THOUGHTS

ON THE

PROPOSED CHANGE OF CURRENCY,

AND

OTHER LATE ALTERATIONS,

AS THEY AFFECT, OR ARE INTENDED TO AFFECT,

THE

KINGDOM OF SCOTLAND.

Ergo, Caledonia, nomen inane, Vale!

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THOUGHTS

ON THE

PROPOSED CHANGE OF CURRENCY.

TO THE EDITOR

OF THE EDINBURGH WEEKLY JOURNAL.

My dear Mr Journalist,

I am by pedigree a discontented person, so that you may throw this letter into the fire, if you have any apprehensions of incurring the displeasure of your superiors. I am, in fact, the lineal descendant of Sir Mungo Malagrowther, who makes a figure in the Fortunes of Nigel, and have retained a reasonable proportion of his ill luck, and, in consequence, of his ill temper. If, therefore, I should chance to appear too warm and poignant in my observations, you must impute it to the hasty and peevish humour which I derive from my ancestor. But, at the same

time, it often happens that this disposition leads me to speak useful, though unpleasant truths, when more prudent men hold their tongues and eat their pudding. A lizard is an ugly and disgusting thing enough; but, methinks, if a lizard were to run over my face and awaken me, which is said to be their custom when they observe a snake approach a sleeping person, I should neither scorn his intimation, nor feel justifiable in crushing him to death, merely because he is a filthy little abridgement of a crocodile. Therefore, "for my love, I pray you, wrong me not."

I am old, sir, poor, and peevish, and, therefore, I may be wrong; but when I look back on the last fifteen or twenty years, and more especially on the last ten, I think I see my native country of Scotland, if it is yet to be called by a title so discriminative, falling, so far as its national, or rather, perhaps, I ought now to say its *provincial*, interests are concerned, daily into more absolute contempt. Our ancestors were a people of some consideration in the councils of the empire. So late as my own younger days, an English minister would have paused, even in a favour-

ite measure, if a reclamation of national rights had been made by a Member for Scotland, supported, as it uniformly then was, by the voice of her representatives and her people. Such ameliorations in our peculiar system as were thought necessary, in order that North Britain might keep pace with her Sister in the advance of improvement, were suggested by our own countrymen, persons well acquainted with our peculiar system of laws, (as different from those of England as from those of France,) and who knew exactly how to adapt the desired alteration to the principle of our legislative enactments, so that the whole machine might, as mechanics say, work well and easily. For a long time, this wholesome check upon innovation, which requires the assimilation of a proposed improvement with the general constitution of the country to which it has been recommended, and which ensures that important point, by stipulating that the measure shall originate with those to whom the spirit of the constitution is familiar, has been, so far as Scotland is concerned, considerably disused. Those

who have stepped forward to repair the gradual failure of our constitutional system of law, have been persons that, howsoever qualified in other respects, have had little farther knowledge of its construction, than could be acquired by a hasty and partial survey, just before they commenced their labours. Scotland and her laws have been too often subjected to the alterations of any person who chose to found himself a reputation, by bringing in a bill to cure some defect which had never been felt in practice, but which was represented as a frightful bugbear to English statesmen, who, wisely and judiciously tenacious of the legal practice and principles received at home, are proportionally startled at the idea of any which cannot be brought to assimilate with them.

The English seem to have made a compromise with the active tendency to innovation, which is one great characteristic of the day. Wise and sagacious themselves, they are nervously jealous of innovations in their own laws —*Nolumus leges Angliæ mutari*, is written on the skirts of their judicial robes, as the most

sacred texts of Scripture were inscribed on the phylacteries of the Rabbis. The belief that the Common Law of England constitutes the Perfection of human reason, is a maxim bound upon their foreheads. Law Monks they have been called in other respects, and like Monks they are devoted to their own rule, and admit no question of its infallibility. There can be no doubt that their love of a system, which, if not perfect, has so much in it that is excellent, originates in the most praiseworthy feelings. Call it if you will the prejudice of education, it is still a prejudice honourable in itself, and useful to the public. I only find fault with it, because, like the Friars in the Duenna, these English Monks will not tolerate in their lay-brethren of the North the slightest pretence to a similar feeling.

In England, therefore, no innovation can be proposed affecting the administration of justice, without being subjected to the strict inquiry of the Guardians of the Law, and afterwards resisted pertinaciously until time and the most mature and reiterated discussion shall have proved its

utility, nay, its necessity. The old saying is still true in all its points—Touch but a cobweb in Westminster-Hall, and the old spider will come out in defence of it. This caution may sometimes postpone the adoption of useful amendments, but it operates to prevent all hasty and experimental innovations; and it is surely better that existing evils should be endured for some time longer, than that violent remedies should be hastily adopted, the unforeseen and unprovided-for consequences of which are often so much more extensive than those which had been foreseen and reckoned upon. An ordinary mason can calculate upon the exact gap which will be made by the removal of a corner-stone in an old building; but what architect, not intimately acquainted with the whole edifice, can presume even to guess how much of the structure is, or is not, to follow?

The English policy in this respect is a wise one, and we have only to wish they would not insist upon keeping it all to themselves. But those who are most devoted to their own religion, have least sympathy for the feelings of dis-

senters; and a spirit of proselytism has of late shown itself in England for extending the benefits of their system, in all its strength and weakness, to a country, which has been hitherto flourishing and contented under its own. They adopted the conclusion, that all English enactments are right; but the system of municipal law in Scotland is not English, therefore it is wrong. Under sanction of this syllogism, our rulers have indulged and encouraged a spirit of experiment and innovation at our expense, which they resist obstinately when it is to be carried through at their own risk.

For more than one half of last century, this was a practice not to be thought of. Scotland was during that period disaffected, in bad humour, armed too, and smarting under various irritating recollections. This is not the sort of patient for whom an experimental legislator chooses to prescribe. There was little chance of making Saunders take the patent pill by persuasion—main force was a dangerous argument, and some thought claymores had edges.

