

**Sir John Rankine, K.C., M.A., LL.D.** By **The Hon. Lord Johnston,**

(Read January 8, 1923.)

THE Royal Society have lost, since their last session concluded, a member who deserves to be held in special remembrance.

The late Sir John Rankine, who died in the beginning of August 1922, though himself laying no claim to scientific attainment, always followed the proceedings of the Society with the sympathetic interest which he showed in all which made for the advancement of his fellow-countrymen.

But his work, unremitting and effective, in other directions calls for more than a passing notice. He was not widely known to the general public, but no man of his day and generation was better known and more appreciated by those for and among whom his work was done, or has done more for the good of the community in which his lot was cast.

John Rankine was born in 1846 in the manse of Sorn, of which parish his father, the Rev. John Rankine, was minister. His father was a member of an Ayrshire family belonging to the district of Maybole, and his mother of the family of Simson, well known and long established in Lauderdale. On both sides he was connected with the land, and back to the land he came with his brother Charles on the death of their maternal uncle, Charles Simson, proprietor of the small estate of Threepwood in Lower Lauderdale. This family connection with the land largely affected his future professional career.

As son of Dr Rankine, a Moderator of the General Assembly, and, which is perhaps unique in the history of the Church, having as brothers-in-law two Moderators and a Moderator-designate, John Rankine, was as might be expected, a staunch supporter of the Church of Scotland. But, like many another son of the manse, he looked for his own career in the Parliament House. He studied in Edinburgh, where he took his degree in 1865. He attended the Law classes there, and afterwards followed an old Scottish practice, now obsolete, by spending a year at Heidelberg studying Roman Law.

He was called to the Bar in 1869. He had but few opportunities as a junior of appearing in court; and though, after publication of his first venture in legal literature, he was much relied upon as an adviser in chambers, he never as a senior counsel sought to enter the arena of the court, to which his urbane and placid disposition was not suited.

But Rankine was not long in finding his true rôle to be that of legal scholar, writer, and professor. It is not too much to say, reading his life backwards, that he had not been a couple of years at the Bar when he fixed his mind's eye on a University Chair of Scottish Law as the goal of his ambition, and that he had in ten years from his call to the Bar fairly written himself into such a position in the estimation of the legal profession in Scotland, and more particularly of his brethren in the Faculty of Advocates, as ensured him the first vacancy.

In 1879 he published the first edition of his *Law of Land-ownership*, a marvellous feat for a man who had been but ten years at the Bar. But they had been ten years of close study of the Principles and Case Law of Scotland. When John Rankine entered on his selected task, there was no room for a further work on the Principles of Scots Law, nor even for one which might affect the development of that law in any particular direction, as did the *Commentaries* of George Joseph Bell. Rankine wisely confined himself to the systematic ordering of the results of the Case Law of Scotland upon the subject in which he was, by heredity, most interested—the Law of Scotland, not as it affects the title to land, but as it affects the ownership and occupancy of land. He was a rapid and most methodical worker, and it was always an enigma to his contemporaries how and when, in so brief a period, he collected such a mass of authoritative material. But the leading feature of his published work was the perfect marshalling of the material so collected, and the terseness and perspicacity of the statement. It is not too much to say that Rankine's *Law of Land-ownership* stands unrivalled as a masterly compendium of the law on a very wide and important subject. The *Law of Land-ownership* was followed in May 1887 by his *Treatise on Leases*, the two together covering the whole field which he had appropriated as his own.

In the second decade of his career at the Bar, Rankine had thus established his claim to be an unrivalled exponent of the Law of his country. It was in 1888 that an opening occurred to the position for which he felt himself most fitted, and for which he had been, consciously or unconsciously, preparing himself; and on the resignation of Professor Norman Macpherson, Rankine was appointed to the Chair of Scots Law in the University of Edinburgh, which he held to within two months of his death.

The new Professor was not long in bringing the results of his close study of the Law of Scotland to bear upon the preparation of his lectures. Taking as his textbook Erskine's well-known *Principles of the Law of Scotland*, a work which he edited, and re-edited repeatedly during his tenure of the chair, for the benefit of his students, he was ready to meet

his class in the winter session of the year 1888-89. Scottish students have a sure instinct for estimating the character and capacity of their professors, and in neither did they find John Rankine wanting. He quickly established the best relations with his large class, and continued to the end respected, nay, indeed revered, by them. Their relations were not confined to the bare walls of the lecture-room, but extended to much personal intercourse and kindly interest in their prospects. In the course of the thirty-four years during which he held the chair, most lawyers now in practice in the south-east of Scotland, and many others, passed through his hands; and few, if any, do not look back upon his lectures as their first illumination of the great fabric of Scots Law.

