

The Scottish Historical Review

VOL. XIII., No. 49

OCTOBER 1915

The Visitation of St. Andrews University in 1690

IN 1690, after the Revolution, a Royal Commission was appointed to purify the Universities and see to it that education was conducted in accordance with the new settlement. Besides the academic bodies, all schoolmasters teaching Latin throughout Scotland came within the scope of the inquiry. The Commissioners met in July, and deputed four committees to take evidence at the Universities, each of which became the convenient centre of a provincial region where the country pedagogues were to be passed in review. The papers relating to the proceedings of these committees and subsequent acts of the Commission are preserved in the Register House. They contain much curious and lively information regarding the masters and students, their attitude towards the Revolution, and incidents of the time. The following narrative deals solely, though not exhaustively, with affairs at St. Andrews.

The directions framed by the Commission for its committees indicate pretty clearly the object to be attained and the manner of treatment which the senior members of the Universities might expect. First of all, there was to be exact inquiry if any of the masters were 'erionious in doctrine, and as to popish, Arminiane, and Sociniane principles.' Their 'dictates,' or lecture notes, were to be 'searched' for unsuitable tenets, and, failing manuscript evidence, recourse might be had to those who knew them or had heard their eloquence. In the next place, but less important than the propagation of official doctrine, came character and

conduct. Thirdly, there was diligence. It is clear that from almost the very foundation of our Universities the daily round of teaching and supervision was apt to weary the masters into negligence. Questions regarding the number of *conveniendums* or meetings, discipline, and so on, were no new feature; but, in addition, the visitors were to find out what pains they took to instruct their scholars in the principles of Christianity, what books they taught thereanent, what precautions were adopted to insure attendance at church and subsequent examination upon the discourse. Such investigations were closely connected with a consideration of the 'carriage' of the masters since the happy consummation of the Revolution, and their attitude towards 'the constitution of the King and Parliament.' It was of course necessary to see how far the foundations were honoured by observance, and to broach the delicate subject of financial administration. But these matters were after all secondary to theological and political doctrine, and the important question was to be whether the masters would subscribe the Confession of Faith, take the oath of allegiance to William and Mary, and declare their submission to church government as now established. It was not difficult to infer that alacrity in compliance might cover even a multitude of sins.

The St. Andrews committee of sixteen members, including the Earls of Craufurd, Morton, Cassillis, and Kintore, began sitting on August 20, on which day the University authorities had received due warning to present themselves for interrogation. The visitors—Craufurd in the chair—possibly expected a huddled and nervous entry, but they were startled when the door was flung open and the 'archbeddell' advanced bearing the mace, followed by the Rector and his colleagues in solemn order of precedence. During dinner the committee had time to recover and talk the matter over. When the afternoon sederunt opened with equal ceremony, Craufurd at once took objection to the pomp. It was not appropriate that persons on their trial, and very probably culprits—though he did not put it so broadly—should exalt the standard of independent authority in presence of a Royal Commission. The Rector, Dr. Alexander Skene, professed official ignorance as to the standing of the committee. Whereupon Lord Craufurd read their commission aloud to him, and, after removal of the mace, tactfully observed that this was, of course, no slight to the cherished dignity of the Rector, but a necessary precaution to safeguard the honour of the visitors. The Rector acquiesced, though he doubtless entertained suppressed thoughts of bitterness.

From the very foundation of the University there had been occasions of contention between the academic and the civic authority. In pre-Reformation days a rector, under the papal constitution of the place, could treat a provost with the high hand and citizens with a suitable degree of 'frightfulness.' Under Protestant Episcopacy the spiritual force was a feebler thing, yet there was something in having the support of the Archbishop-Chancellor, even if he was too evidently an emanation of the secular authority of the State. Now the hierarchy was as good as gone, and the president of an inquisitorial committee appointed by revolutionaries was the Earl of Craufurd, himself the very Provost of St. Andrews!

Dr. Skene professed not to be aware—officially—of the status of his visitors, but in his capacity as Provost of St. Salvator's he was fully cognisant of the situation, and, with some inconsistency, had prepared a speech on behalf of the senior members of the University, which he immediately delivered upon hearing the president's statement. If he was unsound politically, he was also a master of dignified English, and his speech deserves quotation:

'My very Noble Lord,

'As we have now heard your Lordshipes warrant for visiting this University, so we had formerly seen and considered the Act of Parliament for visitation of all the Universities of this Kingdom.

'As to the substance of what is now to be under your Lordshipes consideration, we find that in the present juncture no man can possesse or enjoy any station or profession in this University without taking those solemne ingadgements required and particullarly mentioned in the foresaid Act of Parliament; and though we are not ashamed nor weary of the honour we have had in serving God in these our stations, yet seeing we hope never to exchange the peace and integrity of our consciences (which every man must consult for himselfe and for his own actions) with any worldly enjoyments, we take this occasion to declare here, and are ready to doe to all the world, that as yet we are not in conscience cleare to take these ingagements.

'As all of us are conscious to our selves of a quiet and peaceable behaviour at all tymes; so for the event of what we have here declared, we trust to the good constructions of peaceable just and honest men and of Christian charity; but above all to the mercifull providence of Almighty God.

‘ This I speake for my selfe and in name of all the other Masters and Professors of the Universitie except Mr. John Monro.

‘ A. SKENE, Rector of the Universitie of St Andrews.’

Having cleared the ground, the ruthless Earl proceeded to business. Had the Rector prayed publicly and officially for William and Mary? It appeared that the head of the University, artfully abandoning that precision of statement which in Scotland frequently serves to combine advertisement with intercession, had prayed quite indefinitely for ‘ the King.’ When the visitors pointed out the sinister interpretation apt to be put upon omission of ‘ the Queen,’ Dr. Skene declined to enter with them upon a philosophical discussion. This was, he added, a ‘ subtile question’ —as indeed it is. But it soon became evident that he had been making the best of both worlds, and the worst of at least one, when it transpired that the latest degrees had been conferred under the authority of the Archbishop of St. Andrews. It was not difficult to infer which ‘ King ’ was intended.

And what oath had been administered to graduates? None since 1686. From the Reformation to that date men had sworn their allegiance to the Protestant Faith. At Edinburgh, under James II., the oath had been watered down into a thin profession of Christianity, a vague undertaking ill suited to the time; at St. Andrews during these last few years graduates had been turned loose upon the world uncommitted by oath either spiritually or politically. Clearly this was a state of matters which called for action.

Refreshed by a night’s rest, the Academic representatives came furnished with a new expedient of obstruction. They were asked to produce the evidents of the University. Dr. Skene said that most of them were in an old hand, and it was doubtful if the visitors could make much of them. This was probably true, especially if one considers some versions of University documents copied for the edification of subsequent commissions, and duly printed by them; but it was not the thing to say. When the committee promptly refused to be content with the humiliating offer of the more legible transcripts, Dr. Skene and his colleagues found that their consciences as members of the corporate body were too highly strung to permit compliance. Mr. James Fenton, however, Professor of Mathematics and Dean of the Faculty of Arts, was persuaded to deliver up the account-book of the Faculty, and the *Liber Conclusionum* or Act-book, that valuable record which the University has never seen fit as yet to put in print.

The results of refusal to produce the evidents were humiliating for the masters. It was the Earl of Craufurd who enjoyed himself. The magistrates of the city, actually, were ordered at the sight of Mr. James Melvill of Halhill and the Laird of Naughton, two members of the committee, to seize the papers and parchments. Dr. Skene so far unbent as to receive the marauders at St. Salvator's—he was acting as Provost of the College, not as Rector of the University—and open the press. The 'archbeddell' bundled the writs into a trunk, and Skene consented to close the receptacle with his official seal. St. Leonard's was then visited, where Dr. James Wemyss applied his seal as Principal. Dr. James Lorimer, the Principal of St. Mary's, was seriously ill, and refused to be disturbed. His private room had to be broken open; and Mr. Patrick Gordon, third master in the College, attested the closing of the box into which the documents were thrust.

The visitors were not quite certain that they had laid their hands on all the evidents. Some suspicious person thought that certain papers had been abstracted by anticipation; but the Rector was apparently not deeply hurt by the imputation. He admitted that papers from time to time got into the hands of lawyers and were not promptly returned. As to accounts—a matter in which the University authorities did not always long for publicity—the business man of his own College of St. Salvator had departed this life, and, as intricate negotiations were still on foot with the sorrowing widow, the state of affairs could not be shown. Dr. Wemyss, of St. Leonard's, was equally uncertain regarding the completeness of his collection. When asked to swear to it, he found himself 'tender of oaths.' The committee was chiefly concerned, however, to investigate the views held regarding church and state. Little more was said about financial administration. The evidents were left in the hands of the St. Andrews magistrates, to be produced if required by the general body of commissioners sitting in Edinburgh.

Several of the regents, if they joined the procession to the committee-room when the inquiry opened, did not remain to support their seniors. Mr. James Gregory wrote a letter of excuse to the Rector, which the visitors described simply as 'irrelevant.' Mr. John Monro re-appeared; but he was proposing to recognise the Revolution. When, at the sederunt of August 22, the Confession of Faith, the oath of allegiance, and the assurance were set before the masters for their acceptance, it was found,

according to the Rector, that many regents were 'out of town' and could not be reached. After waiting for a few days, the committee announced that these gentlemen would be reported as contumacious. The representatives of the University were a diminished company. Dr. Skene, Dr. Wemyss, Mr. Gordon, Mr. Fenton appeared regularly, and were firm from day to day in their refusal to take the required tests. Mr. Monro had avowed himself a traitor. Mr. Alexander Fairweather, the librarian, and Mr. John Muige, the 'archbedellus,' were not heroically disposed. A deputation of three from the committee attended Dr. Lorimer on his death-bed. They found that he had still sufficient hold upon life to decline the Confession of Faith absolutely, and that he was not 'clear' to take the other engagements.

These repeated refusals made it superfluous for the visitors to deal very closely with matters of subsidiary moment. In their report they went on to say : 'The committie persuaunte of their instructiones interrogat doctor Skeen, rector and provest of the old colledge, and doctor Weems, principall of St. Leonards colledge, how many conveniendums the regents under their charge keep in a day : ansuered, the ordinar dyets ; and being further interrogat if they tooke caire that the regents instructed their students in the principles of Christianitie, ansuered, they did, and censured them if they did it not. And being lykewayes interrogate what caire they wer at in ordering the students to keep the church, ansuered, they were cairefull to sie them keep the church in the tyme that the Episcopall ministers continoued in them, but thought themselves under noe obligatione to enjoyne them to keep the churches when the ministers of the Episcopall persuasione was not ther, but declaired they never dissuaded the students from keeping the same. And being further interrogate if they themselves teatched any sacred lessons to the students in the common schools of the severall colledges, ansuered by doctor Skeen that it was out of custome in the tyme of his tuo last predicessors and therefor had not practised it, he acknowledging the same to be a fault : doctor Weems ansuered he was admitted preacher befor he was principall and did preach tuyse in the week and soe had noe tyme for sacred lessones. Then Mr. Patrick Gordoun, being interrogate for doctor Lorimer, what dictates he had to the students of divinitie in the new colledge, ansuered that doctor Lorimer had noe dictats, but explained unto his theologs the system of divinitie of Maresius ; and being inter-

rogate for himself what he dictat in the said new colledge, he answered that as third Maister of the new colledge he was onlie professor of Hebrew and soe not bound to have any lessons in divinitie : only upon doctor Lorimers absence or sicknes he did explain the former system of Maresius. After which Mr. John Monroe was called to compear befor the committie, who conform to the committies order gave in his dictats to be considered by them ; wherein nothing was found contrarie to the trew protestant religione or sound moralitie nor concerneing the originall of government or arbitrary pouer nor confirmeing the principles contained in the address made to the laite King James by most of the maisters of the Universitie of St. Andrews. Anent which address doctor Skeen being interrogate if it was recorded in the records of the universitie, he answered that befor that questione could be moved it should be proven that ther was such ane address made, and the president sheuing him his hand att the printed coppie therof he told that his hand printed none. In the mean tyme doctor Weems, not being interrogate, frielie said 'I wish to God that that blott wer wrypt of Alma Mater'; and Mr. Monro being called in befor the committie, he declaired his sorrow and regrait for signeing the said address and that he had airlie evidenced his disslyke therof, which was knowen to many in that place and particularly to one of the members of the committie ; and he declaired that doctor Alexander Skeen, doctor James Lorimer, Mr. John Menzies, Mr. Andrew Skeen, Mr. David M'Gill, Mr. William Comrie, and Mr. Alexander Ross had signed the same.'

It had become known that the committee was prepared to receive accusations on matters of character and conduct. At Edinburgh the response was most hearty, though the witnesses afterwards proved somewhat deficient in courage and precision.¹ At St. Andrews the result was different. Individual charges were merged in one general indictment by the civic community, which it fell to the lot of James Smith, as senior bailie, to hand in to the Earl of Craufurd. The situation was a grave one for the University ; and the Rector protested that Craufurd had no business to judge between town and gown, since he was Provost of the city. His sentiments as chairman of the visitors were not likely to be impartial, and, when reinforced by his official proclivities as chief magistrate, might be too readily swayed by the melting tale which Bailie Smith had committed to

¹ *Old Edinburgh Club*, vol. viii.

paper. The University people therefore returned to the charge on the question of the Earl's competence to sit. It was replied that he did not act in his capacity as Provost, which would be admittedly a contravention of the University constitution, but as member of a body with royal authority. The question was not one of civil rights as between town and gown, but of internal administration of the University in the eye of the State.

Bailie Smith said that on January 9, 1689, 'his present Majesties declaratione for Scotland' was to be read at the market cross. The students of St. Salvator's College proposed to break up the assembly, and were on the spot with 'swords and battons' under their gowns. John Lundie, who, though heavily armed, was the sole exponent of military force, was outnumbered, and was even in hazard of his life, while his weapons remained as trophies in the hands of the undergraduates. The masters of the college would do nothing to restore them or punish the offenders; its members took further steps to signify their dislike of the ceremony; citizens were subjected to gross indignities, and country gentlemen who appeared to lend their countenance to the declaration became the mark for snow-balls, a scene upon which the masters smiled approval.

William and Mary were proclaimed upon a day in April. The students concentrated their efforts upon extinguishing the bonfires which good citizens had lighted 'in testimonie of their joy.' One man, who ventured to defend his own contribution to the general illumination, was beaten, wounded, and disarmed. Not only did regents assist in these riotous proceedings, but the colleges, usually demonstrative on occasions of joyous celebration, were themselves wrapped in gloom. They neglected the thanksgiving appointed by the Estates 'for our delyverance from popry and arbitrary power,' but 'forgott not with more than ordinar solemnities to observe the 29th of May, and continoued to pray for the laite King as formerlie.' On that day—the anniversary of the Restoration—there was an unseemly incident. A party of students entered the shop of a bailie, 'useing opprobrious words (not worthie to be mentioned amonge Christians) towards his wyfe, putting violent hands on her by throuing about her armes, threatening her to sell them powder, which she could not doe, haveing non of the shope.' The Rector was quite unmoved by the recital of this wrong, and no satisfaction was given to the indignant bailie and his spouse. The attitude of the head of the University was still further illustrated by the fact that a contribu-

tion appointed to be made for the distressed French and Irish Protestants was not intimated in the College Kirk.

The personal interest of the senior bailie in prosecuting the charges against members of the University came out in the third article. One night several scholars broke one of his glass windows—and the Sabbath as well. Still the Rector was unmoved; nay, masters and students set themselves to devise indignities for all who supported the present Government. It was the playful habit of undergraduates, meeting townsmen or country people in the fields, to make them go down on their knees and pray for the late King and the Bishop.

When the order came to elect a Commissioner to the meeting of Estates, masters and students went round the burgesses and tradesmen 'dissuading them to choyse men who wold be for the interest of their present Majesties,' in the case of tradesmen threatening withdrawal of patronage or refusal to pay for work done. Since the election these threats had been carried out and artisans had actually been imported from other places, to the great hurt of the inhabitants. Robert Watsone, a smith, who already had an outstanding account with the college, was further employed to 'dress' the clock of St. Salvator's. He brought away 'nutts' which required oiling and adjustment, 'and becaus he did not returne with the saidis tuo nutts soe soon as they expected, ther came to the said Robert Watsone one George Tarvett, a servant of the proviest of the old Colledge, who in a verie ruide and inhumaine mainer did beatt and strick the said Robert Watsone in his own chope, and did threw his tools and other work among his hands about the house. Therafter most of the students of both Colledges came to the said Robert Watsone his chope with weapons under their gounes, and did most barbarouslie use the said Robert, and carried him by leggs and armes prisoner to the said college. In the mean tyme the Magistrats who wer on the place going to the Rector to get redress of the forsaid injurie, he ansuered that they might kill a theiffe when or wher soeever he could be apprehended. They replied that he should have compleaned to them and they wold have redressed him of any wronge he had sustained. He ansuered againe by questioneing their authority, contemptibly sayeing baillies as they wer, or if he might call them soe, commanding one of the baillies to goe doune his staires.'

The King and the Estates had by proclamation forbidden any molestation to the exercise of religion either in church or in

meeting-houses. Yet the students, with the connivance of their masters, 'did frequentlie molest and disturbe those of the presbyterian perswasione (the only persones in the place ouning their Majesties authoritie) dureing the tyme of the publict worships on the Lords day,' behaving in most unseemly fashion towards the women, distracting both ministers and congregation. The masters could easily have stopped this conduct if they had chosen. At the time when the students intended to manifest their hatred of popery by burning an effigy of the pontiff, they effectually restrained them, and 'moreover these few Sabbaths past the Maisters have kept back their schollars from comeing to the Toune Church, becaus ministers of the presbyterian perswasione are preachers ther, the said Toune Kirk being declaired vaccant by ane act of the Estaits; and the saidis Maisters exacts a fyne from their schoalars if they come to the Toune Church.'

The magistrates of St. Andrews were by the old feu-charter overseers of the Prior Acres, 'and the heretors of the said prior acres being appoynted to be leader of one of the 44 horse ordained by the meeting of Estaits to be leavied in Fyffe, the said Magistrates, as use is, called a meeting of the saidis heretors to choose one of their number to be factor for them to that effect; which was done.' When the collector thus appointed desired payment from the Rector and Masters for their proportional part of the horse, they altogether refused—which they had never done when James II. ruled; refused also to pay the cess of the Prior Acres belonging to them, disowning the said collector, and calling him and the magistrates 'a pack of knaves.'

One or two miscellaneous outrages Bailie Smith had to report. After the battle of the Boyne a day of thanksgiving was appointed, and a congregation was devoutly assembled in the Town Church. Prayers were rudely interrupted by two pistol shots discharged by students in the church-yard with design to alarm. 'All this and the last year they have made it their constant custome and practise to break glass windowes and to cutt and destroy bee scapes in the night tyme.' The Masters would make no redress, or so much as keep the scholars within college bounds, which would have prevented such incidents. Again, when the messengers arrived and posted up intimation of the present visitation, Mr. Gordon, one of the masters, tore off the summons from the gate of the New College within less than half an hour. Finally, regents had been observed in the streets and in the houses of the town undeniably drunk.

Of these incidents, all too summarily recorded by Bailie Smith, we learn additional details from the depositions of witnesses.

Alexander Hamilton of Kinkell, who was charged with the publication of the King's declaration on January 9, 1689, met Strowan Robertson and many other students, including Edzell's son, who inquired by what authority he acted, and of whom he in turn desired to know what business they had to forbid him. It was then that they fell upon John Lundie, who was following Hamilton, 'with a sword by his syde and a gune in his hand,' pulled out his blade and cut him with it, while others battered him so severely that if he had not been rescued 'he had undoubtedly dyed in ther hands.' Mr. James Martine and Mr. David M'Gill, two regents of St. Salvator's, were present; Mr. Martine doing nothing, Mr. M'Gill 'labouring to take off the schoalers but was not able to doe it, as he declared afterwards to the deponent.' Mr. Hamilton had also to say that his windows were broken one Sabbath night by students. Frequently, too, when he was hearing sermon in the meeting-house, students made great disorder 'by affronting the worship of God.' Upon which Mr. Alexander Orrock accompanied him to Dr. Skene, the Rector, on an ineffectual deputation of protest.

Andrew Clerk, Dean of Guild, bore witness to the strenuous efforts of Mr. M'Gill in the *mêlée* round John Lundie, from which he succeeded in extracting two undergraduates. He regretted to add, however, that several regents were in Bailie Moncreiffe's tavern, within sight of the cross, and did not hasten to the rescue. He saw the Laird of Unthank, a student of St. Leonard's, threatening Bailie Ferrier's wife to make her sell him powder, and carrying off a musket to which he had helped himself in the shop. As regarded the militia horse, Clerk, who was factor to the University, was forbidden by the Rector and principal Masters to pay the proportion 'till it came to the hazard of quartering'; 'and as to the cess the deponent received the same orders which came the lenth of quartering.' No such orders had ever been given in the time of James II. The two explosions during the time of divine service he had heard, but could not 'condescend on the persones who shott these pistolls.'