This period passed away, a happier one arri-

ved, and Scotland, no longer the object of terror, or at least great uneasiness, to the British Government, was left from the year 1750 under the guardianship of her own institutions, to win her silent way to national wealth and consequence. Contempt probably procured for her the freedom from interference, which had formerly been granted out of fear; for the medical faculty are as slack in attending the garrets of paupers as the caverns of robbers. But neglected as she was, and perhaps *because* she was neglected, Scotland, reckoning her progress during the space from the close of the American war to the present day, has increased her prosperity in a ratio more than five times greater than that of her more fortunate and richer sister. She is now worth the attention of the learned faculty, and God knows she has had plenty of it. She has been bled and purged, spring and fall, and *talked* into courses of physic, for which she had little occasion. She has been of late a sort of experimental farm, upon which every politician has been permitted to try his theory—a kind of common property, where

every juvenile statesman has been encouraged to make his inroads, as in Morayland, where, anciently, according to the idea of the old Highlanders, all men had a right to take their prey—a subject in a common dissecting-room, left to the scalpel of the junior students, with the degrading inscription,—*Fiat experimentum in corpore vili.*

I do not mean to dispute, sir, that much alteration was necessary in our laws, and that much benefit has followed many of the great changes which have taken place. I do not mean to deprecate a gradual approach to the English system, especially in commercial law. The Jury Court, for example, was a fair experiment, in my opinion, cautiously introduced as such, and placed under such regulations as might best assimilate its forms with those of the existing Supreme Court. I beg therefore to be considered as not speaking of the alterations themselves, but of the apparent hostility towards our municipal institutions, as repeatedly manifested in the course of late proceedings, tending to force and wrench them into a similarity with those of England.

The opinions of our own lawyers, nay, of our

Judges, than whom wiser and more honourable men never held that high character, have been, if report speaks true, something too much neglected and controlled in the course of these important changes, in which, methinks, they ought to have had a leading and primary voice. They have been almost avowedly regarded not as persons the best qualified to judge of proposed innovations, but as prejudiced men, determined to oppose them right or wrong. The last public Commission was framed on the very principle, that if Scotch Lawyers were needs to be employed, a sufficient number of these should consist of gentlemen, who, whatever their talents and respectability might be in other respects, had been too long estranged from the study of Scottish law, to retain any accurate recollection of an abstruse science, or any decided partiality for its technical forms. This was done avowedly for the purpose of evading the natural partiality of the Scottish Judges and practitioners to their own system; that partiality, which the English themselves hold so sacred a feeling in their own Judges, and Counsel learned in the law. I am not, I repeat, complaining of the result of the Commissions, but

of the spirit in which the alterations were undertaken. Unquestionably much was done in brushing up and improving the old machinery of Scottish Law Courts, and in making it move more rapidly, though scarce, I think, more correctly than before. Dispatch has been much attended to. But it may be ultimately found, that the timepiece which runs fastest does not intimate the time most accurately. At all events, the changes have been made and established—there let them rest. And had I, Malachi Malagrowther, the sole power to-morrow of doing so, I would not restore the old forms of judicial proceedings; because I hold the constitution of Courts of Justice too serious matters to be put back or forward at pleasure, like a boy's first watch, merely for experiment's sake.

What I *do* complain of is the general spirit of slight and dislike manifested to our national establishments, by those of the sister country who are so very zealous in defending their own; and not less do I complain of their jealousy of the opinions of those who cannot but be much better acquainted than they, both with the merits and deficiencies of the system, which hasty and

imperfectly informed judges have shown themselves so anxious to revolutionize.

There is no explanation to be given of this but one—namely, the entire conviction and belief of our English brethren, that the true Themis is worshipped in Westminster Hall, and that her adorers cannot be too zealous in her service; while she, whose image an ingenious artist has depicted balancing herself upon a *te-totum* on the southern window of the Parliament House of Edinburgh, is a mere idol,—a Diana of Ephesus,—whom her votaries worship, either because her shrine brings great gain to the craftsmen, or out of an ignorant and dotard superstition, which induces them to prefer the old Scottish *Mumpsimus* to the Modern English *Sumpsimus*. Now, this is not fair construction in our friends, whose intentions in our behalf, we allow, are excellent, but who certainly are scarcely entitled to beg the question at issue without inquiry or discussion, or to treat us as the Spaniards treated the Indians, whom they massacred for worshipping the image of the Sun, while they themselves bowed down to that of the Virgin Mary. Even Queen Elizabeth

was contented with the evasive answer of Melville, when hard pressed with the trying question, whether Queen Mary or she were the fairest. We are willing, in the spirit of that answer, to say, that the Themis of Westminster Hall is the best fitted to preside over the administration of the larger, and more fertile country of beef and pudding; while she of the te-totum (placed in that precarious position, we presume, to express her instability, since these new lights were struck out) claims a more limited but equally respectful homage, within her ancient jurisdiction—*sua paupera regna*—the Land of Cakes. If this compromise does not appease the ardour of our brethren for converting us to English forms and fashions, we must use the scriptural question, "Who hath required these things at your hands?"

The inquiries and result of another Commission are too much to the purpose to be suppressed. The object was to investigate the conduct of the Revenue Boards in Ireland and Scotland. In the former, it is well known, great mismanagement was discovered; for Pat, poor fellow, had been playing the loon to a considerable ex-

tent. In Scotland, *not a shadow of abuse prevailed.* You would have thought, Mr Journalist, that the Irish Boards would have been reformed in some shape, and the Scotch establishments honourably acquitted, and suffered to continue on the footing of independence which they had so long enjoyed, and of which they had proved themselves so worthy. Not so, sir. The Revenue Boards, in both countries, underwent exactly the same regulation, were deprived of their independent consequence, and placed under the superintendence of English control; the innocent and the guilty being treated in every respect alike. Now, on the side of Scotland, this was like Trinculo losing his bottle in the pool—there was not only dishonour in the thing, but an infinite loss.

I have heard two reasons suggested for this indiscriminating application of punishment to the innocent and to the culpable.

In the first place, it was honestly confessed that Ireland would never have quietly submitted to the indignity offered to her, unless poor inoffensive Scotland had been included in the regulation. The Green Isle, it seems, was of

the mind of a celebrated lady of quality, who, being about to have a decayed tooth drawn, refused to submit to the operation till she had seen the dentist extract a sound and serviceable grinder from the jaws of her waiting-woman—and her humour was to be gratified. The lady was a termagant dame—the wench a tame-spirited simpleton—the dentist an obliging operator—and the teeth of both were drawn accordingly.

