

The giving a clear account of the Feudal Rights, Tenures, &c. in Scotland, will not only be useful on account of the great intricateness of that form of Government, but also because it will enable us to see what parts in our present happy Constitution bear still any resemblance to it.

Many of the Northern Nations before they left their native Countries were unacquainted even with the Name of King, those among them that had introduc'd that title, were not Slaves to the Will of their Sovereign, on the contrary in time of Peace he had but a slender share of Power, & in War tho' his Jurisdiction was extensiv^e, yet it was no greater than what every leader of an Army had ever possess'd, his Corps were not compos'd of his Souldiers (as is now

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"the custom) but of Freeman who had shares in
 "whatever was conquer'd, & preserv'd their antient
 "Libertys even in their new acquisitions, after
 "having seiz'd the greater part of the lands in
 "their new Dominions for their own Use, they took
 "the old Inhabitants under their protection, Least
 "new Invaders should attack them, they establish'd
 "a Military Government, yet it bore a great
 "likeness to that of their Native Country.

"Their General remain'd their Chief, & a part
 "of the lands was bestow'd upon Him, the rest
 "was divid'd among his principal Officers
 "under the Name of beneficia or Fiefs, who
 "on receiving them bound themselves when summon'd
 "to bring a certain number of Men according to the
 "extent of their lands; these great officers parcell'd
 "out their territories among their followers with the

The latter part of the year was also clear in
what was proposed, & proposed, this entire
liberty was in this case a continuation of
having first the greater part of the year in
this sense, in view of this our day, they had
the 20th of October, when their first letter, but
now however that which they had written
a military government, yet it was a great
change to that of this latter part
The general remains their chief & a part
of the land was better upon this, the rest
was divided among his principal officers
under the name of brigades or regiments
or receiving the same name as before
to bring a certain number of men according to the
rank of their rank, the great officers were
out this time, and this follows with the

same proviso, thus a Government was form'd upon
Military Ideas, & therefore the pope's power was only
during pleasure, & the Kings Elective.

Long before the XIV.th Century the Kings
became Hereditary & also the Fiefs descended from
Father to Son; but as both the Sovereign & Nobles
were equally benefited by this, the feudal Constitution
receiv'd no change, & the Kings from the scanty
revenues allow'd them, & the the smallness of
their Jurisdiction made still a very mean appearance.

The only Taxes the Feudal Law oblig'd Vassals
to pay their King were on the making his Eldest Son
a Knight, upon the Marriage of his
Daughter, or to ransom him if he should be
taken Prisoner. He receiv'd some casualties from
his own Vassals such as the Wards & Marriages &c.
& sometimes an Aid from them call'd a Prelevance
This was so nam'd to show it was a Voluntary gift

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not occasioned by any right of his.

The Kings had no mercenary Army, every one of his Vassals & the Subvassals of the Barons being oblig'd to bear Arms when necessary; this kept up in them their Warlike disposition, & strengthened their love of independency, it was many ages before they had any Soldiers about their persons, their only guards were the hearts of their Vassals; happy were it if Princes would ever look upon these as their only defence particularly in a Free Country.

In the earliest days the Kings us'd themselves to determine all controversies among their People, but Causes daily multiplying, it was necessary to appoint Judges to decide them; but on the irruption of the Barbarians into Europe, who destroy'd most of the great Cities, Justice was for a long time not administr'd, & every sort of Murder, Rapine &c. prevail'd throughout

not necessary by insight of his
The King had necessary things written
his letters & the observations of the
which he had observed in his life
up in them this is the disposition
has been of his papers, it was many years
before they had any notion about this
and found out the best of his papers
and if it had been done upon them
before, it would have been a great
to the world but the King was
to be done all at once and his papers
but since they had been written, it was necessary
to print them to be in them, but as the
impression of the parchment is to be made
and the rest of the great letters
for a long time, not administered to any
of the King's papers & the King's

Europe; every Offender w^d to throw himself under the protection of some Chief, & thus escape his due deserts; to remedy these disorders, many Nobles were permitted to administer Justice over their own Vassals, & the encroaching spirits of these Men made their Jurisdictions hereditary, & their Fiefs were erected either into Baronies or Regalities; the rights of the former were very great, & those of the latter unbounded; a Lord of a Regality could appoint Judges to try Civil, as well as Criminal Causes, & if any of his Vassals were summoned into the King's Courts, he had the privilege of repledging, that is of removing the trial into his own Court; thus the Dependants of these Barons scarcely seem to have been Subjects of the Crown; a Feudal Kingdom therefore was little more than a number of small States kept together by a

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feeble bond call'd a King.

All these various alterations gradually weaken'd the power of the Crown, & consequently encreas'd that of the Nobles, & in the end render'd them independant; for they not contented with having their Fiefs hereditary in their families, at length obtain'd the power of entailing them, so that their Estates being unalienable, they could encrease them, tho' never diminish them; titles of honour became also hereditary, & what is more extraordinary many of the Offices of State, & even some of business.