George Rymer, bailie, was going down the street and met John Lundie 'comeing to the deponent's house with blood runeing over his head.' The students were in pursuit; and when Lundie was safely indoors these youths beset the entry, hurling snowballs at any who went out or in. The deponent

'was necessitat to sett sentries to his door, and notwithstanding of that the students threatned to beatt the sentinalls.' Bailie Rymer was one of those unfortunates whose illuminations were quenched. There was, indeed, some fighting on the part of his servants; but they were forced to retire, and the bonfire was scattered. His glass, too, suffered on one unhallowed Sabbath night at nine of the clock: 'for which he was obleidged to cover his wyndows with deall boards which stands to this day.' He had received no compensation, and apparently did not propose for the present to speculate in glass. There had been renewed attacks—possibly because the bailie had named an individual culprit to the Rector, an indelicacy which student opinion in St. Andrews has always deeply resented. With regard to college discipline, Rymer said he had heard the gates of St. Mary's opened for undergraduates at eleven or twelve in the night. On one occasion he was convoying Mr. John Oliphant down the Butt Wynde to his horse, and on his return became the mark for a youth named Cheyne, who was standing at the college gate and flung a stone at him. We may infer that the aim was defective, or the bailie would have made more of the affair.

Unfortunately, Bailie Alexander Ferrier, out of whose shop the students sought to procure gunpowder, was not present on that occasion. A prudent man, he declined to give any evidence. Mrs. Ferrier may have been put to a little temporary inconvenience; but that was past—and there was the future.

John Mories, Deacon Convener, had an admirable view of the attack on Lundie. He 'was standing at the trone the tyme that Kinkell came by with John Lundie att his back': 'he saw Strowan Robertstone and Edzell's sone come up to the said John Lundie and took first his staffe from him; he offering to defend himself, they struck him to the ground with his owen staffe and after that they had taken the staffe from him they took his gune and suird which he had alonge with him.'

William Moncreiffe, late Dean of Guild, from whose windows regents were said to have surveyed unmoved the sufferings of Lundie, said that to the best of his knowledge no regent was in his house except Mr. John Menzies, and the object of his presence was to partake of dinner. Moncreiffe was interrogated upon his experience of prayers offered in public by dignitaries of the University. While he had never heard intercessions for William and Mary, he had also not heard any regretful allusions

made to the late King 'in express termes' during academic approaches to the Almighty. At the same time, since the abolition of prelacy there had been prayers for the Bishops. Moncreiffe could not remember having noticed that any of the University people observed the thanksgivings or fasts which had been proclaimed. It was true that regents had been in his house after 10 o'clock; but he 'does not mynd that he hes seen any of them in drinck.' William Watson, late Treasurer, deponed to the same effect.

Andrew Phenieson, Town Clerk, stated that when John Lundie was in the hands of the foe he saw two regents in their black gowns surveying the encounter from Bailie Moncreiffe's glass windows, and that these gentlemen did not accede to urgent invitations 'to come doune and rescue the poor man's lyfe.' On occasions he had seen the students 'shoulder' the present magistrates and 'mock them in their toun guairds,' 'and particullarly Mr. George Wisheart, now theologe, drew ane pistoll and snapped the same att the toun guaird.' The witness was appointed collector by the magistrates as 'leader of a troupe of horse.' When he came to Andrew Clerk, factor, the latter declared he was forbidden by the Rector to pay; but the two visited the Rector and informed him 'ther was a partie commanded to quarter upon the defficients and thirfor demanded payment.' It was when he heard that Phenieson was appointed factor by the magistrates that the head of the University characterised them as 'a pack of knaves, lyke the deponent.'

As to discipline, Phenieson had seen students emerging from taverns about eleven o'clock at night, and the college gates 'wer not close.' The gates of St. Salvator's had actually been open at one in the morning, and several scholars had been taken 'by the guaird goeing the round.'

When the musket was abstracted from Bailie Ferrier's shop and was being carried by Mr. George Wood's son to the precincts of St. Leonard's College, Robert Martine, resider in St. Andrews, heroically asked the bailie's permission to pursue, but was refused. This witness was able to contribute some information on the conduct of regents. On the evening of the day on which the 'Semies' were examined a number of the regents, including Mr. David M'Gill, 'whose tongue he knew,' were in Moncreiffe's house after midnight—and the house was a tavern.

Thomas Ferrier, merchant, was able to give some details of the

fighting round the bonfires. He saw several students beat Robert Stevinsone, whose fire they had put out, and he himself, 'being putt into passion,' procured his sword for his own defence. Of this weapon he was forcibly deprived, and it was last seen on the way to St. Leonard's College. Mr. Alexander Ross, one of the regents, far from restraining his scholars, plucked a stave from a bystander and threatened to join in the castigation of the unfortunate Stevinsone, who, according to another witness, suffered 'many sore strokes.'

A brewer named John Durie had seen Mr. Andrew Skene, Mr. David M'Gill, and Mr. John Menzies issuing from taverns after eleven of the clock at night, and was the spectator of one peculiarly painful incident. About five o'clock one morning Mr. Skene was making his way towards St. Salvator's College: he was without his hat, which someone had rescued and was bringing up from the rear. Mr. Skene either mistook a friend for an enemy or desired to have whereon to lean: at all events there was some kind of encounter when they met. Mr. Skene required the full breadth of the street. David Veatch, messenger, described the regent's condition as 'very drousie.' Some women, indeed, who had been spectators, did not hesitate to suggest that he was drunk.

The 'Archbeddell,' John Muige, was interrogated, as a man of rich experience, about the prayers he had heard. William and Mary had been ignored: the late King was never mentioned 'in express termes': bishops had undoubtedly been the subject of intercession since Christmas last. But when it came to mentioning names Mr. Muige's memory at once failed him. William Adamesone, however, porter at St. Mary's College, was a man of sterner stuff. Dr. Lorimer and Mr. Patrick Gordon, he said, 'ordinarlie in giveing thanks after meatt prayed for the laite King James in express termes and continoued soe to doe till the ryseing of the colledge'; and the students did so too 'when they had their homolies and in their publict prayers morneing and evening.'

What exactly Robert Watson had done to incur the enmity of St. Salvator's when he 'dressed' the clock does not appear; but it may be inferred from the Rector's words, when he was interviewed on the subject, that he was regarded as having feloniously detained the 'nutts.' One witness of the attack upon the smith saw the unfortunate man dragged along by the undergraduates. It seemed as if 'they would rive him all in bitts.' They beat

him continually, and at last he disappeared, struggling, through the college gate. As he passed along another heard, but could not answer, the piteous appeal, 'Oh dear, James Pryd, help me!' The only students Pryd could identify were Blebo, junior, and Mitchell Balfour.

After hearing depositions the committee were of opinion 'that the Rector, principalls and regents of the universitie have been negligent in keeping good order in the said universitie and that some of them are guiltie of gross immoralities as appears by the depositiones of witnesses heirwith produced'; also 'that the Rector, principals, professor of Hebrew, and all the regents (except the said Mr. John Monroe) are guiltie of contempt of the authoritie of this meiting, dissaffectione to the government of church and staite now established by law, as lykewayes the said Rector, principalls, the professor of Hebrew, the professor of Mathematticks, who is alsoe dean of facultie of Airts, haveing refused to signe the confessione of faith ratified in the second sessione of this current parliament, to suear and signe the oath of alleadgeance, signe the bond of assurance and to submitt to the church government now established by law, have rendered themselves incapable to officiat in the said universitie.'

In Edinburgh, on September 24, the Commission proceeded to deprivation. A printed notice in Latin was circulated, stating that nine *professiones* were vacant in the University, seven of 'ordinary philosophy' and two of *literae humaniores*. All who aspired to occupy these posts were invited to appear in the public hall of St. Mary's College on October 29 at 10 a.m. before his Majesty's delegates to give in their names, learn what themes were to be prescribed and at what time, in presence of suitable judges, they were to put their doctrines to the hazard: *ut tandem ii qui pietate, prudentia, aliisque bonae indolis signis et proborum testimonio se potiores ostenderint, et specimine dato suam eruditionem iudicibus maxime approbaverint, in vacantes supradictas respective professiones sufficiantur.*

R. K. HANNAY.

The Theory of the Scottish Burgh

TO us Englishmen, the Scot appears to be the creature of logic: we expect him, when once he has accepted a principle, to carry it out to its logical conclusion. That being so, we are not surprised to find that a certain principle appears to have been accepted by the Scots lawyers of the twelfth century as the foundation for their municipal theory, and to have been logically and consistently followed by their successors for four centuries. But the acceptance of this principle seems to have been unconscious rather than conscious, for, as far as I can ascertain, it was not formulated by Scots law until the beginning of the sixteenth century.

English municipal law practically begins with the law of Edward the Elder forbidding extra-urban trading—‘let no man bargain out of port’¹—and these seven words formulate the principle which can be shown to be the foundation of all Scottish municipal theory.

The commercial intention of the early municipal charters of Scotland is unmistakable: the custumal known as the *Leges Quattuor Burgorum* provided a code of law dealing with the tenure of property within burghs and with the jurisdiction and procedure of the burghal courts, and accordingly the charters dealt mainly with the commercial privileges of the burgesses. Of the sixty clauses in the fifteen Scottish charters analysed in my *British Borough Charters*, no less than thirty-three relate to the mercantile privileges of the burgesses, and of the remainder twelve are concerned with the formation of the burgh. William the Lion granted the monopoly of trading within the sheriffdoms of Perth and Inverness to the burgesses of Perth and Inverness respectively, and like monopolies were granted by his successors to the burgesses of Aberdeen (1214), Stirling (1227), and Lanark (1285). At the end of the sixteenth century the burgesses of Nairn claimed that their predecessors had been accustomed to

¹Liebermann, *Gesetze*, 139.

prevent unfree men from exercising the rights of burgesses within the sheriffdom of Nairn, and thus apparently claimed the monopoly of trade within the sheriffdom ; but when the King granted them a new charter, he confined himself to a general confirmation of their ancient rights without defining any of them.¹ As late as 1621 the monopoly of trading within the sheriffdom of Peebles was confirmed to the burgesses of Peebles.²

Other burghs had smaller districts. The burgesses of Dunbar had the monopoly of trade within the earldom of March,³ and those of Renfrew within the barony of Renfrew ;⁴ the limits of the monopoly of Irvine were defined to be the baronies of Cunningham and Largs.⁵ In the last year of the seventeenth century the burgh of Campbeltown was created with the right of holding markets and fairs, 'and also of restraining and preventing all unfree persons from exercising any commerce within the bounds of Kintyre and the adjacent isles between the water of Barderaum and the Mull of Kintyre'; and the King further granted that no other burgh royal or burgh of barony should thereafter be created within the said bounds to the prejudice and detriment of the said burgh ; nor should any market or fair be held within any part of the said territory, but only in the burgh of Campbeltown.⁶ It would not be difficult to draw a map of Scotland showing that the country was divided into a number of districts within each of which some specified royal burgh had the monopoly of trade.

But this monopoly was sometimes modified. By the charter of creation of Dunbar, its burgesses were granted the privilege of trade within the constabulary of Haddington—the district in which the burgesses of Haddington had the monopoly—and similarly the burgesses of Haddington were granted the privilege of trading within the earldom of March.⁷ And it was possible for the authorities of two towns to grant trading facilities to each other ; thus, in 1372, the merchant gild of Montrose entered into an agreement with the gild of Dundee granting the burgesses of each burgh reciprocal trading rights within the district of the other.⁸ Again, the monopoly might be modified by the grant of market rights to the lord of some place within the district of a

¹ *Reg. Mag. Sig.* v. 583.

² *Records of Peebles*, 85, 86.

³ 1369, *R.M.S.* i. 119.

⁵ 1397, *R.M.S.* iii. 626.

⁴ 1372, *R.M.S.* i. 140.

⁶ *A.P.S.* x. 205.

⁷ *R.M.S.* i. 119.

⁸ *Hist. MSS. Comm.* ii. 206.

royal burgh; thus, William the Lion confirmed to the bishops and Culdees of the Church of Brechin the grant of a market which had been given to them by his father David.¹ But he did not raise Brechin to the rank of a burgh, nor were the inhabitants of Brechin styled burgesses or citizens till the charter of James III. in 1451;² in fact, there is a charter of 1370 which speaks of the 'merchants' dwelling within the vill of Brechin and denying to them the style of citizens or burgesses. Brechin is the only example that I can find of the establishment of a non-burghal market before the latter part of the sixteenth century.³

A third way in which the monopoly could be modified was that adopted at Kelso, where, before 1174, William the Lion granted to the church and monks of Kelso that their men who dwelt in Kelso might sell fuel, timber, corn, flesh, bread, and beer from their windows in Kelso on every day of the week except the day of the appointed market at Roxburgh.⁴ Evidently Kelso was within the district over which Roxburgh had the monopoly of trade, and at common law the monopolists could forbid the existence of a village shop; but the King prevented the exercise of the monopolistic power in this case, although he did not establish a market at Kelso, nor authorise the monks to establish a burgh there; however, there are documents of the fourteenth century showing that in some way or another the monks had succeeded in establishing a burgh at Wester Kelso, although it was not definitely erected to the rank of burgh of barony till 1607. It would be very difficult to find another example of a burgh estab-

¹ *Reg. Brechin*, 1.

² *Ib.* 169.

³ The reasons for this sweeping statement must be given. In 1889 Sir James Marwick prepared for the Royal Commission on Markets and Tolls a list of the markets and fairs throughout Scotland, and included therein the dates of their foundation and the references to the charters of their foundation, and that list has been invaluable in the preparation of this paper. But in that list he does not mention any non-burghal market, except Brechin, as being in existence before 1571. Nor have I found any mention of any other non-burghal market in the chartularies of the Bishopric of Aberdeen, St. Andrews, Aberbrothoc, Brechin, Dryburgh, Dunfermline, Glasgow, Holyrood, Kelso, Melrose, Newbattle, North Berwick, Paisley, Scone and Lennox. Nor is there any mention of a non-burghal market in Sir Archibald Lawrie's *Early Scottish Charters Prior to 1153*, although on p. 450 is printed a charter creating a market at Newbigging, in Northumberland. And it may be noticed that only eight burghs are mentioned in these early charters—Berwick, Dunfermline, Edinburgh, Haddington, Roxburgh, Stirling, Perth and St. Andrews: Linlithgow was not yet styled a burgh. None of these are mentioned in any charter prior to the accession of David in 1124.

⁴ *Kelso Chartulary*, 14.

lished in Scotland by a mesne lord without the definite license of the King.

Closely connected with this monopoly of trading was the right of the burgesses to levy tolls in the subject district: when William the Lion confirmed to the burgesses of Inverkeithing the right of taking tolls between the Leven and the Devon he also ordered that no person should carry on trade within these limits except in the burgh.¹ Consequently, it was sometimes necessary when a new burgh was established within the district of an older to restrain the older from taking toll within the new burgh. About 1175, William the Lion granted to the Bishop of Glasgow that he might have a burgh and a market at Glasgow.² In 1226 the King had to forbid the men of Rutherglen from taking toll within the vill of Glasgow,³ and in 1449 this prohibition was extended to the barony of Glasgow and all the land pertaining to the liberty of St. Mungo.⁴ The analogy of Inverkeithing would suggest that the establishment of a burgh at Glasgow gave the citizens the monopoly of trade within the burgh.

Thus far we have been dealing only with documents relating to individual monopolies, but there are other documents which show that the system was regarded as universal, and that each royal burgh was the head of a district in which it had a monopoly of trade. In 1364 a charter of David II. granted 'to our beloved burgesses of Scotland the right of buying and selling everywhere within the limits of their own burghs, so that none of them shall trade within the limits of another burgh unless licensed.' He further ordered all persons, clerics and lay, to buy from and sell to none others but the merchants of the burgh within whose district they resided;⁵ and in 1503 Parliament passed an Act 'that na person duelland utouth the burrowis use any merchandice . . . and that no man pak nor peill in Leith nor uther places utouth the Kings burrowis.'⁶ This Act of Parliament is, I think, the first formulation of what is here contended to be the theory of the Scots burgh.

It is necessary to distinguish this monopoly of inland trade within certain districts from the monopoly of foreign trade which was secured to the burgesses of the royal burghs by the before-mentioned charter of 1364; but Miss Theodora Keith has dealt

¹ *Mun. Corp. Report*, App. 8.

² *Brit. Bor. Ch.* 1.

³ *Reg. Glasgow*, i. 114.

⁴ *Id.* ii. 369.

⁵ *Comm. on Mun. Corp.* i. 15.

⁶ *Acts Parl. Scot.* 1503, c. 27.

so fully with this latter monopoly in the *English Historical Review* (1913, pp. 454, 678) that it is impossible to add anything.

If, then, we take a survey of Scotland in the middle of the fifteenth century, we find that the country was divided into a number of districts, in each of which the burgesses of some royal burgh had the monopoly of trading, and could prevent the opening of a village shop. But as wealth grew and civilisation and trade increased these monopolies were found increasingly vexatious. The villagers complained that they had to go twenty miles to buy a pair of shoes: travellers complained that they could not get refreshment or supplies between one royal burgh and another. How was this evil to be remedied with the least possible interference with the rights of the royal burghs?

One remedy would have been to follow the Kelso precedent and allow the villagers to open shops and sell goods on every day in the week except the market day of the burgh in whose district they lived; or, again, the King might have followed the Brechin precedent and granted market rights to the lords of certain villages; but that both these courses were rejected is a proof of the strength of the principle that 'no persoun duelland utouth the burrowis use any merchandice.'

The solution of the problem was found in the establishment of burghs, with powers of holding markets and fairs, whose inhabitants had the right of trading only within their own burgh. In this way new markets could be set up as required, and the burgesses of the royal burghs suffered the least possible interference with their monopolies; but in so doing the King was following the example of William the Lion when he granted to the Bishop of Glasgow (1175-7) and the Abbot of Arbroath (1211-4) the privilege of having a burgh with a market at Glasgow and Arbroath respectively.

It is astonishing to see how closely the burgh charters from 1450 to the Restoration resemble each other. The majority of them contain seven clauses, the first giving power to the inhabitants to buy and sell certain articles within their burgh, and to have bakers, brewers, butchers, and other craftsmen therein.¹ The second clause creates a class of burgesses, and the

¹ Apparently no person was allowed to follow a craft outside a burgh; for in 1164 Malcolm IV. granted to Scone Abbey 'license to have at Scone three ministers, a smith, a skinner, and a shoemaker, who so long as they remained in the service of the canons should have every liberty and custom enjoyed by the ministers of this character in the burgh of Perth' (*Acts Parl. Scot.* i. 365).

third deals with the government of the burgh, while the fourth, fifth, and sixth respectively establish a market cross, a weekly market, and one or more annual fairs within the burgh, with power to levy tolls. After 1510 a seventh clause appears authorising the lord of the burgh to grant lands within the burgh at fee farm. We can distinguish three classes of clauses dealing with the government of the burgh. In some burghs the burgesses alone had the right of electing the bailies and other officers, in others they made these elections with the advice and consent of the lord, while in a third class these officials were appointed by the lord, and the burgesses had no voice in the matter.

From the commercial point of view, the important clauses were those which empowered the burgesses to open shops and follow crafts in the burgh, and to hold a weekly market and an annual fair therein—clauses which made these new burghs little oases in the districts of monopoly of the older burghs. But most of the charters from 1450 to 1660 are known only from the abstracts thereof printed in the *Registra Magni Sigilli*, and these abstracts always omit the authority to have craftsmen within the burgh, and frequently omit the three words limiting the powers of trading, ‘in ipso burgo.’ But a comparison of the printed copies of some of these charters with the abstracts show that although there may be these omissions in the abstracts, the charters themselves follow what I have ventured to call the typical lines. For instance, the charters to Paisley (1488), Culross (1490), Fraserburgh (1546, 1588), Maybole (1597), Prestwick (1600), and Melrose (1621) are all printed in the Appendix to the second volume of the *Report of the Commission on Municipal Corporations in Scotland*, and all contain the license to have craftsmen and the limitation of trade ‘in ipso burgo’ or in similar words, although both the license and the limitation are omitted in the *Registra Magni Sigilli*. I am therefore assuming that the license and the limitation are contained in the charters although they may be omitted in the abstracts.

The earliest charter of this kind is that granted in respect of the burgh of Strathaven in 1450, and from that date till 1516 the King established fifty-five burghs of this nature, of which four were royal and fifty-one burghs in barony.¹ During this same

¹ I am intentionally using the term ‘burgh in barony,’ as it alone is used in the earliest charters. I have not noticed the term ‘burgh of barony’ at all till the Maxton charter of 1588. For a few years thereafter the two terms appear to be used indiscriminately, but in the later grants the term ‘burgh of barony’ is used alone.

period I have found no charter establishing a market or fair in any place that was not a burgh. In 1517, however, a charter was granted establishing a fair at Clackmannan, a place that did not become a burgh till 1551. The precedent thus set was not followed till 1571, and in the interval the King had founded seven royal burghs and twenty-five burghs in barony on the lines of the Strathaven charter. In 1571 a charter was granted establishing a market and fair at Bowden, and between that date and the Restoration markets and fairs were established in eleven places that were not burghs, as compared with eighty-five burghs with markets and fairs that were founded during the same period. But with the Restoration the balance changes, and between 1660 and 1707 there were created fifty-two burghs with markets and fairs, but there were Acts of Parliament establishing markets and fairs in 246 places that were not burghs.

