

county, as early as the reign of King John; they afterwards acquired Helmingham, by marriage with the daughter and heir of Helmingham of Helmingham; and several of them served the office of High Sheriff of Norfolk and Suffolk. Reference is made to Collin's Baronetage, 1. 70--76, for an account of this ancient family. Lionel, second Earl of Dysart, eldest son of the Countess, had, during the lifetime of his mother, the style of Lord Huntingtower, and was chosen M. P. for Oxford, 1678 and 1685. He succeeded his mother in the earldom of Dysart, 1696; was chosen member for the county of Suffolk in 1698; and re-chosen 1700 and 1701. On the accession of Queen Anne he had the offer of the patent of a baron of England, which he declined; and was a fourth time chosen for the county of Suffolk; also high steward of Ipswich, and died 3d February 1726. His lordship married in 1680 Grace, eldest daughter (and co-heiress with her sister Mary, wife of the Earl of Bradford), of Sir Thomas Wilbraham of Woo they, in the county of Chester, Bart., and by her had a son, Lionel, Lord Huntingtower, who pre-deceased his father. Lord Huntingtower married Miss Henrietta Hesige, a relative of the Duke of Devonshire, by whom he had a son, Lionel, third Earl of Dysart, who succeeded his grandfather in 1726. He was invested with the Order of the Thistle in 1743, and died in 1770, in his sixty-third year. A granddaughter of his lordship, Maria Caroline Manners, was married to Viscount Macduff, eldest son and heir-apparent of Alexander, third Earl of Fife, and dying at Edinburgh without issue, in December 1805, was buried at Helmingham. A very picturesque and beautiful portrait of this lady was published in 1807, as follows:—

"Stranger, or friend, in this faint sketch behold  
An angel's figure in a mortal mould;  
In human beauty though the form excell'd,  
Each feature yielded to the mind it held;  
Heaven claim'd the spark of its aetherial flame,  
And earth return'd it spotless as it came:  
So die the good, the beauteous, and the kind,  
And, dying, leave a lesson to mankind."

Lionel, the fourth Earl of Dysart, was born in 1736. He succeeded his father, the third Earl, in 1770; and dying in 1799, in the sixty-third year of his age, without issue, was succeeded by his brother, fifth Earl of Dysart, Wilbraham, who was born in 1739, and inherited the estates of the Wilbrahams at Woodhey, in Cheshire. He was an officer in the Royal Navy at an early age, and afterwards went into the army. He attained the rank of major, and then retired. He died without issue, when the peerage devolved on his only surviving sister, Louisa, Countess of Dysart, who was born in 1745, and married in 1765 John Manners, Esq. of Grantham Grange, in the county of Lincoln, by whom (who died in 1792) her ladyship had a large family. She was succeeded by her grandson, Lionel William John Talmash, Earl of

Dysart and Baron Huntingtower, born in 1794. He succeeded his grandmother, Louisa, sixth Countess, in 1792. He married in 1819 Mary Elizabeth, daughter of Sweeny Toone, Esq., and has issue—William Lionel Felix, Lord Huntingtower, and other children.

DYSART, ELIZABETH, Countess of, the eldest daughter, succeeded her father in the title. She was a woman of uncommon beauty, and of splendid talents. She had a wonderful quickness of apprehension, and an amazing vivacity in conversation. She had studied not only divinity and history, but mathematics and philosophy. Cromwell himself—the stern Cromwell—was unable to resist her blandishments. She married, first, Sir Lionel Talmash of Helmingham, in the county of Suffolk, Bart., who died in 1669; and on the 5th December 1670 she obtained from King Charles II. a charter under the great seal, ratifying the letters patent to her father, William, Earl of Dysart, and his heirs therein expressed, of the titles of Earl of Dysart and Lord Huntingtower, dated at Oxford, 3d August 1643; and as these titles had been resigned into the hands of His Majesty by the Countess, he of new granted them to the Countess, and to such of her issue as she might nominate in writing under her hand at any time of her life, and the heirs of such nominee, the eldest always succeeding without division, if a female; and in failure of such nomination, then, and in that case, the heirs whatever of the said Countess to succeed without division, with the former precedence. The Countess married, secondly, at Petersham, 17th February 1671-2, John, Duke of Lauderdale, K.G., His Majesty's Commissioner for Scotland. After their marriage they made a progress round the country, where they were attended and received with regal pomp and respect. All the power of Scotland was vested in their hands for many years. His Grace died 24th August 1682. The Duchess survived till June 1696, and was buried in Petersham church on the 16th of that month. By the Duke she had no issue; but by Sir Lionel Talmash her Grace had eleven children, of whom six died young.