The History of most European Nations in these early days are full of the ambition & haughtiness of the Nobles, this was chiefly owing to the number of their Vassals who were ever ready to obey their Orders, so that they despis'd the commands of their Sovereigns, & often depos'd them.

for the first time a King
with their various attributes probably needed
the power of the law, & accordingly enacted that
of the Statute in the end ordered the judges
for they are connected with having their
residence in their families, & it ought to be
the power of ordering them, & that this Statute
said in substance, they shall remain in their
residence, & that of course there
also liberty, & what is our extraordinary
copy of the Office of the King, & ever one of
course.
The Statute of the King's Bench in the
copy says in full of the Statute of the King's Bench
of the Statute this was one of the Statutes
of the Statute of the King's Bench, & it is
this Statute, & that the Statute of the King's Bench
of the Statute, & it is the Statute of the King's Bench.

Tho the Barons were every where audacious, the Scotch one's carry'd it to the greatest excess, this was owing to the Wildness of their Country which afforded them secure retreats, to the scarceness of Towns, for where numbers of People settle, due orders must be establish'd, & proper obedience to the Magistrates, for without these no man's life would be safe; but the Barons Vassals laying detach'd, they paid no deference except to their Chieftains.

The dividing the country into Clans also greatly encreas'd the power of the Nobles, to trace the origin of these we must just look back to the first beginnings of Feudal Governments.

The Nations that overrun Europe consisted of various small Tribes, when they were to divide their conquer'd Lands, the General or King, us'd to give a certain portion to his own Tribe or family,

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as the safety of each individual consisted in a general Union, these little Societies used to stick firmly together, & therefore were distinguish'd by some Common Name; this was long before either Surnames or Coats of Arms, were introduc'd; when they grew in vogue the descendants & relations of every Chieftain took his Name & Arms, the other Vassals in time did the same; thus Clanship was form'd, & in a couple of Generations all believ'd to be sprung from the same Ancestors, & therefore with the greater alacrity follow'd their Chief whom they at the same time look'd upon as the head of their family, & consequently these associations could be overcome but never broke; in some parts of the Kingdom the change of Manners, & difference of Government has never yet been able to root out what at first was only imaginary; in other Feudal Kingdoms these unions have been form'd, but not to the degree they have in Scotland.

The small number of the Peerage & consequently the great extent of their possessions very much contributed to render them even Rivals to their Princes, add to this their frequent intermarriages which as it introduc'd consanguinity between them made numbers of them look upon the King's quarrelling with any particular Baron as a common Cause; many who had no ties of blood us'd also to take part on account of leagues of Mutual defence which they us'd to make even in times of peace.

The frequent Wars with England assist'd to make the Nobles formidable, particularly those in the Southern parts of the Kingdom, their Vassals being ever forc'd to fight, & consequently having obtain'd the knowledge of War, the King's found those Chiefs in particular very impracticable; whoever could secure these borders in the domestic broils were sure of success.

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That the Barons had the right of Jurisdiction over their Vassals, yet they being Free Men, could not be tried but by their Vassals, wherefore they were oblig'd to attend his Courts for to take a part in the passing & executing of the sentences; they also then made such regulations as were deem'd necessary for their small Societies, & sometimes voluntarily granted supplies to their Superior.

By altering only the name of Baron & placing in the room of it that of King, we see the first foundation of Parliaments; these in antient times were call'd The King's Great Councils, All the Barons, Bishops, Abbots & greater Ecclesiasticks were bound by the condition of their Tenures to attend these Councils; Parliaments did not long continue upon this ~~polity~~ polity encreasing in wealth & being made free by the Kings.

obtain'd leave to send two persons to represent them, property by various methods being split, gave rise to the distinction between Greater & Lesser Barons, the former were those that kept their old extensive feifs, the others the new & less powerful Vassals of the Crown, they both were bound to the same feudal services, & consequently to personal attendance in Parliament; there is nothing more remarkable than the pains the Lesser Barons took to deny their being forc'd to assist in Parliament, & the Towns to obtain Charters exempting them from sending Representatives.

+anno 1427.

In the Reign of James I. the Lesser Barons obtain'd a Statute exempting them from personal attendance in Parliament, on condition they sent a certain number of Representatives for each County; but they soon neglected even this, so that the Parliament was compos'd only of Lords Spiritual, & Temporal, of Knights of the Shires, & of Burgesses.

The first part of the report is devoted to a
 description of the general situation of the
 country of England in the year 1800. The
 second part describes the state of the
 country in the year 1801. The third part
 describes the state of the country in the
 year 1802. The fourth part describes the
 state of the country in the year 1803. The
 fifth part describes the state of the
 country in the year 1804. The sixth part
 describes the state of the country in the
 year 1805. The seventh part describes the
 state of the country in the year 1806. The
 eighth part describes the state of the
 country in the year 1807. The ninth part
 describes the state of the country in the
 year 1808. The tenth part describes the
 state of the country in the year 1809. The
 eleventh part describes the state of the
 country in the year 1810. The twelfth part
 describes the state of the country in the
 year 1811. The thirteenth part describes
 the state of the country in the year 1812.