The differences between these periods can best be shown by a tabular view :

	BURGHs.			NON-BURGHAL.		
	Royal.	Regality.	Barony.	Market and Fair in same place.	Separate Market.	Separate Fair.
1450-1516 - -	4	—	51	—	—	—
1517-1570 - -	7	—	25	—	—	1
1571-1660 - -	11	2	72	5	1	4
1660-1707 - -	1	8	43	110	5	131

It is very difficult to account for the change of balance at the Restoration, but this change emphasises the fact that till 1570 there is no record of any market being established in any place that was not a burgh except Brechin, and that during the next ninety years the exceptions to that rule were very few.¹ It is therefore clear that till the latter part of the sixteenth century the Scots lawyers logically and consistently acted on the principle that there should be no trading, and therefore no market, outside a burgh.

We must emphasise the distinction between a mere market town and a burgh of barony, especially as a few market towns

¹ It should, however, be noticed that some of the documents of the sixteenth century mention a few fairs as being already in existence. In 1584 the Privy Council forbade the holding of the usual fairs at Foulis and Crieff on account of the plague (*Privy Council Register*, iii. 690), and as early as 1506 the King granted a charter dealing with the customs of the fair of Ruthven (*R.M.S.* ii. 596).

were later promoted to be burghs of barony ; although some of the later charters creating burghs of barony contain no specification of liberties other than the grant of market and fair, yet as they conferred the general privileges of a burgh of barony they must have conferred the privileges contained in the five other clauses, of which the most important was the first, enabling the burgesses to open shops and follow crafts within their respective burghs. But against this benefit must be set the burdens of local government, and it may be suggested that the reason which impelled so many landowners to obtain grants of market after the Restoration instead of grants of burghs of barony was that by so doing the inhabitants escaped the burdens and the expense of local government.

On the other hand, a burgh of barony was sometimes raised to the rank of royal burgh, and the difference between the two classes is well shown by the two charters to Pittenweem. In 1526 a charter was granted to the Abbot of Pittenweem erecting the burgh into a burgh in barony, and containing the usual seven clauses.¹ In 1541 the King raised Pittenweem to the rank of a free royal burgh, and, in addition to the powers contained in the seven clauses of the previous charter, gave to its inhabitants power to export wares from the kingdom of Scotland and to import them.²

To sum up, we have seen that till 1571 the Scots lawyers consistently adhered to the principle confining all trade to the burghs, whether royal or of barony ; that from that year onwards this principle was infringed by the establishment of markets in places that were not burghs ; that at first this infringement was slight, but that after the Restoration the newly created non-burghal markets and fairs outnumbered the new burghs by 246 to 52. We are therefore able to define the early Scottish burgh as the only place in which trade could lawfully be carried on or a market might be lawfully held.

Over twenty years ago Gross pointed out that it was very mistaken to assume that English and Scotch municipal law were alike, and enumerated several points of difference. To these others may be added.

In the first place, it will be noticed that although the principle followed by the Scots lawyers is first formulated in English law, yet in England it had been abandoned in practice within a century

¹ *R.M.S.* iii. 86.

² *R.M.S.* iii. 324.

and a half of its formulation. Edward the Elder forbade extra-urban trading: 'Let no man bargain out the port.' Till the latter part of the sixteenth century the Scots followed that principle by confining all trade and all markets to burghs; but in England, by the time of *Domesday Book* that theory had been abandoned, and Sir Henry Ellis's Index to *Domesday Book* contains reference to forty-two markets of which only eleven were in places that were called boroughs or contained burgesses. And there is scarcely an English monastic chartulary that does not contain royal grants of markets in places that were never styled boroughs by the King or his sheriffs. Another difference between England and Scotland is that in England, with but a few exceptions, the royal license was not obtained for the establishment of boroughs by mesne lords, while in Scotland the King's charter was required to establish a burgh of regality or barony on the lands of any subject. In England a mesne lord created a borough by cutting an area out of his manor, establishing a separate court for that area and granting the building plots within it on burgage tenure; but it is remarkable that the royal grant of a market within the vill very frequently preceded the formation of the borough; for instance, in 1252 Henry III. granted a charter for the establishment of a market in the vill of Wootton under Edge (Glos).¹ In the following year Joan Lady of Berkeley granted a charter to her burgesses of Wootton specifying the area of the burgages, the pasture rights attached to each, and the rent payable for them:² evidently the creation of the borough followed immediately on the grant of market rights. In this and in many other cases³ the grant of a market preceded the formation of the borough: in Scotland, on the other hand, till 1570, when the lord of a village received market rights,

¹ Smith, *Lives of the Berkeleys*, iii 399.

² *Id.* i 18.

³ A few other cases in which the royal grant of market rights precedes the creation of the seignorial borough are

Bakewell	Market	1269,	Creation of borough	1289.
Bolton		1244,		1253.
Hartlepool		1216,		1230.
Kinver		1221,		1272.
Plympton		1206,		1242.
Poole		1238,		1248.
Weymouth		1247,		1252.
Warton		1199,		1246-71.

It will probably be remembered that the bailiff of William fitz Alan granted burgages at Oswestry for the improvement of his market (*ad emendationem mercati mei*) (*British Borough Charters*, 81).

he received them because that village had been raised to the rank of a burgh. To put the contrast more concisely, in England the seignorial borough is often the consequence of a market; in Scotland, till 1571, the market is always the consequence of a burgh.

A second point to be noticed is the differing practice in the two countries with regard to the districts in which certain towns had the monopoly of trade. We have seen that up till the eighteenth century the burgesses of certain Scottish burghs retained the monopoly of trading within certain areas: in England such monopolies are very rare, and cannot be found after the thirteenth century. The earliest English example of such a monopoly is found in Edgar's charter to Peterborough Abbey, establishing a market at Peterborough and forbidding the erection of another between Stamford and Huntingdon.¹ Henry I. followed that precedent by banning all the trade of Cambridgeshire to the borough of Cambridge,² and his grandson ordered all foreign merchants in Lincolnshire to repair to Lincoln for trade. More restricted monopolies were those which forbade the manufacture of cloth within ten leagues of Nottingham and Derby,³ and in all Yorkshire except at York, Beverley, Kirkby, Malton, Thirsk and Scarborough and the other boroughs on the royal demesne.⁴ Except for the suppression of the port of Ross in favour of Waterford, there is no trace of any monopoly in the Irish borough charters. Nor do the French municipal charters of Louis VII. and Philip Augustus contain any evidence that any French town had a monopoly of trade within a district in its neighbourhood.

A third point of difference between the two countries has already been noticed by Professor Hume Brown⁵: the Scots burghs were unwalled while the older English boroughs were all walled. Before the Norman Conquest all the land of England was subject to the triple burden of Fyrd, burhbot and brigcbot; the liability to serve in the army, to work at the fortifications of the boroughs, and to repair the bridges: the English charters of the twelfth century refer to the two latter obligations as 'operationes castellorum et pontium,' and this term and this liability appears in the early Scots charters. Thus David I. exempted the men of the Abbey of Dunfermline from 'ab omni operatione castellorum et pontium';⁶ but when his son built a castle at Ross, the abbot of his own free

¹ *A.S. Chron.* 963.

² *British Borough Charters*, 168.

³ *Id.* 169.

⁴ *Id.* 254.

⁵ *Scotland in the Time of Queen Mary*, 28.

⁶ *Reg. Dunf.* i 17.

will sent his men to help in the work, and the King granted a charter that this voluntary help should not be considered a precedent to be used against the abbot and monks in the future.¹ The charters of Ayr, Dumbarton and Dingwall state that these burghs had been created by the King at his new castles, and the *Leges Quattuor Burgorum* appear to regard disputes between the burgesses and the inhabitants of the castles as matters of course. Evidently, the Scots considered a burgh as a base of supply for a royal castle whose walls were repaired by the labour of the country folk; in England the castle was a late intruder into the older boroughs, and it was the wall of the borough that was repaired, sometimes by the labour of the country folk, as at Chester,² sometimes, as at Oxford³ and Malmesbury,⁴ by the labour of certain of the burgesses who paid rent to and were the tenants of the rural landowners. And this difference is emphasised in the first place by the fact that while there were very many rural properties in England that owned and received rent from appurtenant town houses,⁵ this custom is unknown in Scotland; and in the second place, there were in England during the thirteenth century frequent grants of murage, that is, of additional tolls on goods brought into the town which were to be applied for the repair of the town walls; no similar provision can be found in Scotland, and when in 1450 James II. authorised the building of a wall to protect Edinburgh, the expenses were to be raised, not by tolls, but by charges on the burgesses according to the value of their rents and lands.⁶ This difference will be further emphasised by a comparison of two deeds: in 814 Coenwulf, King of the Mercians, gave to the Abbess of Lyminge a piece of land in the city of Canterbury 'as a refuge in case of necessity' ('ad refugium necessitatis');⁷ in 1383 Robert II. gave to the monks of Holyrood a piece of land in the castle of Edinburgh on which they might build a house for their residence either in peace or war.⁸ In 1128 David I. had granted to the church of Roxburgh a masure in the castle of Roxburgh.⁹

All these points of difference show that whatever may have been the theory of the English borough, it differed from that which obtained north of the Cheviots, and that the commercial theory of

¹ *Reg. Dunf.* 32.

² *Domesday Book*, i. 262, b. 2.

³ *Id.* 56.

⁴ *English Hist. Rev.* 1906, 98.

⁵ *Domesday Boroughs*, 14, 107.

⁶ Maitland, *Edinburgh*, 137.

⁷ *Dom. Bor.* 107.

⁸ *Registrum Sanctae Crucis*, 99.

⁹ Lawrie's *Early Scottish Charters*, 152.

the Scots burgh is no evidence against the garrison theory of the English borough.

ADOLPHUS BALLARD.

Woodstock.

LIST OF BURGHS AND NON-BURGHAL MARKETS
BETWEEN 1450 AND 1660.

NOTE.—Royal Burghs are printed in CAPITALS, Burghs of Regality in *Italics*, and Burghs of Barony in ordinary type.

BURGHS.	NON-BURGHAL MARKETS AND FAIRS.
1450. Strathaven.	
1451. Biggar, Carnwath, Whithorn, Spynie.	
1464. Kingussie.	
1467. Menteith.	
1474. Inverary.	
1476. Abernethy.	
1477. Myreton.	
1479. BERWICK.	
1484. Sanquhar.	
1486. KIRKWALL.	
1488. Huntly, Paisley.	
1489. Ersiltoun, Dunglas, Old Aberdeen.	
1490. Culross, Duns, Kilmuir.	
1491. Glamis, Newmilns.	
1492. Kethick.	
1493. Rayne.	
1495. Torry.	
1497. Ballinlach, Kinloss.	
1499. Fordyce.	
1501. Aberdour, Clatt.	
1502. LAUDER.	
1504. Fettercairn, Merton.	
1505. Pencaitland.	
1507. KINTORE, Auchinleck.	
1508. Ruthwell.	
1509. Cumnock.	
1510. Kirriemuir, Mauchline, Ter- reagles (or Herries).	
1511. Crawford, Dunning, Hawick, Kincardine O'Neill, Bal- linkelly, Kirkmichaell, Bal- lynard, Wemyss, Auldearn.	

BURGHS.

1512. Dunkeld, Turriff.
 1513. Largo.
 1516. Maybole.
 1517. AUCHTERMUCHTY.
 1526. Kirkintilloch, Pittenweem.
 1527. Kilmaurs.
 1529. Saltcoats.
 1532. Findhorn.
 1539. Leslie (Fife), ANNAN.
 1540. Dalkeith, Dunning, Drum-
 moquhoy, East Haven of
 Panmure, Anstruther
 Wester.
 1541. BURNTISLAND, PITTENWEEM.
 1541. Cowie, Durris, Kincardine,
 Kinross, Pitlessie.
 1542. Langton.
 1543. Arbuthnot.
 1546. Fraserburgh.
 1549. Dysart, Newburgh, HAMIL-
 TON.
 1550. Portsoy.
 1551. Clackmannan.
 1552. Prestonpans.
 1554. Fordoun.
 1558. INVERURY.
 1568. NORTH BERWICK.
 1571.
 1572. Anstruther Easter.
 1581. AUCHTERARDER.
 1583. ANSTRUTHER EASTER.
 1587. ANSTRUTHER WESTER, Peter-
 head, Stonehaven, Gar-
 mouth.
 1588. Maxton.
 1589. EARLSFERRY, NAIRN, Mony-
 musk.
 1591. Cockenzie, Tynninghame.
 1592. Kilmarnock, Skirling.
 1593. Kildrummy.
 1594. Alford.
 1595. INVERBERVIE, Gogo, Stranraer,
 FALKLAND.
 1596. Greenlaw, St. Monance.
 1597. Airth, Eyemouth.
 1599. Galashiels, Elie, Forgue, Blan-
 tyre, Fochabers.

NON-BURGHAL MARKETS AND FAIRS.

Clackmannan.

Bowden.

Bridgend of Lintrethan.

Polwarth.

Bathgate.

Andrews Lhanbryde, Ogstoun.

The Theory of the Scottish Burgh 29

BURGHs.

NON-BURGHAL MARKETS AND FAIRS.

- | | | |
|-------|-------------------------------------------------------------------------------------------------------|-------------------|
| 1600. | Falkirk, Geddes, Prestwick. | |
| 1601. | Inverbroray, Fairlie. | |
| 1602. | Auldearn, Douglas, Drum-
lithie, Preston (Berwick),
Bothwell, Keremure,
Abernethy, Crawford. | |
| 1603. | Abercorn. | |
| 1604. | Livingston. | |
| 1605. | Strathmiglo. | |
| 1607. | Ettilstoun, Coupar Angus,
Dalmellington, Stornoway. | Banchory Ternan. |
| 1608. | Lochluy, Meigle. | |
| 1609. | Cromdale, Leven, Melrose. | Kilconquhar. |
| 1610. | Langholm. | |
| 1611. | KINGHORN, Darnaway,
Doune, Petty, <i>Polmont</i> . | |
| 1612. | LOCHMABEN, Cockburnspath,
Halkerton. | |
| 1614. | Kelso. | |
| 1615. | Crook of Devon, Milton of
Belveny. | Aberlour, Boharm. |
| 1616. | Dalmeny, Drem. | |
| 1617. | Auchtertool, Ordiquhill,
Rothiemay, STRANRAER. | |
| 1619. | Minnigaff, Tranent. | |
| 1620. | Alloa. | |
| 1621. | <i>Kirkliston</i> . | |
| 1623. | Cawdor, Campbeltown. | |
| 1633. | Innerwick, Thurso. | |
| 1634. | Blairgowrie. | |
| 1642. | Greenock (?) | |
| 1648. | INVERARY. | |
| 1649. | Portsburgh. | |

An Aberdeen Professor of the Eighteenth Century

THE Scottish Literary Revival appeals to students as a period of special interest. With the Union of the kingdoms, England and Scotland were brought into closer touch than had been possible before. The mutual jealousies and distrust were wearing off. The Universities and Schools throughout the country became centres of great literary activity. To the list of distinguished writers and thinkers of the period, the Aberdeen Universities contributed their fair share. The names of Thomas Reid, founder of the Scottish School of Philosophy, of Beattie and Campbell, staunch opponents of Hume, and of the Gregories, closely linked with the progress of the Science of Medicine in the North, served to shed lustre upon the Universities to which they belonged.

The subject of this Memoir, Professor John Leslie, did not aim at personal distinction, and left no writings to perpetuate his memory. He was contented to remain a teacher in the best sense of the word—to make it his mission to instil into others his own love and reverence for learning. His letters show that he numbered among his friends such men as Robertson the historian, ‘Jupiter’ Carlyle, Colin Maclaurin the mathematician and Robert Foulis of the Glasgow University Printing Press. Letters written to Leslie by these and other men afford interesting glimpses of Social Life, not only at King’s College, Aberdeen, but in the wider circle of friends among whom he moved.

Of his early life comparatively little is known. He was born at Haddington on 11th January, 1727.¹ His father was Rector successively of the schools of Haddington and Dalkeith, and is referred to by Allan Ramsay in the following lines :

“Get seven score verse of Ovid’s Trist by heart
To rattle o’er else I shall make ye smart”
Cry snarling dominies that little ken ;
Let such teach parrots but our Leslie men.’²

¹Haddington Parish Register. The date is erroneously given in Leslie’s obituary notice published by the *Aberdeen Journal*.

²Sir John Clerk’s *Memoirs*, p. 252.

Dugald Stewart in his *Life of Robertson*¹ alludes to the elder Leslie as a teacher whose fame attracted pupils from all parts of the country. The following extract from a letter² written by Nourse on leaving Dalkeith Grammar School illustrates the cordial relations which existed between Rector and pupil :

‘DEAR SIR

‘I delayed writing to you till I should find something that I thought fit sending to you, But I begun to find that, through my excessive modesty or rather bashfulness which I got a habit of at Westminster you know, I should have delay’d it till Doomsday before that Something wd have been found. However as I have been rambling about y^e country for sometime past, very likely you had rather hear what I can say on that head than upon that of protestations of eternal friendship, upon y^r own learning & merit & my own inabilities, or in short how much farther I could spin out apologies. But I shall begin at Monmouth . . .’

Here follows a long description of the towns through which he had passed, including Monmouth ‘where are very good stockings knit (though they say y^e people of y^e town seldom wear any)’—‘a Parish calld Weston remarkable for no one thing but that here lives one who is your very humble servant’—Worcester, of which ‘if ever any fortune-hunter of y^r acquaintance should travel this way you may tell him that here are 2 boarding schools well stock’d with Misses.’

The letter concludes: ‘Excuse y^e incorrectness of these Remarks for I had not made one of them before I sat down to write to you. If there should be a dearth of News I should be glad to have y^e place of it supply’d with an account of what fine passages you have met with in your reading. I should have been apt to send you the same but I have scarce look’d in an author since I have been in y^e Country. But I design to grow a better boy when I get to Oxford which will be next week where if you will favour me with answer pray direct to me at Baliol Colledge.’

Under the inspiring guidance of his father, Leslie’s mind was early drawn towards a study of the ancient Classics. It was a period when everyone who aspired to be a man of culture should,

¹ Stewart’s *Life of Robertson*, p. 2 ; see also Sinclair’s *Statistical Account of Scotland*, 1794, vol. xii. p. 24.

² Letter, J. Nourse to Mr. John Leslie, October 6th, 1739.

in the words of Dr. George Traill,¹ 'acquire a thorough knowledge of both Languages these being the foundation for Literary attainments.'

The first letter to Leslie introduces him at the age of sixteen holding the post of Governor to the Earl of Dundonald. The writer is George Petrie, a former school-friend, who complains bitterly of his uncongenial surroundings :

'Things have not,' he writes, 'succeeded here to my wish. The Gentleman I was to be recommended to has never thought of going abroad yet, and I have lived with M^r Ogle only as a friend: I have been used very well indeed, but could expect nothing else, as he has not at present £100 a year free to himself—Such is the fate of poor scholars, but I hope things go very happily with you. I have made my Retirement as pleasing as possible by dividing my time between the sports of the field & my Books. I luckily met with two or three good old Grecians who have been most agreeable Companions, & also with some of the best moral philosophers. 'Tis to these I owe any Improvement I have made, and not to the Company and Conversation of this Country, which is remarkable for loud Tongues & empty Heads. poor Will Ogle is too much in Danger of being infected with it, for nonsensical Conversation is a kind of Epidemical Distemper here . . .

'Though I desire much to hear from you I cannot bid you write me till you hear from me again, because you may be assured I want nothing but an offer of Business to leave this place.'²

Leslie, too, was meditating a change. He was conscious that his pupil's thirst for knowledge by no means corresponded to his own desire to impart it. He mentions that in November of the same year he had almost made up his mind to resign his post, but in deference to Lady Dundonald's earnest desire he consented to stay.³ It was the inducement held out in a letter from Colin Maclaurin the mathematician which eventually overcame his scruples:⁴

'You wrote to me last year that you had some thoughts of leaving the place where you are. I had a letter last week from

¹ Letter, Dr. George Traill to Professor John Leslie, November 12th, 1773.

² Letter, George John Petrie to John Leslie, July 25th, 1743.

³ Draft letter, John Leslie to Professor Colin Maclaurin, April 1744.

⁴ Letter, Professor Colin Maclaurin to John Leslie, April 17th, 1744.

Lord Morton¹ wherein he tells me that he inclines to send his son to Eaton & would be satisfied to have you with him.'