## E.

EDGAR, The Right Rev. HENRY.—This clergyman, whose name is omitted in all the catalogues annexed to the Episcopal Church History of Scotland, was consecrated at Cupar, in Fife, on the 1st November 1759, by the Bishops White, Falconer, Rait, and Alexander. He was formerly pastor of a congregation at Arbroath. The reason of the omission now mentioned is perhaps furnished by the circumstance that Mr Edgar was at first appointed coadjutor to Bishop White. It is perfectly certain, however, that he succeeded his principal in the superintendence of the district of Fife, and con-

tinued to perform his duties, there as long as he lived. The period of his death is nowhere recorded, but it admits of no doubt that he survived his predecessor at least several years.

ELLICE, The Right Hon. EDWARD, M.P., claimed no pedigree beyond his descent from several generations of freeholders in the county of Aberdeen, believed to be descendants of one original settler of their surname who crossed the borders from the southern part of the island during the civil wars. His own family, we believe, in the middle of the last century generally followed agricultural pursuits, till his grandfather engaged in business in the Transatlantic States on the American war of independence. Mr Ellice's father, a man of good commercial business in the state of New York, being a loyalist, removed to Montreal, in Canada. The father there founded the great mercantile house of Inglis, Ellice, & Co., and before the end of the last century the firm established a house in the city of London. The father had a large family of sons and daughters, of whom Edward, the subject of our present memoir, was the third son. He was born in Golden Square, London, in 1782. At an early age he was placed at Winchester College. How long he remained there, or what rank he gained in competition with his schoolfellows, is unknown; but the instruction of such a public school was obviously a great advantage to him. He was then sent to the Scottish University of St Andrews, where he remained a considerable time. Mr Ellice never claimed any great proficiency in the dead languages, but he used to say that at least he had acquired his own living tongue, and a love of ancient history and classical biography. He also attended lectures on Logic, Moral Philosophy, and Belles Lettres. For a youth designed for commerce and the office of a city merchant such an education was of itself a good capital; and he ever expressed a deep gratitude to his father for the superior education afforded him. From St Andrews Mr Ellice passed to the city house as a clerk; and there he formed his business habits, his unwearied power of application, and his respect for punctuality. The exact duration of his city clerkship is not known, but he was early sent to Canada on business of the firm, who were then among the largest shipowners in the world. He has stated that his first visit to the United States was in 1803, more than half a century since. Mr Ellice at that time formed the acquaintance of many of the families of the signers of the Declaration of Independence, and, we need scarcely say, of the principal merchants and capitalists of the States. He made several voyages to the New World, and lastly, in 1850, he again visited the Northern continent, purely from the interest of a traveller desiring to see with his own eyes the social progress since his previous visit, an interval of some years; and if he had not been restrained by his

friends he would have re-crossed the Atlantic last year from interest in the causes and probable consequences of the deplorable civil war now raging in the States. He had for years said that he had outlived the American race of statesmen—that Calhoun, Webster, and Clay were the last of that class. He said the old Anglo-Saxon material was still left in sufficient abundance for a fresh supply; but that the intelligent, instructed, and wealthy classes had thrown away the staff from their hands by the concession of universal suffrage, and an equal vote to every foreigner who had landed twelve months on the shores of America. This fatal political mistake, he said, was aggravated by the weakness of the Executive in a Federal Union which separate States' rights. For years he had openly said in society, and written to every correspondent at home and abroad, that a political crisis was impending, which could only involve an internecine civil war—that a contest between Protection and Free Trade, between slave and free labour, and between the gentry of the South and the men of the North, must ensue, terminating in a mortal strife. He was at Nice when the first blood was shed, and he wrote his opinion home that the contest would be of considerable duration; that it was one practically for "boundaries" between the two classes of States; that in its earlier courses it would necessitate an inconvertible paper currency, ending virtually in national bankruptcy and grievous suffering; and that the war must be fought out until it ended in the complete independence of the Southerners, or in their temporary conquest and social ruin. The latter result, through good and evil report, he disbelieved; but he held that if the North succeeded by their naval supremacy in subjugating or destroying the South, it would have eventually the worst results for the Confederation. Indeed, he viewed the civil war as a "fact" as proof positive that such a vast extent of territory and increasing population never could many years longer hold together in one nationality; that conflicting interests had and would early rend the States in twain, and that certainly their Federal form of government was the least calculated to keep together such dissonant interests; and that the "Rebellion" was a precedent of revolution, which would probably end in three or four distinct governments. Mr Ellice, in uttering these far-sighted views, declared that for a quarter of a century past some of the most able public men of the States had expressed to him their conviction that the growing and boundless extension of the States had altogether revolutionised the representative system, and would render it unmanageable. Ex-Presidents confessed to him that they had not in truth been successors of Washington, Jefferson, and Madison. Mr Ellice was therefore of opinion that the success of the North against the South would be the most fatal consequence of the civil war, and would only hasten the

