



Society of Antiquaries
of **Scotland**

The Scottish Antiquarian Tradition: Essays to mark the bicentenary of the Society of Antiquaries of Scotland 1780-1980

Edited by A S Bell

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Erratum

In the original publication of *The Scottish Antiquarian Tradition* plate 4 'Sir George Steuart Mackenzie, 7th Bt, of Coul' was attributed to Sir John Watson Gordon. However it is now attributed to Sir Henry Raeburn.

Appendix I

The Society's charter, read to a meeting of the Society of Antiquaries of Scotland, 6 May 1783, translated from the Latin.

GEORGE, by the Grace of God, King of Great Britain, France, and Ireland, Defender of the Faith, to all true men to whom our present letters shall come, Greeting: Forasmuch as We taking into consideration that a humble petition has been presented to us in the name of the members of the Society of Antiquaries in Scotland, narrating that in the year one thousand seven hundred and eighty a number of noblemen and gentlemen in that part of Our kingdom of Great Britain called Scotland formed themselves into a Society to investigate both antiquities and natural and civil history in general, with the intention that the talents of mankind should be cultivated and that the study of natural and useful sciences should be promoted, and that the outcome of their endeavours had far exceeded their highest expectations; that many people, distinguished in their station or in letters, not only in our kingdom of Great Britain but in other realms, had by learned lucubrations and valuable donations contributed to the prosperity of the Society; that besides donations of relics of antiquity and natural curiosities, various noblemen and gentlemen had contributed money so that the Society might be able to carry out its laudable purposes; that the petitioners had bought a house in the City of Edinburgh so that they might keep in it their books, manuscripts and other objects; but that without being made a body incorporate at law, permanent possession of that house and of the other effects they at present possess or which they may later acquire could not be legally constituted; therefore the petitioners pray humbly that it may please Us graciously to grant Our letters patent under the seal specified below, constituting and erecting the present members of the said Society, and all who may subsequently be added as members, into one body politic and corporate or legal in-

corporation, by the title and name of Society of Antiquaries of Scotland, and that as such and through such title and name it may have perpetuity and succession and that it may have legal capacity in each and every of our Courts of Law to petition, to enter into actions as pursuer, defender or respondent, to enter into contracts, in judgement to be called as a party, to be cited as defender or respondent, with all and sundry other necessary provisions: And We, considering the laudable intentions of the petitioners and being desirous of promoting so useful an institution, have therefore erected, created and incorporated inasmuch as We by Our royal prerogative and special favour, on Our own behalf and on behalf of Our royal successors, by these present letters patent, do erect, create, and incorporate, on account of the purposes set out in the memorial of the petition, all and individually the present members of the said Society, and all who may be later added as members of the same, into one body corporate and politic, by the title and name of Society of Antiquaries of Scotland, instituted in the year one thousand seven hundred and eighty, of which Society We declare Ourselves and Our royal successors to be Patrons: By which name and title it will have perpetual succession; further it will have and use a common seal, for which we give the privilege of bearing as insignia of gentility, on a field azure a cross of Saint Andrew argent, in chief an imperial crown and in base a thistle proper, all within a royal tressure or: And they and their successors under that same title and name shall have legal capacity to petition, to enter into contracts, to receive, acquire, hold and enjoy forever, for themselves and their successors, relics of antiquity, specimens of natural or artificial curiosities, books, manuscripts, goods, objects, and any other effects whatsoever, such as they own or may hereafter acquire, and to acquire by purchase and enjoy lands, tenements and other heritage not exceeding a value of one thousand pounds sterling, and to advance a sum or sums of money to any person or persons, and on such security as they shall consider suitable; and the said Society will order itself and its course of actions and its business in accordance with the statutes, ordinances, rules and byelaws made or to be made by it, with the power from day to day as need arises of changing and revoking the same and making new ordinances in their place as they shall judge suitable and convenient, provided that they are just, good and equitable, and so long as they are in no particular contrary to the laws of this kingdom. In witness whereof We have ordered to be appended to these presents Our Seal, appointed in terms of the Treaty of Union to

be kept and used in Scotland instead and in place of the Great Seal of the same. At Our Court of St. James's, on the twenty-ninth day of March, in the year of Our Lord one thousand seven hundred and eighty three, and in the twenty-third year of Our reign.