Such a prospect was doubly attractive to Leslie. Apart from the fact that the Earl of Morton was well known as a patron of letters, there was a special bond between them, Leslie's father having acted as the Earl of Morton's tutor at the time when the latter was a student at Marischal College.² Leslie intimated that it was the height of his ambition to serve Lord Aberdour,³ and after the necessary preliminaries had been settled he took up his new duties in Lord Morton's family.

To a man of Leslie's literary tastes it must have been a great pleasure when it was decided in 1751 that he should accompany Lord Aberdour to Leyden University. The matriculation roll contains the following entry:

'1035 Rectore Francisco van Oudendorp 1751 Sept 20 Sholto Carolus Douglas Dominus de Aberdour Scotus. Ann ac J. Joannes Leslie Scotus 29 J.'

A passage in a letter from Robert Foulis of the Glasgow Printing Press⁴ refers to a visit which he paid to Leslie:

'The pleasure I had in the very agreeable Company of the Gentlemen at Leyden, makes me wish much to return that way. I have seen very few so accomplish'd so polite, with so much Solidity of Understanding & benignity of heart as Mon^r De Boissie.⁵ As I am very sensible of my Obligations to his Civilitys & M^r Tavel's I beg you will return them thanks in my name in the warmest manner, & we beg that these Gentlemen would take the trouble of making our Compliments acceptable to their friends, whom we had the honour to be in Company with.'

In 1753 the time spent at Leyden drew to a close, and with it Leslie's appointment as tutor. Foulis writes of Lord Aberdour on the 21st of September of that year:

¹ Fouchy, in his *Histoire de l'Academie*, 1770, writes of James, sixteenth Earl of Morton, that he was 'a true lover of science and a warm friend of all who adorned it . . . It may truly be said that no person ever existed who possessed the friendship and esteem of literary men more than he did.'

² Family Papers, Discharge, Mr. John Peacock to Mr. John Leslie, 7th September, 1718.

³ Draft reply to Professor Colin Maclaurin, April 1744.

⁴ Letter, Robert Foulis to Mr. John Leslie, February 3rd, 1752.

⁵ In the same letter Foulis suggests that if Leslie would translate a little pamphlet which had pleased him so much, with Monsieur de Boissie's preface, he (Foulis) would 'take care to have it printed neatly and thrown in the way of people to whom it may be useful.'

‘His manner and application has done you a great deal of honour both at home and abroad, and I hope will one day do you a good deal more not only by the private ; but the public virtues which form the truly good & great man.’ That Lord Morton was satisfied is to be inferred from the fact that he settled on Leslie an annuity of £40 Scots.¹

Meantime Leslie’s abilities had not escaped notice. In 1754 a deputation called upon him. Reference is made to it in a letter written by Principal Chalmers² of King’s College, Aberdeen, to Leslie under date 30th of April of that year :

‘DEAR SIR

‘By appointment of the University I write you this to acquaint you that we have unanimously elected you to be our Professor of Greek. I doubt not but you know that when Mr Reid³ and I had the pleasure of seeing you we had no powers but to make Inquiry and report otherwise we would have talk’d to you on the Subject at that time.

‘I shall be extremely glad if this Office is to your Taste. I hope it is & from the Character we had of you from many different hands I doubt not but we have made a right Choice. As it comes to you in an easier and more honourable way than by the ordinary track of Interest and Sollicitations I hope your Conduct will both justify our Choice & the Character which your friends have given us of you.’

The duties of a Professor of Greek, as defined by the Scottish Universities Commission of 1700, involved special charge of the Bajans or first-year students, whose chief subject of study was the Greek Language. He was expected to teach Greek Grammar without touching upon the structure of the Syllogism or anything else belonging to Philosophy. In the Semi or second year the student entered the class of one of the philosophical professors, and was conducted by him through the full course of Philosophy,

¹ Note by Professor Leslie, of debts due to him, of which he may expect payment. October 2nd, 1784.

² Dr. John Chalmers was appointed a Regent of King’s College in 1640, and became Principal six years later. He was a man of considerable learning, but, according to Paton, devoted himself chiefly to country pursuits. He died at his farm at Sclattie in 1800, having held office in the College for sixty years. (*King’s College Officers and Graduates*, pp. 27, 28; *Kay’s Portraits*.)

³ Professor Thomas Reid the philosopher, author of *Inquiry into the Human Mind*, 1764. He was Professor of Philosophy and Regent at King’s College from 1751 till his transference to a Glasgow Chair in 1763.

continuing at the same time his attendance at the classes of the Professor of Greek. Under the Regulations of 1753 it was further provided that a Professor of Greek should lecture for three hours to his pupils on each Monday, Wednesday and Friday, two hours each Tuesday and Thursday, and one hour on Sunday evening.

Apart from the question of teaching his class, one of the most important duties of a professor was to get together the students who were to form it. The rivalry existing between King's and Marischal Colleges made this a necessary preliminary if the class was to be well filled. Principal Chalmers writes :

'It is a fine thing for you and Rory to sit at Dalkeith & talk of Bejans Œconomists¹ &c. You will find all these things just where you left them. I do not believe that M^r Reid will go the length of the Bridge of Dee to look after a Bejan tho' our neighbours are very alert so that you must eyr bring them with you or want.² I have got one for you and have him here. & am told he is a fine Scholar.'³

As Leslie's work lay chiefly among first-year students, it is only to be expected that a number of the letters in the collection were written by parents or others, either commending pupils to his charge or asking for information as to their progress. As a specimen of the contents of the 'Parents' Drawer,' the following letter, written by Dr. George Traill, Minister of Dunnet, is given :

'DEAR SIR

'Your much esteemed favours of the 23rd Current was Delivered to me by my son, who arrived in this Country friday last. The favourable accounts which you give me of him are very encouraging, and will induce me to prosecute his academical [*sic*] studys; But I neither know how to express the obligation I am under, nor how to make suitable Returns for the Uncommonly Generous manner in which you have Behaved towards him, and the particular marks of regard you have shown to them both.

¹ The duties of an Economist, as defined in the Nova Fundatio, lay in attending to all matters relating to the revenue of the College and the purveying of the necessities of life to its members.

² In a pamphlet written in 1786 dealing with the proposal to unite Marischal College with University and King's College, it was urged by the objectors that, under the then existing conditions, 'if a Professor in one of the Colleges be negligent, students can be instructed by the corresponding professor in the other at the same expence and only the distance of a mile.'

³ Letter, Principal John Chalmers to Professor John Leslie, July 8th, 1755.

‘My solicitous Concern for preserving their Virtuous Dispositions from being sullied by the Contagion of Bad Examples in places of public resort, determined me at first to chuse a more Retired seat of Learning for their Improvement; and I think it best to Continue this plan, untill principles have taken deeper root in their minds; It has been of a long time a settled sentiment of mine, that a man makes but a very sorry purchase who acquires an Enlightned understanding at the Expense of his Virtue.

‘My sons tell me that you rather incline to Grow Corpulent, would not a Jaunt to the North during the Recess be of service to you. Your Friend M^r Morton lives in my neighbourhood, not above a mile’s Distance. You would perhaps lay in a stock of Health by such an Excursion, And it would be doing me a most acceptable favour if for a month or Two of the summer you would be so good as to make my House your Home.’¹

The fact that the professor had to be actively concerned in getting together his pupils, and that they were then personally commended to him, established a close tie. The professor was expected to give his best advice when needed, to direct him as to the course of his private reading or preparing for his public exercises, to let him know anything needing to be corrected, to state frankly his sentiments about him, to define the direction which he thought best for his after-studies²—in fact, to give such attention to each of his class as might be expected from a private tutor. He was also the natural recipient of any complaint, as in the following letter :

‘DR SIR

‘It gives me no small pleasure to understand that you have got a nephew of mine Johnie Grant into your class, because I am very sure that he is in good hands while under your tuition. Meantime it gives me some pain that by the regulations of your University he should be obliged to sit at your second table when his Father was willing to pay for the first.’³ The Boy does not

¹ Letter, Dr. George Traill to Professor John Leslie, March 28th, 1774.

² Letters from Dr. George Traill, November 12th, 1773, and from Professor Alexander Morton, October 16th, 1780, to Professor John Leslie.

³ During the seventeenth and eighteenth centuries there were two tables at King’s College, one for the richer who paid an extra fee, the other for the poorer. The fare at the second table was a subject of complaint in 1763. (Rait’s *Universities of Aberdeen*, pp. 203-6; Dunbar’s *Social Life in former days in Morayshire*, p. 7.)

want spirit. I know it will bear a little hard on him, as he has always been used to the best company in his own Country. I saw a Letter from him lately wherein he regrets this thing, but at the same time expresses a very strong sense of his obligations to your civilities, for which I render you my most hearty thanks & begg you'll be so good as, in my name to thank Principal Chalmers whose civilities he mentions in like manner. You will I persuade myself, continue to give him your countenance if he deserves it. I should be extremely fond of an opportunity of cultivating our short acquaintance begun at Ed^r. If you make an excursion into this country I will expect to see you in this house . . .'¹

A letter from Dr. George Traill shows that the efforts of the Professor for the welfare of his pupils sometimes met with acknowledgment :

'Sometime in the month of April or May last M^r Thomas Steedman Officer of Excise at Wick shipped on Board a salmon smack an Anker of our Country Spirits with a permit for the same as it had paid Duty, but unluckily he has forgot the masters name, and none of the masters of these smacks give Receipts, but he says he can prove the Delivery. The Cask was addressed to you, and I hope it has before now come safe to hand ; or if you order any Person to Inquire at M^r John Burnets about it, he will probably find it out. I wish the spirits may please, it being a small acknowledgment of the sense I have of your particular proofs of friendship.'²

The Professor of Greek at King's College taught English reading and recitation as well as Greek. Latin was not included among his subjects, but was undertaken by the Professor of Humanity. Those students whose Latin was not sufficiently far advanced for his classes were expected either to attend the private classes of a professor or to enter for a year or two at the Old Aberdeen Grammar School, in which a five years' course of Latin was provided.³

¹ Letter, Mr. Patrick Grant, Minister of Urray, to Professor John Leslie, November 28th, 1755.

² Letter, Dr. George Traill to Professor John Leslie, June 30th, 1777.

³ Kennedy's *Annals of Aberdeen*, ii. 355, 358, 388 ; Dunbar's *Social Life in Morayshire*, i. p. 5 ; *Memoirs of the Rt. Hon. Sir James Mackintosh*, by his son, pp. 9-12.

Like its parent institution this school was at times in danger of feeling the effects of competition. A letter from Principal Chalmers, written to Leslie in June 1771, describes some of the difficulties under which it laboured :

‘DEAR SIR,

‘It is with very great Concern that I write this to inform you of the Death of our worthy friend M^r Orchardon than whom I know not a better nor a more deserving man. This untimely event came very unexpectedly upon us & is greatly lamented by all who were acquainted with him here . . .

‘You know our Situation as well as I & how difficult nay how impracticable almost it will be to get this place so properly filld. We have no time to lose because if we lose time we lose our School & therefore I write this to desire you will be at pains to get yourself informd in the best way you can where we can find a Successor. M^r Diverty by good luck is just come here & we think to get him to take up the School for some weeks in order to keep them together because we think if our boarders should leave us it woud be a great chance if we could bring them back & without them you know there are not boys enough in this town to make it worth a man’s while to attend upon a School. It was at first proposd to advertise but I got that set aside for the same reasons we had for not advertising last. Advertising ought to be our last shift because it exposes us to numberless sollicitation & brings false testimonies adduced in favours of the Candidates whereas the way of private inquiry tends to get at the true character of the man we think will suit our purpose. We might get a man that is fit to be Schoolmaster anywhere but we must have a man that is fit to be Master of a family as well as Master of a School & who has either a wife or some friend with him that is fit to keep a boarding house. The only man in that way in this part of the Country is Fullarton at Fetteresso, who is I believe a very good teacher. He was at the burial today but I think there is something diminutive in his appearance that makes me doubt of his being able to keep a proper degree of authority among such boys as we have.

‘The only other that has been thought of is one Smith at Chanry¹ who I am told is a brisk enterprizing young man & a

¹Sir James Mackintosh, who attended his school at Fortrose, describes him as a man ‘who if I may trust my recollection was not wanting in abilities.’ (*Memoirs*, p. 3.)

good teacher. That he beat the people of Inverness & had a [] School for many year till he turned politician & upset Sir Alexr Grant's election. [] I am told raised an odium against him & hurt his [] but if that is all he may be Provost of the old town if he pleases for me providing he is a good Schoolmaster. I am told he was M^r Dunbar's¹ master & that Donald MacLeod Guineas² was his scholar. Pray will you make inquiry at Donald Macleod about him as for M^r Dunbar I know not where he is We suppose him to be in Murray . . .³ We all join in best wishes to you & your fellow travellers & I am yours

'Jo: CHALMERS.'

That canvassing and the exercise of personal influence were not unknown in the eighteenth century is shown by several letters. Alexander ('Jupiter') Carlyle⁴ writes on the 19th of May, 1760, to Professor Leslie:

'DEAR SIR,

'The intention of this letter is to beg a favour of you and of your Brethren of the University; as I am acquainted w^t very few of them, I have employ'd my Friend M^r Dalrymple to write to Principal Chalmers, and I must beg the favour of your aid in procuring me the Degree of D^r of Divinity from your College.—It is neither to Grace the title-page of a New Book; Nor to gratify my vanity that I make you this request. The real truth is that I have reason to believe that such an addition to my Name, will have some influence in a matter on which my private happiness depends, and which I shall explain to you, when we meet.⁵ If you therefore think I deserve such an honour, I

¹ Mr. James Dunbar was Regent of King's College from 1765 to 1795.

² An owner of property in the neighbourhood of Tain.

³ Neither candidate was successful. Mr. John Gray was appointed to succeed Orcheron.

⁴ 'Jupiter' Carlyle, Minister of Inveresk, was a very prominent figure in literary as well as in ecclesiastical circles. He is perhaps best known for the part which he took in the production of Home's *Tragedy of Douglas*, which earned for him the censure of the General Assembly. He died in 1805. His memoirs give a most interesting picture of the social life of the period.

⁵ Carlyle had the degree of Doctor of Divinity conferred upon him by King's College on 27th May, 1760, and married Mary Roddam on the 14th October

shall hope from your Friendship that you will concur w^t Principal Chalmers & D^r Gregory in obtaining it for me I am D^r Sir
 ‘yours most sincerely,
 ‘ALEX^R CARLYLE.’

Another letter deals with influence exerted on behalf of Carlyle by Principal Robertson the historian. It is to be noticed that fitness for the post is used merely as a subsidiary argument :

‘DEAR SIR

‘I presume so far upon our old acquaintance as to beg your countenance & vote in favour of my friend D^r Carlyle to be Moderator of Assembly¹ He has had the merit of conducting the negotiations at London concerning the window-tax² with so much ability, that the Clergy will be relieved of this burden. The manner in which that will be accomplished I explained to Principal Campbell in a letter by last post. He will communicate it to you, if you have any curiosity about that matter.

‘D^r Carlyle’s merit in this successfull embassy entitles him to any distinction which can be bestowed upon him by the Society which he has been the instrument of relieving. He is, beside, a man of worth & ability, well qualified for the station to which your friends here destine him. I flatter myself that you will approve of our motives for proposing him, & that we shall have the pleasure of seeing you on the Wednesday before the Assembly at farthest. I hope you will forgive this liberty which I have

following. His memoirs contain this entry : ‘After nine months’ courtship, at first by silent and imperceptible approaches, and for three months by a close though unwarlike siege, I obtained her heart and hand, and no man ever made a happier conquest.’

¹ Carlyle was elected Moderator of the Church of Scotland in 1770.

² There was a great complaint at this time about the heavy burden which the window-tax laid upon the poorer clergy. In 1769 Carlyle took it upon himself to voice their grievances to the King’s Ministers and the Lords of the Treasury, offering his services without expense. In course of his visit to London he advocated their cause with energy and persistency, and interviewed, among others, the Archbishop of Canterbury, the Duke of Grafton, the Bishop of London, the Earl of Mansfield, and a large number of Scottish noblemen and Members of Parliament. Mr. Montgomerie, the Lord Advocate, could give no assistance, but Carlyle refused to give up hope, and renewed his activities in the following session. The negotiations were long and tedious, and it was not till 1782 that the clergy obtained the desired remission. (Carlyle’s *Autobiography*, pp. 353-4, 496-537.)

taken & receive my letter with the indulgence of an old school-friend.¹ I ever am with great truth,

‘Dear Sir

‘your faithfull & most

‘obedient servant,

‘WILLIAM ROBERTSON.²

‘College of Ed’

‘May 4th 1770.’

Interesting glimpses of the lives of the professors in Old Aberdeen are contained in some of Principal Chalmers’ letters. On May 5th, 1755, he writes to Leslie :

‘D. S.

‘Another Summer you say—and then.—Yet a little sleep says the Sluggard, a little slumber,—and a little folding of the hands to sleep. It woud appear that you do not know what a summer is. For this, instead of Eustachius, please consult the 5th Chapter of the Proverbs. You may also consult for your Edification the same author in many passages of his works.

‘I suppose you are a very cunning Fellow & in order to make every thing secure you are to spend this summer in making out a book of Statutes the next in revising these Regulations and a third or perhaps a fourth in obviating & devising difficulties & possibilities that never will occur . . . :³

‘If you are wearied or doing nothing where you are pray return quickly. I am quite wearied. The Doctor is considering the

¹ Robertson and Leslie both received their education at the Dalkeith Grammar School under the latter’s father. (*Stewart’s Life of Robertson*, p. 2.)

² Robertson the historian was born in 1721. After some years’ ministry, first at Gladsmuir, then at Lady Yester’s Church, Edinburgh, he was elected to the First Charge of the Collegiate Church of Greyfriars. He published in 1759 his *History of Scotland during the reigns of Queen Mary and James VI.* Its success was immediate. Robertson was appointed one of His Majesty’s Chaplains in Scotland, and was chosen Principal of Edinburgh University and Historiographer for Scotland. He was for a long time the recognized leader of the Moderates in the General Assembly. He died in 1793. (*Kay’s Portraits* ; *Chambers’ Eminent Scotsmen* ; *Stewart’s Life of Robertson.*)

³ In 1753, an *Abstract of some statutes and orders of King’s College in Old Aberdeen* was published. The proposed changes related to an increase in the length of the session, the amalgamation of some smaller bursaries, some alterations in the system of regenting as well as the arrangement of classes, and an obligation placed upon students to lodge and dine in College. A supplementary code of rules was published not long afterwards, and it is to this revised code that reference is made. (*Rait’s Universities of Aberdeen*, pp. 199-202.)

state of the Church & M^r Burnet¹ out of Town so that it is a very solitary Time . . .'

In another letter² he writes :

' . . . M^r Reid sits & bums at Tonser & studies Musick : I scarce think that he will cut his Hay. The old Boy is closs³ with Appie & has never been in Town since you left us. The Doctor has had a Six weeks Lent which was a time of great mortification to himself & M^r Gellie. He supererogated it this time by keeping it three or four Days longer than usual. He opend the Club in this Town on Tuesday last week where he was very moderate ; He went to Aberdeen next night & sat till six in the morning & is very bad. M^r George Gordon⁴ is shut up in the repairs of his new house. D^r Catanach⁵ is employd as usual. Professor Lumsden⁶ labours at Turrentin & the Humanist⁷ and I at the Teinds and the Charter chest, where we have had a busy time for some weeks. Everyone is taken up in his own way you see. Rory and you are as busy as any of us I suppose and we are all so much taken up that the Œconomy is never thought of . . .'

That Leslie himself was not a good correspondent is to be inferred from passages in Principal Chalmers' letters :

' You make a fine Representative in the Assembly not one word have you wrote us of your proceedings nor do we know what you have been about . . .'⁸ And again : ' M^{rs} Chalmers offers her Compts to you both & says it seems you could not read her Letter else you would have answered it.'⁹

Professor Thomas Gordon¹⁰ appears to have taken his duties as a Representative more seriously, and writes to Principal

¹ Alexander Burnet, Sub-Principal of King's College.

² July 8th, 1755.

³ Constantly.

⁴ Professor of Oriental Languages.

⁵ Civilist.

⁶ Professor of Divinity.

⁷ Mr. Thomas Gordon.

⁸ May 5th, 1755.

⁹ July 8th, 1755.

¹⁰ Mr. Thomas Gordon, Humanist and Regent at King's College, was commonly known as 'Humorist Gordon.' He is described in the text to Kay's *Portraits* as a man of jovial turn, fond of anecdote and a great humorist. 'On one occasion he had given dire offence to Professor Leslie, who in consequence sent the humorist a challenge : Gordon accepted but claimed the privilege of choosing the weapons. He chose anyone of the Greek Tragedians and pledged himself to foil Leslie at his own weapons, adding, 'Gif ye dinna beat me, I'll tak' the tawse to your hurdies !' The encounter never took place.' (Kay's *Portraits*, i. 78, 79.)

Chalmers an interesting account of the Assembly of 1773 which he attended.