This gratification of his humours is gained by Pat's being up with the pike and shilelah on any or no occasion. God forbid Scotland should retrograde towards such a state—much better that the Deil, as in Burns's song, danced away with the whole excisemen in the country. We do not want to hear her prate of her number of millions of men, and her old military exploits. We had better remain in union with England, even at the risk of becoming a subordinate species of Northumberland, as far as national consequence is concerned, than remedy ourselves by even hinting the possibility of a rupture. But there is no harm in wishing Scotland to have just so much ill-nature, according to her own proverb, as may keep her good-nature from being abused; so

much national spirit as may determine her to stand by her own rights, conducting her assertion of them with every feeling of respect and amity towards England.

The other reason alleged for this equal distribution of *punishment*, as if it had been the influence of the common sun, or the general rain, to the just and the unjust, was one which is extremely predominant at present with our Ministers—the *necessity of* UNIFORMITY in all such cases; and the consideration what an awkward thing it would be to have a Board of Excise or Customs remaining independent in the one country, solely because they had, without impeachment, discharged their duty; while the same establishment was cashiered in another, for no better reason than that it had been misused.

This reminds us of an incident, said to have befallen at the Castle of Glammis, when these venerable towers were inhabited by a certain old Earl of Strathmore, who was as great an admirer of uniformity as the Chancellor of the Exchequer could have desired. He and his gardener directed all in the garden and pleasure-

grounds upon the ancient principle of exact correspondence between the different parts, so that each alley had its brother; a principle which, renounced by gardeners, is now adopted by statesmen. It chanced once upon a time that a fellow was caught committing some petty theft, and, being taken in the manner, was sentenced by the Baillie MacWheeble of the jurisdiction to stand for a certain time in the baronial pillory, called the *jougs*, being a collar and chain, one of which contrivances was attached to each side of the portal of the great avenue which led to the castle. The thief was turned over accordingly to the gardener as ground-officer, to see the punishment duly inflicted. When the Thane of Glammis returned from his morning ride, he was surprised to find both sides of the gate-way accommodated each with a prisoner, like a pair of heraldic supporters *chained* and *collared proper*. He asked the gardener, whom he found watching the place of punishment, as his duty required, whether another delinquent had been detected? "No, my Lord," said the gardener, in the tone of a man excellently well satisfied with himself,—"but I thought the single fellow looked very

awkward standing on one side of the gate-way, so I gave half-a-crown to one of the labourers to stand on the other side *for uniformity's sake.*" This is exactly a case in point, and probably the only one which can be found—with this sole difference, that I do not hear that the Members of the Scottish Revenue Board got any boon for standing in the pillory with those of Ireland—for uniformity's sake.

Lastly, sir, I come to this business of extending the provisions of the Bill prohibiting the issue of notes under L.5 to Scotland, in six months after the period that the regulation shall be adopted in England.

I am not about to enter upon the question which so much agitates speculative writers upon the wealth of nations, or attempt to discuss what proportion of the precious metals ought to be detained within a country; what are the best means of keeping it there; or to what extent the want of specie can be supplied by paper credit: I will not ask if a poor man can be made a rich one, by compelling him to buy a service of plate, instead of the delf ware which served his turn. These are questions I am not adequate to solve.

But I beg leave to consider the question in a practical point of view, and to refer myself entirely to experience.

I assume, without much hazard of contradiction, that Banks have existed in Scotland for near one hundred and twenty years—that they have flourished, and the country has flourished with them—and that during the last fifty years particularly, provincial Banks, or branches of the principal established and chartered Banks, have gradually extended themselves in almost every Lowland district in Scotland; that the notes, and especially the small notes, which they distribute, entirely supply the demand for a medium of currency; and that the system has so completely expelled gold from the country of Scotland, that you never by any chance espy a guinea there, unless in the purse of an accidental stranger, or in the coffers of these Banks themselves. This is granting the facts of the case as broadly as can be asked.

It is not less unquestionable, that the consequence of this Banking system, as conducted in Scotland, has been attended with the greatest advantage to the country. The facility which it

has afforded to the industrious and enterprising agriculturist or manufacturer, as well as to the trustees of the public in executing national works, has converted Scotland, from a poor, miserable, and barren country, into one, where, if Nature has done less, Art and Industry have done more, than in perhaps any country in Europe, England herself not excepted. Through means of the credit which this system has afforded, roads have been made, bridges built, and canals dug, opening up to reciprocal communication the most sequestered districts of the country—manufactures have been established, unequalled in extent or success—wastes have been converted into productive farms—the productions of the earth for human use have been multiplied twentyfold, while the wealth of the rich, and the comforts of the poor, have been extended in the same proportion. And all this in a country where the rigour of the climate, and sterility of the soil, seem united to set improvement at defiance. Let those who remember Scotland forty years since, bear witness if I speak truth or falsehood.

There is no doubt that this change has been

produced by the facilities of procuring credit, which the Scottish Banks held forth, both by discounting bills, and by granting cash-accounts. Every undertaking of consequence, whether by the public or by individuals, has been carried on by such means; at least exceptions are extremely rare.

There is as little doubt that the Banks could not have furnished these necessary funds of cash, without enjoying the reciprocal advantage of their own notes being circulated in consequence, and by means of the accommodation thus afforded. It is not to be expected that every undertaking which the system enabled speculators or adventurers to commence, should be well-judged, attentively carried on, or successful in issue. Imprudence in some cases, misfortune in others, have had their usual quantity of victims. But in Scotland, as elsewhere, it has happened in many instances that improvements, which turned out ruinous to those who undertook them, have, notwithstanding, themselves ultimately produced the most beneficial advantages to the country, which derived in such instances an addition to its general prosperity,

even from the undertakings which had proved destructive to the private fortune of the projectors.

