Kennedy has written to you on the subject of what passed between us at Corehouse, he would probably say that, in my apprehension, there is not at the present moment, any opening for negotiation, on any terms that would not be destructive of the only inducement that could operate on my mind. Indeed, the chances of any opening in either quarter are not very immediate. If any such opportunity should occur, I fully believe that I should

meet with more than strict justice at your hands. At the same time, I do indeed flatter myself that I should be incapable of complaining, or of feeling hurt by any arrangements that could be made, on grounds of public utility—of which we have of late seen but few—however unfavourable they might prove to any petty views and interests of mine.—I ever am, my dear Lord Minto, yours very faithfully,

"THO. THOMSON."

TO THE SAME.

"*Charlotte Square, Dec.* 5, 1827.

"MY DEAR LORD MINTO,—Accept my best thanks for your kindness; I cannot trust myself to say more; but whatever becomes of it, I wish you to believe that I am by no means impatient of my present situation; and that in any change which may ultimately be brought about, I have no object much at heart but that of being rendered as serviceable as means and circumstances will permit. On that head a man is seldom the best judge of what concerns himself; and I should therefore wish to be entirely at the disposal of those who take any interest in the matter.

"I am very glad indeed to learn that you mean to be here so soon. I wonder if the puzzling circumstances you allude to have at all been connected with a rumoured correspondence between the C. C. and the Home Office, on a *project* for disposing of the Sheriffship of Kinross, in the event of a vacancy. Of this Cockburn has told me a

good deal, and may have informed you also.—I am, my dear Lord, very faithfully yours,

"THO. THOMSON."

A vacancy occurred at the Clerk's table sooner than any one expected, by the resignation of Mr. Colin Mackenzie; and the place was immediately offered to Thomson, notwithstanding some imaginary obstacles alluded to in the following letters:—

FROM THE MARQUIS OF LANSDOWNE.

"*London, Jan.* 18, 1828.

"MY DEAR SIR,—His Majesty was pleased yesterday by my advice to sign your appointment to the vacant office of Clerk of Session, perhaps the last exercise of official duty in which I may be engaged.

"Great as the pleasure is, which I feel in being the instrument of your obtaining an appointment which I have been given to understand would be agreeable to you, on personal grounds, I might not perhaps have felt myself justified in passing by a claim (though not founded, as it appears, in constant practice) of the Writers of the Signet, to have a vacancy occasioned by one of their own body filled up by one of themselves, had I not been fully aware that your character and public services have been such as justly to entitle you to a preference over every other candidate whatever.

"I think it right to add, that it has been stated to me,

though not from any quarter uninterested in the decision, that the office you now hold is incompatible with that of Clerk of Session. I have no reason to think so; but should that be the case, you will of course have the option as to which you will retain.—Believe me, very dear Sir, very faithfully and truly yours,

"LANSDOWNE."

FROM LORD MINTO.

"*Minto, January* 19, 1828.

"MY DEAR THOMSON,—Amidst all the public evils of the times, and the destruction of our hopes of good government and improvement, it is something to have a source of private satisfaction on which one can reflect with comfort; and I need not tell you how happy I have been made by the intelligence of your appointment, in a manner so gratifying to you, and so creditable to Lansdowne.

"He had, as you know, been given to understand that this office might be deemed incompatible with the situation you hold in the Register House. But (encouraged by Abercromby) he resolved, so far as depended upon him, to put it in your power, and to leave it to the new Secretary to make another appointment, if it should be found that the two offices could not be held together. This resolute testimony of his respect and regard for you, greatly enhances the value of the appointment in my estimation, as I know it will in yours, and will be applauded by every one whose good opinion is worth caring

for. He must by this time be aware that the representations designed to alarm him were totally unfounded. . . .

"By my letters to-day, I find that no progress has been made in forming a government; and that everything remains in the same uncertain state in the hands of the Duke of Wellington. But your accounts will be a day later than any I can give you.—Ever yours most sincerely,

"MINTO."

Thomson had at once satisfied the Lord President and the Lord Clerk-Register that there was nothing incompatible in the duties of these offices conferred on him, and he communicated to Lord Minto that his appointment as Clerk of Session even gave him facilities for some Record reforms which he did not enjoy as Deputy Clerk-Register.

The offices which Thomson now held seemed to his friends, and still more to himself, peculiarly suited to make the remainder of his life comfortable. His connection with the Records and Record publications was preserved. The business in Court left him ample leisure for his Register House duties. His salary of £1000 a-year as Clerk of Session, in addition to the £500 as Deputy Clerk-Register, promised him an income sufficient for all his wants. He had never much coveted the high places and honours of his profession, and Scott's example had thrown somewhat of dignity on the seat at the "Clerk's table."

It is true he was not rich, nor even free from some considerable and silently accumulating debt. He had all his life despised mere money getting. So far as I can find, he never turned his learning and literary power to profit, except professionally—never made money of the booksellers, save by the two or three papers written for the Review. On the other hand, he did not care for equipage, or the more expensive show of life. He loved to have his friends at his table, and the few who survive will not soon forget his dinner parties of seven or eight intimate associates, and his charming little suppers in the library, surrounded by the old books. But after the ancient and approved Scotch practice, he eschewed male domestics; and assuredly those who had the good fortune to sit at his board as presided over by Miss Lockhart, and attended by two clever, quiet, neatly dressed girls, had no reason to complain of that article of his taste. His only personal extravagance was in books. He had already accumulated a fine library, which his house in Charlotte Square was too small for, and it was a pleasure to witness the enjoyment with which he directed the fitting up of the sumptuous apartment for his books in his new house, 127, George Street, into which he now removed. For all such expenses under any prudent regulation his income was sufficient, and it had never occurred to him to doubt that it was so.

It has been said that he was already in debt. He had several times assisted his poorer relatives with money, and

when money was not ready, they found his credit could procure it. He had become surety for one in a heavy bond, and had to pay the whole sum, which could only be done by contracting a considerable loan; and let it be mentioned that his kindness, even his manner, never changed towards those whose imprudence or misfortune had cost him so dear. Of the loan so raised, he not only delayed to pay the principal, but the interest was not regularly paid. His agent full of confidence in his resources met the yearly demands, and merely added another figure to his account. Unfortunately these things gave him little trouble or thought. He felt secure that he was living within his income, and he never dreamt of accumulating. He did not realize to himself the horrible increase of a debt by all the legitimate accumulations of progressive interest—interest upon interest. His habits of business, never very exact, had of late partaken of the dilatoriness which had injured his literary powers. When accounts were laid before him, which he surmised could not show a favourable balance, he threw them aside, and not only put aside the papers, but succeeded in banishing the disagreeable subject from his mind.

The result of such blameable negligence was fatal indeed, but for a long time neither he nor others dreamt of it. Though Thomson had not since boyhood felt much of "life's strong hopes and fears," he was not insensible to the advantage of his secure position—a haven of rest for

his age. He continued for some years to live happy in the love and confidence of his friends, discharging his daily but easy duties in the Court and the Register House ; assisting in all rational law reforms—taking an active share in negotiating the establishment of the Astronomical Chair and Observatory—affectionately interested in monuments to the memory of his friends, Stewart and Playfair—superintending the production of book after book, of valuable contributions to the Bannatyne Club and to Scotch history, and when not tormented by the idea of his delayed first volume of the Acts of Parliament, enjoying to the full that dignified repose which his early labours had won for him.

A letter to Mr. Petrie, dated April 18, 1830, discloses some of his feelings, on the subject of his own first volume.

" You are too busy to write long letters, but I should be gratified by receiving from yourself the assurance that you are proceeding in your noble work (the ' materials for the History of Great Britain') entirely to your own satisfaction. When I see and hear the minor critics and dealers in the small wares of historical literature discourse on the tardiness of such a publication, it reminds me of Burke's ludicrous simile on a like occasion, that as well might the rabbit that litters once a month presume to comprehend the gestation of the elephant."

The following letter, without date, sufficiently marks its own time :—

From Jeffrey.

