

THE FACULTY ROLL

IN regard to this and the other lyrics which may be classed as "Legal," it may be interesting to non-professional readers to know something of the gentlemen of the Scottish Bar who are referred to, and to have explanations of the technical terms which occur. These are given in the notes appended.

The Faculty of Advocates is a very ancient body, not formally incorporated, but having most of the qualities and privileges of a corporation. Its members have the right of pleading causes in the Court of Session and High Court of Justiciary, and the other Scottish Courts, and they have, generally, the same position and duties as Barristers have in the Supreme Courts of England. The Faculty is presided over by a Dean and a Vice-Dean, the offices of both being honorary. Its members form an important branch of the Scottish "College of Justice," which was instituted in May 1532, in the reign of King James V. The Judges of the Court of Session which was established in the same year are members of the College, having the title of "Senators"; and the members of the incorporation of Writers to the Signet, and of the Solicitors before the Supreme Courts, who act

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as Agents in the conduct of causes, are also members.

The Faculty has a noble library. It contains about 300,000 volumes,comprehending books in every department,and is enriched by many rare ancient MSS.,and fine specimens of early printing on vellum—many of both exquisitely illuminated incolours as brilliant as when they left the hands of the artist.

The Faculty also administer a charitable institution.

The late Mr George Chalmers, a citizen of Edinburgh, who died in 1836, bequeathed the residue of his estate, amounting to a large sum, to “the Honourable the Dean and Faculty of Advocates,” for the purpose of founding and maintaining a “hospital for sick and hurt.” The fund was invested by the Faculty, and allowed to accumulate for some years, and by prudent investments it was largely augmented. Ultimately the house and grounds of Lauriston, adjacent to the Western Meadows, were purchased, and a handsome and commodious hospital, containing free wards for male and female patients, and a few wards in which, in addition to free medical attendance, home comforts may be afforded to patients able and willing to pay a

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very moderate board, was erected, and opened in 1864.

The beneficence of Mr Chalmers is appropriately commemorated by the names of "Chalmers Hospital" and "Chalmers Street," given to the hospital and dwelling-houses erected on part of the ground.

"The Faculty Roll," which follows, contains the names of a considerable number of the Advocates who were in practice in the years between 1830 and 1834, when Mr Outram was himself a member, and about which date the poem appears to have been written. The Faculty then consisted of nearly 400 members, of whom a comparatively small number are mentioned in the Roll. Very few of those mentioned now survive, and of course the "Roll" does not include any of the eminent men who have since been ornaments of the Bar, and ultimately of the Scottish Bench.

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AIR—" *Ye Mariners of England.*"

YE Barristers of England,
Your triumphs idle are,
Till ye can match the names that ring
Round Caledonia's Bar.
Your *John Doe*, and your *Richard Roe*,
Are but a paltry pair:
Look at those who compose
The flocks round Brodie's Stair;¹
Who ruminate on Shaw and Tait,²
And flock round Brodie's Stair.

Although our *Brough'm* you've stolen,³
To brush your Chancery—
He may be spared—our hoary *Baird*⁴
Can sweep as clean as he;
And though you've got some kindly *Scotts*,
To breathe your southland air,
We've the rest, and the best,⁵
To stand by Brodie's Stair—
To garrison old Morison,⁶
To stand by Brodie's Stair.

We'll still stand by our colours—
Our *Brown, Reid, White, and Gray*;⁷
We'll still extol our Northern Lights—
You've seen their distant *Rae*.⁸

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We still can boast of glorious names,
Who love their country's fare,
And ne'er roam from their *Home*,⁹
But study Brodie's Stair—
The pages con of Morison,
And study Brodie's Stair.

Should enemies e'er venture
To threaten us with war,
We'll rouse broad Scotland to our aid,
From *Dingwall* to *Dunbar*.
The *Lothians*, *Ross*, and *Sutherland*,¹⁰
The powers of hell would dare
To the field, ere they'd yield
One step of Brodie's Stair—
One foot of Erskine's Institute,¹¹
One step of Brodie's Stair.