Not only did the Banks dispersed throughout Scotland afford the means of bringing the country to an unexpected and almost marvellous degree of prosperity, but in no considerable instance, save one, have their own over-speculating undertakings been the means of interrupting that prosperity. The solitary exception was the undertaking called the Ayr Bank, rashly entered into by a large body of country gentlemen and others, unacquainted with commercial affairs, and who had moreover the misfortune not only to set out on false principles, but to get false rogues for their principal agents and managers. The fall of this Bank brought much calamity on the country; but two things are remarkable in its history: First, that under its too prodigal, yet beneficial influence, a fine county (that of Ayr) was converted from a desert into a fertile land. 2dly, That, though at a distant interval, the Ayr Bank paid all its engagements, and the loss only fell on the original stockholders. The warning was, however, a terrible one, and has been

so well attended to in Scotland, that very few attempts seem to have been afterwards made to establish Banks prematurely—that is, where the particular district was not in such an advanced state as to require the support of additional credit; for in every such case, it was judiciously foreseen, the forcing a capital on the district could only lead to wild speculation, instead of supporting solid and promising undertakings.

The character and condition of the persons pursuing the profession, ought to be noticed, however slightly The Bankers of Scotland have been, generally speaking, *good* men, in the mercantile phrase, showing, by the wealth of which they have died possessed, that their credit was sound; and *good* men also, many of them eminently so, in the more extensive and better sense of the word, manifesting, by the excellence of their character, the fairness of the means by which their riches were acquired. There may have been, among so numerous a body, men of a different character, fishers in troubled waters, capitalists who sought gain not by the encouragement of fair trade and honest industry, but by affording temporary fuel

to rashness or avarice. But the number of upright traders in the profession has narrowed the means of mischief, which such Christian Shylocks would otherwise have possessed. There was loss, there was discredit, in having recourse to such characters, when honest wants could be fairly supplied by upright men, and on liberal terms. Such reptiles have been confined in Scotland to batten upon their proper prey of folly and waste, like worms on the corruption in which they are bred.

Since the period of the Ayr Bank, now near half a century, I recollect very few instances of Banking Companies issuing notes, which have become insolvent. One, about thirty years since, was the Merchant Bank of Stirling, which never was in high credit, having been known almost at the time of its commencement by the ominous nick-name of *Black in the West.* Another was within these ten years, the East-Lothian Banking Company. In both cases, the notes were paid up in full. In the latter case, they were taken up by one of the most respectable houses in Edinburgh; so that all the current engagements were paid without the least

check to the circulation of their notes, or inconvenience to poor or rich, who happened to have them in possession. Other cases there may have occurred not coming within my recollection, but I think none which made any considerable sensation, or could at all affect the general confidence of the country in the stability of the system.

In the present unhappy commercial distress, I have always heard and understood, that the Scottish Banks have done all in their power to alleviate the evils which came thickening on the country; and far from acting illiberally, that they have come forward to support the tottering credit of the commercial world with a frankness which augured the most perfect confidence in their own resources. We have heard of only one provincial Bank being even for a moment in the predicament of suspicion; and of that copartnery the funds and credit were so well understood, that their correspondents in Edinburgh, as in the case of the East Lothian Bank formerly mentioned, at once guaranteed the payment of their notes, and saved the public even from momentary agitation, and individuals

from the possibility of distress. I ask what must be the stability of a system of credit, of which such an universal earthquake could not displace or shake even the slightest individual portion?

Thus stands the case in Scotland; and it is clear, any restrictive enactment affecting the Banking system, or their mode of issuing notes, must be adopted in consequence of evils, operating elsewhere perhaps, but certainly unknown in this country.

In England, unfortunately, things have been very different, and the insolvency of many provincial Banking Companies, of the most established reputation for stability, has greatly distressed the country, and alarmed London itself, from the necessary re-action of their misfortunes upon their correspondents in the capital.

I do not think, sir, that the advocate of Scotland is called upon to go farther, in order to plead an exemption from any experiment which England may think proper to try to cure her own malady, than to say such malady does not exist in her jurisdiction. It is surely enough to plead, "We are well, our pulse and complexion prove it—let those who are sick take physic."

But the opinion of the English Ministers is widely different; for, granting our premises, they deny our conclusion.

The peculiar humour of a friend, whom I lost some years ago, is the only one I recollect, which jumps precisely with the reasoning of the Chancellor of the Exchequer. My friend was an old Scottish laird, a bachelor and a humourist—wealthy, convivial, and hospitable, and of course having always plenty of company about him. He had a regular custom of swallowing every night in the world one of Dr Anderson's pills, for which reasons may be readily imagined. But it is not so easy to account for his insisting on every one of his guests taking the same medicine; and whether it was by way of patronizing the medicine, which is in some sense a national receipt, or whether the mischievous old wag amused himself with anticipating the scenes of delicate embarrassment, which the dispensation sometimes produced in the course of the night, I really cannot even guess. What is equally strange, he pressed this request with a sort of eloquence, which succeeded with every guest. No man escaped, though there were few

who did not make resistance. His powers of persuasion would have been invaluable to a minister of state. "What! not one *Leetle Anderson*, to oblige your friend, your host, your entertainer! He had taken one himself—he would take another, if you pleased—Surely what was good for his complaints must of course be beneficial to yours?" It was in vain you pleaded your being perfectly well,—your detesting the medicine, —your being certain it would not agree with you —none of the apologies were received as valid. You might be warm, pathetic or sulky, fretful or patient, grave or serious in testifying your repugnance, but you were equally a doomed man; escape was impossible. Your host was in his turn eloquent,—authoritative,—facetious,—argumentative,—precatory,—pathetic, above all, pertinacious. No guest was known to escape the *Leetle Anderson*. The last time I experienced the laird's hospitality, there were present at the evening meal the following catalogue of guests: A Bond-street Dandy, of the most brilliant water, drawn thither by the temptation of grouse-shooting—a writer from the neighbouring borough, (the laird's *Doer*, I believe,)—two country lairds, men of reserved and stiff habits—three sheep-farmers, as stiff-necked and stubborn as their own halter'd rams—and I, Malachi Malagrowther, not facile or obvious to persuasion. There was also the Esculapius of the vicinity—one who gave, but elsewhere was never known to *take* medicine. All succumbed—each took, after various degrees of resistance according to his peculiar fashion, his own *Leetle Anderson*. The Doer took a brace. On the event I am silent. None had reason to congratulate himself on his complaisance. The laird has slept with his ancestors for some years, remembered sometimes with a smile on account of his humorous eccentricities, always with a sigh when his surviving friends and neighbours reflect on his kindliness and genuine beneficence. I have only to add, that I hope he has not bequeathed to the Chancellor of the Exchequer, otherwise so highly gifted, his invincible powers of persuading folks to take medicine, which their constitutions do not require.