"*House of Commons, Monday*, 8 *o'clock*, [14*th March* 1831.]

"My dear Thomas,—Who the devil can think about infeftments when the crisis of the world is at hand? To appease your noble rage, however, be it known that Rae is to delay his bill—till after Easter at all events, and, I take it, for a longer time. . . . We are all agreed that the best way is for you to come up as soon as possible, and digest the matter with the few that know or care about it here. If this is not *tanti*, surely the great scene that is afoot is at all events worth looking at. It may take a decided colour against us before Easter—but that I do not now think likely—and if it does not, it will be a stirring piece of work till the end of the session, however it end—by dissolution, resignation, or natural death. We still think our affairs looking up, and certainly out of doors all the cry is for us. But the enemy is very bitter, active, and desperate. They say Peel will not hold counsel with them; and it is certain that several leading Tories have asked leave of absence, and gone for ten days to the country, from a reverend regard to their health. They pretend to reckon on a reaction, and are using all means to stimulate the Radicals to say they are dissatisfied, or only value this as a first step to something much beyond.

"It is intolerably dull in the House to-night, with Irish first fruits and cotton duties. But they say I must not go home for fear of a division; so I came to the library to

tell you all the nothings. . . . I send you a copy of my speech, not very well corrected, but delivered at least from the mass of vulgar nonsense, which the Caledonian Mercury has added to it, out of its own classical stores. I shall have an ignoble contest with the Scotch party, who I can see already are very bitter and abusive. But I do not care for them. I think I must speak again on the second reading. I took up but half the case last time, and but half argued it. But I think I shall be able to do it shorter next time, though it is melancholy to think how much depends on the humour one is in. God bless you. I shall not send this till to-morrow. The English bill is brought in to-night without discussion; the Scotch, I believe, to-morrow, probably with some. You will have them both in print in a day or two.

"*Tuesday.*—Rae says now that he will not absolutely delay till Easter, but only for a fortnight, which is about the same thing. But if you can come up at all, pray come now, you will find enough of other things to think and talk about, and be of use and comfort to us all. Lord Minto is here, very steady and hopeful. . . . I think our Scotch statements, and the energy and unanimity of the country, evidently disheartened and alarmed the adversary. I have little doubt now that we shall get into committee with a majority, probably of forty or fifty, but under many protests against important parts of the measure,—and that we may be left in a minority any one night on points of vital importance. This is our true

risk, and our chance of escape is in the voice from around. Do you remember Bacon's interpretation of the old Pythagorean enigma,—'When the wind is high, worship the echo?' That 'nymph unseen' is our goddess now, and we should worship assiduously.—Ever yours,

"F. JEFFREY."

FROM MR. STEWART MACKENZIE.

"*London, Saturday.*

"MY DEAR THOMSON,—You will have already heard that the Scotch debate last night, and capital majority, (best of all but the first grand trial,) have quite raised all our spirits here; Jeffrey outdid himself; his speech has quite redeemed him; and in fact it made all after speaking a farce. Charles Grant's was a good speech; Mackintosh's goodish. The debate has gained for the cause, and for Scotland.

"In the Peers it seems certain that . . . has ratted, and the Bishop of . . . it is said to-day. I do not fear that all will go right yet there.—Yours most truly,

"J. A. STEWART MACKENZIE."

FROM COCKBURN.

"*London, 24th September* 1831.

"MY DEAR THOMSON,—Jeffrey's speech last night, in moving our Reform Bill, was admirable, and has set him completely up in the House. I don't mean to say that it was equal to, or the least like, what we have often heard from him; but his long silence, and his reputation for weak

length, had made his friends begin to fear and his enemies to rejoice; and it has completely put all this right. He spoke an hour and a half, too long certainly, but gave a most luminous exposition of the principles of the Bill, interspersed with his usual richness of vein and curious felicity of language. Nothing could be better than his historical explanations of the causes of our condition and of its political effects; and he every now and then threw in one of his peculiar and exquisitely done sort of little incidental bits. It was a very respectable house, and he was not only loudly, but generally cheered, both at the conclusion and throughout; and the opinion I express was, I found privately, the prevailing one of all sides. Though after all, it has given them but a poor swatch of what we know Jeffrey to be, yet it is enough to give his wares full character in that very precarious market. I do not know anything that has given me more delight or relief. It will cure his cholera, his dyspepsy, his nervousness, his sleeplessness, and all the thousand and one maladies under which his fancy has been assuring him that he labours.

"With the exception of Althorpe and Hunt, the debate was entirely Scotch, and was better, though it lasted seven hours, than one which I heard t'other night solely by Irish. Charles Grant and Mackintosh were most excellent, chiefly from the plainness and indignation with which they spoke out against the system and its results. They did not treat it or its products in the House for the last hundred years, a whit better than you or I would do over punch at No.

127. Sir James declared that the worst form of the worst part of the English system was 'Utopian perfection,' compared to the best of the Scotch. It was a pleasing thing to me to feel my knee touching the noble shoulder of his Grace of ——, who was sitting on the bench before me, under the gallery, while those truths were telling; and still more pleasing to observe, (which literally happened,) his brother hater of the Bill, Hunt, come and sit down beside him.

"The Scotch Bill is in an excellent condition, better than is yet known. So far as I can hear, good hopes are entertained of the Lords. They are fitting up galleries to hold them. Oh! for my grey jacket and the sound of the burn!—Ever,

"H. Cockburn."

On the death of Scott, Thomson was elected President of the Bannatyne Club, Jeffrey proposing, and the Chief Commissioner Adam seconding the resolution. He devoted much of his attention to the affairs of the Club, and it is impossible to speak too highly of the benefits he conferred on it, not by his own contributions and labours alone, but much more by the high tone and historical character which he promoted and encouraged by his example. He was now seldom induced to leave Edinburgh. The annual gathering at Blair Adam, where he used to meet Scott, and some of his oldest friends, was an established exception, and the arrangement of those parties occasioned much diplomacy. Thrust into one of the venerable Chief

Commissioner Adam's letters, I find the following Parliamentary sketch, which, though from an anonymous correspondent, at whom I may only guess, I cannot refuse to give a place to,—

"28*th July* 1833.

"Much as we were interested about public affairs in Edinburgh, it was nothing to the interest that is felt here, where facts or reports are constantly coming out and influencing speculations, even between the intervals of the debates in the House, and of the publication of the newspapers. I have seen no Tories either here or on the road, except in the disguise of moderate Whigs, some Radicals and Theorists, most people well disposed to the Ministry, but all mad about economy. That will be the point on which the Opposition will have an advantage, and they seem well inclined to use it. There was an impression that the Coercive Bill for Ireland would be thought too strong, especially the military tribunal. Even very well informed people were very uneasy yesterday about the reception the Bill might meet with in the House of Commons. There was a meeting at Lord Althorpe's, the day before yesterday, the discussions at which are said to have discouraged him. If the ministers really entertained a feeling of danger, they took the proper way to avert it, declaring repeatedly and explicitly, that they staked their continuance in office on the success of their measure. I went last night to hear the debate, and got in after from two to three hours' crush in the lobby, or rather in the

passages to the lobby. When I got in, Attwood was speaking on a previous motion. Cobbet sat where Mr. Fox used to sit, and Peel was thrust up into a corner behind the Speaker's elbow. Lord Althorpe opened the debate in a low voice, and a dull and hesitating manner. He hummed and hawed and hesitated, could seldom find his papers, or read them when found. He read and said everything in the same tone, so that the strongest facts passed off as little noticed as the weakest. Nothing could be less impressive. Then followed Tennyson, who, like all the Opposition, had greatly the advantage over Lord Althorpe in strength of voice and fluency of language. He was listened to with little attention; but he and all the Opposition speakers were cheered by the Irish members, who made up for the smallness of their number by the loudness of their 'heeres.' (the long *ee* and hard *r* were distinguishable amidst all the vociferation.) Captain Berkeley made some impression by his somewhat prosy account of Kilkenny fox hunting. Sir J. Byng made none. At last Mr. Stanley rose. He is neither actually ill-looking, nor in the least unlike a gentleman, but there is nothing at all aristocratic in his appearance; and his pale complexion and deep brows, with a nose which, though low, is hooked, make his features, on the whole, far from handsome. His speech was a perfect contrast to everything that had gone before. He spoke audibly and clearly, with perfect fluency, confidence and decision, without the least arrogance. He read his statements in such a manner

