

At the Annual General Meeting of the BANNATYNE CLUB, held on Monday  
the 6th of December 1852 :—

The SECRETARY stated to the Meeting, that seven years ago there had been purchased from the Engraver for the CLUB the original copper-plate of the Portrait of THOMAS THOMSON, Esq., engraved from a Painting by ROBERT SCOTT LAUDER, R.S.A. ; and he begged to suggest whether this would not be the most fitting and becoming occasion to have impressions taken and a copy sent to each of the Members. If the Meeting should approve of this suggestion, the copies might be accompanied with a brief notice of Mr. THOMSON'S literary and antiquarian labours, including a copy of LORD COCKBURN'S Address from the Chair.

The Meeting cordially approved of the SECRETARY'S suggestion, and remitted it to the COMMITTEE to have the same carried into effect.

*Extracted from the Minutes of the Club.*

DAVID LAING, SECRETARY.



# THOMAS THOMSON, ESQ., ADVOCATE,

PRESIDENT OF THE BANNATYNE CLUB.

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MR. THOMSON was the eldest son of the Reverend Thomas Thomson and Mary Hay,<sup>1</sup> and was born in the Manse of Dailly, Ayrshire, on the 10th of November 1768.<sup>2</sup> His grandfather and great-grandfather had also been ministers of the Church of Scotland.<sup>3</sup> His father had been tutor in the family of

<sup>1</sup> "Mr. Thomas Thomson, Minister of the Gospel at Dailly, and Mary Hay, daughter lawful to Francis Hay, in Loehside, in parish of Dundonald, had their names enrolled for marriage January 2d, were three times proclaimed in one day, and married the 5th January 1768."—(Parish Registers of Dailly.) Mr. Thomson had previously been married to "Miss Peggy Hope, daughter lawful to the Honourable Sir Alexander Hope of Carse," 10th January 1759.—(*Ib.*)

<sup>2</sup> "Thomas Thomson, son lawful to Mr. Thomas Thomson, Minister of the Gospel in Dailly, was born November 10th, and baptized the 16th, 1768."—(*Ib.*)

<sup>3</sup> Mr. Thomson's progenitors resided at Weddersbie, and appear as proprietors of the lands of Newton of Collessie, in Fife. James Thomson of Newton of Collessie, on the 27th June 1618, being then on the point of death, constituted Bessie Stirk, his lawful spouse, tutrix to their children William, James, Robert, George, John, and three daughters; and "commends his saull to the protectioun of Almighty God, and the revenge of his innocent blood, committit be malieious persons, in the handes of God and his dear and loving friends." He

died on the following day.—(Confirmed Testaments, St. Andrews.) Mr. James Thomson, his great-grandson, after the Revolution, became Minister of Colinton, near Edinburgh, and was translated to Elgin 21st June 1696. His wife, Elizabeth Paterson, died in 1698; but he again married, as on the 12th February 1718, he had a charter of confirmation to himself, (as son of the late William Thomson of Newton of Collessie,) and to Janet Brodie, his spouse, in conjunct fee of the said lands, formerly held of James Earl of Southesque, as superior. He died at Elgin 1st June 1726, and bequeathed 600 merks to buy Bibles for the poor of the parish.—(Shaw's History of Moray, p. 241.) The eldest son, James Thomson, M.D., sold the lands of Newton in 1760, and died unmarried. He was the translator of the Commentaries of the Emperor Antoninus. London, 1747, 8vo. <sup>William</sup> The second son, Thomas Thomson, was admitted Minister of Auchtermuchty, in 1701. He married Margaret, daughter of Hugh Craig, Minister of Galashiels, by whom he had a numerous family; and died 1st January 1731. His sixth son, of the same name, became Minister of Dailly, as above stated.

Sir James Fergusson of Kilkerran, one of the Lords of Session, and principal heritor in that parish, through whose interest he obtained the presentation, and was admitted Minister of Dailly on the 3d of June 1756. He died on the 19th of February 1799.<sup>1</sup> His younger son John, after an interval of two months, became his successor, but was translated to Duddingstone near Edinburgh in 1805, where, during the space of thirty-five years, without relinquishing his parochial charge, he devoted much of his time to cultivating his taste for the fine arts, and raised himself to great eminence as a landscape-painter.