The establishment of John Rankine in the Chair of Scots Law practically opened the way to a wholly new sphere of activity. His interests were not so much transferred from the Parliament House to the University as that the transfer to the University opened new interests on parallel lines. The new Professor at once entered heart and soul into the general work of the University, and with it into the care and support of other institutions in Edinburgh to which his position in the University gave him access. In 1889, as the representative of the Senatus of the University of Edinburgh, he was sent to the Board of Management of Edinburgh Royal Infirmary, and either as representing the Senatus or the Faculty of Advocates he remained till the end an active member of this Board. He took his work on that Board as no sinecure, but gave unremitting attention to all that concerned it, acting frequently as convener of the finance and other important committees. The value of the work which he did for this and kindred institutions was greatly enhanced by the experience which he obtained as a director of the Commercial Bank of Scotland, a position which he held from 1887 till the day of his death.

He was also the representative of the Senatus on the Board of Management of the Students' Union, an institution in which he took the greatest interest.

He represented the University Court on the Board of Management of the Dick Veterinary College.

But the piece of public work with which his name will always be most associated did not directly emanate from his position in the University, for his co-option to the Board of Management of the Royal Edinburgh Asylum occurred in 1887, the year before he became Professor. It was at that date that the remodelling and extension of the Asylum was becoming a pressing question. It was evident that, if it was to fulfil its functions, a very large work of extension must be undertaken. But

the Board was strongly divided on the subject of financial possibility, and after his election the voice of the new member was at once raised in favour of a bold policy, and his views soon became those of the Board, who with unexampled courage launched on the scheme which has given to the Asylum Craig House and the adjoining buildings on Craiglockhart Hill. That they faced the expenditure of £150,000, and that the venture had proved an absolute success, financially as well as practically, was an assured fact before Sir John's death, and it was in the year 1921 that, at the request of his colleagues, he consented to sit for his portrait, as being the only survivor of the 1887 Board. This portrait now hangs in the hall of Craig House. It was in the same year that the honour of knighthood was conferred upon him.

With his work on *Leases* Rankine's more important contributions to legal literature ended. But shortly before his death he published a briefer work on the more technical subject of *Personal Bar or Estoppel*, which was well received on both sides of the Border. It will, however, be of interest to the Society to know that during the last three or four years of his life he occupied some of his leisure at Threepwood in collecting references to Scottish law in the Waverley Novels, which it is believed he contemplated making the foundation of an article on Sir Walter Scott's obligations to the law of Scotland in the creation of many of his characters.

It would not do justice to the subject of this brief reference were something not to be said of John Rankine at Threepwood, familiar to him from boyhood, and the country home of his later years. There was to be found, not the student of Scots Law, the writer or professor, but the landowner, farming his own land, ready and able to talk of crops and stock with grieve or farm hand. But there especially did he play most perfectly the rôle of the genial host, and many a friend has enjoyed a visit to his semi-moorland domain through which, as he was always careful to point out, ran the ancient Girthgate.

There was much indeed in Threepwood, simply as it stands on a hillside as high as the top of Arthur Seat, to attract the visitor, for the scene of much of Border history and Border fiction is spread out to view. It is within three or four miles of the spot where Angus "belled the Cat." Near the site of the old house was the White Lady's well of Sir Walter's *Monastery*. On Threepwood rises the stream which in a couple of miles passes between the Border keeps, once the strongholds of monastery tenants, one of which, Glendearg, was the home of Halbert Glendinning. Down the banks of its lower course and through the Faery Dean recklessly rode Sir Percy Shafton, until he was brought up by the Tweed and the old

bridge with its surly porter and closed gate, the site of which is still known as "Bridge End." From one point to another in the surrounding fields can be seen the route from Glendearg to Avenel Castle (Smailholm), passing between Cowdenknowes and the Black Hill of Earliston on the one hand and Drygrange and Bemersyde on the other, with the Eildons and Cheviots forming middle distance and background to a fair prospect. Thus there was much to attract, and here John Rankine rejoiced as host, and delighted to gather round him the members of his own family in its different branches and his many friends. And it was to Threepwood that he went in July 1922, after the resignation of his chair, and fully expected to spend the summer there as usual. But in a very few days he was taken seriously ill, and died on the 8th of August.