as to make them as pointed as the best put arguments, and occasionally relieved the tiresomeness of long papers by unexpected comments, or natural bursts of indignation, which were received with loud, long, and enthusiastic cheers from every part of the House. Nothing in his speech seemed studied, and he seized on every incident of the subject to heighten its effect, making O'Connell's cheers the occasion of some of his most destructive attacks. Such was the effect, that I heard a disinterested member saying, as we were leaving the House, that he believed if the ministry were to propose to extend the bill to England, they would have a majority of 300 in this Parliament. During Stanley's speech O'Connell promised to explain his having alluded to the House of Commons as 600 scoundrels. When Stanley had finished, at half-past one, Sheil moved an adjournment, but the cry for O'Connell was so persevering, that he was obliged to give way to it and gave the most awkward and lamest explanation, amidst loud laughter from all quarters. In short, he has nothing left but to revile the reformed Parliament to his countrymen, as savage Saxons, more hostile than Cambden or Castlereagh. His appearance and manner are much in his favour; though coarse in appearance, he looks frank, manly, and good humoured, and speaks in a way to command attention and conciliate good-will. For the other speakers, Attwood's oratory was very "Brummagem." Tennyson's delivery is good, his manner bad, and his matter middling. Lytton Bulwer's vehemence is rendered ineffective by his lisping

speech and unmeaning gesticulations. Grote spoke best of his side, but his sentiments are more of Bentham's school, which he seemed surprised to find were not those of the rest of the world.

"I have written this long story, though you have so many better channels of information, because, as they say of books of travels, many trifles strike a stranger which escape a well informed inhabitant."

From the Lord Chief Commissioner Adam.

"*Blair-Adam, 20th June* 1834.

"My dear T.,—I am sorry to learn that your brother is going to England, and that we shan't have him here on the 12th proximo. I meant to have made him, as a return for his very beautiful picture,* an object of most principal attention at our meeting.

"You stated to me verbally the history of the Ragman Roll. Being a very deficient antiquary, I have not retained it in my memory. It would serve two excellent purposes, if you could find leisure to put it on paper, and send it to me: 1*st*, it might enable me to revive in Shepherd's mind, with proper information to him, the nature and extent of our joint concern; 2*dly*, I have it in contemplation to commence a correspondence with Tom Grenville, to get him and Lord Spencer to unite in some

* This was a picture of the monument which the Chief Commissioner had erected to his father at Blair-Adam, with the adjacent scenery.

such presentation to the Club as Shepherd and I have united in.

"Do you think that those two Englishmen, or any others with whom I am intimate, could be brought to aid in your suggestion respecting the value of Scotch money? if so, I will readily undertake the correspondence with them. Perhaps this could be better discussed when you come here in July, and a plan formed for it.—Yours most sincerely,

"W. Adam."

From the Same.

"*Blair-Adam, August* 28, 1835.

"I hope you will be able to come here on the 28th of September. I have fixed that day for our meeting, that we may not stop remembrance of an annual occurrence which gave us all so much pleasure. I am sure of Sir Adam, Tyndall Bruce, and George Cheape. The last has earnestly entreated that we should adjourn to Wellfield, visiting Balvaird Castle. I wrote to your brother ten days ago, to come here to meet Mr. Westmacott, but having received no answer, I suppose he is not at Duddingston. If he is, will you give him notice of this meeting on the 28th, and tell him I will take no excuse. Will you let me know where Mr. Pillans is; I want to write to him about a tutor for my grandson, and to inlist him as one of our gang for the 28th.—Yours most truly,

"W. Adam."

1837 was the year of Thomson's marriage. The lady was Miss Reed, the daughter of an Irish gentleman, Thomas Reed, Esq., formerly an army agent in Dublin, descended on her mother's side from the family of Drummond of Drumawhance, Perthshire, a lady of whose virtues and good qualities it is not allowable to speak, as she still survives. None of Mr. Thomson's friends can forget her zealous devotion to him during the remaining years of his life, the latter part of which would have been gloomy indeed without her assiduous and loving attendance.

To the Lord Advocate (Murray.)

"4, *Bennet Street, St. James's.*

"My dear Lord Advocate,—Accept my warmest thanks for your very kind and agreeable letter. The lady—with whom I have been acquainted for several years—appears to me to possess qualities which cannot fail to add to my future happiness, and, regarding her merely as a well informed and well mannered woman, of a naturally very cheerful mind, I flatter myself she will prove acceptable to the friends among whom I have so long been accustomed, almost exclusively, to live; and to her, nearly a stranger in the country, the kindness of Mrs. Murray must be of the greatest importance.

"As the fatal event cannot take place for two or three weeks, during which I shall be very idle, I cannot think of availing myself of your most obliging offer of announ-

cing the matter to our common friends; but to some of those whom I should not presume to trouble with any formal communication, I shall feel grateful to you for mentioning it, when any opportunity occurs. I particularly allude to the Roseberrys, Count Flahault and Lady Keith, Sir J. Dalrymple, &c. &c.

"I regretted much leaving Edinburgh on the very eve of your arrival, but was happy to receive from your brother such good accounts of you all.

"With kindest respects and thanks to Mrs. Murray, I remain yours most truly,

"THO. THOMSON."

"I go on Friday to Southend, on the Essex coast, for a week or ten days, where Miss Reed is now residing with her father. I left the Pillanses yesterday, he greatly better, and she doing wonderfully in recovery of strength and vigour."

FROM LORD COREHOUSE.

"*Corehouse, Oct.* 3, [1837.]

"MY DEAR THOMSON,—The days are short, and our approach long, dark, and narrow. Our nearest neighbours, therefore, who offer or are asked to dine, must perforce stay all night. Tell us, by return of post, whether we are to have the pleasure of seeing you and Mrs. T. on Monday, as we expect the Gillieses, and also the Fullartons, about that time, and may find some difficulty in our arrangements in this cottage.

"When you come, which I trust you will, I will tell

you all I felt on my first visit to Dryburgh, since you and I were there I think in 1797. Heavens! what events have happened since that time, and how many of our friends and intimate acquaintances then, repose within its walls!—Ever yours,

"G. C."

To the Lord Advocate (Murray.)

"*Edinburgh, May* 19, 1838.

"My dear Lord Advocate,—I should be most happy to assist in bringing your old friend General Ainslie into the Club, but I fear that on this election he has no chance. I make it a rule never to ask votes for any candidate, but not so some of our friends; and I believe that Macdonald will be elected by a large majority. He is the same person who was long my clerk, has been a remarkably useful assistant in bringing forward various works presented to the Club, and has in that way gained many supporters. E. Stanley is a son-in-law of Lauderdale's. Turnbull is an advocate, and an active member of the Abbotsford Club. I don't know him.

"I have been able to learn nothing of James Glassford's pamphlets. He has been living at Cheltenham for some months past.

"It is very gratifying to receive such good accounts of Mrs. Murray and yourself.—With most affectionate regards to her and yourself I ever am yours truly,

"Tho. Thomson."

From Allen.

"*South Street, December* 6.

"Dear Thomson,—An article in the Quarterly on Lister's Life of Lord Clarendon, in the course of which some animadversions are made on an article of mine, published many years ago, on a book of the late Lord Ashburnham, has directed my attention again to the private negotiations with the Scots, that led to the flight of Charles I. from Oxford to the army before Newark. I find a Sir Robert Murray was a prime agent in that business, but cannot discover who he was, or what became of him afterwards, and should be obliged to you if you could give some information about him. Is he the same man who took an active part in the affairs of Scotland during the reign of Charles II., and who is so highly extolled by Burnet in his history? If so, what was his family in Scotland? and if a different person, can you tell me anything about him?