ultimate dissolution of the original Federal Union. Mr Ellice's public life became at his death the principal subject of interest. His early political opinions were certainly those half a century ago contemptuously designated as "Radical," and they clung to him, more or less, throughout his public career. He was the early friend and constant companion of Burdett, Lord King, Lord Radnor, Lord Althorp, and Sir John Cam Hobhouse (Lord Broughton), and the occasional companion of some of Lord Byron's earliest "Hours of Idleness" in London. On the 3d of June, 1809, he was proposed by Lord Jersey, and elected a member of Brookes' Club. In the latter society, and as the brother-in-law of the late Earl Grey, he was of course the associate of all the leading Whigs of the past generation. Desiring a seat in the Lower House of Parliament, in 1818 he first successfully contested Coventry, defeating Mr Butterworth, the London law publisher, a native of that city. Mr Ellice's colleague was Mr Peter Moore. In 1830 he regained his seat. Perhaps no representative of a large town was ever so long a popular member, or was allowed such independent action in the House of Commons. The truth was, that the member and his constituents thoroughly understood and trusted each other. Yet he often had to bear the growl of a mob, always soothing them by his John Bull defiance, urbanity of manner, and ability of speech. In the Opposition minorities of the first three Parliaments, of which he was a member, he commonly voted in Mr Hume's divisions, but now and then dividing with the majority when he deemed Mr Hume's motions "Penny wise and pound foolish." On Lord Grey's advent to office in November 1830, Mr Ellice was appointed Joint Secretary of the Treasury, having the political department and "Whip" of the House of Commons. At no period of time was that position more arduous; and he was opposed by his friend Mr Holmes, who always said that Mr Ellice was the most fair, yet fighting, opponent he had met in the field of politics. They continued friends till the death of the latter. On the dissolution of 1831, Mr Ellice, "virtute officii," was the principal manager of the general election. His strong common sense and moral courage were of signal service to the Reform interest; and his relations, public and private, to Lord Grey were of great service to the Liberal interest and to the Whig party. He had also a large provincial connection among the local leaders of the Liberal party, which influence he exercised to the further advantage of the Government, and really on the side of law and order. He was not a member of the Committee of Four, who prepared the first scheme of Reform for the approval of Lord Grey's Cabinet; but he was the life and soul of the question among the Prime Minister's best friends, and with Lord Durham, and others, he stood fast by

the clause of the English act enfranchising the metropolitan burghs. Mr Ellice has the credit of the principal agency in the liberal addition Lord Grey, by consent of William IV., made to the grades and number of the peerage, after the Reform Bill became law; some of those titles were notoriously compensations for the sacrifice of disfranchised rotten burghs. But when the great national contest was happily and peacefully ended, Mr Ellice was thoroughly tired of his vocation. After the new election he resigned the Secretaryship of the Treasury, and desired no other office in the State. Indeed he had pressing affairs in the Canadas and in the United States requiring his personal attention. He had taken his passage for another voyage across the Atlantic, when he reluctantly yielded to Lord Grey's pressure in accepting the Secretaryship at War, with a seat in the Cabinet. This office he held till the sudden dismissal of the Melbourne Ministry in November 1834. On that event he went abroad, and was re-elected for Coventry in his absence—his brother, Mr Russell Ellice, representing him. From this period his official public life ceased, and no inducement could tempt him again to take office. Such was his singular public character. He was a politician "sui generis," and one who cannot be re-placed in this generation. Mr Ellice was at least disinterested. Public life cost him a fortune. It is well known to his intimate friends that the Secretary of the Treasury inflicted on him a heavy loss, as he preferred to keep promises he had made in 1831-32, which the party funds could not clear. A peerage was within his reach, and yet unsought, because he preferred the station of a commoner. He was at least no courtier in the vulgar sense of the term; but he was a loyal subject of his Sovereign, and a firm believer in the superiority of a constitutional monarchy. Not many days before his death, at the Inverness public meeting, he expressed that loyalty in plain eloquent words. The late Prince Consort much appreciated his judgment on military questions, and yet Mr Ellice had the manliness in the House of Commons to condemn an appointment in favour of the Prince which he thought was the right of old officers of long and hard service. On the first levee afterwards he made a point of presenting himself, and he was gratified by a frank and cordial reception. He ever retained his friendships, notwithstanding political differences. He preserved his intercourse with Lord Derby, and his friend the late Sir James Graham, and with others of the old Tory and new Conservative party. For many years he had an occasional difference with Lord Palmerston on points of foreign policy; but on his Lordship's accession to the Premiership, Mr Ellice promptly and consistently supported his Ministry. He said, "in the state of parties and our foreign relations, Lord Palmerston, like Chatham, was the man for the times." He did not always