Have I argued my case too high in supposing that the present intended legislative enactment is as inapplicable to Scotland, as a pair of elabo-

rate knee-buckles would be to the dress of a kilted Highlander? I think not.

I understand Lord Liverpool and the Chancellor of the Exchequer distinctly to have admitted the fact, that no distress whatever had originated in Scotland from the present issuing of small notes of the Bankers established there, whether provincial in the strict sense, or sent abroad by branches of the larger establishments settled in the metropolis. No proof can be desired better than the admission of the adversary.

Nevertheless, we have been positively informed by the newspapers that Ministers see no reason why any law adopted on this subject should not be imperative over all his Majesty's dominions, including Scotland, *for uniformity's sake.* In my opinion, they might as well make a law that the Scotsman, for uniformity's sake, should not eat oatmeal, because it is found to give Englishmen the heart-burn. If an ordinance prohibiting the oat-cake, can be accompanied with a regulation capable of being enforced, that in future, for uniformity's sake, our moors and uplands shall henceforth bear the purest wheat, I for one have no ob-

jection to the regulation. But till Ben-Nevis be level with Norfolkshire, though the natural wants of the two nations may be the same, the extent of these wants, natural or commercial, and the mode of supplying them, must be widely different, let the rule of uniformity be as absolute as it will. The nation which cannot raise wheat, must be allowed to eat oat-bread; the nation which is too poor to retain a circulating medium of the precious metals, must be permitted to supply its place with paper credit; otherwise, they must go without food, and without currency.

If I were called on, Mr Journalist, I think I could give some reasons why the system of Banking which has been found well adapted for Scotland is not proper for England, and why there is no reason for inflicting upon us the intended remedy; in other words, why this political balsam of Fierabras, which is to relieve Don Quixote, may have a great chance to poison Sancho. With this view, I will mention briefly some strong points of distinction affecting the comparative credit of the Banks in Eng-

land and in Scotland; and they seem such as to furnish, to one inexperienced in political economics, (upon the transcendental doctrines of which so much stress is now laid,) very satisfactory reasons for the difference which is not denied to exist betwixt the effects of the same general system in different countries.

In Scotland, almost all Banking Companies consist of a considerable number of persons, many of them men of landed property, whose landed estates, with the burthens legally affecting them, may be learned from the records, for the expense of a few shillings; so that all the world knows, or may know, the general basis on which their credit rests, and the extent of real property, which, independent of their personal means, is responsible for their commercial engagements. In most Banking Establishments this fund of credit is considerable, in others immense; especially in those where the shares are numerous, and are held in small proportions, many of them by persons of landed estates, whose fortunes, however large, and however small their share of stock, must be all liable to the engagements of the

Bank. In England, as I believe, the number of the partners engaged in a Banking concern cannot exceed five; and though of late years their landed property has been declared subject to be attached by their commercial creditors, yet no one can learn, without incalculable trouble, the real value of that land, or with what mortgages it is burthened. Thus, *cæteris paribus*, the English Banker cannot make his solvency manifest to the public, therefore cannot expect, or receive, the same unlimited trust, which is willingly and securely reposed in those of the same profession in Scotland.

Secondly, the circulation of the Scottish bank-notes is free and unlimited; an advantage arising from their superior degree of credit. They pass without a shadow of objection through the whole limits of Scotland, and are current nearly as far as York, in England. Those of English Banking Companies seldom extend beyond a very limited horizon: in two or three stages from the place where they are issued, many of them are objected to, and give perpetual trouble to any traveller who has happened to take them in change on the road. Even the most credit-

able provincial notes never approach London in a free current—never circulate like blood to the heart, and from thence to the extremities, but are current within a limited circle; often, indeed, so very limited, that the notes issued in the morning, to use an old simile, fly out like pigeons from the dovecot, and are sure to return in the evening to the spot which they have left at break of day.

Owing to these causes, and others which I forbear mentioning, the profession of provincial Bankers in England is limited in its regular profits, and uncertain in its returns, to a degree unknown in Scotland; and is, therefore, more apt to be adopted in the south by men of sanguine hopes and bold adventure, (both frequently disproportioned to the extent of their capital,) who sink in mines, or other hazardous speculations, the funds which their banking credit enables them to command, and deluge the country with notes, which, on some unhappy morning, are found not worth a penny;—as those to whom the foul fiend has given apparent treasures, are said in due time to discover they are only pieces of slate.

I am aware it may be urged, that the restrictions imposed on those English provincial Banks are necessary to secure the supremacy of the Bank of England; on the same principle on which dogs kept near the purlieus of a royal forest, were anciently lamed by the cutting off of one of the claws, to prevent their interfering with the royal sport. This is a very good regulation for England, for what I know; but why should the Scottish institutions, which do not, and cannot, interfere with the influence of the Bank of England, be put on a level with those of which such jealousy is, justly or unjustly, entertained? We receive no benefit from that immense Establishment, which, like a great oak, overshadows England from Tweed to Cornwall—Why should our national plantations be cut down or cramped for the sake of what affords us neither shade nor shelter, and which besides can take no advantage by the injury done to us? Why should we be subjected to a monopoly, from which we derive no national benefit?

I have only to add, that Scotland has not felt the slightest inconvenience from the want of specie, nay, that it has never been in request among

them. A tradesman will take a guinea more unwillingly than a note of the same value—to the peasant the coin is unknown. No one ever wishes for specie save when upon a journey to England. In occasional runs upon particular houses, the notes of other Banking Companies have always been the value asked for—no holder of these notes ever demanded specie. The credit of one establishment might be doubted for the time—that of the general system was never brought into question. Even Avarice, the most suspicious of passions, has in no instance I ever heard of, desired to compose her hoards by an accumulation of the precious metals. The confidence in the credit of our ordinary medium has not been doubted even in the dreams of the most irritable and jealous of human passions.