"I have no thought of reviewing Lister's book, which, indeed, is bespoke by another person; but I wish to commit to paper what I make out about a transaction where the Scots have, in my opinion, been unjustly treated by the generality of historians.

"Lord Durham is expected in town to-morrow, and we shall then see what course he means to take concerning his late government of Canada. His progress to London hitherto seems intended as an imitation of Napoleon's march from Cannes to Paris, collecting addresses, as the

other did soldiers, on the road, in order to make a triumphant entry into the capital.

"What I am anxious to know about Sir R. Murray is, what was the party he was connected with in Scotland, which sent him to negotiate with and make offers to the Queen at Paris?

"Forgive this trouble, and believe me ever yours truly,

"JOHN ALLEN."

"P. S.—Have you been able to procure, at a cheap rate, any of the books of the Bannatyne Club, of which Lady Holland sent you a list?"

FROM LORD COREHOUSE.

"12, *Ainslie Place, January* 31, 1839.

"MY DEAR THOMSON,—It is impossible for me to express the gratitude I feel for your kindness on this occasion. You have acted as you have always acted, during a friendship of half a century. As I retain, or think I retain, all my mental faculties, will you do me the great favour to come and see me now and then when the doctors, as they promise to do soon, indulge me with the pleasure of seeing my nearest and dearest friends.—Ever yours,

"GEO. R. KINLOCH, for LORD COREHOUSE."

TO THE LORD ADVOCATE (MURRAY.)

"127, *George Street, February* 22, 1839.

"MY DEAR LORD,—You will receive a packet, sent

under Mr. Maule's cover, containing the Register House Report, &c.

"I am just returned from seeing Lord Corehouse, for the first time since his illness. He is in a most tranquil and contented frame of mind, looking clear and well—his speech a little thick, but his powers of conversing not at all impaired. I do not suppose that the removal of the disease is within the reach of probability, and at all events, what he said to me about resignation makes it evident that he contemplates it very speedily. His determination against returning to his judicial occupations was decidedly expressed. I sat with him more than half an hour. He longs to see his friends again.

"Mrs. T. joins me in kindest remembrances to Mrs. Murray.—Ever yours faithfully,

"THO. THOMSON."

To MR. ALLEN.

"127, *George Street, Feb.* 23, 1839.

"DEAR ALLEN,—My foolish over anxiety to procure for you the fullest information as to the political history and character of Sir Robert Moray, has, I am aware, brought me into great disgrace. I had formerly felt a good deal of interest about him, not only from the character given of him by Burnet, in the Preface to his Memoirs, as well as elsewhere, but from the excessive kindness with which he is spoken of by all his contemporaries, with the exception of Clarendon and Montreuil, who seem to have thought

him little better than his namesake, William of the Bedchamber; and I had actually planned to publish a collection of his letters to Lauderdale and Tweedale, Kincardine, and others, and was turned aside from this project from finding them on the whole very uninstructive and slight, if not trifling, with but a few exceptions. That some parts of his political correspondence must have been highly confidential, may be guessed from the anxiety shewn by the King and Lauderdale to take possession of his repositories the moment after his death; and which his residence in the palace at St. James's gave them an opportunity of doing. To me his reputation among his contemporaries is still a problem I cannot solve.

"I am now aware that I can add little to the information you are already in possession of. I am not in possession of any part of his correspondence prior to the Restoration, but being aware of that at Hamilton, of which Burnet made use, and having some suspicions of the fidelity and completeness of his extracts, in spite of what he tells us Sir Robert Moray himself thought of his book, I at last applied to the Duke for copies or extracts of any that would throw light on his concern in the transactions at Newcastle, and only last night received a letter from Mr. Brown, (his factor,) of which I send you a copy. It has not much surprised me, nor altered my former impressions of the writer.

"I am, like you, very anxious to vindicate Scotland from the disgrace which has been so gratuitously cast on

the country, in consequence of the transactions at Newcastle. On this subject there is a rather remarkable passage in Sir George Mackenzie's History, which I printed some years ago, and which you will find on pp. 25, 26; and though his authority does not go a great way with me, I regard it as good evidence of the feelings of the country at that time," &c.

FROM ALLEN.

"*South Street, Monday, 18th March.*

"DEAR THOMSON,—Lord Holland has received from the Secretary of the Bannatyne Club a list of candidates for the two vacancies in the Club, and he will be much obliged to you to let him know for whom he had better vote.

"Palgrave tells me he is about to review the Lanercost and Scala Chronicles. Is it possible for love or money to obtain a copy of the latter?

"Langdale is busily employed, with the assistance of Palgrave and others, in getting the Records into better order, calendaring and indexing them; and as he has full authority over all the keepers, he will be able to do what the Record Commission were never able to accomplish. The Rolls Chapel is, and will remain, the chief place of deposit for the more important of the Records, till a Record Office is built. Lord John will, I hope, apply to the Commons for a grant of £2000 or £3000 for resuming the suspended works of the late Board. Thorpe's

Anglo-Saxon laws will be out in the course of the spring. We have applied to the Treasury for the means of publishing a second volume, to illustrate, as far as can be known, the working of the Anglo-Saxon system, and its gradual fusion and concurrence into the common law.

"Jeffrey is arrived; I have not yet seen him, but he is to dine with us on Wednesday. Have you any thoughts of making us a visit during the vacation? We expect Napier as soon as his new number is out.

"I wish Guizot would take the department of Public Instruction in France. His party have so little weight or popularity in France, that he has no right to insist upon the Interior.

"Lord and Lady Holland are well, and desire to be remembered to you.—Yours truly,

"J. Allen."

Thomson's brother John, the minister of Duddingston, the first landscape painter of his country, died in the end of October 1840. The relative position of the brothers had continued almost as when the elder taught the younger his Latin task at the manse of Dailly. But there was unbroken attachment and perfect confidence. Thomas admired his brother's genius, and delighted in his success as an artist. John, throughout his life, looked to the kind elder brother for advice and assistance in all difficulties.

From Lord Corehouse.

"*Corehouse, Nov.* 3, 1840.

"My dear Thomson,—You have sustained an irreparable loss, and I sincerely sympathize with you. I had heard of poor John's illness some weeks ago, but was not led to suppose that the smallest danger was apprehended. He has gone prematurely for us, but not for his own fame; for he will hold one of the highest places among modern artists. They who knew him intimately, as I once did, will long remember his various talents and accomplishments, and the goodness of his heart.

"We are always at home, and will be delighted to see you and Mrs. Thomson whenever it suits you. All here offer their best respects.—Ever yours,

"Geo. Cranstoun."

We now approach the gloomy evening of a bright day. No fiction of the moralist, illustrating the inefficiency of great talents unaccompanied by prudence and the prosaic duties, could be more instructive than the real events of Thomson's life.

His procrastination—his morbid fastidiousness—deprived the world in a great measure of the fruits of his long study. His want of regular business habits denied him the crowning achievement to which the labour of his life had been directed, and threatened even to degrade him from his high social position.

One Record Commission after another had come to an

end, without obtaining the conclusion of Thomson's great work of the "Acts of the Parliaments of Scotland." At length, in 1839, the Home Secretary in a peremptory tone demanded an account of the actual state of the publication, and the reasons of its delay. Two subordinate but very interesting portions of the compilation, the "Acta Auditorum Querelarum," and "Acta Dominorum Concilii," the text of which had been long printed, were hastily finished and put forth to meet the urgent demand. But the Preliminary Volume was still delayed.

Along with a demand for the completion of the work, came a requisition to render an account of the monies expended for several years by Mr. Thomson as Deputy Clerk-Register. The accounts when given in were not considered satisfactory. It was said that they stated against the Exchequer payments formerly charged against the Record Commission, and that on correcting these errors, there appeared a considerable balance against the Lord Clerk-Register, who was the responsible accountant in the matter, though no money passed through his hands. The Lord Clerk-Register was naturally much alarmed at such responsibility, and while he hastened to make good the deficiency as stated by the Exchequer officers, at once removed Mr. Thomson from his office of Deputy.