agree with Earl Russell, but he ever did justice to that noble lord's services to the Liberal cause. Mr Ellice was strongly opposed to the agitation of further Reform in our representative system during the Cabinets of Lord Aberdeen and Lord John Russell, because he thought the measures then proposed inopportune, and that they would prove abortive in the state of parties. He predicted that neither would be read a second time, and such was their still-born fate. No man knew better by experience the difficulty and danger of a Government in proposing organic reforms not supported by the feeling of a nation. Mr Ellice received the honorary degree of Doctor of Civil Laws from the University of St Andrews, and he was a Deputy-Lieutenant of Inverness-shire. He was the original chairman of the Reform Club, mainly established in 1834-5 by his influence. He was the intimate friend of many French statesmen of the Orleans dynasty, and of M. Thiers in particular. With many foreigners he maintained to the hour of his death confidential correspondence. He was true to old friends, alike in adversity and in prosperity. Such a man is no common loss to his country and to his many devoted friends. The funeral of the late lamented gentleman took place on Wednesday, 30th September 1863, and was strictly of a private nature. The place of interment is a wooded eminence, near Ardochy Lodge, at the west end of Loch Garry—a retired and beautiful spot, to which the deceased used occasionally to repair in order to admire the varied and magnificent scenery which the situation commands. The son of the deceased, Mr Edward Ellice, M.P., was the chief mourner, and a few other relatives and friends were present. The burial service was read by the Rev. Mr Swinburne of St John's Chapel, Inverness. Mr Ellice died intestate, leaving only a memorandum desiring that he might be buried at the least possible expense near the place where he might happen to die; and no invitations to attend the funeral were issued except to those immediately connected with the family. . . . The death of this eminent and truly estimable man was strikingly and awfully sudden. He had for some years suffered severely from attacks of gout, and on the last day of his existence he complained of touches of acute pain, but these were merely flying symptoms which speedily passed off, and when he retired to rest about eleven o'clock on Wednesday night, the 23d of September above-mentioned, he was as cheerful and apparently as well as he had been for years. Next morning, about seven o'clock, his servant entering his bed-room found him lifeless, one hand lying across his chest, his eyes closed, and neither his countenance nor position exhibiting the least trace of pain or conflict. He had always prayed for such a peaceful exit, and it is worthy of remark that both his father and his brother, Captain Ellice, died in the same sudden manner, without premonition or struggle. A few

days before his decease he remarked that at the age of eighty he could not expect to last much longer—that he had lived a long and very happy life—that he was thankful for such blessings—and was quite prepared to relinquish them whenever the final summons should come. And thus, happy in his death as in his life, one of the best, the kindest, and most generous of men closed his honourable career, and passed swiftly and silently into the eternal world.

ELLICE, EDWARD, Esq. of Glenquoich, in the county of Inverness, M.P. for the St Andrews district of Fife burghs, is the only son of the late Right Hon. Edward Ellice, M.P. for Coventry. In 1834 he married Katharine Jane, second daughter of an extensive landed proprietor in Fife—namely, the late General Balfour of Balbirnie. Mrs Ellice died in 1864. Mr Ellice, jun., sat for Huddersfield from May to July 1837, and has represented the St Andrews burghs since the general election of July 1837. As a politician, he has been a consistent Liberal. Inclination and opportunity brought him into close contact with the most intelligent and influential members of the Liberal party; and, for the last quarter of a century and upwards, he may be said to have taken a lead in every measure of reform which has met the approval of moderate Liberals, and has particularly distinguished himself by his cordial and indefatigable attention to the affairs of the county of Fife in general, and especially of the burghs of Cupar and St Andrews, Anstruther, and the other four coast burghs, which he has so long and faithfully represented. Throughout his whole Parliamentary career, Mr Ellice has been a consistent and uniform supporter of every practicable measure of social reform, especially of an extended and unsectarian system of education, and has always been an opponent to all kinds of intolerance.

ELLIOT, THE FAMILY OF.—Gilbert Elliot, Esq., grandson of Gilbert Elliot of Stobbs (who was ancestor of the celebrated General Elliot, created Baron Heathfield for his gallant and successful defence of Gibraltar), was constituted one of the Lords of Session in Scotland, when he assumed the honorary designation of Lord Minto. He was subsequently appointed Lord Justice-Clerk, and created a baronet of Nova Scotia in 1700. Sir Gilbert married Jane, daughter of Sir Andrew Carre, Knight of Cavers, county Roxburgh, and was succeeded by his son—Sir Gilbert, second baronet, who being also bred to the bar, was appointed Lord Justice-Clerk, and assumed the title formerly borne by his father, that of Minto. He married Helen, daughter of Sir Robert Stuart, Bart. of Allanbank, and had issue—Sir Gilbert, third baronet. This gentleman filled several high official situations, and was at one time a candidate for the Speaker's chair. He was a man of considerable political talents, and possessed, likewise, poetical abilities of no common order, as the celebrated song,

"My sheep I neglected, I broke my sheep-hook," of which he was the author, sufficiently evinces. He married Agnes Murray Kynynmound, heir of Melgund, county Forfar, and of Kynynmound, Fifeshire, by whom he had issue—Sir Gilbert, fourth baronet, born 23d April 1751, first Earl of Minto, of whom we presently give an independent memoir. He married, 3d January 1777, Anna Maria, eldest daughter of Sir George Amyand, Bart., by whom (who died 8th March 1829) he had—Gilbert Elliot Murray Kynynmound, P. C., G. C. B., county Roxburgh, second Earl, Viscount Melgund of Melgund, county Forfar, Baron Minto of Minto, county Roxburgh, and a baronet of Nova Scotia, born 16th Nov. 1782; succeeded his father, 21st June 1814; married, in 1806, Mary, eldest daughter of Patrick Brydone, Esq., and has issue—William Hugh, Viscount Melgund, M. P., born March 19, 1814; married, 20th May 1844, Emma Eleanor Elizabeth, only daughter of the late General Sir T. Hislop, Bart., G. C. B., and has—Gilbert John, born 9th July 1845; Arthur Ralph Douglas, born 17th Dec. 1846; Hugh Frederick Hislop, born 23d February 1848; and another son, born 14th September 1849.