As the signature superscribed by the hand of Our Sacred Lord the King. [*Endorsed:*] Written to the Seal, and registered, the 5th day of May 1783.

Thomas Miller, Subs. *Gratis*.

Sealed at Edinburgh the 6th day of May one thousand seven hundred and eighty three years.

John Wauchope, Dep. £80 Scots *Gratis*.

Because of the competitive circumstances surrounding the petitions of the Society of Antiquaries and of the considerably more distinguished proposers of the Royal Society,¹ and because the two charters were granted on the same day, the similarities and differences between them must be significant. As they differ very considerably, except for the phrases granting chartered status and the formal sentences at the beginning and end, it is evident that different draftsmen were involved; and the presumption that each party supplied its own draft is supported by the reference in the petition thirty years earlier by the London Antiquaries for their charter, to 'the Draft here unto annexed'.² So Lord Buchan's own interests and ambitions may be read into the charter and its more remarkable features.

The absence of the honorific 'Royal' from Buchan's petition served to sustain the analogy with the corresponding London society which both the Antiquaries and the new Royal were consciously pursuing.³ The grant of patronage to the Antiquaries did not follow precedent, however, in so far as it extended beyond that of the King to his successors. The Royal Society of Edinburgh was granted the title 'Royal' without specific reference, except in the preamble, to patronage; in its revised charter of 1811 the King declared himself founder and patron, but without binding his successors, and patronage is sought formally from each successive monarch. Both bodies originally wished to diverge from the precedents to be called 'of Scotland' (*Account* 1784), but on this the Royal's promoters had second thoughts. No device was laid down for the London Antiquaries' seal, but that which they began using in 1770 probably influenced the Edinburgh proposal for armorial bearings (see p. 266). The charter of the Royal Society of

Edinburgh, rather surprisingly, did not mention a common seal.

While Buchan rather vaguely but all-embracingly took as the Society's subject-matter 'antiquities and natural and civil history in general', the Royal Society listed 'the Sciences of Mathematics, Physics, Chemistry, Medicine and Natural History, indeed moreover those concerned with Archaeology [*sic*], Philology and Literature' (see p. 47).

The members are referred to as 'Socii' in both charters. The London Antiquaries' petition referred to existing members, while their charter, which was in English, used for the chartered body the term 'Fellows', derived from the Royal Society's usage, which so translated 'Sodalis' from its seventeenth-century charter.⁴ The Scottish Antiquaries, in minutes and publications, used only the term 'Member' (ordinary, honorary and corresponding) until the 1820s; the letters F.S.S.A. appear in the minutes in 1823, to be replaced by F.S.A.Scot. in March 1828. But William Smellie's biographer placed F.A.S. and F.R.S. after the name on the title page in 1811, F.A.S. being the form then used in London.

The Royal Society of Edinburgh was granted, as an incorporation, property and other legal rights, and it subscribed to the building of what is now the Old College. But its initial charter specified, because of the reasons that led to its formation, that the acquisitions would be placed in the University's Museum or the Advocates' Library. These restrictive provisions were removed by the charter of 1811 (see p. 58).

R.B.K.S.

NOTES

1. These included the Duke of Buccleuch, the Lord President of the Court of Session, the Lord Justice-Clerk, the Lord Chief Baron of the Exchequer, the Lord Provost of Edinburgh, and the Principal of the University.

2. Joan Evans, *The Society of Antiquaries* (Oxford 1956), 104.

3. In 1751 the London Antiquaries were anxious not to offend or to appear to rival the Royal Society (see Evans, *op. cit.*, 104ff), and as at that time no other *society* had Royal in its title, the omission of 'Royal' from their petition and charter is readily explained (though not commented on by Dr Evans). By 1783 Edinburgh had, for example, the Royal Medical Society (1778).

4. Evans, *op. cit.*, 105n.