The eldest son Thomas was originally intended for the Church, and was sent to pursue his studies in the University of Glasgow. His name occurs in the Registers as having matriculated in the session 1782. After completing the usual course of study, with more than ordinary distinction, and acquiring a thorough classical education, he took the degree of A.M., 27th April 1789. During the two following sessions, 1789 and 1790, having entered the Divinity Hall, he attended the lectures of Dr. Finlay and Dr. Macleod, on Divinity and Ecclesiastical History; but not finding such studies congenial to his mind, he finally resolved to adopt the legal profession. For this purpose having qualified himself by an attendance in the law classes, under Professor Millar of Glasgow, the well known author of the *Historical View of the English Government* and other works, and in the University of Edinburgh, and having undergone the usual public and private examination, he was admitted as an Advocate on the 10th of December 1793.<sup>2</sup>

Twelve months before Mr. Thomson came to the Bar, Sir David Dalrymple of Hailes, who was connected with the Kilkerran family by marriage, died at Edinburgh.<sup>3</sup> In the year 1800, there was a scheme proposed for publishing a collective edition of the works of this truly learned Judge and historian, accompanied with Memoirs of his life and correspondence. This task, which was entrusted to Mr. Thomson,<sup>4</sup> was postponed and finally abandoned, except in his having contributed some aid to an edition of Lord Hailes's *Annals and Historical Tracts*, which was published in the year 1819. But the reputation which Mr. Thomson enjoyed among his distinguished contemporaries at the Scottish Bar, led to his appointment to an office of the highest importance connected with the Public Records of Scotland.

<sup>1</sup> Mrs. Thomson long survived her husband, having died at Edinburgh, 21st of January 1822.

<sup>2</sup> Books of Sederunt.

<sup>3</sup> Lord Hailes died 29th of November 1792.

<sup>4</sup> Art. Dalrymple, in the 7th Edit. of the *Encyclopædia Britannica*, and Pinkerton's *Literary Correspondence* as there quoted.



In the early part of the year 1800, the state of the Public Records throughout the kingdom was brought under the consideration of the House of Commons, and an Address being presented to His Majesty on the subject, two Royal Commissions were issued, dated 19th July 1800, and 23d May 1806 ; by virtue of which the Commissioners appointed continued for many years to direct the several measures which were recommended. Lord Frederick Campbell, who had long held the office of Lord Clerk Register, and was one of the Record Commissioners, considering that the said office was " one of great trust and importance, concerning not only the formation but the preservation of the public Muniments of Scotland," and " that the superintendence of the matters arising within this office should be confided to a Deputy of acknowledged skill and ability, being a resident Advocate of the Scottish Bar, of undoubted learning, tried merit, and considerable standing," his Lordship addressed a Memorial to His Majesty, and obtained a Royal Warrant for the creation of such an office, dated on the 19th of June 1806 ; and on the 30th of the same month, his Lordship conferred this appointment on Mr. Thomson, as Deputy Clerk Register.

The appointment of Mr. Thomson was attended with the happiest effects. By his judicious measures and unwearied superintendence, the whole system of the Public Registries was revised and improved, and a series of publications commenced which are alike honourable to himself, to the Commissioners on Records, and to Scotland. The successive Annual Reports, which it formed part of his duty to prepare, and which fortunately were printed for the years 1807 to 1822, embody a mass of information regarding the measures which he pursued for the more efficient forming of local registers, the better conservation of the public records generally, and the various works commenced and executed under his superintendence by authority of the Record Commissioners. In their Report for 1812, in referring to Mr. Thomson's labours since his appointment as Deputy, it is stated, " that the solid improvements which have been made in the extensive system of Registration, which prevails there [in Scotland] have justified the wisdom and expediency of that appointment."<sup>1</sup>

<sup>1</sup> The letters addressed by Mr. Thomson to the Record Commissioners in 1807, and printed in their Report, on the subject of " English Records Illustrative of Scottish History," are worthy of special notice, as pointing out the importance of publishing such works in particular, as the *Rotuli Scotiæ*, prepared and edited by

David Macpherson, a learned antiquary, under authority of the Commissioners, but who died before its completion in 1819; the *Ragman Roll*, subsequently edited by Mr. Thomson himself for the Bannatyne Club; and an enlarged edition of the *Epistolæ Regum Scotorum*, a work which yet remains to be accomplished.

