His next publication was “ An Address to the People of Scotland, on the Nature, Powers, and Privileges of Juries. By a Juryman.” Edinb. 1784, 8vo. This tract is entitled to particular notice, because it contains a clear and judicious exposition of legal principles, very important in themselves, and at that period very little understood. “ It is,” he remarks, “a common notion that jurymen are judges of the *fact* only, and not of the *law.* This absurd, and often fatal prejudice is much more prevalent than might be expected, in a city like this, where general knowledge ought to be pretty widely diffus­ed. It has perhaps been too much fostered by the injunctions of judges and magistrates. It is exceedingly natural that plain simple jurymen should look up with veneration to the high rank, and superior abilities of those men who are appointed by their sovereign to dispense justice over the nation. For this reason it is, that the English judges are so extremely solicitous not to inculcate their own opinions on the minds of jurymen, but to leave their determinations solely to the dictates of their own consciences. But from whatever source this pre­judice may have derived its origin, I shall endeavour to shew that it has neither law nor common sense for its support.” A further specimen may very satisfactorily be produced. “ I know it to be the opinion of many jurymen, that after the court admits a *relevancy,* they are bound by their oaths to find the libel either *proved* or *not proved.* But these gentlemen should consider, that their business is to give a verdict of a very different kind. They are to judge both of the criminality of the culprit, and of his exculpatory evi­dence. The words *proved* or *nor proved* should be for ever banished from the verdicts of juries. A relevancy may be found, when the jurymen, who hear the indictment impugn­ed, are of an opposite opinion from the court. A crime may be libelled, when the facts related in the indictment, though completely proved, do not constitute the essence of the crime charged. Hence, whenever the minds of jurymen are convinced that a relevancy has been improperly found, their verdict, however the proof may stand, should be *Not guilty.* Indeed, the expressions, *Guilty* or *Not guilty* ought alone to be employed in verdicts.” This tract excited a considerable degree of attention ; and it was quoted with much approbation by Lord Erskine, in his famous speech in defence of Dr. Shipley, dean of St. Asaph. He published several other pamphlets, which chiefly related to local po­litics.

But the most elaborate of his works is “ The Philosophy of Natural History.” Edinb. 1790, 4to. This is an ingenious book, written in a very pleasing style, and it accordingly experienced a favourable reception. It was reprinted at Dublin and Philadelphia. Lichtenstein published a Ger­man translation, to which some notes were added by C. A. W. Zimmermann. For the original volume, Charles Elliot agreed to pay one thousand guineas, at six, twelve, and eighteen months, as well as a certain sum for every edition after the first. This enterprising bookseller died before the work was ready for publication ; but the agreement was honourably fulfilled by his trustees, though the benefit ac­crued, not to the author himself, but to his family. “ This,” says Mr. Kerr, “was probably the largest sum that had ever been given, at least in Edinburgh, for the literary pro­perty of a single quarto volume, and evinced both the liber­ality of the bookseller, and the high estimation in which he very justly held the fame and talents of the author.”

His plan however was not yet completed, and he imme­diately applied himself to the preparation of a second volume. He lived to bring it to a conclusion, though not to make any arrangement for its publication. During the last years of his life, his health appears to have been infirm and pre­carious. In June 1793, he stated to his friend Dr. Hutton, that he had for several months been distressed with a debi­lity in his limbs, accompanied with a want of appetite ; and to another medical friend, Dr. Gardiner, we find him stat­ing very unfavourable symptoms in the course of the follow­ing year. After a long illness, he died on the 24th of June 1795, at the age of sixty-five. He left a widow, with four sons and four daughters ; two sons and three daughters having died before their father. His eldest daughter was married to Mr. George Watson, an eminent portrait-painter in Edinburgh. Smellie had never been in affluent circum­stances, but he left to his family the means of prosperity ; and the printing business has been more successfully con­ducted by his son Mr. Alexander Smellie.

Of his Philosophy of Natural History, the second volume was published by this son in the year 1799. Another pos­thumous work speedily followed : “ Literary and charac­teristical Lives of John Gregory, M.D., Henry Home, Lord Kames, David Hume, Esq., and Adam Smith, LL.D. To which are added a Dissertation on Public Spirit, and three Essays.” Edinb. 1800, 8vo. His original plan compre­hended the lives of other twenty-five men of literary emi­nence, with whom he was personally acquainted. One of these was his friend Dr. Stuart, with whose private history he was sufficiently familiar, and of which he could have sup­plied very curious, though perhaps not very edifying de­tails. It is not however a subject of much regret that his plan was never completed. In the specimen with which we have thus been presented, there is too little biography, and too much discussion. This remark is more particularly applicable to the life of Dr. Gregory, which extends to 118 pages, but is almost entirely occupied with an account, not of the writer, but of his writings. The other lives are of less extent. In his account of Hume, he relates, without any symptom of disapprobation, the indecent levity with which he sported on the verge of another world ; and in the same manner he likewise repeats the declaration of Dr. Smith as to the character of that philosopher, “ I have al­ways considered him, both in his lifetime and since his death, as approaching as nearly to the idea of a perfectly wise and virtuous man, as perhaps the nature of human frailty will permit.” This ingenious printer may himself have been somewhat too anxious to be classed among phi­losophers.

Smellie appears to have been a man of excellent talents, and of extensive knowledge. His disposition was social, his habits were convivial, and he was distinguished by a sarcastic vein of wit and humour. According to the de­scription of his biographer, he “was about the middle size, and had been in his youth well-looked and active ; but when rather past the middle of life, he had acquired from al­most constantly stooping at his desk to write or correct, a rather lounging gait and appearance ; and from a long-con­tinued series of difficulties in his affairs, and much disap­pointment in matters of affectionate moment, he had be­come careless and rather slovenly in his dress and appear­ance ; wearing his hair long and bushy, his ordinary black and wide-made clothes ill brushed, and well sprinkled with snuff, and his usual old-fashioned cocked hat for the most part rusty.” Burns describes him as “ a man positively of the first abilities and greatest strength of mind, as well as one of the best hearts and keenest wits, that he had ever met with.” And in the following lines, which allude to a club called the Crochallan Fencibles, he has exhibited a graphic delineation of Smellie :

To Crochallan came

The old cock’d hat, the brown surtout the same ;

His bristling beard just rising in its might,

'Twas four long days and nights to shaving-night ; His uncomb’d grizzly locks, wild staring, thatch'd A head for thought profound and clear unmatch’d; And though bis caustic wit was biting, rude, His heart was warm, benevolent, and good. (x.)

SMELLING is the act by which we perceive smells, or become sensible of the presence of odorous bodies. The