‘As to the Assembly—’ he writes, ‘The Commissioner¹ delivered his speech with a dignity & propriety that struck every body. He shows all his Russian finery in his throne dress & attendance, but is in bad health. The first day he wore the Coller of the Thistle. Tuesday was the great day of battle. We did not break up till 7 at night. There were full 212 members present. It was the St Ninians cause,² which we carried hollow two to one.³ This has so damaged Mr Freebairn⁴ & his Associates, that they have not called for a vote since. The speeches are nothing remarkable. One young Orator appeared on the adverse side who attracted the attention of all—a Bryce-Johnson⁵ a Minister near Dumfries. We call this an assembly of bulls: Freebairn made the first slip:—He warmly recommended a collection for the bridge over the North-water, *in order to save*

¹ Charles Lord Cathcart was the King’s Commissioner in 1773.

² Mr. Thomson, Minister of the neighbouring parish, Gargunnoch, received in 1766 a presentation to St. Ninians from Sir John Stuart of Allanton. Mr. Thomson was an able man and had done good service in the Church, but was alleged by his opponents to be ‘in the decline of life, of a weak voice and still weaker constitution.’ The people resolved to choose their own minister and elected Mr. Mackie.

The Presbytery had sympathy with the people, and litigation lasted for seven years. In the end the Assembly adopted peremptory measures, and enjoined the Presbytery to induct the presentee. The Presbytery then met on the 29th of July, 1773. The admission of Mr. Thomson resolved itself into a violent attack upon him, and he was conjured by the grace which he might wish to have in his dying hour to give up the parish. Mr. Thomson replied forgiving the preacher for his attack, but told him to execute the orders of his Superiors. After Mr. Thomson’s admission a great body of parishioners left the church and built a meeting-house of their own. Mr. Thomson died in 1787. (Story’s *Church of Scotland*, iii. 721-2; *Scott’s Fasti*; *Scots Magazine*, May 1773.)

³ The Assembly by 133 votes to 69 ‘did appoint the Presbytery to admit Mr Thomson as minister at St Ninians the last Tuesday of June next.’ (*Scots Magazine*.)

⁴ John Freebairn, Minister at Dumbarton, was the leader of the popular party in the Church. ‘He possessed infinite native humour and a ready and plentiful fluency of speech; he had the happy talent of enlivening a debate by his display of humour . . . to a degree seldom equalled. These talents he uniformly applied in the General Assembly against the vigorous exercise of Church patronage.’ (*Scott’s Fasti*.)

⁵ Bryce Johnson, who was at this time twenty-six years of age, was Minister of Holywood, in Dumfriesshire, from 1771 to 1805. He occupied a prominent position in the Ecclesiastical Courts, always supporting the popular cause.

*the many lives which were lost in that impetuous stream.*¹ P[] fell next into a similar blunder;—at this rate of going on, says he, *Mr Thomson shall be dead before he is settled Minister of S^t Ninians.* We meet today about the Widow's Scheme² Sir James Stuart pays great attention to these matters & is expected to speak on this subject. He is reckoned a remarkably good speaker. Indeed I was much pleased with his appearance in the committee that was appointed to report on that matter, of which I happened to be a member.

'I see M^r Daune^y³ here & well. My best compliments to D^r Gerrard⁴ & acquaint him we are likely to make nothing of the Synod's overture about Ministers accepting tittles to fictious votes at Elections of Members of Parliament.⁵ Let M^{rs} Gordon know I am well—Compliments to all our Colleagues & kindest respects to M^{rs} Chalmers & Miss —— from Dear Principal

'yours &c

'THO^s GORDON.'⁶

Another letter from Gordon⁷ refers to Dr. James Gregory :

'—As to anecdotes I'll tell you one. The speculative society were disputing some days ago about the thin partition or rather no partition, according to an honourable Judge,⁸ that divides betwixt man & the brute part of the creation & it was the general opinion that speech was the most distinguishing property

¹The reference here is to the projected building of a bridge across the North Esk, which was necessitated by the dangerous condition of the ford. As the funds collected were insufficient to meet the whole cost, the assistance of the General Assembly was solicited. (*Scots Magazine*.)

²Certain changes proposed by Dr. Webster in connection with the Ministers' Widows' Fund, one of which allowed the Widow of a contributor to retain her annuity if she married as her second husband a Minister or Professor who was a contributor. (*Scots Magazine*, May 1773.)

³Minister of Kincardine O'Neil.

⁴Professor of Divinity at King's College, and author of *Essay on Taste*.

⁵The Synod of Aberdeen submitted an overture expressing disapprobation of the 'designs on foot for inducing clergymen to accept of qualifications for voting in the election of Members of Parliament, upon splitting of valued rents, and conveying superiorities and thereby acquiring a title which may be looked upon as nominal and fictitious.' It was agreed that the overture from the Synod lie on the table. (*Scots Magazine*, May 1773.)

⁶Letter from Professor Thomas Gordon to Principal Chalmers, May 28th, 1773.

⁷May 1st, 1776.

⁸Lord Monboddò.

in favour of man, since tails were now found by legal evidence to belong to both. Young Prof Stuart¹ stood up & acquainted the society of a happy experiment that was likely to decide the controversy;—that his Grace of Buccleugh had got a veritable Orang Outang, & had generously resolved to bear the expence of his education under M^r Braidwood; And as he doubted not of the proficiency of this stranger, he begged leave to recommend his being enrolled as a member of the speculative society as soon as his education was completed.—My young friend D^r Gregory² sat by the Professor. He rose up & observed that the gift of speech & in our own language was undoubtedly a necessary qualification in any foreigner who aspired at being a member of their society; but with all deference he begged leave to propose that in the present case before the candidate was admitted the Learned Professor should certify that he had put him over the *pons asinorum*—Nota, D^r Gregory nor none of his friends know of my being informed of this bon mot. I had it in a publick company where my connexion with my young friend was not known.³

‘My kind compliments to M^{rs} Lesly your young family, the Principal & our other Collegues.—

‘Yours affectionately,

‘THO^s GORDON.’

Professor Leslie is probably best known as figuring in Kay’s caricature of the ‘Septemviri Sapientes,’ or seven wise men of King’s College, who were opposed to the scheme of 1786 for a Union with Marischal College.⁴ Three times in the eighteenth century plans for Union were discussed. In November 1754 the two colleges came to terms, reserving the question of the location of classes, about which they asked the Duke of Argyll’s help. The Earl of Findlater was appointed arbiter with reference to the Seat of the University. He decided in favour of Aberdeen

¹ Dugald Stewart, Mathematician and Biographer.

² Dr. James Gregory came of a family closely associated with the progress of Medical Science in the North. Appointed at an early age to an Edinburgh chair, he held the professorships successively of Medicine and of the Practice of Physics with great success. Apart from his medical works, he was the author of a *History of the West Highlands and Isles of Scotland*—a permanent memorial of his learning. Paton writes of his classical attainments, and alludes incidentally to his epigrammatic talents. Gregory died in 1821. (Kay’s *Portraits*, i. pp. 339-342.)

³ Gregory’s father was a Colleague of Gordon in King’s College before being appointed to the Chair of Medicine in Edinburgh.

⁴ Kay’s *Portraits*, i. 76.

as against Old Aberdeen. King's College thereupon withdrew from the negotiations. The question is alluded to in a letter from Principal Chalmers of the 8th of July, 1755 :

'I had this day a Letter from a Gentleman of my Acquaintance which pleasd me much giving an Account of a conversation with the Duke of Argyle anent our Union & the Prosecution thereof. He laughs at penalties &c approves of every thing we have done except submitting which he says we ought not to have done to anybody far less to — & seems to hold his Broyr Peer in great Contempt for this pitiful & low effort in Politicks.'

As a teacher Leslie appears to have inherited the talents of his father. Sir James Mackintosh¹ remembers Leslie's instructions as good. Like other Scotsmen of his day, he used dialect in his speech, but according to Mackintosh his pronunciation was such as he could not have acquired without some residence in England. His powers of declamation were considerable, and Mackintosh records the lasting impression made upon him by Leslie's recitation of the lines describing Adam's feelings after the Creation :

'As new waked from soundest sleep,' etc.

He was credited by Paton with having made it his boast that he had rendered the Greek tongue vernacular from Aberdour to Aberdeen. Principal Chalmers, in a letter dated June 1771, describes Leslie as 'the only man in the Society that can be of use in assisting & supporting an interim teacher in his authority.'

The last letter in the Collection is an intimation² from Professor Robison to Leslie that he has been elected a member of the Royal Society of Edinburgh. In 1789 Professor Leslie appears to have been in failing health, and Mr. Robert Eden Scott was appointed to take his duties for the next winter.³ Leslie died on the 24th of May, 1790, at the age of sixty-eight. A last tribute to his memory appeared in the *Aberdeen Journal* of June 1790. 'His attachment to his pupils, and his unwearied exertions to instruct them in the principles of languages to preserve order and regularity in their behaviour and to enforce the practice of every moral and religious duty will render his memory dear to all who have been under his care.'

J. G. BURNETT.

¹ *Memoirs*, pp. 9-10.

² June 23rd, 1783.

³ *King's College Officers and Graduates*.

Andrew Symson

Preacher, Printer and Poet

THE ecclesiastical convulsions in Scotland during the second half of the seventeenth century had as one of their strangest effects that they drove certain men from the pulpit into the profession of bookselling and printing. Those who thus changed their career were clergymen who had been parish ministers while the persecutions lasted, but who were unable to take the necessary oath of allegiance to the government of William III. when the Revolution set him on the throne. In this way Henry Knox, a reputed grand-nephew of the Reformer, who had been minister of Dunscore and Bowden, became a bookseller in the Luckenbooths of Edinburgh, his name appearing in the imprint of a few books. It was perhaps natural that Knox should take to that line of life, for his father had been a book-binder in Edinburgh before him,¹ but the same could not be said of David Freebairn, the father of the better known Robert Freebairn. He had been minister of several charges in Strathearn, and on his ejection from the last set up as a bookseller in Edinburgh, where his shop was over against the Guard—a business which he relinquished on returning to the ministry as a clergyman (and ultimately as a bishop) of the Episcopal Church in Scotland. A third was Andrew Symson, the subject of this paper. It is worthy of note that the names of all three occur frequently in the same imprint, Symson being the printer and the other two being associated with him in the sale of the book.

Symson belonged to a family which had occupied an important place in the ecclesiastical history of Scotland since the Reformation. None was more eminently entitled to the description 'levitical,' for it gave many sons to the ministry of the Church. The list of books that can be assigned to them is long, and a

¹ Scott's *Fasti Eccles. Scot.* i. 272, 545, 579; but see Aldis's *List*, p. 115. Knox was entered a burghess and guild brother of Edinburgh as early as December 11th, 1678.

useful bit of Scottish bibliography would be to disentangle the individuality of the various writers and assign to each the volumes he produced. Much confusion at present exists in regard both to their personalities and to their literary activities. Library catalogues, even that of the British Museum, are full of blunders concerning them.

Symson's great-grandfather threw in his lot with the Reformation party, and became successively schoolmaster at Perth and minister and schoolmaster of Dunbar. He acquired a somewhat left-handed fame for the part he played in bringing his fellow-presbyter, the minister of Spott, to justice for the murder of his wife, a famous case in the criminal annals of the country. A more solid ground for remembrance is to be found in the fact that in 1580 he published *Rudimenta Grammatices*, a Latin grammar popularly known as the 'Dunbar Rudiments,' and used in the Scottish schools for many years thereafter. Of Symson's sons, five became ministers and four of these authors of books that were more or less well known.

The son named Alexander, the grandfather of our printer, was successively minister of Muckhart, Alva and Merton in Berwickshire, and wrote *The Destruction of Inbred Corruption*, London 1644. So far as can be ascertained, Alexander's son, Andrew, though he describes himself as a 'Minister of God's Word,' never occupied a pulpit in Scotland. He followed the tradition of his family and wrote two learned treatises—an Anglo-Graeco-Latinum Lexicon and a commentary on 2nd Peter. In January 1704, his son, our printer, presented copies of these works to the library of Glasgow University.¹ In each he inserted a printed inscription of dedication, detailing his reason for the gift. The books were intended

'Ad

Orthodoxam Fidem confirmandam,
Bonos Mores promovendum,
Rem literariam excolendum,
Patris τοῦ μακαρίτου Memoriam perpetuandum,'

not less than to show the donor's own good-will.

According to Hew Scott, Andrew Symson was born about

¹ *Mun. Univ. Glasg.* iii. 447. Nine years before, Symson presented another volume. *Ibid.* iii. 442. No reason is apparent why he should have been interested in the Western University. The copy of the *Lexicon* in Edinburgh University was presented to the library by the author on its publication in 1658.

1638,¹ but no information is available as to where. The probability is that he was born in England, where his father may have been engaged in some ministerial duties. It is noteworthy that the two books of the latter were published in London and that the Commentary was dedicated to 'the Master, Wardens, Assistants and others of the Worshipfull Companie of Stationers'—which seems to argue some personal acquaintance and familiarity with them.² Andrew was the youngest son, and according to the insertion in the books presented to Glasgow University, acted as an amanuensis to his father while the latter was engaged on them. He was educated at the High School of Edinburgh, for he speaks of Hugh Wallace, 'qui per annos, 1652, 1653, 1654, 1655 [fuit] Scholarcha Edinburgensis, quem ego puer Praeceptorem in Grammatica habui.'³ He credits this teacher with the authorship of an anonymous poem on Sir William Wallace, which he afterwards printed, but in this he is probably mistaken. Symson refers to the author as being a west-country man, a description that does not fit in with what is known of Hugh Wallace, but is appropriate to William Wallace, who was a schoolmaster in Glasgow and a poet.

Some time during the closing years of the Commonwealth, Symson became a student of Edinburgh University, where he had the 'honour to be Condisciple' of Alexander, Earl of Galloway,⁴ from whose family he was destined to receive much kindness. He graduated in Arts on July 19th, 1661,⁵ but before he was laureated he was appointed Latin master, or 'usher,' as he himself names his office, in the Grammar School of Stirling⁶—no doubt

¹ *Fasti*, i. 735.

² The dedication has certain amusing touches. The author, after pointing out how many prefer light literature, 'whereby they are so bewitched, that a Tale of Robinhood, pleaseth them better than a Chapter of Job, a filthy Ballad than one of the Davids Psalmes,' he continues, 'but of you, whom I conceive to be endued with no small store of Knowledge, at least who have the means thereof in greater plentie than any others, I hope better things. Starve not your selves (Tantalus like) amidst the variety of such choyce dainties. Oh that the Libraries were but furnished with the Crums that fall from your Table.'

³ *De Gestis . . . Gulielmi Vallae*, Prolegomena, p. 8. Symson is inaccurate in the dates he gives. Wallace was appointed Rector, July 3rd, 1650, and died, while still holding the office, September 11th, 1656. Cf. Steven's *Hist. High Sch. Edin.* pp. 59, 61, etc.

⁴ Symson's *Tripatriarchicon*, Dedication, p. 6.

⁵ *Catalogue of Graduates . . . of Edinr.* p. 163.

⁶ Hutchison's *High School of Stirling*, p. 75.

through the influence of his brother Matthias, who had been minister of the town from 1655. The appointment was made on March 2nd, 1661, at a salary of £100 Scots per year, and he bound himself 'faithfullie to discharge his office as well as any uther Latin doctor of the said schoole had done hereto fore.' He did not continue long in Stirling, for he formally resigned on May 4th, 1663.¹ He had been licensed to preach by the Bishop of Edinburgh in the preceding January,² and had already been appointed to a parish. In his letter of resignation he asked the clemency of the Town Council, in whose gift the post was, for not giving timely notice of his intention to retire, and, again probably through his brother's influence, the patrons were pleased to agree and released him from his engagement. It would be interesting to know how his pupils had fared in the interval, for their tutor had been busy elsewhere for some months before he resigned.

The time was the beginning of that sad period in Scottish history which coincides with the reigns of Charles II. and James II. Among other legislative pronouncements of the beginning of Charles's reign, it was enacted that all ministers should, before September 20th, 1662, receive presentation from their legal patrons and collation from their bishops, or quit their parishes. Three hundred and fifty ministers chose the latter alternative. Symson's grandfather, the minister of Merton, had been committed to prison for his straight dealings with the king,³ but our preacher had no difficulty about taking advantage of the many openings that were thus created or about doing so under the wing of the Government. In the spring of 1663 he and several others were sent to supply the vacant congregations in Galloway. 'Upon our arrival,' he says, 'we found several Parishes not only *vacantes* but *vocantes* . . . I do not assert that we had a formal and explicit Call from the Parishioners,' he continues, '. . . yet we had it virtually and upon the matter.'⁴ After preaching in the district for at least seven Sabbaths he was settled over the parish of Kirkinner on the shores of Wigton Bay. He declares that his 'entry was so peaceable, so orderly and so very generally assented to'⁵ that he experienced no trouble whatever from the people.

¹ Hutchison's *High School of Stirling*, p. 77.

² Scott's *Fasti*, i. 735.

³ Calderwood's *Hist. Ch. Scot.* vii. 470, 511.

⁴ *Tripatriarchicon*, Preface.

⁵ *Ibid.*

Symson, in fact, emphasises the friendly relations he continued to have with his parishioners up to the end of his official connection with them. In his preface to his *Tripatriarchicon*, he wrote : ' As for those few that were Dissenters, we us'd all peaceable Christian methods to gain them : So that when the Commander of the Forces that lay in the Stewartrie of Kirkcudbright . . . wrote to us to send him a list of them, we absolutely refused him and sent him two of our number, yet living, to signify the same to him ; upon which account we were complained of as Enemies to the Government and obstructors of the settlement of the Peace of the Country.' In almost every notice of Symson this magnanimity is referred to with much approval, and he is given credit for the risks he ran in consequence.¹ But it is to be feared that he did not always maintain a bold front to the authorities. A tell-tale document in his handwriting still exists wherein he gave in a list of the ' disorderly ' in his parish in the year 1684. Among those named is Margaret M'Lauchlan, one of the two women known as the ' Wigton Martyrs.' It is unfortunate that Symson has even this remote connection with that deplorable case.²

However undemonstrative the people were at his settlement, it is certain that they did not continue to wait on his ministry. As time went on attendance at church was reduced to less than a handful. In an elegy he pronounced over David Dunbar, younger of Baldoon, he speaks of the support he received from him :

' In that unhappy time, I say, when I
Was almost drown'd in deep perplexity,
When many persons would no longer stay,
And all my summer birds flew quite away :
Yet he, brave soul, did always constant prove.

He was no schismatick, he ne'er withdrew
Himself from th' house of God ; he with a few
(Some two or three) came constantly to pray
For such as had withdrawn themselves away.

So that my muse, 'gainst Priscian, avers
He, HE alone, WERE my parishioners.'³

¹ Cf. e.g. Dobson's *Hist. of the Bassandyne Bible*, p. 213, and Dunlop's *Book of Old Edinburgh*, p. 57.

² Arch. Stewart's *Hist. vindicated in the Case of the Wigton Martyrs*, 2nd edit. 1869, pp. 27, 71.

³ *Elegies*, p. 25 ; quoted in *Large Description of Galloway*, preface by Maitland, p. vii. etc.

In spite, however, of their apathy, Symson declared himself on the whole well satisfied with the treatment he received at Kirkinner. 'I must acknowledge,' he says, 'that as my lot was cast in a very pleasant place, so I had to do with a very well natur'd people, who, following the example of the Gentry, their Landlords, payed me great deference and respect, for which people, for I hate ingratitude, I shall have a kindness as long as I breath.'¹

He was not, however, free from the troubles that would necessarily befall a supporter of the Government in a district whose sympathies were mainly with the Covenanters. More than once he was in danger, but he always received timely warning and was able to go into hiding till the hazard was past. The year 1679 he singles out as one of special trial to him. Archbishop Sharpe was assassinated in May; the Battles of Drumclog and Bothwell Bridge were fought in June, and there was general unsettlement among the Covenanting party in the south-west of Scotland. For a time the lives of none who sided with the Government were safe. Had it not been for the friendship of the Earl of Galloway, Symson might have fared ill in the temporary triumph of the hillmen. 'When things were come to that height,' he says, 'that the publick owning of us was almost look'd upon as a Crime, and I for my safety was necessitate to retire to a quiet lurking place, his Lordship accidently lighted upon me, took me home with him to his House, and kindly entertained me there.'²

It was perhaps during one of these periods of forced retirement from his parish that Symson acted as amanuensis to Sir George Mackenzie, that lawyer, statesman and author who is best known in Scotland through the epithet 'Bluidy' attached to his name. In 1678 Mackenzie published his *Laws and Customs of Scotland in Matters Criminal*, a second edition of which Symson saw through the press in 1699. In a preface he makes the interesting statement: 'I crave leave to say, that I, being his Amanuensis, and writing these Papers as dictated from his own Mouth, have often admired his Memory and Readiness in that he dictated the same into loose Papers, which being transcribed were immediately sent to the Press.' For Mackenzie Symson had always the greatest admiration. At his death he pronounced an eulogy on him that shows the most generous appreciation of his character and work. Speaking of his hero's relation to the Faculty of Advocates, he says:

¹ *Tripatriarchicon*, Preface.