In February 1828, Mr. Thomson was appointed one of the Principal Clerks of Session. The duties of this office, which he held till within eight months of his decease, when he tendered his resignation, did not materially interfere with his labours in the record publications and other congenial pursuits. The institution of the Bannatyne Club, in 1823, opened a new and, in some respects, a wider field for historical research ; and Mr. Thomson was, with one consent, requested to accept the honorary office of Vice-President. Upon the decease of the first President, Sir Walter Scott, to whom the Club owed its origin, and so much of its primary success, at the Annual General Meeting, held in December 1832, it having been moved by Mr. Jeffrey, then Lord Advocate, and seconded by the Right Honourable William Adam, Lord Chief Commissioner, Mr. Thomson was unanimously elected President of the Club ; and the interest which he continued to take in its proceedings till the close of his life, is sufficiently known to the Members. He died at his residence at Shrubhill on Saturday the 2d of October 1852, and was interred in the Dean Cemetery.

Mr. Thomson married Anne, daughter of Thomas Reed, Esq., formerly Army Agent in Dublin. Her Mother was the daughter of Sir Francis James Buchanan, and she was by marriage Niece to General Drummond of Drumawhance, Perthshire.

In December last, at the Annual General Meeting of the Club, before proceeding to the election of his successor as President, the Honourable Lord Cockburn, Vice-President, addressed the meeting as follows :—

“GENTLEMEN,—Before proceeding to our ordinary business, I think it my duty to call your attention to the loss which we have sustained by the death of Mr. Thomson.

“ It is unnecessary, and might be deemed presumptuous in me, to remind you, his associates, of his personal excellence. You all knew and valued his literary taste—his accomplishment in all the departments of Scottish antiquities—his manly sense—and, above all, the warmth and steadiness of that kindness which more than any intellectual endowments endeared him to his private friends. But his importance as a Member and an Office-Bearer of the Club, deserves a more particular notice.

“ As one of our original founders, and deeply conversant with our objects and aims, he was, while absent from Edinburgh, unanimously chosen Vice-President. After co-operating assiduously with Sir Walter Scott, our first President, in all the business of the Institution, he became our second President on

“ the death of that illustrious person ; and throughout the whole of the suc-  
 “ ceeding twenty years, was our master and our guide. With several powerful  
 “ associates or competitors, in detached fields, or subordinate walks, it was by  
 “ his knowledge and sagacity that our general course was directed. The  
 “ value of his superintendence is attested by its results. The publications of  
 “ the Bannatyne Club form the greatest, the most difficult, the most important,  
 “ and the most splendid, disclosures that have ever been made of the latent  
 “ historical treasures of our country. The merit of these works is certainly not  
 “ due to him entirely : If it had at all been ascribed to him in his presence, his  
 “ candour would have at once disclaimed it, and given the proper part to its  
 “ true owners. But those by whom the contributions either of individuals or of  
 “ the Club have been prepared, and who are best acquainted with the difficulties  
 “ attending the execution of such undertakings, will acknowledge the aid which  
 “ they uniformly derived from the President’s judgment and zeal. And never  
 “ did any one apply to him for advice without feeling his accessibility, and  
 “ his cordial disposition to assist. The hasty, and indeed sometimes even the  
 “ patient, murmured occasionally at his slowness ; and he had certainly no  
 “ taste for vulgar rapidity ; but this was the result of caution and fastidious-  
 “ ness—both good qualities ; and though it sometimes wearied expectation,  
 “ was generally rewarded by improved excellence in the end.

“ It is a misfortune inseparable from addiction to buried history, that he who  
 “ devotes himself to a subject so little popular, can rarely expect to have his  
 “ merits generally understood. Mr. Thomson, whose antiquarian works are far  
 “ more numerous and important than is commonly supposed, and by whom  
 “ chiefly our historical muniments have been exposed to the light, is in danger  
 “ of dropping out of his own due place in history, unless some satisfactory  
 “ account be given of his progress and achievements. It is to be hoped that  
 “ some one, worthy of the task—and if of this Club so much the better—will,  
 “ before it be too late, do him this justice.

“ Meanwhile, all that I can say in reference to ourselves is, that he had a  
 “ rare combination of the higher qualities requisite for the head of an Institu-  
 “ tion dedicated to the bringing out of literary and historical remains. Much  
 “ has yet to be done in these mines. May we proceed in working them in his  
 “ steps, and by the lights he has left us ; and may his memory continue to be  
 “ honoured by the continuing success of an Association for which he did so  
 “ much, and whose prosperity will be the best evidence of the wisdom with  
 “ which, in his day, he guided it.”