The insolent invaders
Should never move *Shank More*,¹²
Our *Marshall's Steele*, the knaves should feel,¹³
Within their bosom's core.
Have at them with a plump of *Spiers*,¹⁴
And if that shock they bear,
Let the thieves meet our *Neaves*,¹⁵
Ere they tread on Brodie's Stair—
Ere their foot pollute the Institute
Of Erskine or of Stair.

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We've some things worth defending,
And that our foes shall see;
Though ours is not a land of gold,
'Tis the land of *Ivory*—¹⁶
And hearts behind our *Greenshields* beat,
Than Ophir's stores more rare—
Ready still, come who will,
To fight for Brodie's Stair—
Resolved each Section to defend,
Of Erskine or of Stair.

Our *Hall* is all surrounded
By *Forrest, Loch, and Shaw*—¹⁷
A *Park*, such as you never trod,
A *Hill* you never saw.¹⁸
We rest among the summer *Hay*,
Beside the *Gowan* fair,¹⁹
With a *Rose* at our nose,
While we think on Brodie's Stair,
Or ponder on old Morison,
Or think of Brodie's Stair.

We gather *Wood* and *Burnett*,²⁰
When bleak December blows;
We're snug within, although without
The *Wilde* is *White* with snows.²¹
Our *Taylor*, and our *Hozier*,²²
Defy the wintry air—

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And the while to beguile,
 We run through Brodie's Stair—
With Thomson's Acts, through Lord Kames'
 Tracts,
 And Fountainhall, and Stair.²³

We've three *Milnes*, and six *Millers*,²⁴
 Although no meal we make;
We've two *Weirs*, and a *Lister* large,²⁵
 Although no fish we take;
A *Horsman* too, without a horse—²⁶
 A *Hunter*, but no hare—
Yet our *Horn* wakes the morn,
 With a note from Brodie's Stair,
While echoes court the full report
 Of Morison or Stair.

Our table's poorly furnished—
 Our *Cook* has little toil—
Sometimes a fowl to *Currie*,
 Sometimes a joint to *Boyle*;²⁷
But still *Cheape's* head and *Trotters* is²⁸
 The dish beyond compare—
To suggest Shaw's Digest,
 And the sweets of Brodie's Stair—
To give a zest to Shaw's Digest,
 And the sweets of Brodie's Stair.

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For wisdom, where's the mortal
Who claims to be our peer,
When Solomon was David's son,
And *Davidson* is here?
But for religion!—*Clerks*, alas!²⁹
And *Bells* we have to spare—³⁰
But of faith not a breath
Is heard near Brodie's Stair;
Our most devout have Dirleton's Doubts,³¹
As well as Brodie's Stair.

When politicians wrangle,
We shun the idle brawl;
We've but one *Torrie* in our ranks,³²
And ne'er a Whig at all.
The schoolmaster abroad may roam—
For him we do not care,
Because we've the *Tawse*,³³
And the rules of Brodie's Stair—
The lessons sage of Erskine's page,
And the rules of Brodie's Stair.

And still as merry Christmas
Concludes our peaceful year,
Our *Pyper* lends his minstrelsy,
Our bounding hearts to cheer.
Poor as we are, for his reward,
A *Penney* we can spare,

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Though we've got but one *Groat*,³⁴
And some notes in Brodie's Stair—
Some doubtful bills in Dallas' Styles,
And some notes in Brodie's Stair.

Our live-stock's scarce; we have but
A solitary *Hog*; ³⁵
One *L' Amy* on his *Trotters* stumps, ³⁶
Secure from *Wolf* or dog. ³⁷
But still whene'er he wanders forth
We dread a *Tod* is there,
On the watch for a catch
Should he slip from Brodie's Stair,
Or seek his food in Spottiswood,
Or slip from Brodie's Stair.