² *Ibid.* Dedication, p. 7.

‘He was their worthy Dean, and in that Trust,
 He well deserv’d the Epithet of Just.
 His love to Learning, and their Faculty,
 Gave being to a gallant Library,
 In which the very books wrote by himself
 Deserve the fairest, and the highest Shelf.
 Yea and these learned Books which he hath writ,
 Though but a small, are a great part of it.’

During the greater part of his ministry at Kirkinner, Symson acted as clerk to the Synod of Galloway, ‘an office for which,’ the late Principal Lee said, ‘he was better fitted than for the functions of a poet or a historian.’¹ The register in which Symson kept the records of the Synod disappeared and was not recovered till 1846, in which year it was found by Archdeacon Meadow, to use Hill Burton’s pseudonym for him, in an old bookshop in Edinburgh. It is said that the volume had crossed and recrossed the Atlantic before it was thus secured. Principal Lee appears to have sold it to the Synod of Galloway about the same time, and it therefore once again came into possession of its rightful owners. The register was thus described: ‘The penmanship is beautiful and quite legible, and the whole volume is in a state of excellent preservation . . . It is a thin folio.’ In 1856 it was printed and published by J. Nicholson, Kirkcudbright, under the title of *The Register of the Synod of Galloway from October 1664 to April 1671*. In the sale catalogue of the library of the late Prof. William Stevenson it is entered as having been edited by ‘Milligan,’ *i.e.* the Rev. John Milligan of Twynholm.

According to the *Register*, Symson acted as clerk *pro tempore* from October 25th, 1664, to May 17th, 1665. On the latter date, however, he was chosen permanent clerk, the Synod ordaining that for salary ‘out of every Kirke he shall have halfe a crowne in the year, that is to say ye summe of fifteen shilling Scots at each Synod and this present Synod to be the first of them.’² He was still clerk when the MS. ends at April 27th, 1671. Symson was present at all the meetings held during his term of office.

It cannot be said that Symson’s parochial duties at Kirkinner made a heavy drain on his energies, and he accordingly had ample leisure to satisfy any craving he might have for literary pursuits. He states that he received little stimulus towards work of this

¹ In a letter transmitting the records of the Synod to their successors.

² *The Register*, p. 23.

kind from his surroundings, for he was located 'in a remote part of the Kingdom where the Author's Books were not many and his Books of English Poems very few.' Yet it was to poetry that he turned his attention. He set himself to produce a metrical version of the lives of the Jewish patriarchs. The poem was written in sections and then pieced together, the whole being published long afterwards in 1705 from his own press under the title of *Tripatriarchicon: Or, the Lives of the three Patriarchs, Abraham, Isaac & Jacob. Extracted forth of the Sacred Story, and digested into English Verse.* Symson was under no delusion as to the quality of his work. 'The Author,' he says, 'does not in the least expect to be classed with our famous modern English Poets. No, no; the height of his Ambition is to be ranked *inter Minores Poetas*, or if that seems too bigg, he is content to be lifted *inter minimos*: Providing ordinary ballad-makers, Country Rhymers, mercenary Epitaph-mongers, and several others of that tribe be wholly excluded the Number.'¹ Posterity has endorsed his verdict by leaving his verses in well-deserved obscurity. He appears even to have found pleasure in the fact that his compositions brought him pecuniary loss. 'Neither did I,' he wrote in withering language to an opponent, 'before I published my poems make use of that mercenary way that an author whom I could name lately did who although he had a greater stock than I ever had and a profitable employment beside, yet he procured as many subscriptions for his Book and that at a rate dear enough as would sufficiently defray the expences of the whole impression and something over, which I shall not name, as not being at leisure to cast up a just calculation.'² The day was yet more than a century distant when authors could look with self-respect on an income derived from their pens. George Chalmers says that the *Tripatriarchicon* 'was very unsuccessful; a great part of the impression remained on hand at his death.'

While at Kirkcinner, Symson also began and largely completed the work by which he is probably best known to-day—his *Large Description of Galloway*. In September 1682, Sir Robert Sibbald was appointed Geographer Royal for Scotland, and at the same time commanded to prepare a descriptive account of the whole country. He appears to have sent out a circular in all directions asking for information. One of these fell into the hands of Symson. He was attracted to the subject, and in 1684 forwarded

¹ *Tripatriarchicon*, Preface.

² *A Letter from A. Symson to Mr. William Forbes*, p. 4.

his account of his own district to Sibbald. Sibbald evidently considered it of some value, for he specially mentions it in his autobiography, where it is spoken of as 'a full account.'¹ Symson, however, was not satisfied with it, for in an advertisement which he added to an enlarged version he tells how he was led to revise his papers. 'Severall of them being only written in short notes,' he says, 'which were to have been afterwards extended ; but the travels which very shortly thereafter did ensue, occasioned these Papers to be cast by, yea, and almost forgotten for some years. Being at length desired to extend and transcribe the same, I severall times set about it, but was diverted ; however, having here time and leisure enough, I have transcribed them : wherein are inserted here and there, severall particulars, which were either wholly omitted at first, or of which I had not so full information as I have since procured from many persons, on severall occasions.' The note is dated 'Dalclathick in Glenartnae, June 28, 1692,' and the cause of his leisure is quite apparent.

It is somewhat strange that the *Description* was not printed during Symson's lifetime. He must have known Sibbald personally, for he afterwards did work for him and set up at least two of his treatises on local topography—*The Description of the Isles of Orknay and Zetland*, Edinburgh 1711, and *The History Ancient and Modern of the Sheriffdoms of Linlithgow and Stirling*, Edinburgh 1710, besides other geographical essays.² The fault may not have been Symson's, for it was apparently Sibbald's plan to use the material supplied to him by his correspondents in working up a complete account of his own, and death may have overtaken them both before Galloway was reached. In any case, Symson's manuscript remained unprinted, and ultimately passed into the possession of the Advocates' Library. It was not published till 1823, when it appeared under the editorial supervision of Thomas Maitland, afterwards Lord Dundrennan.³ In 1841 it was

¹ *Remains of Sir Robert Sibbald, Knt., M.D.*, p. 28.

² It is apparent that some of Sibbald's treatises did not meet with a ready sale, or a larger edition than was necessary was produced. In 1739 a curious collection of them appeared. Two printed by James Watson in 1707 and 1710 and three printed by Symson in 1710 and 1711 were bound together in one volume and provided with a general title which bore the imprint : 'Edinburgh : sold separately, or bound together, by Hamilton & Balfour in Company, John Paton, Alexander Symmers, and Alexander Kincaid, Booksellers in Edinburgh, and John Barry Bookseller in Glasgow. MDCCLXXXIX.'

³ By a curious slip, Scott attributed the editorship to Charles Kirkpatrick Sharpe. —Introduction to *Bride of Lammermoor*.

incorporated by the Rev. William Mackenzie in his volumes on Galloway.¹ More recently it has been printed by the Scottish History Society as part of the Macfarlane Geographical Collections.

After being at Kirkinner for the long period of twenty-three years, Symson was presented to the Parish of Douglas, where he was settled at the beginning of 1686. He was not allowed to remain long in his new sphere.

When or how Symson came to leave Douglas is somewhat obscure. Hew Scott says he was instituted there on the 12th of January, 1686, 'continued 2nd May, 1688, and was outed by the people soon after the Revolution (at any rate previous to 20th October, 1691), as he had been "obtruded upon them, without their consent and lawfull call," and the church was ordered, 23rd March, 1692, to be declared vacant.'² This indicates a process continued over many months. On the other hand, Symson's own statement is quite clear. In the printed dedication which he prefixed to the books presented by him to the library of Glasgow University, he says he was twenty-three years at Kirkinner and three years at Douglas—an enumeration which gives 1689 as the date of his leaving the latter parish. This is confirmed in the explanatory preface which Sir Alexander Seton wrote for his *Treatise of Mutilation and Dismemberment*, a volume which was prepared and printed under the supervision of Symson, and was not likely, therefore, to contain misstatements concerning him. There the author says that Symson 'in the year 1689 retired to Edinburgh.' The date is all the more likely to be accepted as correct when the political and ecclesiastical events of that year are recalled.

There is also a difficulty in connection with the circumstances under which Symson relinquished his charge. In a pamphlet published by William Forbes in 1706, he was offensively described as an 'abdicat Preacher.' Symson took up the phrase and wrote: 'As for the word *Abdicat*, sure I am, you cannot justly apply it to me, take it in what sense you please, either actively or passively or in any of the Acceptations of *Abdicatio* & *Abdicare* to be found in Calvins Lexicon juridicum (*sic*), or any other *Philologist*

¹ In the notice of Symson which occurs in Mackenzie's book, our printer is mixed up with his father in inextricable confusion. For this the author was not responsible, as the account was inserted without his approval.—*Statement of Facts as to the Writing, Printing, and Publishing of the History of Galloway*, by J. C. Mackenzie, p. 30.

² *Fasti*, ii. 325.

or *Lexicographer* ; for neither did I abdicat, nor was I abdicated. It seems that because this word has been of late, and perhaps justly, applyed to some persons, therefore you thought it might also be applyed to me ; forgetting that sure Maxim, *a quibusdam ad omnes non valet consequentia*.¹ In all probability Symson simply left the parish and allowed a vacancy to be created by default.

Seton quaintly sums up the reasons which prevailed with Symson and induced him to proceed to the capital. 'He resolved,' says Seton, 'according to the Apostles advice (*a*) to be quiet and to do his own business, and to work with his own hand, that so (*b*) he might not be chargeable to any ; but (*c*) eat his own bread ; and (*d*) have to give to him that needeth. And in prosecution of this virtuous Resolution, having taken himself to a Trade, he well understood, of publishing and selling of Books, desir'd from me and his other good Friends, to give him such Encouragement as might fall in our way.'² Symson's own reasons were that 'per casus varios, & per discrimina rerum' he became 'Bibliopola et Typographus' in the city of Edinburgh, 'ad otium effugiendum, otiiq : dira concomitantia.' With the exception of short intervals, he seems to have spent the remainder of his life in the capital. Thus we find him in Stirling in 1690, and, as already stated, in 1692 he dates his account of Galloway from Glenartney.

It would appear that Symson set up as a bookseller almost at once on reaching Edinburgh, although his name has not been found in the imprint of a book till 1698. It is probable that he occupied the same premises from first to last, a tenement 'in the Cowgate near the Foot of the Horse Wynd.' It is said that both his printing-office and his dwelling-house were on the second floor. The building was removed some time ago to make way for a new street—Guthrie Street. Later, Symson had an auction room in the Royal Exchange, High Street, where he probably disposed of books only. The kind of stock that filled his shelves is indicated by an advertisement that appears in one of his publications. He speaks of his shop as being a place 'where a vast collection of good books consisting of Divinity, History, Heraldry, Philosophy, Law, Medicine, Sermons, Pamphlets, and other books of all sorts and subjects, may be had at reasonable rates, at any

¹ *Letter to William Forbes*, f. 4.

² *Seton's Treatise*, Address to Reader.

time.' He appears to have been admitted a burgess of the city. George Chalmers gives the date 1697, but the register of the Edinburgh Town Council has been searched in vain for the appropriate entry of it during that year.

While still only a bookseller, Symson began about 1696 his special career as an editor. In an address to his readers, published in that year, he declares his pleasure in such work. Books of the kind, he says, 'are my delight, my heart, worth nectar and ambrosia in my right hand, believe me a very feast. By their aid I drive away mordant cares and ennui. Through them I beguile the night and deceive the day. With them I learn how to despise both the threats and the allurements of the world. Girt round with paper walls, with walls of books on all sides, I dwell safe as in a fortress.' What was apparently the first of these literary efforts was a reprint of eight Latin versions of the 104th Psalm, which he published under the title of *Octupla*. The versions were those of George Buchanan, George Eglisam, Thomas Reid, Arthur Johnston, Henry Henrison, William Stuart, Ninian Paterson and Walter Deniston, and the whole forms a queer little book.¹ The imprint bears that it was printed and published by the Heirs of Andrew Anderson and sold by Henry Knox in the Luckenbooths. The original imprint has in some copies been covered by another pasted by a slip over it. It is strange that Symson's own name does not occur as one of the sellers of the book.

Bound in the same volume is a reprint of Thomas Dempster's Latin translation of Montgomerie's *Cherry and the Slae—Cerasum et Silvestre Prunum*, first published in 1631. It carries the same imprint, and the title-page has been dealt with in the same way as that of the principal treatise. It has been affirmed that Symson edited this re-issue, but the booklet is simply a reprint and bears no evidence at all of an editor's hand. The only apparent ground for the conjecture is that it is found bound up with the *Octupla*, the compilation of which Symson ostentatiously acknowledges.

During these early bookselling days Symson succeeded in forming intimate relationships with what we now call Parliament House, for in 1699 he responded to the advice of certain members of the Faculty of Advocates and produced the second edition of Sir George Mackenzie's *Laws and Customs of Scotland in Matters Criminal* already referred to, and the same author's *Observations upon the XVII Act Parliament XXIII K. James VI against Deposi-*

¹ The paging, e.g. is placed on the inner corners of the page.

tions Made in Defraud of Creditors.¹ To these he added Sir Alexander Seton's *Treatise*, from the preface to which quotation has already been made. The three prints were issued with separate titles, signatures and pagination, but are usually found bound together in one folio volume. They were printed for the publisher by the Heirs of Andrew Anderson.

Symson showed his interest in the Advocates' Library by presenting 'this impression,' as he calls it, of the *Laws and Customs* to the Faculty so that copies might be on their shelves, and in his prefatory letter to 'Mr. Robert Bennet, Dean, and the other worthy Gentlemen of the Honorable Faculty of Advocats,' setting this forth, he adds the following interesting note: 'I find by your printed Catalogue some years since,² that there were many curious and rare Books then in it, but it is now much enlarged, both by your own Diligence, and the never enough to be commended Generosity of Noble Benefactors. As for my part, if among the vast Multitude of old Books, that almost daily pass through my Hands, there shall be found any curious Pieces (and sometimes a Pearl may be found in a Dunghill) which you want; I shall be very willing to have them transplanted from my obscure Nursery to your more publick and pleasant Garden; and for that end I shall have distinct Alphabetical Catalogues, of such as come to my hands, lying patent, that so any of your Number may, at any time, peruse the same.' It is open to conjecture whether Symson meant this notice as an advertisement of his stock, or a generous offer to the library to help itself from his shelves!³

Symson had married Jane Inglis, concerning whose origin and family nothing has been discovered, and by her he had three sons.⁴

¹ Published also in the preceding year as an 8vo by the Heirs of Andrew Anderson, 'for Mr. Andrew Symson.'

² *Catalogus Librorum Bibliothecae . . . Edinburgi*, Ex Officina Typographica Georgii Mosman, 1692.

³ From the preface to the treatise on *Mutilation* we learn that it was the author's intention to issue his book anonymously. 'When I gave the first of the following sheets to Mr. Andrew Symson, that he might publish them,' he says, 'twas my Desire that my Name should be conceal'd . . . but the Publisher by some mistaken Apprehension [has] prefix'd my Name . . .' On November 11th, 1697, Symson had received from the Privy Council copyright in the two books for the space of nineteen years, a fine of 500 marks and forfeiture of all copies being imposed on any who might infringe his rights.

⁴ On October 15th, 1684, the household in the Manse of Kirkinner was certified by the minister to be—'Mr. Andrew Symson, Jane Inglis, Andrew Symson, David Symson, Esther Wright, Jennet Kairly, Ellen M'Murrie, and James Russel.' Matthias was not apparently included as he was under twelve years of age at the time.

One of them, Matthias, afterwards acquired a certain celebrity as an author and dignitary of the Church of England. He was born about 1672, and took his degree at Edinburgh University on June 23rd, 1699.¹ In 1708 he settled in England, where he was successively rector of Moorby and Wennington and a canon of Lincoln. In 1738 the degree of D.D. was conferred upon him by his Alma Mater as 'hujus Academiae per quinquennium olim alumnus.'²

In 1700, while still a student of divinity, Matthias set up a small printing-press in Edinburgh, and from it produced at least a dozen works of superior craftsmanship. None of them bears a printer's name, the nearest approach to a revelation of his identity being his monogram on the title-page. George Chalmers says this peculiarity was 'owing to the delicacy of his situation as a student of divinity,' but the reason carries no weight with it. Young Symson's interest in the business was well known. Some of the publications that bear the monogram of Matthias were 'printed for' his father and Henry Knox.

Matthias retained the press for less than two years when, according to James Watson, 'he designing to prosecute his studies left the House to his father Mr. Andrew, one of the Suffering Clergy.'³ The elder Symson's name began to appear as printer in imprints in the year 1702, and during the next ten years his press produced the usual miscellaneous publications associated with the printers of his day. It is probable that he sent out many a pamphlet anonymously, for conflict with the censorship established by the Privy Council was not a thing to be lightly encountered. These can perhaps be identified through the various ornaments they carry. His acknowledged books are of all sizes, and range from octavo pamphlets on the ecclesiastical and political controversies of the time to solid treatises on law and topography. He was one of the recognised printers for the Episcopalian party to which he belonged, and his controversial publications are accordingly mostly representative of their views. He also printed several devotional works. A glimpse is given into his printing-office in the preface to the *Tripatriarchicon*. He was attempting to meet possible objections that might be brought against the want of uniformity of spelling and punctuation in that book, and

¹ *Catalogue . . . Graduates at Edinburgh*, p. 163.

² *Ibid.* p. 241.

³ Watson's *Preface*, p. 18.

he adds : 'In regard our greatest critics have not, for anything I know, given us an exact standart, either for the one or the other, and these sheets being set by two or three compositars at the same time, and each of them spelling differently, when it came to me to revise, I was not very nice in making several alterations of what they had done, knowing that I could produce sufficient authority from learn'd authors for each of them.' Divided counsel thus run into the printing house was responsible for several inconsistencies and incongruities.

After lying on his oars for some years, Symson resumed authorship in 1705. In that year he edited, printed and published *De Gestis Illustrissimi Herois Gulielmi Vallae, Scotiae olim Custodis, Collectanea Varia*. From the Latin preface it would appear that in 1701 Symson had been approached, evidently by his son, to prepare a volume on the Scottish champion, in which there might be incorporated Peter Panter's unfinished poem on Wallace, Blair's *Relationes* and some other documents, which up to that time had not been printed. Symson hesitated for four years, but 'meam tandem reluctance Vir de re literaria bene meritus expugnavit,' and with many misgivings the volume was at length published in the year named. It has certain peculiarities, for at least one section of the book was printed as early as 1701, and bears the monogram of Matthias Symson on its title-page.

In 1706 Symson became involved in a controversy with William Forbes, an Edinburgh advocate. He had printed a pamphlet on the prevailing ecclesiastical disputes by James Gordon, parson of Banchory, and the challenge thrown down in it was taken up by Forbes. Gordon replied, and Forbes published a rejoinder. To make it known, he advertised it in several numbers of the *Courant* in the following provocative fashion : 'These are to give notice, That a late scuril Pamphlet, Intituled, Some Just Reflections on Mr. Forbes's Remarks, penned and published by two of the wise men of Gotham, viz, Mr. James Gordon, Parson of Banchry, and Mr. Andrew Symson, an abdicat Preacher turned Poet, and Sole Printer to Bedlam ; is now fully and facetiously answered in a Letter from the said Mr. Forbes to a Gentleman in the Country, &c.' This brought Symson into the fray with a twelve-paged pamphlet which he restrainedly named *A Letter from A. Symson to Mr. William Forbes*. He takes exception to the short title which his adversary gave to Gordon's production, and prints it in full. It should run thus : *Some just Reflections on a Nonsensical and scuril Pasquill, against the Parson of*

Banchory, penned by a Brainsick Bigott, named William Forbes, *Advocat*. He declares that his only connection with the pamphlet criticised was that he printed it, Gordon being the sole author. There is a certain dignified restraint about the *Letter* that makes it compare favourably with much of the controversial literature of the time. In the course of his reply Symson gives an interesting glimpse into what he considered the true ethics of the printing-office in dealing with MSS. committed to its care. 'When I was printing the "Charitable Observations,"' he says, 'an intimat acquaintance of Mr. William Forbes's came to me, but whether sent by him or not, I did not enquire; however, he with the greatest earnestness did solicit me, to give him a sight of the Book that the Parson of Banchory had sent me to be printed against Mr. Forbes's Treatise of Church Lands and Tithes, or at least to let him see such of the printed Sheets as were passed the Press, all which I perremptorly refused to do.'¹

One of the most interesting books that came from the Symson press was John Frazer's '*Δευτεροσκοπια*, or, A brief Discourse concerning the Second Sight, commonly so called.' Frazer was Episcopal minister of the Island of Tiree on the west coast, and had married Symson's niece, the only daughter of his brother Matthias, minister of Stirling. While on a visit to Edinburgh in 1700, Frazer happened to mention to Symson that he had the treatise ready, and Symson begged him to send it to him with a view to publication. It duly arrived, and 'I at my own conveniency put it to the Press, but before it was finish'd I received an account that the Author was dead; whereupon I forbade the publishing of it till I should get an account of several passages concerning himself and family.' The book accordingly did not appear till 1707, when it was published with an introductory notice of the author from Symson's pen. The volume is useful both because of its biographical contents and for the subject of which it treats. It was dedicated to the Earl of Cromartie.