At the Anniversary Meeting of the Society of Antiquaries of Scotland, on the 30th of November, the Honourable Lord Murray, Vice-President, in his address from the chair, referred to Mr. Thomson in the following terms :—

“ In the death of my old and valued friend, Mr. Thomas Thomson, the Society has to deplore the loss of one whose contributions to our antiquarian literature, and to the facilities of the historical student of the Records of Scotland, have conferred a boon upon the country, such as it would be difficult to over-estimate in value. He was a man of great and varied learning, and a highly refined mind. His enthusiasm was undamped by the intricacy and forbidding aspects of one of the most perplexing and protracted labours which ever engrossed the life-labour of the legal antiquary ; and yet, while devoting his fine mind to such labours in his study, he united to all the acquirements requisite for such pursuits, manners the most pleasing, and a warmth and geniality of feeling which have embalmed him in the memories of a numerous circle of friends and admirers.”

How much Mr. Thomson accomplished for the elucidation of the ancient historical and legal muniments of Scotland, may partly be exhibited by the following list of his publications. It was not however solely what he individually accomplished that ought to be kept in view : the aid which he so freely and liberally gave to other associates in the same work, was beyond all praise ; and the influence of his example, in regard to the mode in which all such publications ought to be undertaken and completed, was of still greater importance.



I.—WORKS PUBLISHED UNDER AUTHORITY OF THE COMMISSIONERS IN THE PUBLIC RECORDS OF THE KINGDOM.

Inquisitionum ad Capellam Domini Regis Retornatarum, quæ in Publicis Archivis Scotiæ adhuc servantur, Abbreviatio. 1811, 1816. 3 vols. folio.

Registrum Magni Sigilli Regum Scotorum in Archivis Publicis asservatum. MCCCVI.—MCCCCXXIV. 1814, folio.

THE ACTS OF THE PARLIAMENTS OF SCOTLAND. Vol. II. to Vol. XI. MCCCCXXIV.—MDCCVII. 1814 to 1824, 10 vols. folio.

The First Volume of the Series, to contain the “Regiam Majestatem,” with the most ancient recorded proceedings and Acts of Parliament, was delayed, owing to the peculiar difficulties encountered in preparing the materials, and adjusting the text, till the conclusion of the entire work. These difficulties are fully detailed by Mr. Thomson in his Tenth Annual Report for 1816. Four years later, he says, “The First Volume, of which so much has been said in former Reports, has also been in progress, and will, I trust, be speedily brought to its long wished-for termination.” His wish, unfortunately, was not fulfilled; but it is proper to state, that previously to April 1841, when his official connection with the General Register House, and the Record Commission, terminated, he had actually completed or prepared for press, (with the exception of the Preface,) all that he considered as properly appertaining to the series of the Public Statutes of Scotland; and we may therefore be allowed to express a deep regret, that Mr. Thomson should have been unable to put the finishing hand to this great National Work. The volume was finally published in 1844, under the superintendence of Mr. Innes, who contributed the preliminary matter, and made large additions to the volume not contemplated by Mr. Thomson.

The Acts of the Lords Auditors of Causes and Complaints, MCCCCLXVI.—MCCCXCIV. 1839, folio.

The Acts of the Lords of Council in Civil Causes. MCCCCLXXVIII.—MCCCXCIV. 1839, folio.



In addition to these works so generally known, it is also to be mentioned, that a limited number of copies of the abbreviations of various Registers, for the convenience of easier examination, and for securing greater accuracy, were printed exclusively for the use of the office, according to the plans digested by Mr. Thomson.

1. A Continuation of the Retours of Services to the Chancery Office, from the Union, A.D. 1707, to the present time.
2. An Abbreviate or Digest of the Registers of Sasines, General and Particular, arranged in Counties, with relative Indexes, from the 1st of January 1781 to the present time.
3. An Abbreviate of Adjudications, from the same period to 1830.
4. An Abbreviate of Inhibitions, General and Particular, arranged in Counties, from the same period to 1830.

The First Annual Report of the Deputy-Clerk Register of Scotland, 1807, folio. This, and the next Four Reports, 1808 to 1811, form one volume with a General title, and an Index of the Principal Contents. The Sixth to the Fourteenth Report, in 1822, (being the latest furnished by Mr. Thomson,) form a similar volume when bound together.

