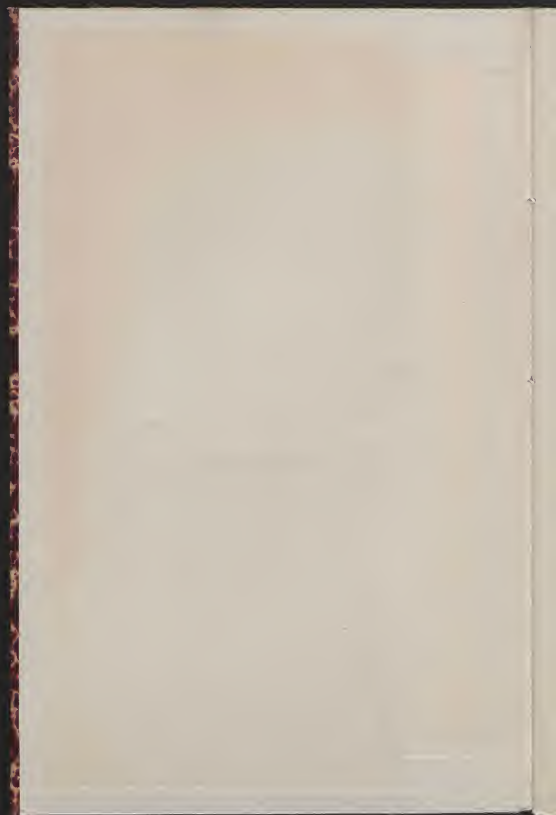


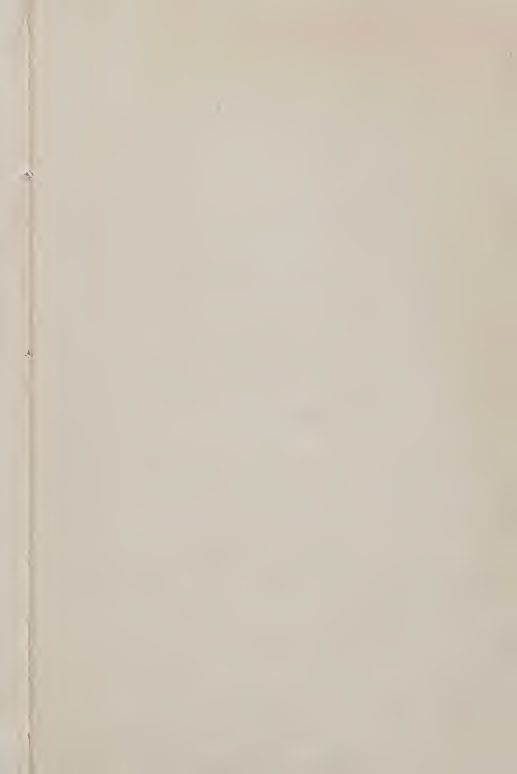
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Theol. Gudm. Repp:

Unto the Honourable the  
Dean and Faculty of  
Advocates,  
Memorial.

[Edinb. 1823]





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UNTO THE HONOURABLE  
THE  
DEAN AND FACULTY OF ADVOCATES,  
THE  
MEMORIAL  
OF  
THORL. GUDM. REPP,  
ASSISTANT-KEEPER OF THE ADVOCATES' LIBRARY.

YOUR Memorialist, from particular circumstances, feeling himself called upon to bring his case under your consideration, begs leave to introduce it to your notice, by stating the circumstances of his engagement into your service as Assistant-Keeper of your Library.

The office now held by your Memorialist was first mentioned to him by his friend Mr. Rask, Professor of Literary History in the University of Copenhagen, to whom it had first been offered on the same terms as those upon which your Memorialist finally accepted it. Mr. Rask having declined the offer thus made to him of leaving Denmark, and emigrating into Great Britain, showed to your Memorialist a correspondence he had with the Keeper of your Library, in which, after Mr.