All these considerations are so obvious, that a statesman so acute as Mr Robinson must have taken them in at the first glance, and must at the same time have deemed them of no weight, compared with the necessary conformity between the laws of the two kingdoms. I must, therefore, speak to the justice of this point of uniformity.

Sir, my respected ancestor, Sir Mungo, when

he had the distinguished honour to be *whipping*, or rather *whipped boy*, to his Majesty James the Sixth of gracious memory, was always, in virtue of his office, scourged when the King deserved flogging; and the same equitable rule seems to distinguish the conduct of Government towards Scotland, as one of the three United Kingdoms. If Pat is guilty of peculation, Sister Peg loses her Boards of Revenue—if John Bull's cashiers mismanage his money-matters, those who have conducted Sister Margaret's to their own great honour, and her no less advantage, must be deprived of the power of serving her in future; at least that power must be greatly restricted and limited.

"Quidquid delirant reges plectuntur Achivi."

That is to say, if our superiors of England and Ireland eat sour grapes, the Scottish teeth must be set on edge as well as their own. An uniformity in benefits may be well—an uniformity in penal measures, towards the innocent and the guilty, in disqualifying regulations, whether necessary or not, seems harsh law, and worse justice.

This levelling system, not equitable in itself, is infinitely unjust, if a story, often told by my poor old grandfather, was true, which I own I am inclined to doubt. The old man, sir, had learned in his youth, or dreamed in his dotage, that Scotland had become an integral part of England,—not in right of conquest, or rendition, or through any right of inheritance,—but in virtue of a solemn Treaty of Union. Nay, so distinct an idea had he of this supposed Treaty, that he used to recite one of its articles to this effect:—"That the laws in use within the kingdom of Scotland, do, after the Union, remain in the same force as before, but alterable by the Parliament of Great Britain, with this difference between the laws concerning public right, policy, and civil government, and those which concern private right, that the former may be made the same through the whole United Kingdom; but that no alteration be made on laws which concern private right, *excepting for the evident utility of the subjects within Scotland.*" When the old gentleman came to the passage, which you will mark in italics, he always clenched his fist, and exclaimed, "*Nemo me impune*

lacesset!" which, I presume, are words belonging to the black art, since there is no one in the Modern Athens conjuror enough to understand their meaning, or at least to comprehend the spirit of the sentiment which my grandfather thought they conveyed.

I cannot help thinking, sir, that if there had been any truth in my grandfather's story, some Scottish Member would, on the late occasion, have informed the Chancellor of the Exchequer, that, in virtue of this Treaty, it was no sufficient reason for innovating upon the private rights of Scotsmen in a most tender and delicate point, merely that the Right Honourable Gentleman saw no reason why the same law should not be current through the whole of his Majesty's dominions; and that, on the contrary, it was incumbent upon him to go a step further, and to show that the alteration proposed *was* for the EVIDENT UTILITY *of the subjects within Scotland,*—a proposition disavowed by the Right Honourable Gentleman's candid admission, and by that of the Prime Minister, and contradicted in every circumstance by the actual state of the

Methinks, sir, our "Chosen Five-and-Forty," supposing they had bound themselves to Ministers by such oaths of silence and obedience, as are taken by Carthusian friars, must have had free-will and speech to express their sentiments, had they been possessed of so irrefragable an argument in such a case of extremity. The sight of a father's life in danger is said to have restored the power of language to the dumb; and truly, the necessary defence of the rights of our native country is not, or at least ought not to be, a less animating motive. Lord Lauderdale almost alone interfered, and procured, to his infinite honour, a delay of six months in the extension of this act,—a sort of reprieve from the southern *jougs*,—by which we may have some chance of profiting, if, during the interval, we can show ourselves true Scotsmen, by some better proof than merely by being "wise behind the hand."

In the first place, sir, I would have this Old Treaty searched for, and should it be found to be still existing, I think it decides the question. For, how can it be possible, that it should be for the "evident utility" of Scotland to alter

her laws of private right, to the total subversion of a system under which she is admitted to have flourished for a century, and which has never within North Britain been attended with the inconveniencies charged against it in the sister country? Even if the old parchment should be voted obsolete, there would be some satisfaction in having it looked out and preserved—not in the Register-Office, or Advocates' Library, where it might awaken painful recollections—but in the Museum of the Antiquaries, where, with the Solemn League and Covenant, the Letter of the Scottish Nobles to the Pope on the independence of their country, and other antiquated documents once held in reverence, it might silently contract dust, yet remain to bear witness that such things had been.

I earnestly hope, however, that an international league of such importance may still be found obligatory on both the *high* and the *low* contracting parties; on that which has the power, and apparently the will, to break it, as well as on the weaker nation, who cannot, without incurring still worse, and more miserable consequences, oppose aggression, otherwise than by

invoking the faith of treaties, and the national honour of Old England.

In the second place, all ranks and bodies of men in North Britain, (for all are concerned, the poor as well as the rich,) should express by petition their sense of the injustice which is offered to the country, and the distress which will probably be the necessary consequence. Without the power of issuing their own notes, the Banks cannot supply the manufacturer with that credit which enables him to pay his workmen, and wait his return; or accommodate the farmer with that fund which makes it easy for him to discharge his rent, and give wages to his labourers, while in the act of performing expensive operations which are to treble or quadruple the produce of his farm. The trustees on the high-roads and other public works, so ready to stake their personal credit for carrying on public improvements, will no longer possess the power of doing so. The whole existing state of credit is to be altered from top to bottom, and Ministers are silent on any remedy which such a state of things would imperiously require.

These are subjects worth struggling for, and rather of more importance than generally come before County Meetings. The English legislature seems inclined to stultify our Law Authorities in their department; but let us at least try if they will listen to the united voice of a Nation in matters which so intimately concern its welfare, that almost every man must have formed a judgment on the subject, from something like personal experience. For my part, I cannot doubt the result.