ELLIOT MURRAY KYNYNMOUND, GILBERT, first Earl of Minto, a distinguished statesman, eldest son of Sir Gilbert, by Mrs Agnes Murray Kynynmound, heiress of Melgund, in Forfarshire, and of Kynynmound, in Fifeshire, was born April 23, 1751. After receiving part of his education at a school in England, in 1768 he was sent to Christ Church, Oxford. He subsequently entered at Lincoln's Inn, and was in due time called to the bar. He afterwards visited the Continent, and on his return was, in 1774, elected M. P. for Morpeth. At first he supported the Administration; but towards the close of the American war, he joined himself to the Opposition, and was twice proposed by his party as Speaker, and was both times defeated by the Ministerial candidate. In January 1777, he had married Anna Maria, eldest daughter of Sir George Amyand, Bart., and soon after he succeeded his father as baronet. At the breaking out of the French Revolution, he and many of his friends became the supporters of Government. In July 1793 he was created by the University of Oxford Doctor of Civil Laws. The same year he acted as a Commissioner for the protection of the Royalists of Toulon, in France. The people of Corsica having sought to place themselves under the protection of Great Britain, Sir Gilbert Elliot was appointed Governor of that island, and in the end of September 1793 was sworn in a member of the Privy Council. Early in 1794 the principal strongholds of Corsica were surrendered by the French to the British arms; the King accepted the sovereignty of the island; and on June 19, 1794, Sir Gilbert, as Viceroy, presided in a General Convention of Corsican Deputies, at

which a code of laws, modelled on the constitution of Great Britain, was adopted. The French had still a strong party in the island, who, encouraged by the successes of the French armies in Italy, at last rose in arms against the British authority. The insurrection at Bastia, the capital of the island, was suppressed in June 1796; but the French party gradually acquiring strength, while sickness and diversity of opinion rendered the situation of the British very precarious, it was resolved in September following to abandon the island. Sir Gilbert returned to England early in 1794, and in the subsequent October was raised to the peerage as Baron Minto, with the special distinction accorded him of bearing with his family arms in chief the arms of Corsica. In July 1799 his Lordship was appointed Envoy Extraordinary and Minister Plenipotentiary to Vienna, where he remained till the end of 1801. On the brief occupation of office by the Whigs in 1806, he was appointed President of the Board of Control. He was soon after nominated Governor-General of India, and embarked for Bengal in February 1807. Under his administration many highly important conquests were made by the British arms. He accompanied in person the successful expedition against Java in 1811. For his services in India he received the thanks of Parliament; and in February 1813 was created Earl of Minto and Viscount Melgund. He returned to England in May 1814, and died on 21st June at Stevenage, on his way to Scotland. He was succeeded by his eldest son, Gilbert.

ELPHINSTONE, THE FAMILY OF.—Robert, third Baron Elphinstone, married Margaret, daughter of Sir John Drummond, and had issue—Alexander, who succeeded as fourth lord; John of Baberton (of whom presently); Sir James of Ennymochty, who was appointed a Lord of Session in 1586. He was constituted one of the eight Commissioners of the Treasury, called Octavians in 1595; appointed Secretary of State in 1598, and continuing to rise in the king's favour, the lands belonging to the Cistercian Abbey of Balmerinoch, in Fife, were erected into a temporal lordship in favour of himself, his heirs male, and heirs of tailzie, and provision by charter under the Great Seal, dated 20th February 1603, and he took his seat accordingly as a peer in Parliament by the title of Lord Balmerino. His lordship was eventually tried and convicted of treason for having in his capacity of Secretary of State obtained surreptitiously the signature of his royal master, James VI., to a letter addressed to Pope Clement VIII., soliciting a Cardinal's hat for his kinsman, Drummond, Bishop of Vaison. He did not suffer, however, under the conviction. From this nobleman we pass to his descendant—Arthur, sixth Lord Balmerino, the staunch but ill-fated adherent of the house of Stuart, of whom we give presently an independent life. The second son, John

