

“Act V: Ratification of the act of council regarding plantation of schools.” Records of the Parliaments of Scotland. <https://www.rps.ac.uk/trans/1633/6/20>.

“Ratification of the act of council regarding plantation of schools” is Act V<sup>1</sup> of the June 20, 1633 Scottish Parliamentary session. The copy being used for this essay contains the exact wording of the original session of Parliament, but it has been digitized (as a transcription) on the Records of Parliaments of Scotland website. This law follows the Education Act of 1496—which mandated that all sons of nobles be provided with schooling; the nobles were held financially responsible for ensuring that their sons were educated. Act V precedes several other laws that went on to revise and expand upon the 1633 legislation. This primary document, which granted bishops the authority to tax landowners to raise revenue for schools, is representative of how a Protestant focus on education shaped taxation laws in seventeenth-century Scotland.

The 1633 Parliamentary session took place under the reign of Charles the First; at this time, the same monarch ruled Scotland and England, but the two nations would not be unified for another seventy years. As such, Scottish Parliament had autonomy over domestic affairs, including education, at the time of the Education Act of 1633. The stated purpose of this act was to “[ratify] the act of secret council dated at Edinburgh, 10 December 1616,” which was similarly written to establish a school in every parish of Scotland. The law is only a paragraph long, which is insufficient for the magnitude of this act considering there is simply not enough space to give specifics on how the law would be accomplished and how to address potential problems. The 1633 Act of Parliament adds on to the earlier legislation by providing means of raising revenue in order to accomplish the establishment of a nationwide school system.

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<sup>1</sup> Scottish legislation in this period was organized by “acts,” and the roman numeral indicates which part of the legislative session was dedicated to a particular topic—in this case, the plantation of schools.

Specifically, this act afforded bishops the power of taxing landowners for the building and maintenance of parish schools. There are some caveats to the taxation power of bishops. First, taxation could only be implemented if the majority of residents in the parish agree that it is necessary. Second, bishops could only seize property from landowners if the heritor did not appear to council after having been issued a legal notice for taxes owed. The Act closes by stating that landowners who had been taxed have legal recourse and could appeal a decision made by bishops if they chose.

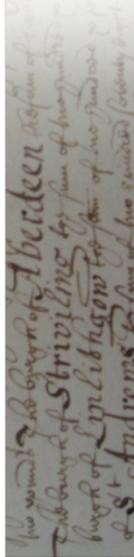
Scotland was one of the first countries to mandate free public education. Act V of the 1633 Parliamentary session came towards the end of the Reformation, and much of Scotland had already been reshaped to accommodate the strengthened Protestant values born of this religious awakening. Though the Reformation was widespread and evoked changes in most of Europe, Scotland was unique in its use of schools to teach the Protestant message. Providing public education to all children in Scotland is an ideal that can be traced back to the Church of Scotland's First Book of Discipline, published in 1560. The Education Act of 1616 sought to make this ideal a reality, but it was not until the Parliamentary Act of 1633 that laid out concrete plans for how a nationwide, free, public school system could be accomplished. A record of the Education Act of 1616 would be helpful in better understanding the progress that the 1633 law represented; however, based on the wording of Act V ("regarding the plantation of schools, with this addition") it can be inferred that the 1616 Act was simply a crude version of the 1633 Act.

It is difficult to tell from this primary document alone how successful the Education Act of 1633 was in reaching all of Scotland, particularly poor, rural, and/or Catholic dominated areas. The fact that the following two centuries saw multiple amendments of the original Education Act indicates that the conditions of seventeenth-century Scotland did not allow the 1633 Act to

accomplish all that it sought out to. Scottish legislators were exceedingly ambitious in writing Act V, but they did not take the time to consider the practical issues of enforcing this new tax law. Though public sentiment in Scotland largely supported the education of children, it is likely that higher taxes resulted in pushback from landowners, potentially delaying the plantation of schools. It is important to keep in mind that the men in charge of legislation during this period of Scottish history were not representative of the entirety of Scotland but rather reflected the opinions of the affluent men who controlled the Church of Scotland. Regardless, the eventual success of the public-school system in Scotland would not have happened without the baseline that the Education Act of 1633 provided.

Act V of Scottish Parliament's 1633 session answers the important question of how Scottish politicians planned on making education free and accessible to all children in the country. Though the Church of Scotland was the driving force behind the creation of public education, Parliament made it possible by giving bishops the power to raise revenue for parish schools. Though seemingly well-intentioned, Act V was largely unsuccessful in achieving its goals due to the conciseness of the law and the lack of provisions for enforcing it. Access to this primary document is integral to research of the history of Scottish education because it provides a clear starting point for publicly funded schools and is one of the first instances in which access to education was prioritized in revenue legislation.

I hereby pledge on my word of honor that I have neither given nor received unauthorized aid on  
this work.



University of St Andrews

Records of the Parliaments of RPS Scotland to 1707

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Charles I: Translation  
1633, 18 June, Edinburgh, Parliament  
Parliamentary Register  
28 June 1633  
Legislation

Regarding the taxation granted to his maiestv. of 30s. termly upon the pound land and the sixteenth penny of all annualrents.

[1633/6/20] \*   

### Act V

#### Ratification of the act of council regarding plantation of schools

Our sovereign lord, with the advice of the estates, ratifies the act of secret council dated at Edinburgh, 10 December 1616, made regarding the planting of schools, with this addition: that the bishops in their several visitations shall have power, with consent of the heritors and most part of the parishioners, and if the heritor, being lawfully warned, refuses to appear, then with consent of the most part of the parishioners, to set down and stent upon every plough or husband land according to the worth for maintenance and establishing of the said schools. And if any person shall find himself grieved, it shall be lawful to him to have recourse to the lords of secret council for redress of any prejudice he may or does sustain. And ordains letters to be directed for charging of the possessors for the time to answer and obey the schoolmasters of the duties that shall be appointed in manner foresaid.

[1633/6/21] \*   