It caused universal surprise that such imputations could be cast upon one whose past life had been distinguished for uprightness and honour; and those wondered most who knew how Thomson had sacrificed his prospects, both of

wealth and station, and sunk all private ambition, in zeal for the Records. He had in truth not thought sufficiently of separating his own interest from that of the Register House; and the one calamity of his life arose from the mixture and confusion of his private accounts with those of his office.

The sources of his debts were partly from family obligations, which have been already hinted at, partly connected with his Record undertakings. His zeal for the public service had often outrun prudence. Not sufficiently considering the strict rules of all public Boards and Offices, he trusted that what he did *bona fide* for the public service, even though not ordered to be done, would ultimately be allowed. Thus he secured the best assistants often without the authority of the Record Commission; and thus, too, when Mr. Caley officially directed that one set of works (the "Retours," "Great Seal," &c.) should be suspended, till another had made a certain progress, Thomson preferred silently to disobey, rather than to throw loose a body of well trained workmen, whom he might not be able to recall; and these assistants were, at least for the time, to be paid from his own resources. Some Record publications, in like manner, which he conceived to be of clear public utility, he undertook, without waiting for the sanction of the Board, and even carried on, after he was officially admonished that they were not sanctioned. As long as the old friends of Thomson sat at the Record Board, men who knew his zeal and worth, like Lord Glenbervie,

Lord Colchester, and Lord Frederick Campbell, things came right in the end, and, without altogether ignoring the officious secretary, or praising Thomson's patriotic rebellion, they took care that the public service should not suffer, and that the expense of useful public works should not fall on the public servant who had unguardedly embarked in them. But when such things happened, under the *régime* of new Commissioners, the Board, acting according to strict official rules, refused to adopt or sanction works undertaken without their order; and some very expensive works—for example, the Accounts of the Lord Chamberlain, and Inventories of the Royal Wardrobe and Jewels, were thus finally disallowed, and thrown upon Thomson, to be defrayed out of his private resources.

He was enabled to meet these responsibilities and claims for many years, by the assistance of the gentleman, since dead, who held the place of factor under the Lord Clerk Register, who took a personal and warm interest in the success of the several works, and besides being in affluent circumstances, had occasionally the command of unexpended balances of the funds received by him for defraying the ordinary expenses of the Register House; and after his death, a similar system was partially continued, with the aid of money borrowed on Mr. Thomson's credit. In this manner the private affairs of Mr. Thomson became almost inextricably mixed up with the receipt and expenditure of public money for the purposes of the Record Commission, and the common expenses of the Register

House. Among such complicated liabilities, it was not easy to distinguish between those of a private and those of a public nature, or to apportion to each its proper amount. Thomson was an indifferent and careless accountant, and in all probability never understood or seriously looked into the state of his accounts. This neglect, so serious in its consequences, is but too consistent with his known habits.

Before leaving this matter, it is satisfactory to mention, that those who acted for the Crown, in the investigation of a criminal charge laid against Mr. Thomson, in connection with these transactions, after full and minute inquiry, were of opinion that no such charge could be supported.

There was mortification enough, and degradation, to the high-minded proud man, in the acknowledged inability at once to meet his engagements, but still more in being obliged to confess the confusion of his affairs and accounts, which alone could have rendered an imputation on his honour possible. The astonishment, the consternation of his friends was unbounded. The richer of them proposed to subscribe a sum for his immediate relief; but some impatient creditors rendered that scheme impossible, and drove him to the necessity of withdrawing into England to avoid personal arrest.

To Mr. Macvey Napier.

"*Norwood, Surrey, August* 17, 1841.

"My dear Napier,—Since I received your last communications on the progress of proceedings against me at

Edinburgh, I have had little of either heart or ability to write to you or any one else. Whatever may have been my own feelings or opinions on the subject, I am little disposed to give them utterance, even to you, or to those with whom I have been in more immediate contact. What the subsequent progress of these proceedings may have been I am utterly ignorant, but, in the meantime, I have not felt any disposition to shrink from the purpose I have avowed, of endeavouring to make every sacrifice within my power for the benefit of my creditors, and to abide the consequences. . . . .

"On the state of my own affairs and plans, in other respects, I have delayed writing for the last fortnight, in hopes of being able to tell you something certain. I have made an application to the Treasury for the usual remuneration as Sub-Commissioner on Public Records, for the last ten years, on which Mr. Henderson, to whom it was referred, has, I believe, made an approving report, and I am in hourly expectation of the deliverance of the Lords of the Treasury. The shape of my claim is for an abatement of the alleged Crown debt, so as entirely, or very nearly, to extinguish the whole, and relieve the Lord Register from any proceedings for the balance. And this Mr. Henderson seemed to think was quite within the powers of the Treasury Board, without going to Parliament."

The application to the Treasury for ten years' pay as Sub-Commissioner on the Records, was refused. Thomson

returned to his duty in Court at the beginning of the winter session, and continued to receive his salary as Clerk of Session, and to pay it over to his creditors. Until the Lord Register's claim was wholly paid, he touched none of it. After that preferable debt was discharged, he divided his salary with his remaining creditors.

It was intimated to Mr. Thomson that another person was to be employed to complete the first volume of the Acts of Parliament, and in spite of repeated appeals, the Government did not change that determination.

The remainder of Thomson's existence was severed from the great objects which had occupied his past life. He never again entered the Register House; and though he was generously communicative on every other point where his assistance or advice was desired, he told me, soon after I had been employed to complete the first volume of his great work, that it must be a forbidden subject between us. From henceforward, though he did not altogether avoid the society of his old friends, he lived chiefly a domestic life, devoting himself to his own family and a pretty wide circle of relatives, by whom he was much beloved. He bore his altered position, and even the coldness of some of his former friends, with great fortitude. His feelings of grief and mixed indignation very seldom found vent, and a stranger could not know from his manner or conversation that he was a disappointed man.

To Professor Pillans.

"*Dollar, May* 26, 1845.

"My dear Pillans,—On Saturday we took a fancy for a ramble on the Ochill hills, having to-morrow (Tuesday) for a holiday. Landing at Alloa, we arrived here (at the best inn) to tea, and had a delightful walk towards Castle Campbell, and in the gardens of the Academy. How handsome the building and all about it! Yesterday, at church; called between sermons for the Doctor and Mrs. Milne, and had a most hearty and kindly welcome. We went to hear the old boy preach, dined with him, and went under Mrs. M.'s guidance to the Castle. To-day she has shewn us the interior of the Academy, and we have taken leave, quite pleased with her. . . . The weather has been abominably cold and gloomy, and as it gives no promise of improvement, we intend to be off immediately and to sleep at home.

"We have not quite made up our minds about the future, and have not yet forwarded your letter to Minto. We shall first take a look at Cape Colonna and Denbigh. Nothing of any interest has occurred since you left us. The Assemblies, free and unfree, have no particular charms for us. I presume they will vie with each other in absurdity on the Maynooth grant. What a noble speech of Lord John's! (that of last Wednesday.) It is completely to one's heart's content, and what I have been longing for. Peel's position is a very singular one, but to my mind a

proud one, however open it may lay him to the taunts of the shabby and the rage of the bigots.

"I shall be impatient to hear from you in Dublin, and how you find your friends there, not forgetting the young Dunure. If you find that they retain any recollection of us, pray offer our kindest remembrances.—Ever yours affectionately."

To the Same.

"*Thursday, a rainy, wretched day.*

"My dear P.—Though I obey your orders in again addressing you in London, I presume there is no chance of its finding you there. Your journals have been a great delight to us—not the less so that they reflect your own image to the life, as one of the happiest of mortals. You may be prepared on your return for much interrogation, to fill up your hasty and tantalizing sketches.

"We go on as usual, jog trot. . . . We dined yesterday at Murray's, to meet the Flahaults, Craigs, and Maitlands; very pleasant. F. is as ever very agreeable, but looks not quite so young as he did twenty years ago.

"We breakfasted at Craigcrook on Monday, and spent the forenoon. Jeffrey was in very good talk. We had besides three Americans, one of them your old acquaintance David Colden.