Elphinstone, left a son, Ronald Elphinstone, who settled in Orkney, and had two sons, Harry Elphinstone, a captain in the Danish Guards, slain in battle; and Robert Elphinstone, page to Prince Henry, eldest son of James VI. He left an only surviving son, John Elphinstone, of Lochness Waas, who left, with other issue, Robert, of Lochness, Stuart justiciary, high admiral, and chamberlain of the isles of Orkney and Zetland, and a colonel of militia, and John Elphinstone, whose son, John Elphinstone, of the Royal Navy, married Anne, daughter of ——— Williams, Esq., and left a son, John Elphinstone, a captain in the British navy, and admiral in the Russian service. Admiral Elphinstone commanded the fleet of the Czar at the battle of Tchesme, and succeeded in destroying his infidel opponents. He married Amelia, daughter of John Warburton, Esq., and died in 1785, leaving issue, Alexander, a grandson, a captain in the British navy, and a noble of Livonia, claiming to be heir to the title of Balmerino, were the attainer removed. He married Amelia Lowback. John Elphinstone's sixth son was born on the 4th March 1773. He was major-general in the army, and colonel-commandant of the Royal Engineers, C.B., having eminently distinguished himself at the taking of the Cape of Good Hope, in Egypt, and during the whole of the Peninsular War. He was created a baronet on the 3d April 1815, and married, in 1803, Frances, eldest daughter of John Warburton, Esq., by whom he had issue, Louisa, married, 1st October 1832, to Robert Anstruther, Esq. of Thirdpart, a major in the 73d Foot, and Sir Howard Elphinstone, of Sourby, in the county of Cumberland, who succeeded his father as second baronet on the 28th April 1846.

ELPHINSTONE, ARTHUR, sixth and last Lord Balmerino, was born in 1688. He had the command of a company of foot in Lord Shannon's regiment in the reign of Queen Anne; but at the accession of George I. resigned his commission, and joined the Earl of Mar, under whom he fought at Sheriffmuir. After that engagement, he escaped out of Scotland, and entered into the French service, in which he continued till the death of his brother Alexander in 1733. His father, anxious to have him settled at home, obtained for him a free pardon from Government, of which he sent notice to his son, then residing at Berne in Switzerland. He thereupon, having obtained the Pretender's permission, returned home, after an exile of nearly twenty years, and was joyfully received by his aged father. When the young Chevalier arrived in Scotland in 1744, Mr Arthur Elphinstone was one of the first who repaired to his standard, when he was appointed colonel and captain of the second troop of Life Guards attending his person. He was at Carlisle when it surrendered to the Highlanders, marched with them as far as Derby, from whence he accompanied them in their retreat to Scot-

land, and was present with the *corps de reserve* at the battle of Falkirk. He succeeded his brother as Lord Balmerino on the 5th January 1746, and a few weeks thereafter was taken prisoner at the decisive battle of Culloden. Being conducted to London, he was committed to the Tower, and brought to trial in Westminster Hall, July 29, 1746, along with the Earls of Kilmarnock and Cromarty, both of whom pleaded guilty. Lord Balmerino, pleading not guilty, was remanded to the Tower, and brought back next day, when he was found guilty of high treason; and on August 1, sentence of death was passed upon the two Earls and his Lordship. The Earl of Cromarty obtained a pardon, but the other two suffered decapitation on Tower Hill, August 18, 1746. Lord Balmerino's behaviour at his execution was marked with unusual firmness and intrepidity. His last words were—"Oh, Lord! reward my friends, forgive my enemies, bless King James, and receive my soul!" He had no issue by his wife Margaret, daughter of Captain Chalmers, who died at Restalrig, August 24, 1765; and at his death the male line of this branch of the Elphinstone family became extinct.

ERSKINE of Mar. THE FAMILY OF.—Of the title of Mar, Lord Hailes says—"This is one of the earldoms whose origin is lost in its antiquity. It existed before our records, and before the period of genuine history." Martacus, Earl of Mar, is witness to a charter of donation by Malcolm Canmore, to the Culdees of Lochleven, of the manor of Kilgad-Earnoch, in 1065. From this nobleman we pass to his descendant, Isabel, Countess of Mar. Her ladyship married, first, Sir Malcolm Drummond of Drummond, who died without issue; and, secondly, Alexander Stewart, natural son of Alexander, Earl of Buchan, fourth son of Robert II. The first appearance of this person in life was at the head of a formidable band of robbers, in the Highlands of Scotland, when, storming the Countess of Mar's castle of Kildrummie, he obtained her ladyship in marriage, either by violence or persuasion. The Countess subsequently made a grant free of all her honours and inheritance to her second husband; and dying, without issue, in 1419, he—Alexander Stewart, designed, in right of the deceased Countess, Earl of Mar and Lord of Garioch—resigned those honours to the Crown, when they were re-granted to him, 28th May 1426, in remainder to his natural son, Sir Thomas Stewart, to revert, in case of failure of male issue to the latter, to the Crown. His Lordship was ambassador to England in 1406, and again in 1407, when he engaged in a tournament with the Earl of Kent. The following year he went to France and Flanders, with a noble company, and eminently distinguished himself in the service of the Duke of Burgundy, who employed him to assist in quelling a rebellion of the people of Liege against