Times are undoubtedly different from those of Queen Anne, when, Dean Swift having in a political pamphlet passed some sarcasms on the Scottish nation, as a poor and fierce people, the Scythians of Britain,—the Scottish Peers, headed by the Duke of Argyle, went in a body to the Ministers, and compelled them to disown the sentiments which had been expressed by their partizan, and offer a reward of L.300 for the author of the libel, well known to be the best advocate and most intimate friend of the existing administration. They demanded also, that the printer and publisher should be prosecuted before the House of Peers; and Harley, however unwillingly, was obliged to yield to their demand.

In the celebrated case of Porteous, the English legislature saw themselves compelled to desist from vindictive measures, on account of a gross offence committed in the Metropolis of Scotland. In that of the Roman Catholic bill, they yielded to the voice of the Scottish people, or rather of the Scottish mob, and declared the proposed alteration of the Law should not extend to North Britain. The cases were different, in point of merit, though the Scots were successful in both. In the one, a boon of clemency was extorted; in the other, concession was an act of decided weakness. But ought the present administration of Great Britain to show less deference to our temperate and general remonstrance, on a matter concerning ourselves only, than their predecessors did to the passions, and even the ill-founded and unjust prejudices, of our ancestors?

Times, indeed, have changed since those days, and circumstances also. We are no longer a poor, that is, so *very poor* a country and people; and as we have increased in wealth, we have become somewhat poorer in spirit, and more loath to incur displeasure by contests upon mere etiquette, or national prejudice. But we have some

merits to plead with England. We have borne our pecuniary impositions, during a long war, with a patience the more exemplary, as they lay heavier on us from our comparative want of means—our blood has flowed as freely as that of England or of Ireland—our lives and fortunes have been as unhesitatingly devoted to the defence of the empire—our loyalty as warmly and willingly displayed towards the person of our Sovereign. We have consented with submission, if not with cheerfulness, to reductions and abolitions of public offices, required for the good of the state at large, but which must affect materially the condition, and even the respectability, of our over-burthened aristocracy. We have in every respect conducted ourselves as good and faithful subjects of the general Empire.

We do not boast of these things as actual merits; but they are at least duties discharged, and in an appeal to men of honour and of judgment, must entitle us to be heard with patience, and even deference, on the management of our own affairs, if we speak unanimously, lay aside party feeling, and use the voice of one leaf of the holy

Trefoil,—one distinct and component part of the United Kingdoms.

Let no consideration deter us from pleading our own cause temperately but firmly, and we shall certainly receive a favourable audience. Even our acquisition of a little wealth, which might abate our courage on other occasions, should invigorate us to unanimous perseverance at the present crisis, when the very source of our national prosperity is directly, though unwittingly, struck at. Our plaids are, I trust, not yet sunk into Jewish gaberdines, to be wantonly spit upon; nor are we yet bound to "receive the insult with a patient shrug." But exertion is now demanded on other accounts than those of mere honourable punctilio. Misers themselves will struggle in defence of their property, though tolerant of all aggressions by which that is not threatened. Avarice herself, however mean-spirited, will rouse to defend the wealth she possesses, and preserve the means of gaining more. Scotland is now called upon to rally in defence of the sources of her national improvement, and the means of increasing it; upon which, as none are so much concerned in the

subject, none can be such competent judges as Scotsmen themselves.

I cannot believe so generous a people as the English, so wise an administration as the present, will disregard our humble remonstrances, merely because they are made in the form of peaceful entreaty, and not *secundum perfervidum ingenium Scotorum*, with "durk and pistol at our belt." It would be a dangerous lesson to teach the empire at large, that threats can extort what is not yielded to reasonable and respectful remonstrance.

But this is not all. The principle of "uniformity of laws," if not manfully withstood, may have other blessings in store for us. Suppose, that when finished with blistering Scotland while she is in perfect health, England should find time and courage to withdraw the veil from the deep cancer which is gnawing her own bowels, and make an attempt to stop the fatal progress of her *poor-rates*. Some system or other must be proposed in its place—a grinding one it must be, for it is not an evil to be cured by palliatives. Suppose the English, for uniformity's sake, insist

that Scotland, which is at present free from this foul and shameful disorder, should nevertheless be included in the severe *treatment* which the disease demands, how would the landholders of Scotland like to undergo the scalpel and cautery, merely because England requires to be scarified?

Or again;—Supposing England should take a fancy to impart to us her sanguinary criminal code, which, too cruel to be carried into effect, gives every wretch that is condemned a chance of one to twelve that he shall not be executed, and so turns the law into a lottery—would this be an agreeable boon to North Britain?

Once more;—What if the English ministers should feel disposed to extend to us their equitable system of process respecting civil debt, which divides the advantages so admirably betwixt debtor and creditor—*That* equal dispensation of justice, which provides that an imprisoned debtor, if a rogue, may remain in undisturbed possession of a great landed estate, and enjoy in a jail all the luxuries of Sardanapalus, while the wretch to whom he owes money is starving; and on the other hand, that a creditor,

if cruel, may retain a debtor in prison for a lifetime, and make, as the established phrase goes, *dice of his bones*—Would this admirable reciprocity of privilege, indulged alternately to knave and tyrant, please Saunders better than his own humane action of Cessio, and his equitable process of Adjudication?

I will not insist farther on such topics, for I dare say, that these apparent enormities in principle are, in England where they have operation, modified and corrected in practice by circumstances unknown to me; so that in passing judgement on them, I may myself fall into the error I deprecate, of judging of foreign laws without being aware of all the premises. Neither do I mean that we should struggle with illiberality against any improvements which can be borrowed from English principle. I would only desire that such ameliorations were adopted, not merely because they are English, but because they are suited to be assimilated with the laws of Scotland, and lead, in short, *to her evident utility*; and this on the principle, that in transplanting a tree, little attention need be paid to the character of the climate and soil from which it is

brought, although the greatest care must be taken that those of the situation to which it is transplanted are fitted to receive it. It would be no reason for planting mulberry-trees in Scotland, that they luxuriate in the south of England. There is sense in the old proverb, "Ilk land has its ain lauch."

In the present case, it is impossible to believe the extension of these restrictions to Scotland can be for the *evident utility* of the country, which has prospered so long and so uniformly under directly the contrary system.