Rask's declining of the office, he was requested to fix upon some other individual whom he might consider eligible for the office in question. In this correspondence it also was especially mentioned that a native of Iceland, *cæteris paribus*, would be held as the more eligible person; and Professor Rask was empowered to tender the office, which first had been offered to himself, to any such person whom he might judge the best qualified, and to transfer to such individual the same immunities connected with the office as had been stated as inducements to himself for accepting it. Viewing these as an object sufficient to warrant the prudence of the step your Memorialist subsequently took of leaving his country, and foregoing the prospects he had there, he accepted the terms that had first been offered to Mr. Rask, and came over to Scotland.

It is humbly conceived by your Memorialist, that it will be very apparent to every Member of the Honourable Faculty of Advocates that the only *data* he could have, on which to ground his acceptance and his views of the office in question, were the terms he specified and detailed in the correspondence with Professor Rask, which both that gentleman and he understood as coming directly and *bonâ fide* from the Curators of the Library, the representatives of the Faculty in cases connected with that establishment.

Your Memorialist, not being now furnished with the originals or copies of all the correspondence that took place with Professor Rask, cannot recite the whole of that correspondence in detail; but has the less to regret that circumstance, from his being in possession of a copy

of the letter ultimately written on the subject, rehearsing in substance what had formerly been specified as to the terms on which the engagement was to be made.

This letter is signed David Irving, and addressed to Professor Rask, Copenhagen.

*' Advocates' Library, Nov. 19. 1825.*

' DEAR SIR—I have at length the satisfaction of  
' informing you that the Curators have unanimously  
' agreed to appoint Mr. Repp to the vacant office of  
' Assistant-Keeper of the Advocates' Library. From  
' your testimony, as well as from that of Professor Mül-  
' ler, they are completely satisfied with his literary qua-  
' lifications, and with the general respectability of his  
' character; but as some doubts have been suggested  
' with regard to the smoothness of his temper, they wish  
' it to be distinctly understood, that his continuance in  
' office will depend upon his own deportment. This  
' conditional tenure seems, indeed, to be obviously im-  
' plied in all similar appointments; but in the present  
' instance they think it expedient to make a formal de-  
' claracion to that effect. Mr. Repp will therefore con-  
' sider himself as nominated to that office, under the ex-  
' press condition of retaining it so long as he shall ac-  
' quit himself to *their* satisfaction.'

On this document your Memorialist would consider himself as needlessly and perhaps offensively enlarging, were he now to make any comment upon it. He considers it as manifestly and plainly declaring, as usual on

every occasion of the like commissions, that the situation to which it alludes was an appointment, not of a temporary nature or duration, but an office to be held *ad vitam aut culpam*. It was so viewed by Professor Rask, and by your Memorialist, without any suspicion or doubt. The fact of its having been offered to the former gentleman, already in possession of a permanent and highly honourable office under the government of his own country, was considered by him, and by your Memorialist, as a guarantee very sufficient. Besides, the terms of the letter now quoted show that he was called by the Honourable Faculty to a place equally permanent and sure in their service. The terms 'office,' and 'so long as he shall acquit himself to their satisfaction,' could leave no doubt, had any remained in his mind, that both these were expressly intended to set forth explicitly an engagement in a permanent situation on the like terms, on which an election is always made to any situation of a permanent nature in the service of any body corporate.

With respect to the duties of the office to which your Memorialist was thus called, it was stated in the correspondence with Professor Rask, that it would consist in forming such catalogues of their Library as might be required by the Honourable Faculty. It was with a view to that duty especially that the person engaged was required to possess a knowledge of the several languages of Europe, both ancient and modern. It was a person possessed of that knowledge that Professor Rask was especially requested to select; and when he did your Memorialist the honour of selecting him, he did so by communicating the view under which he made the selection,



that he considered your Memorialist, by his knowledge of those languages, sufficiently prepared to undertake the duties to which such an important and responsible avocation might call him.