their Bishop, John of Bavaria. The Earl commanded the royal army in the battle of Horlaw, against the Lord of the Isles, in 1411; and was appointed Ambassador Extraordinary to England in 1416; and soon afterwards, Warden of the Marches. He died in 1435, and his natural son, mentioned above, having predeceased him, the earldom of Mar, according to the charter, reverted to the Crown, when it was claimed, in 1435, by Sir Robert Erskine of Erskine, as lineal descendant of Lady Elyne Mar; but though the descent was indisputably established, the earldom was not conferred upon the Erskines until it had been enjoyed by four earls of different families, the last of whom was the celebrated Regent Moray, a period of 130 years having elapsed, when at last it was restored, in 1565, by Queen Mary to John, fifth Lord Erskine, who should of right be sixth Earl of Mar of the Erskine race. This nobleman was appointed by charter, in 1566, keeper of Stirling castle, and heritable sheriff of the county of Stirling; and chosen regent of Scotland by Parliament in 1571, during the minority of James VI. His Lordship married Annabella, daughter of Sir William Murray of Tullibardine, ancestor of the Dukes of Atholl; and dying in 1572, was succeeded by his only son, John, seventh earl. This nobleman, who took a leading part in Scottish affairs in the reign of James VI., accompanied that monarch into England, and was sworn of the Privy Council and invested with the garter, 27th July 1603. His Lordship had a charter, on his own resignation, of the earldom of Mar, lordship of Strathdon, Strathdee, Garioch, Alloa, &c., the heritable offices of captain of the castle of Stirling and sheriff of the shire thereof, &c., to him and to his heirs, and erecting the whole into the earldom of Mar, 3d February 1620. His Lordship married Anne, second daughter of David, Lord Drummond, and had an only son, John, his successor, from whom we pass on to his descendant, John, eleventh earl, K.T., and Secretary of State for Scotland in 1706, who succeeded his father in 1689. His Lordship attaching himself, however, to the fortunes of the Chevalier St George, and taking an active part in the rising of 1715 (having proclaimed that personage by the title of James VII. of Scotland and III. of England), followed his royal master to the Continent after the battle of Sheriffinnir, and was attainted by Act of Parliament in 1715. He died in 1732, and Thomas, Lord Erskine, his only surviving son, by his Countess, Lady Margaret Hay, daughter of Thomas, Earl of Kinnoul, was commissary of stores at Gibraltar, and was elected M.P. for Stirlingshire, in a vacancy in 1747, and for the county of Clackmannan at the general election the same year. He died 16th March 1766. The Mar estate, which, with the titles, had been forfeited, was purchased for him from government, by his uncle, the Hon. James Erskine of

Grange. From the period of passing the bill of attainder, the earldom remained under its influence, till the period of its reversal, through the gracious and special recommendation of His Majesty George IV., by Parliament, 17th June 1824, in favour of John Francis Erskine, Esq., grandson of James, the brother of the last earl. His Lordship was born in 1741; married, in 1770, to Frances, only daughter to Charles Floyer, Esq., governor of Madras, by whom he had issue—with others, John Thomas, fourteenth earl, who married, in 1795, Janet, daughter of Patrick Miller, Esq. of Dalswinton, and by her (who died 25th Aug. 1825) had issue.

ERSKINE, JOHN FRANCIS MILLER, Earl of Mar and Kellie, 1457 Baron Erskine and Garioch and Earl of Mar, 1603 Baron of Dirlton, 1606 Viscount Fenton, 1619 Earl of Kellie (Premier Viscount of Scotland); born 1795; succeeded his father as Earl of Mar in 1828, and Methuen Erskine, tenth Earl of Kellie, in 1829; married, 1827, Philadelphia, daughter of Sir C. G. Stuart Menteath, Bart., who died in 1853. His Lordship's father died in 1828, and left issue—the present Earl; Lady Frances Jenima, married, 1830, William James Goodeve, Esq. of Clifton, and has issue—John Francis, heir-presumptive of the earldom of Mar, and several daughters; Lady Jane Janetta, married, 1830, Edward Wilmot Chetwode, Esq. of Woodbrook, and has issue. The heir-presumptive of the earldom of Kellie is Walter Coningsby, grandson of John Francis, fourteenth Earl of Mar.

ERSKINE, THE FAMILY OF—*Kellie Branch*.—The Hon. Sir Alexander Erskine of Gogar, fourth son of John, fourth Lord Erskine, and brother of John, Earl of Mar, Regent of Scotland, was born about the year 1521. On the death of the Regent in 1572, Sir Alexander was intrusted with the custody of King James VI., and the keeping of the Castle of Stirling, where His Majesty resided; and he executed that important charge with honour and integrity. When the Earl of Mar seized on the Castle of Stirling in April 1578, he turned his uncle out of that fortress, and became master of the King's person. Sir Alexander Erskine was afterwards constituted governor of the Castle of Edinburgh; sworn a privy councillor, and was appointed vice-chamberlain of Scotland in 1580. Sir James Melville characterises him as "a gallant well-natured gentleman, loved and honoured by all for his good qualities and greater discretion, no way factious or envious, a lover of all honest men, and desired ever to see men of good conversation about the Prince rather than his own friends, if he found them not so meet." He married, first, Margaret, only daughter of George, fourth Lord Holme, by whom he had three sons and three daughters; and secondly, he married Magdalen, daughter of Alexander, fifth Lord Livingston. Sir Alexander Erskine was succeeded by Sir