"You see to what shifts I am driven for materials to fill this little sheet.

"I am sorry you don't go to Killarney, as I wish to hear from you if it be worth going to see. . . .

"I have not stirred out of the house to-day, leaving my duties in Court to shift for themselves, and trusting to the diligence of brother John Russell. At this moment, seven o'clock, P.M., the fog is so thick that I cannot see distinctly twenty yards off. We have already got too much rain, the farmers say, but I must confess the country did look beautiful yesterday, when the sky was splendidly clear."

The following letter was written on the occasion of the death of Dr. John Thomson, the eminent physician and Professor of Military Surgery, Pathology, &c., at Edinburgh, (11th October 1846.) His surviving wife was the daughter of Thomson's old friend and master, Professor John Miller of Glasgow.

To Mrs. Dr. Thomson.

"My dear Mrs. Thomson,—I have felt satisfied that from me no expression could be needed to assure you how deeply I must have felt with you on the irreparable loss we have sustained. He was my oldest, truest, and most valued friend, and our mutual and affectionate regard, begun at an early period, continued unbroken and undisturbed amidst all the chances and vicissitudes of our after lives. In our recollections of him we have all much to gratify and be proud of. If his course in life was not always uniformly smooth and onward, we had always the satisfaction of knowing and feeling that his superior claims

and deserts were in reality the very cause and provocation of whatever unjust or envious resistance they had to encounter. But these are matters of history now gone by, though not to be forgotten as instructive incidents in the history of his noble career; and it is more pleasing to think of that unbroken and beautiful tranquillity in which under your care the later period of his life was passed. This was long your grateful occupation, and now that it is gone, I can well imagine the immediate blank that must be felt. But you have still very pleasing and useful duties to call you from even a cherished grief, and which no one can be more admirably qualified to perform.

"Mrs. Thomson joins me most sincerely in expressing our kindest regards and sympathy for you all; and believe me ever most truly your faithful friend,

"Tho. Thomson."

To Professor Pillans.

"*Haarlem, Sept.* 7, 1847.

"My dear Pillans,—This is my first attempt to put pen to paper since I left Edinburgh on the 13th of August. We have been up and down through Belgium, up the Rhine as far as Heidelberg, down as far as Amsterdam, and are now waiting to hear the famous organ of this place; intending to sleep at the Hague, to go on by Rotterdam to Antwerp and Ostend, and hope to be on English ground in three days. We shall stop in London for a few days, and will be most thankful for a few lines,

addressed to the care of Mrs. Lauder. We intend going to Winchester to see Colonel Reed, &c., and perhaps make another run to Stratford. In all our wanderings, I have not presumed to enter a single school, nor have seen anything in the shape of a dominie, except Dr. Schmitz, who will have informed you of us at Bonn. Of course we are completely in the dark about all our friends at home; and you may believe I am not a little anxious to hear of poor Frank. Have you taken any charge of Shrubhill? I trust all there is safe. On the whole we have had a pleasant and interesting trip, and in health have both of us improved sensibly. Now the weather has become broken and uncertain; to-day it rains abominably, and I shall not be sorry to be again on English ground. My travels have not afforded me much to say for the edification of the public; but I have gained my main object, of converting many imaginations into realities, without, however, I must confess, gaining much on the exchange.

"And now for the organ."

To the Same.

"22, *Castle Street, Regent Street, April* 5, 1849.

"My dear Pillans,—We have been here above a fortnight, and yet (thanks mainly to the weather) I have seen or done almost nothing. If we don't get on better during the remainder of our stay here, the sooner we take refuge with you the better. My greatest exploit has been sitting out the debate in the House of Commons on Mon-

day; tiresome enough; sensible speaking; D'Israeli clever and impudent. We have been to various operas, and are going to more—that is, Mrs. T., for I shall make myself rather scarce. We have seen the Lauders frequently. Isabella is really very well; we dined with them yesterday, and met the Captain, who is now fully established, after probation, in the station at Poole. He says he likes it, and so does his wife. The Doctor is coming up from Stratford to see us before we go. Lauder has just finished his great picture of Jane Shore; it is now in the Exhibition—not the Academy—but one of a rival combination of artists near Hyde Park Corner, which is said to be thriving. He has already six others in the same. I shall tell you of their merits hereafter. We dine at the Murrays next Monday; with Piazzi's papa and mamma on Tuesday at Chelsea, (formidable); Caroline Reed comes to us for some days to-morrow. . . . How long we shall stay in this Babel I do not know; but I do not believe I shall ever take the trouble of coming back to it. To-morrow, I believe, is your break-up. Hurra!! Keep the nest warm for us till the middle of May, and then I hope we shall do that duty for ourselves.

"What a horrid bad scribble! I am particularly stupid this morning."

"P.S.—I have just seen Lady Lyell, whose inquiries for you were affectionate."

To Mr. James Gibson Craig.

"*Great Castle Street, Cavendish Square, May* 18, 1849.

"My dear Craig,—I am mortally ashamed to return home without having once sent you a single line from this monstrous place. What from bad weather and incurable laziness, I have been in all senses very idle; have not seen a third of the persons I ought to have seen, nor perhaps a tenth of the things worth seeing. However, I must admit time has not hung heavy on our hands, and that I am not sorry for having come up here, though without any immense deal of edification. I long, however, to return to my old haunts and our own fireside, and my own best friends, and now intend to indulge in these luxuries without longer delay. It is our purpose to leave to-morrow evening, and we expect to be in Edinburgh on Monday afternoon. Till then, adieu.

"With kindest regards to Mrs. Craig.—Ever yours affectionately,

"Tho. Thomson."

To Professor Pillans.

"*Shrubhill, June* 18, 1849.

"My dear Pillans,—I am quite envious of your powers of action and locomotion—such a mortifying contrast to my own dilatory laziness during my month's sojourn in London. Instead of seeing sights and making

calls, I generally sat all day over the fire reading the Times, or nothing at all, and came away at last nearly as wise as I went.

"I am sorry you have given up your journalizing habit, as I am in the dark as to your details; only as to your first day's exploits at Cheyne Walk and Greenwich, of which I have been minutely informed by Piazzi. You say nothing of your Pyrenean plans—do they still hold?

"Master Laurie brought me the book of inscriptions, some of which are happy enough. The author's critique on the Stewart inscription I entirely approve of. Indeed you know I am quite of the severe school; and the greater brevity of the inscription ('never to be inscribed,') would be a recommendation in some mechanical views, as the form of the tablet is not suited to more than three or four lines. . . . Playfair is returned from London much better than when he went, and cheered with the prospect of the Mound buildings going on under his auspices.

"Remember us to the Lauders.—Ever yours affectionately."

To the Same.

"54, *Welbeck Street, Cavendish Square, April* 9, 1851.

"My dear Pillans,—When one has got nothing to do, and relishes his employment, it is hardly possible to find a leisure moment for writing letters to one's friends. This I doubt not you will accept as a complete apology for my

silence since I left you. What a violent contrast my life in London to yours! Every moment, from dawn till bed-time, pre-occupied, and devoted to some weighty duty. Well, *chacun à son goût*—we did one thing cleverly—came here in twelve hours of one day, without fatigue, and are going on prospering and to prosper.

"We found the Lauders all well, Isabella particularly so. He is busy with his exhibition, which opens on Saturday next.

"No news going here. I sat with Macaulay yesterday for an hour. No politics, excepting a strong expression of regret, in full harmony with our opinions on the aggression.

"Mrs. T. sends her love.—Ever yours affectionately,

"T. T."

"He is much stronger and better, in every respect, than when he left Shrubhill.

"A. T."

To the Same.

"29, *Margaret Street, Cavendish Square, May* 1, [1851.]

"My dear Pillans,—I am here in a pitiable state of indolence and idleness. Sights enough there are to be seen, and some kind relations whom I delight to see; but the great charm of London, as London, and as the residence of many whom it was the pride of one's life to know,

and whose society it was a precious privilege to participate in, how is it gone for ever!—So much for the pleasures of longevity!