But, Barristers of England,
Come to us lovingly,
And any Scot who greets you not
We'll send to Coventry.
Put past your brief, embark for Leith,
And when you're landed there
Any wight with delight
Will point out Brodie's Stair;
Or lead you all through Fountainhall,
Till you enter Brodie's Stair.

THE MULTIPLEPOINDING

THE "process" or suit which bears this name is one peculiar to the law of Scotland. It may be resorted to in various circumstances, the most usual one being the case of several different parties claiming, on various grounds, the same fund. The claimants may stand in different positions. One may hold an assignment of the fund, which may or may not have been validly completed. Others may have made attachments of the fund, by a process which is known in Scots law as "arrestment," by which money or movable or personal property is attached. Difficult questions frequently arise as to which of the claimants may have the preferable or best right to the fund, and for the solution of these a multiplepounding is the appropriate suit.

In the case of a deceased party, who may have disposed of his estate by a deed of settlement in favour of trustees, questions frequently arise as to the interpretation, or the effect, of the provisions of the deed, and in such cases his trustees may institute a multiplepounding for the purpose of having the construction or the effect of the deed settled, and the estate divided, under judicial sanction. In this suit, all parties claiming interest in the fund or estate, are cited

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into Court to maintain their respective claims. The person by whom the suit is instituted is technically called "the raiser," and the parties cited are termed "the claimants." The person to whom the fund belongs is also cited as a party for his interest, to see that the fund is properly disposed of. He is technically called the "common debtor." The judgment of the Court determines which parties have the best right, and ordains the fund to be paid to them; and, on payment of the fund or estate, which is technically called the "fund *in medio*," in accordance with the judgment of the Court, the "raiser" is judicially discharged or exonerated.

A great variety of questions may arise for discussion under the competing claims of "the claimants," and a multiplepounding may thus include many different forms or kinds of suits, such as an action or suit of "declarator," under which a person seeks to have any special right judicially declared or established; or a suit of "reduction," under which a person seeks to have a deed or obligation set aside; or a suit of "suspension," under which a party seeks to have execution suspended or superseded. Hence a multiplepounding is said in the song to—

"Combine *every comfort* that litigants know."

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When the suit comes on for discussion before the Judge, the name by which it is known—usually the name of the pursuer or plaintiff, and of the defendants or one of them—and the names of the different counsel engaged in it, are called out by the “macer” or mace-bearer in attendance at the bar of the Judge. In former days the names were called by the macer in a loud voice, and some old practitioners may yet remember one red-faced and pot-bellied little macer, who used to call the names in a loud singing tone, which resounded through the whole large Hall—a usual combination being,

“Maist-er *Fran-cis* Jeff-rey—
Maist-er *Hen-ry* Co-bran.”

If the claimants are numerous, a number of counsel may be engaged, and in the song a considerable number are so represented.

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AIR—“*O the Roast-Beef of Old England!*”

HURRAH for the Multiplepoin ding! Hurrah!
What land but our own such a gem ever saw?
The Process of Processes—Pride of the law—
Hurrah for the Multiplepoin ding!
The Multiplepoin ding, hurrah!

To the rich, to the poor, to the high, to the low,
'Tis open to all who a title can show—
It combines every comfort that litigants know—
Hurrah for the Multiplepoin ding!
The Multiplepoin ding, hurrah!

No matter in what shape your claim may
emerge,
By Petition or Summons, Suspension or Charge,
Reduction, Declarator, all may converge
And conjoin in the Multiplepoin ding—
The Multiplepoin ding, hurrah!

From the north, from the south, from the east,
from the west,
Come claimants, each deeming his own claim
the best,
What myriads of lawyers are then in request
To manage the Multiplepoin ding!
The Multiplepoin ding, hurrah!

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Hark! hark! what the deuce is that Macer about?
What means his prolonged, diabolical shout?
Does the man mean to call the whole Faculty
out?