On the arrival of your Memorialist in the Library, he considered himself, from the nature of his office, as placed under the direction and guidance of the Principal Keeper. During the first year of his engagement, his occupation was to copy catalogues from manuscript copies already made; and he was occasionally requested to attend in other departments of the Library to give out books, and enter them in the receipt-book. Sometimes he had to examine and collate books of foreign literature that were to be bound. As to the catalogues he was thus employed in copying, one was of American Law, another of General Literature, a third of Civil Law, a fourth of English Law, a fifth of a Collection of Northern Literature, and a sixth of Spanish Law. All these he was directed by the Keeper to transcribe from copies that had already been made. The only catalogues which the Memorialist was directed to make, was a short and descriptive catalogue, in Latin, of the Northern Manuscripts in the Library, and an abridged catalogue of some of the new books which were lying in the ware-room. This latter he was directed to make by one of the Curators.

The Memorialist cannot say that the above-mentioned copying of catalogues appeared to him in good accordance with the views that had been given to him of his office, and which he had anticipated previously to his arrival in this country. The copies of catalogues al-

ready made, which he was in some instances desired to copy exactly after the original laid before him, when that original might appear faulty to the Memorialist, even when containing titles of Icelandic books, seemed in a great measure to render his labour nugatory. For duplicates of copies, the one for immediate use, the other intended for the general catalogue, did already, as the Memorialist believes, exist in every particular instance. He did not, at the same time, feel warranted to interpose any objection, or make any remonstrance. If he at times offered to do something which more materially and effectually would promote the business of the Library, he never met with any encouragement, or even approbation. But from remonstrating more earnestly he was naturally checked by the reflection, that the views of the Curators and the Keeper, with respect to the employments assigned to the Memorialist, must agree. This opinion on the part of the Memorialist was, indeed, at length somewhat shaken by one of the Curators intimating to him that the occupations in which he was engaged were not certainly the most beneficial that might be. But still the Memorialist, though certainly feeling uncomfortable upon the subject, was left without any express decision of the Curators ordering him to be otherwise employed. No alteration was made in his occupations till in the month of October or November last, when, instead of copying catalogues, it was intimated to the Memorialist by the Keeper that he wished him to leave the lower apartment, and to attend in the New Library above stairs. The Memorialist accordingly complied with these instructions, though he was well

aware that this arrangement was far from promoting the interest of the Library, or improving the situation of the Memorialist in point of general usefulness. Yet he continued to give out books, and enter them in the receipt-book in the New Library, till about the beginning of March last, at which time Mr. Haig was directed by the Keeper to resume his station in the New Library, and the Memorialist has since been left to feel and consider himself merely as a supernumerary on the establishment, having no sufficient employment of any kind to occupy him.

The Memorialist begs to state that he is altogether ignorant of any reasons there could have been for changing his occupation from that which he had of copying catalogues, to that of attending upon the giving out of books. If the former employment was not so beneficial to the Library as it might be, while so much which was more essential remained undone, while so many books accumulated without being catalogued or arranged, yet this new occupation of giving out books, however willing the Memorialist must always be to make himself useful in any capacity, appeared less reconcileable to the nature of his engagement. It must be granted that the mere copying of catalogues already twice copied did not appear useful to the Library, yet it might seem, in show at least, to agree with the purpose for which the Memorialist was engaged. No reason for the change of occupation was ever assigned to him; and he can appeal to the Keeper if there was, prior to or at that period, any cause of difference between them, alleged or real, or such as could make the change seem desirable to the Keeper. Your Memorialist is aware that the impression has been made or taken,

that the Keeper of the Library and he have quarrelled—that there seems to exist between them a difference so serious, either of temper or habits, that it is impossible they can continue in the same establishment with mutual comfort. The Memorialist must consider himself in the wrong, if he were to assign to his own feelings such an importance, that to them any sacrifice should be made. He has uniformly abstained from making them appear in this matter, even where he thought that he had a claim to the protection of the laws of the land. When assaulted and overwhelmed with injuries without provocation, he abstained from complaint. The Memorialist, considering his occupation a peaceful one, wished to go on in peace. To this consideration he sacrificed every personal feeling; he sacrificed the more important conviction of being prevented from being so effectually useful to your great institution as he wished, and, as he thought, the Honourable Faculty had right to expect. If this was sacrificing rather much to peace, it was more congenial to the principles of the Memorialist, and would seem the safer course to a foreigner, of whose “temper doubts had been suggested,” as it did appear from the Keeper’s letter to Professor Rask was the particular case of the Memorialist. This impression, however little founded, it was the wish of the Memorialist entirely to remove. He flatters himself that, since his arrival in Scotland, he has been eminently successful in this respect. He does not hesitate to challenge any inquiry which the Honourable Faculty may propose to make respecting his temper. He appeals to the testimony of a numerous body of learned gentlemen, to the