"Isabella and her nice children we see often. Tom's two eldest, and very pretty girls, have been in town, and have gained our affections."

To the Same.

"*May* 14, 1851.

"My dear Pillans,—This is, I think, my third attempt to write you, these five or six last days, and how to account for my disgraceful failures is more than I can discover, and must not stop to investigate, in case of another break down. It is in truth new to speak of anything but our return home; and on Monday 19th we intend to leave by the morning express, and to sleep at Shrubhill, where we may expect to arrive about ten o'clock, and where we have directed a bed to be prepared for us. This is running the thing rather close, but there is now no help for it; and my health and strength being at present decidedly better than when we came up, I feel quite sanguine of being equal to the journey. The Murrays leave to-morrow, and the Rutherfurds on Friday, and take two days, at least, but they are old bodies! We shall probably put your kind hospitalities under frequent contribution next week, for which I do now long earnestly. Never did any man spend so useless a life as I have done ever since I came here. I look back to it with shame and confusion of face. I lay

my account with your unmitigated contempt, and in that persuasion remain your truly humble servant,

"T. T."

Thomson had a severe attack of bronchitis in the beginning of 1852, which, coming in addition to some previous illness, and the increasing burden of years, unfitted him for his Court duty, and induced him, in the month of February, to resign the office of Clerk of Session, which he had held for twenty-four years.

MINUTE OF THE LORDS OF THE TREASURY.

"20*th February* 1852.

"My Lords have before them a letter from Secretary Sir George Grey, dated the 20th instant, enclosing the resignation of Thomas Thomson, Esq., of the office of Principal Clerk of the Court of Session in Scotland, which Her Majesty has been pleased to accept.

"Sir George Grey recommends that an annuity or yearly pension may be awarded to Mr. Thomson.

"The Chancellor of the Exchequer, with reference to this communication, brings under the notice of their Lordships, that retiring allowances calculated at two-thirds of the salary enjoyed, have been awarded to the four last of Mr. Thomson's predecessors, and adverting to Mr. Thomson's advanced age, viz., 83 years, to the very high character which he bears, to his valuable labours under the Record Commission, the results of which have been shewn by the

publication of the Acts of the Scottish Parliament, and numerous very important public Records, as well as to the great zeal and efficiency with which during the last 24 years he has performed the very responsible duties of his office, Sir Charles Wood submits that a pension of two-thirds of the salary of £1000 a-year should be granted to Mr. Thomson, to be provided for by a vote to be submitted to Parliament during the present session, and recommends that in communicating this decision to the Secretary of State, it should be accompanied by the expression of the sense entertained by my Lords of the manner in which he has executed the duties entrusted to him.

"My Lords concur, and desire that a letter may be written to Mr. Waddington for the information of the Secretary of State accordingly."

To Professor Pillans.

"*Tulse Hill, July* 15, [1852.]

"My dear Pillans,—The desire of writing you, aided by the hope of hearing from you, has been unabated for the last fortnight; but what can that avail with the thermometer up in the highest regions—between 80 and 90? The intense heat has not been favourable to the increase of human vigour and activity, and I cannot boast of much improvement since this infliction began, nor hope for much more till I get cool. If I had not been so lazy, I might have had all this time such nice accounts of the Edinburgh election. Excepting the result of the poll, I have

as yet heard nothing, and there must be much I should like to hear which the Scotsman will not tell me. We intend being at Leamington before long, unless some change in the weather should make our stay in these parts more tolerable. We came here on Monday, with no definite purpose as to our stay, and we shall make out the week. What next I don't know. I have not yet hunted out the Prices, but that shall be done; nor the Leonard Horners. M'Culloch called for me on Monday, and we must have an evening at the Stationery Office.

"Dear Pillans, it is poor occupation having nothing to do but the getting of a little more strength, and that coming slowly. I shall soon get tired of the pursuit, if it does not get on more merrily than at present."

He returned to Edinburgh, apparently somewhat recruited. But symptoms of infirmity recurred in September, and after being confined to his room for only a few days, he expired, while sitting in his chair, in the evening of Saturday, the 2d of October 1852.

LORD COCKBURN TO MR. JAMES GIBSON CRAIG.

"*Bonaly, 4th October* 1852.

"MY DEAR CRAIG,—I am glad that Thomson has passed so easily away. To die at eighty-four, when time had begun to do its worst, sitting at home beside a wife in an evening, and the dying consisting in merely ceasing to live, is an enviable demission.

"He was, in many respects, an admirable man. His great misfortune was, that throughout life he never realized what he ought to have been and to have done, and this owing solely to a few weak habits. He should, and might very easily, have been a great legal adviser and a great judge, but was not; and even some valuable points of his peculiar field of the Records were left, not uncultivated, but unreaped.

"But how bright and how joyous used our many social nights in his harbour of refuge to be! How many good and eminent friends we met there! How amiable were his and our profligacies! And how, over all these scenes, did the genius of Thomas predominate! All gone! under the great destiny, at which it is absurd either to wonder or to repine. The duty, or at least the pleasure, of increased amity among the survivors, is one of the true morals to be extracted from these events.

"Stewart's monument must now bear his name.

"And I trust that you and a few others who manage the affairs of the Bannatyne, will find a third good president. I have heard some profane hints about giving it up. Nonsense! It should be perpetuated, though with but ten members, at present doing nothing, and paying only five shillings a-year. Never say die! But a good president, a diminution of the annual tax, some activity, and avoiding horrid French publications, will sustain it easily.

"Love to Mrs. Craig.—Ever,

"H. Cockburn."

THE SAME TO THE SAME.

"*Bonaly, 6th October* 1852.

"MY DEAR CRAIG,—I have sent no answer to the invitation to Thomson's funeral, because this is the usual acceptance, and I mean to go if I can. But I have been colded for some days; and if this shall continue, I do not think it would be right to do so. If I should not appear, you will do me a kindness if you will explain the reason of my absence to his nephew. Poor Mrs. Thomson may naturally be sensitive about the absence of any of her husband's old friends, and therefore I shall certainly be there if I can.

"I am glad to see the notice in the Scotsman to-day. If the funeral had been two days later, it would have been on the very day fifty years ago, that the first number of the Review appeared. I dined at Arniston in that month, and remember, as well as if it was yesterday, hearing Professor Finlayson—indirectly the leader of the Church—demonstrate, to the entire satisfaction of a large party of blazing Tories, that so Jacobinical and scurrilous a work could not possibly reach a third number.—Ever,

"H. COCKBURN."

In the case of most literary men, their merit and usefulness are to be estimated solely by their works; and, if Thomson had bestowed on any popular branch of literature or art, the talents and varied accomplishments he devoted to labours which, however useful, are, from their nature, unknown to the world at large, his name would have been preserved in his works, and the present Memoir might have been superfluous. That the memory of the foremost of Record scholars, the learned legal antiquary and constitutional lawyer, the reformer of the Conveyancing and of the Registers of Scotland, should not be confined to a few surviving friends, the witnesses of his efforts and his influence, it seemed necessary to trace the history of his uneventful life. If the Memoir has answered its purpose, it has shewn that no fair estimate can be formed of Thomson from his publications, important as they are for Scotch history and law. Far more important was the total change he introduced in the study and conduct of historical inquiries amongst us. Before his time all our writers in that department, even the most respectable, sought to support a party or maintain a preconceived doctrine, and the facts of history were to be read by a particular light. From Buchanan and Leslie down to Pinkerton and Chalmers, none can be named who wrote of Scotch affairs dispassionately and honestly, except Robertson and Lord Hailes. There was the Whig historian and the Tory—the Celtic antiquary and the Goth; and, not content with maintaining his own

dogma, each writer bestowed his chief earnestness in pulling his antagonist to pieces. All this was reformed by Thomson, with the same tact which had carried him safely through the difficulties of Record reforms. He was on friendly terms with Chalmers. He did not quarrel with Pinkerton. He came into collision with no one. No one could be offended with the great Charter scholar expressing the substance of Records distilled through his acute, clear, unprejudiced mind. His extreme temperance and his very silence were useful. That one so learned should hesitate to express an opinion confidently, was a valuable example, where it had become the fashion to assert everything very strongly, and to condemn difference of opinion as dishonest or absurd. He never turned aside to correct the bad reasoning of others, nor indulged in self-glorification at the expense of prior inquirers. He used what was true and sound in each. He willingly acknowledged his obligations to contemporaries, but he never stepped an inch to the right hand or to the left, because others had done so, or had failed before. It was of infinite importance to have a man of this character holding as it were the key of the National Records. The very defects I have noticed in him were in this view almost merits. His unwillingness to commit his thoughts to paper, his scrupulousness in putting forth his own speculations, saved him from controversy, and it is owing to this that we have a body of Records published, the foundations of history,

not only correct beyond all former example, but free from all imputation or suspicion of one-sidedness.