Hurrah! 'tis the Multiplepoin ding—
The Multiplepoin ding, hurrah!

See! see! how the lawyers all start at the sound!
See! see! how the agents from place to place
bound!

See! see! how their clerks flash like lightning
around!

Hurrah! 'tis the Multiplepoin ding—
The Multiplepoin ding, hurrah!

They rush to the Bar like the waves of the sea—
They swarm like a hive on the branch of a tree—
They'll smother the Judge—he is not a Queen
Bee—

Hurrah for the Multiplepoin ding!
The Multiplepoin ding, hurrah!

But the storm is composed, and there's silence
at last

The lawyers look grave, and the Judge looks
aghast,

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And the short-hand Reporter prepares to write
fast

His notes of the Multiplepounding—
The Multiplepounding, hurrah!

There the Dean stands profound as the depths
of the sea;¹

And Snaigow—as smooth as its surface could
be;²

And Rutherford—sharp as the rocks on the
lee;³

All fee'd for the Multiplepounding—
The Multiplepounding, hurrah!

And there stands M'Neill, "with his nostril
all wide,"⁴

And Ivory's eyes glisten fierce by his side;

And Cunninghame's there with his papers un-
tied,⁵

And dreams of the Multiplepounding—
The Multiplepounding, hurrah!

And More and Buchanan have come at the call,
And Marshall, and Pyper, and Whigham and
all—

And Peter the Great looks to Adam the Tall⁶

To open the Multiplepounding—
The Multiplepounding, hurrah!

THE MULTIPLEPOINDING

'Twas Jane M'Grugar, ship-chandler, Dundee,
Became moribund in the year twenty-three,
And dispooned her estates all to Nathan M'Ghee,
Who claims in the Multiplepoinding—
The Multiplepoinding, hurrah!

That she had not dispooned in *liege poustie* was
plain,
For she ne'er went to kirk or to market again—
So maintains her apparent heir, Donald
M'Bean,⁷
Who claims in the Multiplepoinding—
The Multiplepoinding, hurrah!

Now Donald M'Bean was in debt to the knee,
And so, it appeared, too, was Nathan M'Ghee,
And Janet herself had by no means been free,
And so came the Multiplepoinding—
The Multiplepoinding, hurrah!

So what with arrestments, where'er funds
could be,
And charges on bill and extracted decree,⁸
And hornings and captions—you'll easily see
'Twas a beautiful Multiplepoinding—
The Multiplepoinding, hurrah!

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But where are the claimants, and how have they
sped?

See yon shrivelled matron, as hueless as lead—
'Tis a liferent she claims—and she's on her
deathbed!

Hurrah for the Multiplepoinding!
The Multiplepoinding, hurrah!

Her deep indignation she cannot repress,
Though her tongue is scarce able her griefs to
express—

She swears 'tis an action of "double distress."⁹

Hurrah for the Multiplepoinding!
The Multiplepoinding, hurrah!

The landlord claimed rent—and he'll best tell
you how

He got into the process by poinding a cow;
His hypothec is quite hypothetical now—¹⁰

Hurrah for the Multiplepoinding!
The Multiplepoinding, hurrah!

The Suspender was bothered to such a degree¹¹
That he went and suspended himself from a
tree;

The Arrester's in jail—no forthcoming can he
Obtain through the Multiplepoinding—
The Multiplepoinding, hurrah!

THE MULTIPLEPOINDING

One brought a Reduction—but he has retired,¹²
Reduced to extremes his worst foe ne'er
desired.

The Adjudger—as well as the Legal's expired.¹³
Hurrah for the Multiplepinding!
The Multiplepinding, hurrah!

No more will the poor Heir-Apparent appear—
By way of a seisin they've seized all his gear;
He's absconded—and now his Retour, it is clear,
Can't be hoped through the Multiple-
pinding—¹⁴
The Multiplepinding, hurrah!