testimony of his colleagues in office, and will abide with confidence the result. But the Memorialist verily believes that, in removing the "doubts suggested," he has been successful even beyond his wish, and that he may have inspired one individual at least with the notion that he had no temper at all, or that it was equal to any trial which might be devised.

After the Memorialist had for some time been employed in the New Library, the Keeper one morning sent him a message, pressingly requesting his presence in the lower rooms. He found him in dispute with Mr. David Haig. The Keeper immediately put to the Memorialist this question, 'whether he (the Keeper) had ever said that Mr. Haig was a dangerous man;' to which the Memorialist instantly replied in the affirmative. The Keeper then ordered the Memorialist to leave the room, addressing him in violent and abusive language. The Memorialist's having mentioned this to Mr. Haig has repeatedly since been the foundation of a pretext for assailing the Memorialist with rough language, and even some thing beyond that, extremely grating indeed to his feelings, though never in any instance or degree retorted from the Memorialist's side. The Keeper has, on this account, more than once declared that he and the Memorialist could not remain in the Advocates' Library together; and, on more occasions than one, peremptorily ordered the Memorialist never again to show himself within its doors.

The Memorialist is perhaps wrong in offering an apology for this matter, which is, so far as known to him, the only ground of hostility on the part of the Keeper. The strong hold of ill will has, contrary to every wish or intention on

the Memorialist's side, been raised on this frail foundation. The Memorialist did mention to Mr. Haig the observation the Keeper had made concerning him, not with exaggerations, not with sinister insinuations, but rather in tone and language diminishing its import. The observation was not made or given to the Memorialist as a matter of confidence, yet was the observation made to himself in person. The Memorialist certainly judged that the Keeper was under a wrong impression of Mr. Haig's character, and his intention in communicating the remark to Mr. Haig was, that he might embrace an opportunity of practically producing a contrary and better opinion on the Keeper's mind. If the Memorialist was wrong in that intention, or if it was contrary to the cautious etiquette of a country where he had only resided for three months, he can only say that he is sorry for his limited knowledge of that etiquette, and for his having followed the principle of frankness inculcated by education, and ripened by habit, which always was preferred to that of circumspection by the people and nations amongst whom he lived in his early youth. At the time the Memorialist spoke to Mr. Haig on this subject, his residence in the country having been so short, his practical knowledge of the precept of circumspection could be but very limited; but, even with a knowledge more mature of that principle, the Memorialist might have spoken in the same way as he did to Mr. Haig. No harm or injury could be apprehended from his communication to any party. The natural consequence of it was one which it is believed has taken place, that an explanation followed, in which Mr. Haig showed to the Keeper that he was under a mistake respecting his

character, and thus Mr. Haig obviated the sinister impression.

On considering this case in a moral point of view, it presents to the Memorialist a new aspect. The Keeper communicates to the Memorialist an unfavourable opinion of Mr. Haig :—to all appearance this opinion rests merely on suspicion, for the Memorialist observes that Mr. Haig, in a high degree, enjoys the favour of his employers :—the Memorialist mentions the sinister opinion to Mr Haig, plainly and fairly stating an evident truth—a matter of fact. The question then is, which is more reprehensible :—to state an unfounded surmise, or an uncontrovertible truth ?

There is, however, something so very petit in this matter, that nothing could excuse the Memorialist for drawing the attention of the Honourable Faculty of Advocates to it, unless it had been made a pretext of hostility towards him.