In the same year our printer sent out his second long poem, the *Unio Politico-Poetico-Joco-Seria*. *Written in the latter end of the year 1703: and afterwards, as occasion offered, very much enlarged, in severall Paragraphs*... Edinburgh. Printed by the Author.' The poem runs to thirty-two quarto pages, with 36 lines to the page, and therefore extends to more than 1000 lines. It can hardly be termed poetry, for it is nothing but very inferior doggerel. The printing, too, is poor; single lines being occa-

¹ p. 6.

sionally set up from a smaller fount without any special reason for the change being obvious, a practice Symson adopted in other prints that were issued from his press. The author's position on the political question may perhaps be indicated from the title-page motto, a line from Virgil to the effect that—

‘Tros Tyriusve mihi nullo discrimine agetur.’

More definitely he says :

‘... By a Union, honestly intended
And duly manag'd, bygones may be mended ;
All ground of future Jealousies prevented,
And all well meaning people well contented ;
And that our fears will quickly melt away
Like Morning dew in a hot Summers Day.’

The poem ends with the words :

‘*En fine*, this poem mainly doth intend
Peace, Truth, and harmless Mirth. And thus I end.
And if you ask the Authors name, here 'tis,
A. S. PHILOPHILUS, PHILOPATRIS.’

—which is the only form of acknowledgment of the authorship made, except that on the title-page he places ‘By the Author of *Tripatriarchicon*.’¹

Another of Symson's works was published about this time, and deserves special notice because of its reputed scarcity and because it has become permanently associated with English literature through Sir Walter Scott. This is his so-called *Elegies*, although the name is a description of the contents of the booklet rather than a title for the whole. Lord Dundrennan had a loan of Scott's copy, and made copious extracts from it in his edition of *The Large Description of Galloway*. George Chalmers, who does not appear to have seen a copy, calls it a quarto, and suggests that it was ‘probably printed and published by the author together with the *Unio*.’ It is an octavo, and is usually found bound up with the *Tripatriarchicon*.

The pamphlet runs to thirty-two pages and never seems to have had a title-page: page 1 of the text carries the signature ‘A’ in Old English letter. The elegies are thirteen in number, and, with the exception of those on Archbishop Sharpe and Sir George Mackenzie, are all written on Galloway personages. The composition that has given the booklet more than a passing celebrity is the dialogue entitled: ‘On the unexpected Death

¹ The *Unio* was published in two sizes, 8vo and 4to.

of the Vertuous Lady, Mrs. Janet Dalrymple, Lady Baldone, Younger.' There is no reason to doubt that Lady Baldone, who was the daughter of Lord President Dalrymple, was the prototype of 'Lucy Ashton' in the *Bride of Lammermoor*, and that Scott owed the suggestion of his plot partly to Symson's verses on her tragic death. In his Introduction to the novel, Scott quotes largely from Symson, and declared that the sub-title of the elegy, 'Nupta Aug. 12. Domum ducta Aug. 24. Obiit Sept. 12. Sepult. Sept. 30. M.DC.LX.IX.,' affords 'the precise dates of the catastrophe which could not otherwise have been ascertained.' Another of the elegies was on the 'Bride's' husband, Sir David Dunbar, who was killed on March 28th, 1682, by falling from his horse. Scott quotes largely from this second poem, and at the same time says that Symson's verses 'are not of the first quality,' which is an extremely lenient judgment.

That these printed works do not comprise all the literary efforts of Symson seems obvious. Several must have remained in manuscript. Thus Chalmers speaks of a volume of elegies in Symson's autograph which he possessed. They were evidently of the same kind as the printed elegies, one of them being on the author's brother Matthias, the minister of Stirling. A writer in *Notes and Queries* says that he owned *Ane Alphabetical Account of all the Churches or Paroch Kirks in Scotland by Mr. Andrew Symson*, and adds this description of the document: 'The work appears to have been intended for an index to all the different parishes in Scotland. The names of the several churches are written, as the title indicates, in their alphabetical order, and the following particulars are generally given: the county, diocese, and presbytery within whose bounds each parish is situated. The names of the several patrons are also generally given.'¹ It was about this manuscript and another that Bishop Nicolson wrote in 1702: 'There is also in the neighbourhood, [though what neighbourhood is not very clear] a Villare Scoticum, in imitation of Sir H. Spelman's Anglicum, lately drawn up by Mr. Andrew Symson, . . . who has also collected an account of the patrons of all the parochial benefices, and will shortly, I hope, oblige the public with both.'² It would be interesting to know where all these manuscripts now are.

His pen may also have been active journalistically. During the whole time he owned a press, Edinburgh was most fertile in

¹ *N. & Q.* 1st Ser. xii. 452.

² *The Scottish History Library* . . . W. Nicolson, p. 7.

the production of newspapers. It would accordingly have been strange if he had escaped the contagion and refrained from dabbling in the periodical press. In 1707 he began the issue of *The Edinburgh Flying Post*, of which only two numbers are known to survive. In the same year he printed the *Edinburgh Courant Reviewed*, No. 1, probably for James Donaldson, who used the sheet to defend his suspended *Gazette* against the envious and slanderous attacks of its contemporary, the *Courant*.¹ The conjunction of the names of Symson and Donaldson in any venture is exceedingly interesting, because in 1689 the one was a 'rabbed curate' and the other a captain in the Cameronian regiment raised by the Earl of Angus to oppose Claverhouse.

In addition to those already named, Symson has been credited with several other printed works. He has had assigned to him the *Spiritual Songs*, published originally in 1686 by the Andersons, and republished in part by James Watson when he was an exile in the Gorbals of Glasgow, but the author of that work was probably Patrick Simson.² Hew Scott adds *The Song of Solomon*, Edinburgh 1705, and, with a query, *A New Vocabulary, English and Latin*, 2nd edition, Edinburgh 1707.³ Alexander Gardyne in a very useful collection of bibliographical notes on Scottish poetry, preserved in the Mitchell Library, Glasgow, assigns to him without date or remark the *Good Expedient for Innocence and Peace*, but no trace can be obtained of the print. In Sir Walter Scott's library at Abbotsford there was a small octavo, dated 1723, with the title: *True and Impartial Account of the Most Rev. Father in God, Dr. James Sharpe, Archbishop of St. Andrews. With a Narrative of his Murder*. No author is given, but in the index of the library catalogue the print is ranged under the name of Andrew Symson.⁴ It was a subject that would have been congenial to him, as we know from his elegy on the murdered prelate, but if the composition belonged to him it must have been published posthumously. A tract—*Parainesis pacifica; or a persuasive to the Union of Britain*. Edin. M.DCC.II, 4to—has been

¹ Couper's *Edinburgh Periodical Press*, i. 225-6.

² The balance of evidence is in favour of Patrick Simson, who was minister of Renfrew and a near relative of our printer, although MacMecken (*Hist. of Sc. Metrical Psalms*, p. 75) names Thomas Crawford as the reputed author.

³ *Fasti*, ii. 325. The *Song of Solomon* was probably part of the *Spiritual Songs* to which Andrew Symson had no claim.

⁴ *Catalogue of Abbotsford Library*, p. 78. The British Museum Catalogue gives the author as 'D. S.'

ascribed to Symson, but as Dr. David Laing pointed out: 'From a letter of Sir Robert Sibbald to Wodrow, it appears that Lord Tarbet, afterwards Earl of Cromarty, was the author. "The Lord Tarbet," he says, "hath printed *Paraneses pacifica*, a nervous discourse upon the union, but it is not yet exposed to sealh (sale)."'¹ Wodrow names 'A. Simson who wrote on *Some Penetential Psalmes*,'² but this was Archibald Simson, minister of Dalkeith. His book was published in London in 1623, and again in 1638, and was entitled *Sacred Septenarie, or a Godly & Faithfull Exposition of the Seven Penitentiall Psalmes*.

Symson died somewhat suddenly on January 20th, 1712, and was buried in Greyfriars Churchyard. His books were disposed of in the summer of the same year. A catalogue of them was prepared, the title-page of which runs: '*Bibliotheca Symsoniana*, a Catalogue of the vast collection of books, in the library of the late Reverend and learned Mr. Andrew Symson. The first Part. Containing such of his books as are to be exposed by way of Lottery, upon the [31st] day of [July] 1712. This consists of near four thousand volumes in diverse Languages and Faculties, divided into 440 parcels, according to an equal number of tickets to be delivered out, at five shillings sterling per ticket. So that there being no blanks at all every one is sure to get something for his money. Edinburgh, printed in the year 1712.' The pamphlet is a quarto and consists of 36 pages.

'The terms of the Lottery,' says George Chalmers, 'are explained on the back of the title-page. The overseers were Dr. William Lauder, Mr. Henry Knox, Mr. James Walker, Mr. David Freebairn, Mr. Robert Coult and Mr. Robert Freebairn. It was intimated that tickets were delivered "at Mr. Symson's house, near the Horse Wynd, or at his auction place, in the West end of the Royal High Exchange; at Mr. Knox's in the Luckenbooths, at Mr. David Freebairn's, over against the Main Guard, Mr. Robert Freebairn's in the Parliament Close, and by most booksellers.'" Notwithstanding the low price of the tickets and every one was to obtain a prize of a lot of books, many of which would be considered cheap at ten times the price of the ticket in the present day, yet little more than one half of the 440 tickets appear to have been sold. From a printed leaf appended to the end of the Catalogue, it appears that 207 lots remained undisposed of,

¹ Halkett and Laing's *Dictionary of Anonymous and Pseudonymous Literature*, s.v.

² Wodrow's *Analecta*, i. 165.

which were sold by auction.'¹ The catalogue was called a first part. No second part has ever been heard of, and it is probable that the remainder of the stock was disposed of by private bargain.

As a printer, Symson cannot be given first rank. Many of his books were produced from poor types and are neither neat nor clean, though a few have a certain dignity of style. The paper, as a rule, is inferior. The printing-house does not seem to have ceased work on Symson's death, although it has not been discovered into whose hands it fell; probably one of his sons carried it on for a time. In 1714, that is, two years after Symson's death, there was published a small religious pamphlet entitled *Christ, King of Zion, or the intrinsick Power of the Church asserted*, the imprint of which was 'Edinburgh, printed at the foot of the Horse Wynd.' This was probably Symson's former property.

On the whole the picture of Symson is that of a kindly man with few harsh thoughts against a world that had not been for many years on the most affectionate terms with him. He could indeed blaze out on occasion, as witness his lines of accumulated vituperation on the assassins of Archbishop Sharpe. He had his little peccadillos, for he was ever eager to see himself in print, and was continually casting his thoughts into rhyme, Latin or English. He kept hold on his scholarship till the very end, as is testified by the frequent use he made of Latin and the many classical allusions with which his writings bristle. Bishop Nicolson calls him a 'learned Episcopal divine.' He appears to have lived a peaceable life and to have escaped litigation, that pitfall of the printers of his day—negatively a most creditable performance. What part he might have taken in the dispute over the office of King's Printer that arose in the year he died, it is impossible to say, for he was bound to both sides by political sympathies: it is somewhat curious that there is no evidence that he ever had any professional dealings with James Watson.²

As an author he hardly succeeded in climbing the lower slopes of Parnassus, but he belonged to a literary family, and he did his best to keep its traditions of authorship alive.

W. J. COUPER.

¹ Chalmers's MS. *Collections on Scottish Printing* (Advocates' Library), to which, though not perfectly reliable, all students in this field are indebted.

² In conjunction with James Watson and three other Edinburgh printers, Symson petitioned the Privy Council in 1704, complaining of certain restrictions put upon them by the Magistrates of the city. The petitioners were unsuccessful. —*Maitland Club Miscellany*, ii. 236-40, where a fac-simile of Symson's signature is given.

Parliamentary Representation in Scotland

V. THE LORDS OF THE ARTICLES

THE earliest mention of a Committee of the Estates occurs in the records of the Parliament which met at Scone on the 27th September, 1367, and sat at least until the 2nd October (*A.P.* i. pp. 501, 527). The three Estates assembled—we do not know in what numbers—and ‘certain persons were elected by the said Estates to hold the Parliament, and leave was given to the rest to return home, on account of the harvest.’ The ‘certain persons’ included some fifteen clergy, sixteen barons (of whom three were contumaciously absent) and thirteen burgesses. There is no evidence as to whether the full Parliament did anything more than elect the Committee; the urgency of the excuse for a journey homewards renders it very probable that the members who were not on the Committee did not linger at Scone. The King, David II., in a writ ordering a decision of the Parliament to be carried out, says that it was made by the three Estates, and the same phrase occurs in a statute (*A.P.* i. pp. 502-3). We cannot, however, infer that these Acts were passed by the whole Parliament, because the authority of the three Estates was naturally claimed for the acts of the Committee, e.g. an act about Regalities, undoubtedly made by the Committee (*Ibid.* p. 502), is described in a writ as a decision of the three Estates (*A.P.* xii. pp. 15-16).

The business of this Parliament was of the first importance. It is recorded to have been summoned ‘super tribus punctis determinandis.’ These three ‘points’ or ‘articles’ were concerned with the royal methods of government and with the management of the King’s Household, and the political circumstances of the time may be connected with the innovation in Parliamentary procedure. But we are meanwhile concerned with the details of the new machinery. We possess the record of the proceedings of the Committee. Each of the three ‘points’ is stated, and the decision arrived at is described in terminology

which is new to our Parliamentary records. Records have been preserved of Parliaments which met in November 1357, March 1364, January 1365, July 1365, December 1365, May 1366, and July 1366. The results of their deliberations are described in the ordinary enacting terms—‘concordatum est et assensum per tres communitates,’ ‘ordinatum est,’ ‘concordatum fuit,’ and so forth. But the decisions of the Committee of 1367 are introduced by the words ‘dicti domini congregati deliberant per hunc modum, videlicet...’ The importance of this formula will become apparent; it is possible that we have in it or in an equivalent form an indication of the existence of a Committee. The next Parliament met on the 12th June, 1368, and sat for at least ten days (*A.P.* i. p. 531). The initial paragraph of the record of its proceedings gives no hint of the appointment of a Committee. We are told that there were present the prelates, barons, and burgesses who could conveniently attend, that some appeared by procurators, and that others were contumaciously absent. The terminology of the decision varies. Sometimes we find ‘ordinatum est’ and sometimes ‘Item deliberant’ or ‘videtur dictis dominis congregatis.’ In March, 1369, we are again told about the election of a Committee. The procedure still required an explanation, and, this time, certain persons were elected to hold the Parliament and the rest got leave to go away ‘propter importunitatem et caristiam temporis.’ The three Estates are recorded to have been present, and to have taken part in the elections, but no names of burgesses are to be found in the list, either of the Committee ‘ad tractanda generalia negotia’ or of a Committee for Justice, appointed, apparently, for the first time. As in June, 1368, there is a variation in the terminology of the decisions of the General Committee; we find sometimes ‘deliberatum est,’ sometimes ‘ordinatum et statutum,’ and sometimes ‘deliberatum et ordinatum.’

In February, 1370, a Committee was again appointed to do the work of Parliament. No special circumstances are pleaded in the record. We are told that it did not seem expedient that the whole Parliament should take part in the business. Two Committees were appointed, as in 1369; the Committee for Justice included burgess members, but there were none in the General Committee, which was composed of five clergy and eleven barons, along with other persons chosen by the King. They were elected by the common consent of the three Estates ‘to treat and deliberate upon certain special and secret affairs of

the King and kingdom, before they come to the notice of the said General Council.' The composition of this General Committee and the description of its work introduce a new complexity. The appointment of members by the King suggests a connexion between this Committee and the Secret Council, of which we shall find later instances, and the instructions given to the Committee contain a suggestion of the later practice by which the report of the Committee was confirmed in a full meeting of Parliament; it is difficult to see how such a meeting could have been held on this occasion, for the usual leave to go away had been given (*A.P.* i. p. 534). This Parliament of 1370 is important in many ways, and not least because we possess two separate records of its proceedings (*A.P.* i. pp. 507-509 and 533-537). One of these is in the 'Blak Buik' transcript. It treats all the Acts as made by the whole Parliament, and it numbers them consecutively, beginning with a decree relating to the membership of the Council, which must almost certainly have been passed by the full Parliament. The acts of the Committee are usually given in statute form—'ordinatum est,' or an equivalent phrase. The other record, preserved in an original roll of Parliament, and printed in the Appendix to the Acts of David II., gives the decree relating to the membership of the Council in statute form ('et primum et principaliter fuit ordinatum quod'), but elsewhere employs the terms 'deliberatum est' or 'videtur eis,' which occur very rarely in the 'Blak Buik.' It is possible, therefore, that in the Parliamentary roll we have the original report or recommendations of the Committee, and that the Black Book provides us with a recension in statute form. This would explain the variations which we have noticed in the terminology employed in the records of the Parliaments of 1368 and 1369, and would create a probability that there was a Committee in 1368, thus giving a continuity to the institution from its introduction in 1367. It must, of course, be admitted that variations in formulæ of enactment afford a very uncertain basis for the construction of a theory; but the stress of my (very tentative) argument is laid, not so much upon the variations themselves, as upon the coincidence that we find the form 'videtur eis' introduced at a date when we know that the Committee of the Articles was being established in the fourteenth century, and that (as we shall see) we find a translation of that phrase re-introduced at the time when we know that the Committee of the Articles was being revived in the fifteenth century.

The next Parliament about which we have any knowledge met in March, 1372. The precedent of 1370 was deliberately adopted. Again, it did not seem expedient that the whole community should take part in, or wait upon, such deliberations, and it therefore seemed good to follow the order and method adopted in the Parliament held at Perth in the fortieth year of the late King David, of pious memory. Two Committees were again appointed by the general and unanimous consent and assent of the three Estates assembled. The General Committee was again elected to treat and deliberate upon certain special affairs of the King and kingdom before they come to the notice of a general council, and leave was given to other members of Parliament to go away. The names of the Committee were enrolled 'in another Register,' which has not been preserved. Some acts are given in statute form, and then there follows a series of enactments for the punishment of the crime of murder. They are described as being passed 'de consensu et assensu trium communitatum per presidentes sive per personas electas ad determinationem negotiorum in parlamento eodem.' The whole record is taken from the Black Book, and the enactments are in statute form; the 'deliberatum' or report form is not found. But there is an interesting statement that the barons present ordained, with the consent of the King and of the Estates 'ut supra,' that this legislation should continue only for three years, unless the King and the Council should order otherwise (*A.P.* i. p. 548). There were, apparently, no burgesses on the Committee.

From this date until the return of James I. from his English captivity we have no detailed information, but there are some indications of the appointment of Committees. In 1384 we have a series of statutes made in a Council held by King Robert II., with the advice and consent of the three Estates assembled as if at a general council ('tanquam ad consilium generale' *A.P.* i. p. 550). The occurrence in these statutes of the phrase 'per advisamentum sui consilii' or 'de consilio et ordinatione sui consilii' suggests that the Council which made the laws may have consisted, as in 1369, of members elected by Parliament and of persons chosen by the Crown; but the evidence is very slight. Again, in 1389, we have a statement that the under-written articles were ordained by the Council of the King to be treated by the three Estates in Parliament (*Ibid.* pp. 556-7). In 1398, 'domini nunc presentes in consilio' made an addition to a statute passed a

few weeks previously at Stirling (*Ibid.* pp. 570-1) in a Council General which had elected members to sit in the King's Council (*Ibid.* p. 572). In January, 1399 (*Ibid.*), we find again the appointment of the Special Council by a General Council. Its members were, naturally and inevitably, also members of the three Estates.

From the imperfect evidence before us, we can infer only that there was a tendency, exemplified in 1370, in 1372, in 1398, and possibly in 1384, for the General Committee to be very closely associated with the Secret Council. The attempts of Parliament, in the reigns of David II., Robert II., and Robert III., to nominate the Council, prepared the way for a coalescence between the Council and the Committee elected by Parliament to do its general business. That this Committee had a continuous existence during the time when our records are not extant, may be inferred from the fact that when detailed information again becomes available, in 1424, the Committee is found to be elected as a matter of course, and has acquired its technical name of the Articles. The word 'articuli' had long been familiar as a term for the business of Parliament, *e.g.* in 1365 we find 'ad primum articulum seu punctum,' but it is not employed to describe the work of the Committee until our records again become available—for the Parliament of May, 1424, summoned after the return of James I. from England. We are then told that, the three Estates being assembled, certain persons were elected to decide upon the Articles presented by the King, and that the other members of the Parliament were permitted to go away (*A.P.* ii. p. 3).