## II.—MISCELLANEOUS, HISTORICAL OR ANTIQUARIAN WORKS, CHIEFLY PRINTED FOR PRIVATE CIRCULATION.

- A Compilation of the Forms of Process in the Court of Session during the earlier periods after its establishment, with the Variations which they have since undergone, &c. Edinburgh, 1809, 8vo.
- A Collection of Inventories, and other Records of the Royal Wardrobe and Jewelhouse; and of the Artillery and Munition in some of the Royal Castles, 1488-1606. Edinburgh, 1815, 4to.
- The Chamberlain Rolls, 1306-1406. Edinburgh, 1817. Included under the next Division.

In his Tenth Annual Report Mr. Thomson alludes to these two works, which, he says, "are not strictly official; but which my official situation has enabled me to undertake with some peculiar advantages, and to which I have been prompted by the desire of laying open some of the least

known, and least accessible of our Ancient Records, to those whose literary taste may lead them to the study and cultivation of Scottish History and Antiquities.”

Inventory of Worke done for the State, by [Evan Tyler] his Majesties Printer in Scotland, December 1642—October 1647. Edinburgh, 1815, 4to.

Ane Addicioun of Scottis Cornikles and Deidis,—A Short Chronicle of the Reign of James the Second King of Scots. (From Asloane’s Manuscript in the Auchinleck Library.) [Edinburgh, 1819,] small 4to.

Memoirs of the Affairs of Scotland from the Restoration of King Charles II., A.D. 1660. By Sir George Mackenzie of Rosehaugh, Knight. Edinburgh, 1821, 4to.

Memoirs of the Lives and Characters of the Right Honourable George Baillie of Jarviswood, and of Lady Grissell, by their daughter Lady Murray. Edinburgh, 1822, 8vo. This interesting volume was republished for sale, in 1824, small 8vo.

Menu de la Maison de la Royne faict par Mons. de Pinguillon, M.D.LXII. [Edinburgh, 1824,] 4to.

### III.—HISTORICAL AND OTHER WORKS EDITED FOR THE BANNATYNE CLUB.

Alex. Myln, Vitæ Dunkeldensis Ecclesiæ Episcoporum. 1823, 4to.

Discours particulier d’Escosse, escrit en 1559. 1824, 4to.

The Historie and Life of King James the Sext. 1825, 4to.

Memoirs of his own Life, by Sir James Melville of Halhill. 1827, 4to.

Memoirs of his own Life and Times, by Sir James Turner. 1829, 4to.

The History of Scotland, by John Lesley, Bishop of Ross. 1830, 4to.

Collection of Ancient Scottish Prophecies, in alliterative verse. 1833, 4to.

Diurnal of Remarkable Occurrents, from the Pollok MS. 1833, 4to.

The Ragman Rolls, 1291-1296. 1834, 4to.

The Booke of the Universall Kirk of Scotland, 1560-1618. 1839, 1840, 1845,  
3 vols., 4to.

The Accounts of the Great Chamberlains of Scotland, &c., 1326-1406, 2 vols., printed in the year 1817, and circulated in 1841. Vol. 3d, 1406-1453. 1845, 4to.

A Diary of the Public Correspondence of Sir Thomas Hope of Craighall. 1843, 4to.

Munimenta Vetustiora Comitatus de Mortoun, and Original Letters and Papers in the Archives of the Earls of Morton. 1852, 4to. (Not yet circulated among the Members.)

#### IV.—LAW PAPERS.

The number of Session Papers prepared by Mr. Thomson was not considerable. One of them has been regarded of peculiar value, the "Memorial for Thomas Cranstoun, Esq. of Dewar, against Archibald Gibson, Esq.," 24th February 1816, as containing an elaborate investigation into the subject of the valued property in Scotland in early times, under the name of Old and New Extent. In the respondent's Memorial, dated 12th November 1817, Mr. John Clerk made the following remarks :—"The memorial for the complainer exhibits, with the greatest talent, a degree of knowledge and research perhaps unparalleled in the Court. It is an investigation of the history of the law of Scotland, in one of its most obscure branches," &c. "Happily, however, for the respondent, and perhaps for the Court, the question is not what the law was in former times, but what the law is at the present day." The Court adopted the same view, and decided in favour of the respondent.<sup>1</sup>

It may also be added, that Mr. Thomson furnished some articles to the earlier numbers of the Edinburgh Review ; and on more than one occasion, the charge of the Review itself was intrusted to his care by Mr. Jeffrey during his absence from Edinburgh.

JANUARY 1853.

<sup>1</sup> Faculty Decisions, 1815-1819, p. 511.