We must not expect to find that order & delicacy in these Parliaments that were in those of England, on the contrary both the Barons & Burgesses assembled in the same House; the Scotch being a very active & Military People could not bear the plague of regularly going through every Bill brought before them; they therefore established a Committee by the Name of Lords of Articles; these were to examine every Bill to be lay'd before Parliament, & had the right of rejecting them, so that they gave negatives before debate.

The Lords of Articles appear to have been at first appointed by the Kings, but afterwards were chosen by Parliament, they were composed of 4. Spiritual & 4. Temporal Lords, 4. Burgesses, & 4. great Officers of the Crown; the 4. Ecclesiasticks

The most important part of the
document is the section which
deals with the question of the
rights of the people in the
event of a revolution. It is
clear that the people have
the right to overthrow a
government which is
oppressive and to establish
a new one. This is a
fundamental principle of
justice and of the rights
of man. It is the duty
of every citizen to stand
up for these rights and
to defend them against
any and all attacks.
The document also states
that the people have the
right to elect their
representatives and to
hold them accountable
for their actions. This
is another fundamental
principle of democracy
and of the rights of man.
It is the duty of every
citizen to exercise these
rights and to ensure that
the government is always
acting in the best
interests of the people.
The document concludes
by stating that the rights
of the people are not
absolute and that they
may be limited in certain
circumstances. However,
any such limitations must
be justified and must
not be arbitrary. The
document is a clear and
concise statement of the
rights of the people and
of the duties of the
government. It is a
valuable contribution to
the theory and practice
of democracy and of the
rights of man.

& c. Great Officers of the Crown being always ready to act according to the pleasure of the Kings, & it being hardly possible that the Temporal Peers & Bishops, should be so chosen as to unite against the Crown, therefore the Kings had the total direction of the Lords of Articles; & these being an equal number of lay & spiritual lords, namely 55. the King was sure of the Majority, besides the Barons little cared what was determin'd in Parliament, they entirely relying upon their swords.

James VI. had many disputes with the Clergy & deprived them of the right of sitting in Parliament; but in 1594. an Act was pass'd by which those ~~at~~ whom the King conferred the vacant Bishopricks & Abbeyes were to have a seat in Parliament; the General Assembly of Ecclesiasticks after several consultations agreed that Ministers might accept of seats

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in Parliament; & gave it as their opinion that it would be much for the interest of the Church if 51. Ministers were chosen from among the Clergy to attend Parliament, this is nearly the number of Ecclesiasticks that us'd to attend in antient times.

James VI. in 1547. obtain'd a Statute by which the Bishops, Barons, or Freeholders were oblig'd to send Representatives for every County to Parliament, His reason for wishing this to pass was that He took it upon it as the most effectual method of diminishing the Authority of the Nobility.

James's mounting the English Throne greatly alter'd the system of Government in Scotland, his having more wealth, & opportunities of assisting those attach'd to him, made the Nobles more obsequious to his commands, for they living much after the fashion of the English & having a less income, found it

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in the year of 1790 the number of
was to be made for the interest of the Church
of St. Martin's was chosen from among the
clergy to be the first of this kind the
number of subscribers was 1000 in
the first year.
James W. in 1790 the number of
the number of subscribers was 1000 in
the first year for making the paper was the
first year it was the most successful and the
of publishing the history of the British
Empire according to the spirit of the
constitution the spirit of government in
the history of the British Empire
of publishing the history of the British
Empire more opportunity to the country
for the first year after the founding of
the British Empire was 1000 in

necessary to have money to supply these additional expenses; the Common People were great sufferers on account of this, for the King grew despotick, & the Nobles on their side lay'd heavier taxes on their Vassals than they had been accustomed to; the great Feudal rights that were vested in the Nobles grew at this time to be instruments of oppression upon their Vassals, the Military Ideas on which they were founded being entirely lost.

After James's death Scotland was not look'd upon in the partial light it had been during his Reign; Charles I. little regarded that Nobility; they taking fire at some encroachments of his upon their order made complaints which were not redress'd, upon which they appear'd armd against him; Charles sent English Troops to quell this rising, but his unhappy quarrels with the English Nation check'd the Vigour of his Actions

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& involv'd Scotland in his ruin; Charles II. at the Restoration regain'd possession of the Royal Prerogative in Scotland & during his Reign & that of his Brother James VII. the Sovereign's commands were receiv'd with the greatest submission; this was owing to the Estates & Spirits of the Nobility being ~~restor'd~~.

But on the happy Revolution, the interest of the Common People was secur'd; by the Claim of right their liberties were preserv'd, & the number of their Representatives in Parliament being increased, they acquir'd weight in the Constitution, & thus began to give themselves more up to Commerce & pollic.

The Union of the Two Kingdoms has entirely destroy'd the power of the Nobility only sixteen representatives for that whole body are allow'd seats in Parliament, & 45 Representatives for the Commons; the Eldest Sons of Peers are not permitted to be Members for their Countrymen; this I think plainly enough shows that both the

English & Scotch Nations have been gainers by
the Union, except the Nobility of the last, who
are now looked upon when in the British
Parliament as little more than the Tools of
the King; it would be very happy if some method
could be hit upon to alter this

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Account of the
first journey
made from London

Account of the
Scotch Government
taken from Robertson