On Friday the 16th of May the Curators called upon the Memorialist in the Library, and directed him to write a statement respecting his engagement, and the way in which he might be profitably employed in that National Establishment. These orders of the Curators were executed to the best of the Memorialist's knowledge. The Memorialist first endeavoured to show that the occupations of the Keeper were already so numerous, that an assistant was required. This, indeed, seemed to demand little proof. In an earlier stage of the history of the Library, when its business must have been much more limited, the Memorialist finds that a Deputy Keeper (Mr. Goodall) has been employed. Next to that, the Memorialist mentioned some other occupa-

tions, as yet not taken in hand, which might be allotted to him. The Memorialist has the satisfaction to believe that his views respecting this matter were not disapproved by the Curators.

He mentioned, in his statement to the Curators, the completing of the Catalogue of Count Palatine Dietrick's Collection of Tracts, so highly commended by many learned authors.

The preparing of a Catalogue of all the Manuscripts in the Library, while none has been made hitherto which gives any satisfaction.

The composing a Catalogue of numerous Tracts, hitherto uncatalogued.

The composing of a Systematic Catalogue, in compliance with a wish so repeatedly expressed by the Honourable and Learned Faculty.

The preparing of a Catalogue of more important Books in which the Library may be considered deficient. For this purpose the Memorialist intended to use the Literary Journals of the Continent, and to take care that none of the important works published abroad should be overlooked. Into this Catalogue the Memorialist wished to insert all such books as he should find entered in the Honourable Faculty's *Album*, and to submit the whole to the inspection of the Curators at stated periods, that they might, out of this Catalogue, select what should appear most immediately wanted, whenever the Library's funds should be ample enough for immediate purchase.

The making a full Descriptive Catalogue of the Collection of Northern Books, which the Memorialist con-



sidered would be of some use in a country where northern languages are so little known.

The Memorialist, no doubt, did expect the Curators, first of all, to assign to him some such, or any other more useful occupation, which they in their wisdom, and from their experience, might devise. But the question relative to the nature of the Memorialist's engagement appeared completely settled from the beginning, and only to require their confirmation. That they should now view it in another light than they did in the year 1825, was what the Memorialist never did, and never could expect. It was, therefore, not without surprise that the Memorialist heard from the Curators the decision that his engagement was to terminate at Whitsunday 1830, without any cause being assigned for such a decision, and without the Curators ever having mentioned to the Memorialist any dissatisfaction, though such was the only ground mentioned in their letter of the 19th of November 1825, on which the Memorialist's engagement from their side could be discontinued.

At the time the Curators communicated this decision to the Memorialist, they stated to him that the reports of his literary qualifications had not been contradicted by any experience in this country—that his moral character and conduct as a gentleman were unimpeached—but that the difference with the Keeper made it impossible for the Memorialist to continue with him in the same office. It is this decision which the Memorialist humbly wishes that the Honourable and Learned Faculty will take into their consideration, and that they will subject his temper, character, and conduct to any investigation they may deem expedient. He hopes that,

after two years continuance in office, an opinion may have been formed respecting his temper; and whatever further information may be required, will be easily obtained through the testimony of his colleagues. In humbly soliciting the attention of the Honourable Faculty to this matter, the Memorialist conceives that he is only performing a duty which he owes to his own character. He sincerely deprecates every idea of opposition to the Curators, whom he shall be ever anxious to respect and obey, conceiving that he in that only performs his duty, and follows the dictates of his own feelings. But, in this particular instance, he cannot help thinking that the case is not as yet fairly represented to them; and though the Memorialist did this as well as he was able, he little doubts that he must take upon himself the blame of having done it insufficiently and ineffectually. The inconvenience arising from this will, he hopes, be obviated by the Honourable Faculty's more mature consideration.

It is most certain that the Memorialist could never think of leaving his friends, his country, and relinquishing his prospects there, unless he had deemed himself sure of obtaining that protection from law and equity which is the common right of man. He came not to your coast as an intruder, he came by invitation; he conceived—and surely he was no enthusiast in this conception—that in foregoing prospects of preferment in his own country, he only consulted his own interests, by dedicating his services to the most generous employers.

*July 10. 1828.*