The initial formulæ of the twenty-seven enactments of the Parliament of 1424 show a great variation. We find 'it is statut and ordanyt,' 'the parliament statutes and the kyng forbiddes,' 'it is consentyt throu the haill parliament,' 'it is consentyt throu the thre estates of the realme,' 'taxis ordanyt throu the counsale of parliament.' We also find 'it is seyne speidfull' and 'the lordes of parliament consentis.' The original rolls have not been preserved, and the text has been constructed from the printed edition of 1566 and from the MSS. on which that edition was based. It is possible that the phrase 'it is seen speedful,' like the 'videtur eis' of 1370, has been taken from the report of the Committee of the Articles, and that the other formulæ represent a recension of this report in statute form. In the next Parliament, which met in March, 1425

(*Ibid.* p. 7), there is no indication of the existence of a Committee. We are told that sundry articles for the quiet and good governance of the realm were propounded to the three Estates of the realm, and that to these articles 'it was answered in maner as eftir folowys.' The manner which after follows is the manner of a statute; 'it is ordanyt.' Once we find 'the Parliament thinks it spedful'; but this terminology may be different from 'it is seen speedful.' In view of what followed, it is natural to infer that King James dispensed with the customary Committee in 1425, though it is quite possible that this impression is due simply to the chance that the enactments of this Parliament have all been preserved in statute form. There certainly was a Committee of the Articles in the Parliament of March, 1426 (*Ibid.* p. 9), when 'to the articles presented to the said lord the king to the prelates, mighty lords of the parliament, earls and barons, to be determined by certain persons thereto chosen by the three estates, it is answered, ordained, statute, and decreed in manner and form as after follows.' The manner and form is usually that of a statute, but 'it is seen speedful and ordained' occurs once, the bare 'it is seen speedful' twice, and once we find a form which I regard as specially significant, 'it is seen speedful by the King's Council.' The Committee of the Articles formed a commission of the Parliament and met again in September, 1426.

From this date until after the end of the reign of James I. we have no indication of the appointment of a Committee of the Articles. But the enacting formulæ often contain references to the King's Council as distinguished from his 'council general' or Parliament, e.g. 'the King with consent of his whole Parliament and Council'; 'the King and the Council has interpreted and declared that there be a statute made in this Parliament'; 'the King of deliverance of his Council by manner of statute forbids.' These instances are all taken from the record of the Parliament which met in March, 1428, which also affords a single instance of the term speedful—'it is seen speedful, and the King with the whole Council has ordained'; the particular Act was to last only for a year. The enactments of the Parliaments of July 1427, March 1430, October 1431, and October 1436, are all in strict statute form. The records of other Parliaments are fragmentary. The Parliament of October, 1431, appointed a Committee 'to ordain and commune upon certain statutes profitable for the common good of the realm.' It met in May, 1432, and passed some police measures, which are all preserved in statute form. But

this Committee, elected for the special purpose of revising the law of murder, is clearly differentiated from the Lords of the Articles.

It has generally been supposed that the Committee of the Articles fell into disuse under James I., and a fresh study of the evidence supports this conclusion. It is very unlikely that, if the Committee had continued to exist, every indication of the fact would have been omitted from the records of so many successive Parliaments; and, further, the known policy of the King was antagonistic to its continuance. His attempt to introduce the office of a speaker 'to propose all and sundry needs and causes pertaining to the Commons in the Parliament,' if it had been successful, would have tended to the destruction of the system of Committees. If, as seems probable, James wished to introduce English Parliamentary methods, he must have contemplated a division of the uni-cameral Scottish Parliament, and, indeed, there is in his reign plenty of evidence of separate deliberations and recommendations of the three Estates. From the point of view of the King, the Committee of the Articles may have appeared to be an intrusion of elected members into the Secret Council, which, after their disappearance, became a body of advisers chosen by the Crown. James certainly had no intention of diminishing the power of the Council, and we have seen indications that he intended it to perform some of the functions of the Lords of the Articles. So far was he from being a 'Constitutionalist' that, in one instance, he obtained the power of revoking a statute at his pleasure, a device which he might easily prefer to the traditional custom of limiting its duration (*A.P.* ii. p. 23).

The Committee of the Articles was revived about the end of the reign of James II. or the beginning of the reign of James III. It may, indeed, have been restored at an earlier date, for the records of the reign of James II. are very fragmentary. We have in 1450 a further instance of the relations between the Secret Council and Parliament in a list of statutes, 'super quibus consilium avisabitur,' an unusual formula which it would probably be fanciful to connect with the royal veto in England, 'le roy s'avisera.' In the same year a Committee was appointed to codify the laws and to report to the next Parliament (*A.P.* ii. pp. 33, 36). In October, 1451, we have a report upon coinage, which is described as 'the avisement of the Deputes of the three Estates touching the matter of the money, etc.' It begins 'that

they think it expedient,' instead of 'it is statute and ordanyt,' the regular formula since the disappearance of the Lords of the Articles. In 1455 the form 'it is seen speedful' recurs again; in 1456 there is a report upon the Articles, in which we find 'the three Estates thinks,' and 'it is thought speedful'; in 1457 we have a similar report with the phrases 'it is seen speedful to the King and the three Estates,' 'the lords of the three Estates thinks,' 'it is seen speedful,' 'the lords think speedful.' The sudden recurrence of this formula and the appearance of the statutes in the form of a report make it possible that the Lords of the Articles had been revived by the year 1455. There is no trace of the existence of a Committee in the next Parliaments (October, 1466, and January, 1467), about which we have detailed information, except the phrase, 'the lords refers these matters to the hamecoming of certain lords now being in England,' in connection with the King's marriage, but in October, 1467, we have, on the third day of the Parliament, a list of the Committee of the Articles, with their instructions 'to avise and conclude' upon certain matters. In the three statutes which have been preserved, 'statute and ordained' occurs twice, and 'it is seen expedient by the lords' once. In January, 1468, we have again a statement that powers had been 'committed to certain persons under-written to avise, commune and conclude upon the matters after following.' Their first enactment begins 'it is avisit and concludit'; the others are in statute form. In a later Parliament, in 1468 and in 1469, we have again a record of the appointment of the Committee, and again we find instances of the occurrence of 'the lords think speedful.' From this time onwards we may probably regard the Committee of the Articles as an invariable part of the Parliamentary machinery; even when we are not told of their election, a phrase like 'the lords thinks' suggests their existence (*A.P.* ii. p. 103), and in 1478 a quorum for 'the Lords of the Articles' was fixed.

This establishment of the Committee might be expected to give it a definite status as a Parliamentary institution, but the tendency to connect it with the Secret Council almost immediately recurred. In 1489, on the accession of James IV., an Act was passed to regulate the Secret Council, the appointment of the members of which was claimed by Parliament (*A.P.* ii. p. 215). We have no evidence to enable us to judge of the effect of this Act under the rule of James IV., but in the minority of his son we find a close approximation between the Articles and the Secret Council. In

July, 1525, we have a record of a meeting of the Articles. It is entitled 'sederunt domini electi ad articulos,' but the first enactment begins 'the lords of the Secret Council decerns' (*Ibid.* p. 294). Again, in January, 1526, the Lords of the Articles 'devised, ordained and concluded that all Acts and statutes made before anent the guiding of our sovereign lord's most noble person, his authority, and matters concerning the weal of his realm be ordered by the lords of his Secret Council to be observed and kept.' (*Ibid.* pp. 299-300.) These pages in the second volume of the Acts of Parliament might, in fact, equally well have been printed in the Register of the Privy Council. It is impossible to distinguish between the activities of the two bodies.

This tendency to combine the Articles with the Council was confirmed by an Act of 1535, which increased the power of the Committee. It recites the necessity of making Acts 'for good rule, justice and policy,' and the waste of time and money involved in keeping the whole 'three Estates in session, and it empowers 'the Lords of the Articles to devise and make such Acts, statutes and constitutions,' and to legislate upon whatever matters the King may lay before them. Their enactments were to have 'the same form, strength and effect as [if] the same were made and statute by all the three Estates being personally present.' The King was also empowered to consult other great men of the realm, so that he might have 'the greatest of his prelates and barons counsel.' It is not clear that the other prelates and barons were to sit with the Lords of the Articles, but, if the suggestions of this act were carried out, there must have been some connexion between them. (*A.P.* ii. p. 340.)

The extant records of the Privy Council begin in 1545, and it would be of interest to compare the lists of councillors present at the meetings with the lists of Lords of the Articles at the same date; but, unfortunately, the evidence fails us in a most tantalizing way. There is, however, sufficient information to show that, in the second half of the 16th century, there was a tendency for members of the Privy Council to be also members of the Committee of the Articles. The names of two of the three bishops, of five of the seven abbots or priors, and of all the ten earls and lords who were on the Committee of the Articles in December, 1567, appear about the same time in lists of the sederunt of the Privy Council. In October, 1579, the Lords of the Articles included nine representatives of the clergy and nine

great barons. Six of the clerical members and eight of the lords were also members of the Privy Council. In May, 1592, all the nobility who were on the Articles were also in the Council. By that date lairds were represented in Parliament, and three of the eight lairds whose names appear in the lists of the Articles also sat in the Council (*A.P.* iii. pp. 4, 128, 530). There are other instances in which the connexion between the two bodies cannot be shown so clearly, and James VI.'s policy of making the Privy Council a small body of officials tended to sever it. In the closing years of the 16th century it becomes more difficult to trace any continuous approximation between the Council and the Articles; but that approximation was always liable to recur, *e.g.* in 1607, all the nine clerical members, all the nine earls and lords, and one of the lairds who sat on the Articles were members of the Council, and, in 1609, six of the eight bishops, seven of the eight noblemen, and two of the eight lairds (*A.P.* iv. pp. 365, 413).

At the dates of the Parliaments of 1612, 1617 and 1633 the *sederunt* of the Council was so small that no evidence is available; but when, in 1661, the machinery of absolute government had to be re-created, we find once more an approximation between the Privy Council and the Articles. All the twelve noblemen elected as Lords of the Articles in 1661 were members of the Privy Council, as were also the eight noblemen elected in 1663, and seven of the eight noblemen elected in 1669 (the eighth, the Marquis of Douglas, became a Privy Councillor before the Parliament was dissolved). Some of the bishops and lairds on the Articles were also members of the Council, *e.g.* in the first Parliament of Charles II. Sir John Gilmour, President of the Court of Session, Sir George M'Kenzie of Tarbet, and William Scot of Ardrross, sat both on the Articles and in the Council, and the Clerk of the Council, Sir Peter Wedderburn of Gosford, was also a member of the Articles. Finally, in 1681 and again in 1685, all the noblemen on the Articles were members of the Privy Council, as were also, on each occasion, four of the eight lairds.

It must be observed that, in most of the instances we have quoted, Privy Councillors formed a majority of the Lords of the Articles; in December, 1567, there were seventeen out of thirty; in October, 1569, fourteen out of twenty-seven; in 1607 nineteen out of thirty-five. In 1609 the Privy Councillors and the officers of State formed twenty-two out of thirty-nine members

of the Articles ; in 1661 twenty-three out of forty-one ; in 1681 and in 1685 nineteen out of thirty-seven.

Burgess members of Parliament sat on the Articles, but, with one exception, they were not (unless, possibly, as officers of State) members of the Privy Council. That exception was the Provost of Edinburgh, who sometimes formed a link between the Council and the burgess members of the Articles. The representation of the burgess Estate in the Committee of the Articles was necessary if the Articles were to be equivalent to the three Estates, and it is almost continuous. There were burgesses in the first Committee of the Articles in 1367, and only in 1369, in 1370, and perhaps in 1372 is there reason to suspect that burgesses did not form part of the Committee. The number of burgess members varied, and it may be significant that in the troubled later years of James III. the proportion of burgess members was very much smaller than under the strong rule of James IV.

A further point of interest connected with the early history of the Lords of the Articles is the confirmation of their reports by the full Parliament. We have seen that in 1370 and in 1372 a confirmation by a General Council was contemplated, though we have no evidence that it took place. The phrase 'before they come to the notice of a General Council,' which occurs in early references to the Committee is difficult to interpret. It cannot mean that the Committee met before the Parliament assembled, because it was appointed by and in Parliament. There is no evidence that the Committee reported to the Parliament which elected it, most of the members of which had gone home. The decisions of the Committee seem to have been operative before the next Parliament met, and there is no hint of confirmation by a later Parliament. Our information is so scanty that it is not possible even to hazard a guess on the subject, and the next reference which suggests the possibility of a confirmation does not occur until after the revival of the Committee of the Articles in the middle of the 15th century. In 1469, and again in 1471, we find that Commissions of Parliament were appointed, apart from the Articles. At the close of the Parliament which met in November, 1469, power was given to certain persons to 'avise and commune' upon some specified topics and upon 'all other Articles that shall be thought speedful for the honour of our sovereign lord and the common good of the Realm.' They were not given executive power, for they were instructed 'to refer again to the next parliament or general

council.' They were to meet in Edinburgh on the first Monday of Lent, 1470. The *personnel* of this Committee was quite different from that of the Articles. Each Committee consisted of four prelates, four barons, and four burgesses, but only the Bishop of Aberdeen and Lord Hamilton were on both Committees (*A.P.* ii. p. 97). There is nothing to connect this Committee with the Articles, yet the circumstance of its being instructed to report suggests that reports may have been customary. In May, 1471, a similar Committee was appointed, but it was given full executive powers 'to advise, determine, treat, and conclude . . . upon all matters' which had been discussed but not decided in the Parliament, and upon 'other matters that shall occur for the time for the welfare of our sovereign lord and the common good of the realm.' They were allowed to add to their numbers four members of the Parliament. This Committee numbered thirty-four, and included fourteen out of sixteen members of the Articles. It met in August, 1471, and passed at least one statute. Its initial formula runs: 'It is statute and ordained by the lords having the power committed to them by the whole three estates and the body of parliament' (*A.P.* ii. pp. 100-101). The emphatic declaration made in this statute again suggests that executive powers were not ordinarily conferred upon Committees, and, therefore, that the reports of the Lords of the Articles were generally submitted for confirmation; but the first actual instance in which confirmation is recorded does not occur until 1485. In that year Parliament met on the 9th May, and the Lords of the Articles were appointed on the following day. On the 26th May a series of statutes were made and approved by the three Estates. They are given in the report form—'it is advised and thought speedful by the Lords of the Articles' (*A.P.* ii. p. 170). Again, in 1487, Parliament met on the 1st October. There is no record of the election of the Articles, but on the 13th October, in a full meeting of Parliament (at least eighty persons were present), a series of statutes was made and approved. Many of them begin, 'it is thought expedient and statute and ordained' (*A.P.* ii. pp. 175-177). From this time confirmation is frequently mentioned, *e.g.* in 1488, 1489, 1490, 1491, 1492, and 1493. The statutes thus approved vary in their initial formulae from 'it is concluded and ordained' to 'it is advised and thought speedful by the Lords of the Articles.' Again, in 1526, the Parliament met on the 12th June and elected the Lords of the Articles on the next day. We

have records of their sitting by themselves on the 14th, 19th, and 21st June, but on the 20th they sat, 'along with the other prelates, barons, and commissioners as on the second day of Parliament' (*A.P.* ii. pp. 300-308).¹ In 1535, however, the acts of the Committee were to be promulgated in the King's presence on a date to be appointed by him. (*Ibid.* p. 340.) I am indebted to Dr. Neilson for drawing my attention to the significance of this alternative method of confirmation. It may have been the usual method in the earlier history of the Committee. Its employment in the sixteenth century was only temporary, for, in 1543, Parliament met on the 3rd December, and on the 4th elected the Lords of the Articles, which met frequently as a Committee, but the full Parliament sat on the 10th, 11th, and 15th December² (*A.P.* ii. pp. 427-444). Randolph, in describing the meeting of Parliament in 1563 (Randolph to Cecil, 3rd June, 1563, *For. Cal. Eliz.*), suggests that the full Parliament met only on the first and the last day of its session, but, half a century later, in Lord Haddington's 'Order and Progress of the Parliament, October, 1612' (*Maitland Club Misc.* iii. pp. 112-118), there are indications of meetings of each of the Estates by itself in the course of the deliberations of the Lords of the Articles, and the author of the Appendix to the 1677 edition of Spottiswoode's *History* writes about the approval of the whole report of the Lords of the Articles on the last day of Parliament as an ancient custom which had fallen into disuse. He claims that 'of late times matters have been at full length and freely debated in Parliament,' and it is clear that the Lords of the Articles made their reports by instalments.

I venture, very tentatively, to offer a conjectural outline of the history of the Lords of the Articles. Their origin is, I think, to be attributed to a number of causes. There were, in the first place, constitutional reasons for such a development. The composition of Parliament, though quite strictly defined as regards the classes of members, was entirely vague as far as numbers were concerned. There was, so far as we know, no rule about the numbers of the lower clergy; there was no limit to the numbers of barons or freeholders; there was no restriction upon the number of representatives which a royal burgh might send. It

¹ There was a similar arrangement in 1525. (*A.P.* II. p. 293.)

² On the 10th and 11th December the Articles sat after the Parliament had adjourned for the day.

is true that the tendency was, not for too many, but for too few of the lower clergy, lairds, and burgesses to attend Parliament, and complaints about their unwillingness to bear the burden of attendance were made. But the burgess Estate was only beginning to be recognized as an integral part of Parliament, and it was also possible that they might be present in overwhelming numbers; in 1367, when the business was very important, burgesses were present in such numbers that two members were elected from each of six of the towns. I am not prepared to lay much stress upon this, but it is possible that the greater barons wished to have some method of dealing with the new and uncertain burgess element, and the appointment of a Committee unquestionably made the Parliament a more workman-like and efficient body of councillors. It is, perhaps, more important that, in the second place, pecuniary and other difficulties in the way of a large attendance were likely to be a permanent bar to the operation of the constitutional theory of the kingdom, and that some device was required to render it workable. These practical difficulties were insisted upon when the first Committees were appointed; they occur again in connexion with the extraordinary Committees of 1469 and 1471; they are stated as the reason for the extension of the power of the Lords of the Articles in 1535. Preambles have never been regarded as remarkable for their veracity, but there can be no doubt that 'it was baith tedious and sumptuous to the hail Estaits to abide and remane.' These practical difficulties occurred in an acute form on the first occasion on which a Committee was appointed: a late harvest made an urgent demand upon the attention of members of lower rank. But, at any time, the burghs grudged the payment of the expenses of their commissioners, and it was always desirable that these expenses should be as low as possible.

In the third place, it is not unlikely that the special circumstances of the year 1367 brought to these general conditions the impetus of a special necessity, and thus gave form and reality to the possibilities of the situation. The King had just been guilty of an attempt to sell the freedom of Scotland. He had done so because the burden of his ransom was telling very heavily upon the national resources, and because the consequent want of money restricted his own extravagant expenditure. The remedies proposed were to control the expenditure of the Court and to repudiate royal grants, which had diminished the revenue of the

Crown. Such a policy would be most efficiently carried out by a small Committee, and it must have met with interested opposition in a large Assembly. Government by Committees was a familiar expedient, and obvious parallels from English history at once occur. The device adopted in 1367 was found to suit, not only the special circumstances of that year, but the general conditions of a Scottish Parliament, and it became a permanent institution.

During the same period we have evidence of the existence of a council which can be distinguished from the *Consilium Generale*, and which, acting as an executive, could grant dispensations from a Parliamentary statute (*e.g. A.P. xii. p. 11*). This Council was likely to include among its members some of the great men who found places in a Committee appointed to do the work of Parliament. An approximation between Council and Committee was, therefore, a natural development, and such an approximation is characteristic of the history of the Lords of the Articles. We find the earliest instance in 1370, when the King was permitted to add to the membership of the Committee of the Articles; there is a suggestion of it again in 1372, when the King and the Council were empowered by the Committee to determine the period during which its Acts should be binding, and there are, as we have seen, further indications of such a connexion in the end of the 14th century. James I. wished at once to increase the power of the Council, and to obtain the support and authority of a full Parliament, and he discontinued the Committee of the Articles, preferring that the Council should present his measures for Parliamentary approval. But the system of a powerful Committee was too firmly established, and it was too well adapted both to the constitutional position and to the exigencies of successive political situations to fall into permanent disuse, and it was revived within twenty years of his death. The natural effect of its being in abeyance would be to differentiate it from the Council, but we have seen that the Act of 1489 about the appointment of the Secret Council was followed, in the 16th century, by something like an amalgamation of the Council and the Articles, and that this tendency was encouraged by the Act of 1535. In the later part of the 16th century, and in the 17th, the Secret Council and the Lords of the Articles are quite clearly defined institutions. The Articles were a Committee of Parliament, and there is no suggestion of any formal connexion with the Secret Council. But, except for the period when James VI. and I. had reduced the Council to a mere body of officials, and for

the first years of the Great Rebellion, there was an approximation in membership between the two bodies, and members of the Council, with (or sometimes without) the officers of State, generally formed a majority of the Lords of the Articles.

The history of the Lords of the Articles, if there is any substance in my conjecture, is thus a series of experiments in government by Council.

ROBERT S. RAIT.