It is very probable I may be deemed illiberal in all this reasoning; but if to look for information to practical results, rather than to theoretical principles, and to argue from the effect of the experience of a century, rather than the deductions of a modern hypothesis, be illiberality, I must sit down content with a censure, which will include wiser men than I. The philosophical tailors of Laputa, who wrought by mathematical calculation, had, no doubt, a supreme contempt for those humble fashioners who went to work by measuring the person of their customer; but Gulliver tells us, that the worst

clothes he ever wore, were constructed upon abstract principles; and truly I think we have seen some laws, and may see more, not much better adapted to existing circumstances, than the Captain's philosophical uniform to his actual person.

It is true, that every wise statesman keeps sound and general political principles in his eye, as the pilot looks upon his compass to discover his true course. But this true course cannot always be followed out straight and diametrically; it must be altered from time to time, nay, sometimes apparently abandoned, on account of shoals, breakers, and headlands, not to mention contrary winds. The same obstacles occur to the course of the Statesman. The point at which he aims may be important, the principle on which he steers may be just; yet the obstacles arising from rooted prejudices, from intemperate passions, from ancient practices, from a different character of people, from varieties in climate and soil, may cause a direct movement upon his ultimate object to be attended with distress to individuals, and loss to the community, which no good man would wish to occasion, and with

dangers which no wise man would voluntarily choose to encounter.

Although I think the Chancellor of the Exchequer has been rather precipitate in the decided opinion which he is represented to have expressed on this occasion, I am far from entertaining the slightest disrespect for the right honourable Gentleman. "I hear as good exclamation upon him as on any man in Messina, and though I am but a poor man, I am glad to hear it." But a decided attachment to abstract principle, and to a spirit of generalizing, is—like a rash rider on a headstrong horse—very apt to run foul of local obstacles, which might have been avoided by a more deliberate career, where the nature of the ground had been previously considered.

I make allowance for the temptation natural to an ingenious and active mind. There is a natural pride in following out an universal and levelling principle. It seems to augur genius, force of conception, and steadiness of purpose; qualities which every legislator is desirous of being thought to possess. On the other hand, the study of local

advantages and impediments demands labour and inquiry, and is rewarded after all only with the cold and parsimonious praise due to humble industry. It is no less true, however, that measures which go straight and direct to a great general object, without noticing intervening impediments, must often resemble the fierce progress of the thunderbolt or the canon-ball, those dreadful agents, which, in rushing right to their point, care not what ruin they make by the way. The sounder and more moderate policy, accommodating its measures to exterior circumstances, rather resembles the judicious course of a well-conducted highway, which, turning aside frequently from its direct course,

> "Winds round the corn-field and the hill of vines,"

and becomes devious, that it may respect property and avoid obstacles; thus escaping even temporary evils, and serving the public no less in its more circuitous, than it would have done in its direct course.

Can you tell me, sir, if this *uniformity* of civil institutions, which calls for such sacrifices, be at

all descended from, or related to, a doctrine nearly of the same name, called Conformity in religious doctrine, very fashionable about 150 years since, which undertook to unite the jarring creeds of the United Kingdom to one common standard, and excited a universal strife by the vain attempt, and a thousand fierce disputes, in which she

> " ——— umpire sate,
> And by decision more embroil'd the fray?"

Should Uniformity have the same pedigree, Malachi Malagrowther proclaims her " a hawk of a very bad nest."

The universal opinion of a whole kingdom, founded upon a century's experience, ought not to be lightly considered as founded in ignorance and prejudice. I am something of an agriculturist; and in travelling through the country, I have often had occasion to wonder that the inhabitants of particular districts had not adopted certain obvious improvements in cultivation. But, upon inquiry, I have usually found that appearances had deceived me, and that I had not reckoned on particular local circumstances,

which either prevented the execution of the system I should have theoretically recommended, or rendered some other more advantageous in the particular circumstances.

I do not therefore resist theoretical innovation in general; I only humbly desire it may not outrun the suggestions arising from the experience of ages. I would have the necessity felt and acknowledged before old institutions are demolished—the *evident utility* of every alteration demonstrated before it is adopted upon mere speculation. I submit our ancient system to the pruning-knife of the legislature, but would not willingly see our reformers employ a weapon, which, like the sword of Jack the Giant-Killer, *cuts before the point.*

It is always to be considered, that in human affairs, the very best imaginable result is seldom to be obtained, and that it is wise to content ourselves with the best which can be got. This principle speaks with a voice of thunder against violent innovation, for the sake of possible improvement, where things are already well. We ought not to desire better bread than is made of

wheat. Our Scottish proverb warns us to *let weel bide*; and all the world has heard of the untranslateable Italian epitaph upon the man, who died of taking physic to make him better, when he was already in health.

I am, Mr Journalist,
Yours,
MALACHI MALAGROWTHER.

POSTSCRIPT.

Since writing these hasty thoughts, I hear it reported that we are to have an extension of our precarious reprieve, and that our six months are to be extended to six years. I would not have Scotland trust to this hollow truce. The measure ought, like all others, to be canvassed on its merits, and frankly admitted or rejected; it has been stirred, and ought to be decided. I request my countrymen not to be soothed into inactivity by that temporizing, and, I will say, unmanly vacillation. Government is pledged to nothing

by taking an open course; for if the bill, so far as applicable to Scotland, is at present absolutely laid aside, there can be no objection to their resuming it at any period, when, from change of circumstances, it may be advantageous to Scotland, and when, for what I know, it may be welcomed as a boon.

But if held over our heads as a minatory measure, to take place within a certain period, what can the event be but to cripple and ultimately destroy the present system, on which a direct attack is found at present inexpedient? Can the Bankers continue to conduct their profession on the same secure footing, with an abrogation of it in prospect? Must it not cease to be what it has hitherto been—a business carried on both for their own profit, and for the accommodation of the country? Instead of employing their capital in the usual channels, must they not in self-defence employ it in forming others? Will not the substantial and wealthy withdraw their funds from that species of commerce? And may not the place of these be supplied by men of daring adventure, without

corresponding capital, who will take a chance of wealth or ruin in the chances of the game?

If it is the absolute and irrevocable determination that the bill is to be extended to us, the sooner the great penalty is inflicted the better; for in politics and commerce, as in all the other affairs of life, absolute and certain evil is better than uncertainty and protracted suspense.

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