“*In medio tutissimus!*”—this might be true
When Phœbus instructed, and Phaëton flew;
But the fund, though *in medio*, has gone to pot
too—¹⁵
Hurrah for the Multiplepinding!
The Multiplepinding, hurrah!

The Creditor's credit is utterly gone—
And he, whom they call Common Debtor, alone
Has uncommon good luck—he's got off with
his own!¹⁶
Hurrah for the Multiplepinding!
The Multiplepinding, hurrah!

SOUMIN AN' ROUMIN

THE extract from *Stair's Decisions* prefixed to the song, does not do much to elucidate its uncouth and unintelligible title, and was doubtless intended, not to elucidate, but to add to the perplexity.

The action or suit, which is unknown in modern times, was one which might be instituted by any proprietor of lands adjacent to a common in which he and other proprietors had a common or joint right, for the purpose of ascertaining and fixing what extent of pasturage or other right each proprietor was entitled to exercise in the common. The old lady in question had been advised to resort to it, in order to ascertain how many sheep or cattle she was entitled to put upon the common for pasturage. "Soums" and "roums" are old Scots terms in land rights, and give the suit its peculiar name.

♦

SOUMIN AN' ROUMIN

“Where divers heritors have a common pasturage in one com-
monty, no part whereof is ever ploughed, the said common
pasturage may be *soumed* and *roumed*, that all the *soums* the
wholecommonty can hold may be determined and proportioned
to each *roum* having the common pasturage, according to the
holding of that *roum*.”—*Case of the Laird of Drumalzier*,
Stair's Decisions, ii. 678.

AIR—“*Hooly and Fairly.*”

MY Grannie!—she was a worthy auld woman;
She keepit threegeese an' a cow on a common.
Puir body!—shesune made her fu' purse a toom
ane,

By raising a Process o' Soumin an' Roumin,
Soumin an' Roumin—
By raising a Process o' Soumin an'
Roumin.

A young writer lad put it into her head;
He gied himsel' out for a dab at the trade—
Forguidin' a plea, or a proof, quite uncommon,
And a terrible fellow at Soumin an' Roumin,
Soumin an' Roumin, &c.

He took her three geese to get it begun,
And he needit her cow to carry it on,
Syne she gied him her band for the cost that
was comin',
And on went the Process o' Soumin an' Roumin,
Soumin an' Roumin, &c.

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My Grannie she grieved, and my Grannie she
graned,
As she paid awa' ilk honest groats she had hained;
She sat in her elbow chair, glow'rin' and
gloomin'—
Speakin' o' naething but Soumin an' Roumin,
Soumin an' Roumin, &c.

She caredna for meat, and she caredna for
drink—
By night or by day she could ne'er sleep a wink;
“O Lord, pity me, for a wicked auld woman!
It's a sair dispensation this Soumin an' Roumin.”
Soumin an' Roumin, &c.

In vain did the writer lad promise success—
Speak of Interim Decrees, and final redress;
In vain did he tell her that judgment was
comin'—
“Its a judgment already this Soumin an'
Roumin!”
Soumin an' Roumin, &c.

The Doctor was sent for—but what could he say;
He allowed the complaint to be out o' his way;
The Priest spak' o' Job—said to suffer was
human—

SOUMIN AN' ROUMIN

But she said "Job kent naething o' Soumin an'
Roumin."

Soumin an' Roumin, &c.

The Priest tried to read, and the Priest tried to
pray,

But she wadna attend to ae word that he'd say;
She made a bad end for sae guid an auld
woman—

Her death-rattle sounded like "Soumin an'
Roumin,"

Soumin an' Roumin, &c.

I'm Executor—heir-male—o' line—an' pro-
vision,—

An' the writer lad says that he'll manage the
seisin;*

But of a' the Estate, there's naething forth-
comin',

But a guid-ganin' Process o' Soumin an'
Roumin,

Soumin an' Roumin, &c.

* The seisin, as already explained, was a writ to complete the heir's title to the property which had proved so disastrous to his poor old grandmother.