Of his great work, the Acts of the Parliaments of Scotland, it is not enough to say that no voice has been raised against the general consent with which it was received as the standard edition of the national Statutes at Large. That might be said of any correct reprint of Acts of Parliament, or of a faithful publication of an authentic body of record, existing and recognised as the authoritative record of Parliament. But it was in very different circumstances that Thomson had to lay before the world the legislation of five centuries. He has himself, to some extent, explained his views and his difficulties, but he was not the person to dilate upon the persevering industry of research, the careful examination and comparison of manuscripts, the weighing of authorities, the judicious selection of materials, their skilful and convenient arrangement, which became the editor of such a collection from such sources; and all this over and above the adjustment of the text, which is the common duty and sufficient labour of every editor. It is hardly enough known that the matter of this great collection is quite different from a mere collection of "Statutes at large." The early part comprehends those ancient codes of laws, which indicate rather the current of custom and customary law than any distinct legislation, and which, in all civilized countries, have obtained the special attention of the philosophic historian. The latter

portion gives, indeed, the statutes or laws enacted in successive Parliaments; but in addition to them it embraces everything which engaged the attention of statesmen, and forms, in truth, a record of the proceedings of the King's High Court; and, in times when all public business was concentrated there, it serves as a register of the public history of the country.

Out of that large mass of Parliamentary business there was set apart and printed separately, with excellent judgment, the judicial proceedings of the Parliament and of the King's Council, giving the collected law decisions of Scotland from 1466 to 1495, when the law courts were not yet separate from the legislative and administrative bodies of the nation. These volumes are known as the *Acta Auditorum*—the Acts of the Parliamentary Committee, styled the Lords Auditors of Causes and Complaints; and the *Acta Dominorum Concilii*—the Acts of the Lords of Council in Civil Causes.

The other Record works of Thomson are either correct prints of valuable Records, such as the Register of the Great Seal and the Chamberlain Rolls, or judicious abridgments like the Abbreviate of Retours. Of such works, the highest praise that can be given is, that they were required by the historical student, the antiquary, and the man of business, and that they have answered their purpose—quite superseding reference to the original Records. The books he issued for private circulation, or for the Bannatyne Club, were entirely his-

torical, at least if we may include under that description Lady Murray's charming little memoir of her mother, Grissell Baillie. Of these numerous publications, whether given for the first time from original MSS., or re-printed from better sources than had been before used, there is not one which does not illustrate some obscure or interesting passage of Scotch history. The care and accuracy of the text are everywhere remarkable, and the judgment and good taste displayed in the occasional remarks of the Editor, only leave room to regret that these words of the master are so few.

The following list of Thomson's works is printed from a notice of the President of the Bannatyne Club, prepared by his much valued friend the Secretary.

I.—Works published under authority of the Commissioners on the Public Records of the Kingdom.

Inquisitionum ad Capellam Domini Regis Retornatarum, quæ in Publicis Archivis Scotiæ adhuc servantur, Abbreviatio. 1811, 1816. 3 vols. folio.

Registrum Magni Sigilli Regum Scotorum in Archivis Publicis asservatum. MCCCVI.—MCCCCXXIV. 1814, folio.

The Acts of the Parliaments of Scotland. 1814 to 1824, 11 vols. folio.

The Acts of the Lords Auditors of Causes and Complaints, MCCCCLXVI.—MCCCCXCIV. 1839, folio.

The Acts of the Lords of Council in Civil Causes. MCCCCLXXVIII.—MCCCCXCV. 1839, folio.

In addition to these works so generally known, it is also to be mentioned, that a limited number of copies of the abbreviates of various Registers, for the convenience of easier examination, and for securing greater accuracy, were printed exclusively for the use of the office, according to the plans digested by Mr. Thomson.

1. A Continuation of the Retours of Services to the Chancery Office, from the Union, A.D. 1707.

2. An Abbreviate or Digest of the Registers of Sasines, General and Particular, arranged in Counties, with relative Indexes, from the 1st of January 1781.

3. An Abbreviate of Adjudications, from the same period to 1830.

4. An Abbreviate of Inhibitions, General and Particular, arranged in Counties, from the same period to 1830.

The Annual Reports of the Deputy-Clerk Register of Scotland, 1807 to 1811, form one volume folio with a General title, and an Index of the Principal Contents. The Sixth to the Fourteenth Report, in 1822, (being the latest furnished by Mr. Thomson,) form a similar volume, but without Title or Index.

II.—Miscellaneous, Historical or Antiquarian Works, chiefly printed for Private Circulation.

A Compilation of the Forms of Process in the Court of Session during the earlier periods after its establishment, with the Variations which they have since undergone, &c. Edinburgh, 1809, 8vo.

A Collection of Inventories and other Records of the Royal Wardrobe and Jewelhouse; and of the Artillery and Munition in some of the Royal Castles, 1488-1606. Edinburgh, 1815, 4to.

Inventory of Worke done for the State, by [Evan Tyler] his Majesties Printer in Scotland, December 1642—October 1647. Edinburgh, 1815, 4to.

Ane Addicioun of Scottis Cornikles and Deidis,—A Short Chronicle of the Reign of James the Second King of Scots. (From Asloane's Manuscript in the Auchinleck Library.) [Edinburgh, 1819,] small 4to.

Memoirs of the Affairs of Scotland from the Restoration of King Charles II., A.D. 1660. By Sir George Mackenzie of Rosehaugh, Knight. Edinburgh, 1821, 4to.

Memoirs of the Lives and Characters of the Right Honourable George Baillie of Jerviswood, and of Lady Grissell, by their daughter Lady Murray. Edinburgh, 1822, 8vo. This interesting volume was republished for sale, in 1824, small 8vo.

Menu de la Maison de la Royne faict par Mons. de Pinguillon, M.D.LXII. [Edinburgh, 1824,] 4to.

III.—Historical and other Works edited for the Bannatyne Club.

Alex. Myln, Vitæ Dunkeldensis Ecclesiæ Episcoporum. 1823, 4to.

Discours particulier d'Escosse, escrit en 1559. 1824, 4to.

The Historie and Life of King James the Sext. 1825, 4to.

Memoirs of his own Life, by Sir James Melville of Halhill. 1827, 4to.

Memoirs of his own Life and Times, by Sir James Turner. 1829, 4to.

The History of Scotland, by John Lesley, Bishop of Ross. 1830, 4to.

Collection of Ancient Scottish Prophecies, in alliterative verse. 1833, 4to.

Diurnal of Remarkable Occurrents, from the Pollok MS. 1833, 4to.

The Ragman Rolls, 1291-1296. 1834, 4to.

The Booke of the Universall Kirk of Scotland, 1560-1618. 1839, 1840, 1845, 3 vols., 4to.

The Accounts of the Great Chamberlains of Scotland, &c., 1326-1406, 2 vols., printed in the year 1817, and circulated in 1841. Vol. 3d, 1406-1453. 1845, 4to.

A Diary of the Public Correspondence of Sir Thomas Hope of Craighall. 1843, 4to.

Munimenta Vetustiora Comitatus de Mortoun, and Original Letters and Papers in the Archives of the Earls of Morton. 1852, 4to.

EDINBURGH: T. CONSTABLE, PRINTER TO HER MAJESTY.