Thomas Erskine of Gogar, his eldest surviving son, who was born in 1566—the same year with King James VI.; and was brought up and educated with His Majesty from his childhood, and came thereby to have a great share of the royal favour. The King bestowed on him many marks of his special esteem, and appointed him one of the gentlemen of his bed-chamber in 1585. Sir Thomas had the good fortune to be one of the happy instruments in the rescue of the King from the treasonable attempt of the Earl of Gowrie, and his brother, Alexander Rothen, at Perth on the 5th August 1600, having with his own hand killed the latter. For this signal service he had the third part of the lordship of Dirleton conferred on him by charter, dated 15th November 1600. In that charter he is designed eldest lawful son of the deceased Alexander Erskine, Master of Mar. He accompanied the Duke of Lennox in his embassy to France in July 1601. Attending King James VI. into England in 1603, he was the same year constituted captain of the Yeomen of the Guard, in room of Sir Walter Raleigh, and held that command till 1632. He was created Viscount of Fenton, being the first raised to that degree of nobility in Scotland, by patent, dated 18th May 1606, to him, and the heirs male of his body, whom failing, to his heirs male whatsoever. He had charters granted to him of the following lands, baronies, and others, viz. :—of Kycroft, which formerly belonged to the friars preachers of Stirling, dated 27th June 1606; of a third part of Dirleton, Halyburton, and Lambden, united into the barony of Fentonbarns, dated 15th November 1610; of the barony of Kellie, dated 13th July 1613; of the lands which belonged to the priory of Restennoth, united into the barony of Restennoth, dated 10th March 1614; of the lordship of Pittenweem, dated 6th July 1615; of the lands of Elbotie, Kingstoun, &c., 6th August 1616; and of the barony of Fententour and Dirleton, dated 9th July 1618. Sir Thomas was advanced to the dignity of Earl of Kellie, to him and his heirs male bearing the name of Erskine, by patent, dated 12th March 1619. He was invested with the Order of the Garter; and dying at London, 12th June 1639, in the seventy-third year of his age, was buried at Pittenweem. He was succeeded as second Earl of Kellie by his grandson, Thomas, in June 1639. His Lordship took part with the King against the Covenanters in 1642, and died unmarried on 3d February 1643. Alexander, the third Earl, was served heir to his brother Thomas, above-mentioned, on 18th April 1643. He was a steady loyalist, and was colonel of foot for the counties of Fife and Kinross in the “engagement” to attempt the rescue of King Charles I. in 1648. At the Restoration his lordship accompanied His Majesty King Charles II. on his expedition into England; was taken prisoner at the battle of Worcester in 1651, and sent to the Tower

of London, from which it appears he was allowed to go to the Continent. Passing over Alexander, the fourth earl, we come to Alexander, the fifth earl. Like his fathers, he was attached to the race of the Stuarts; and having been concerned in the affair of '45, he was included in the Act of Attainder, 1746. He surrendered himself, however, to the Lord Justice-Clerk at Edinburgh on the 11th July 1746, and was committed prisoner to the castle of that city. No bill of indictment being preferred against him, his lordship presented a petition to the Court of Justiciary on the 8th August 1749, praying to be brought to trial within sixty days, or to be set at liberty. The latter alternative was adopted, and he was accordingly liberated on 11th October 1749, after a confinement of more than three years, and died at Kellie Castle on 3d April 1756. Thomas Alexander, sixth earl, succeeded his father, Alexander above noticed, in 1756, and died at Brussels in 1781, in the fiftieth year of his age, unmarried. Colin Erskine, a cadet of the Cambo branch of this noble house, went abroad at an early age to study the art of painting at Rome, where he married a lady of distinction, and had a son, Charles Erskine, born at Rome on the 13th February 1753. Charles was patronised by Prince Charles Edward, and by his influence admitted on the foundation of the Scottish College at Rome. He was placed under the Abbate Salo, the first lawyer in that city, for the study of law. Erskine drew up a memorial in a case of impotency in Latin in a style so truly classical, and with such delicacy of expression, that it attracted the notice and approbation of Pope Pius VI., who rewarded the author by conferring on him the office of Promotore Della Fide, jocularly called the *Avvocato de Diavolo*, it being the province of that officer to oppugn on the part of the devil the claims of the saints to canonization. If he can detect the least flaw in their titles to the calendar they cannot be passed, and so expert was Erskine that not a single saint was admitted the whole time he was “Devil’s Advocate.” Charles Erskine was sent to England by the Pope in 1792 on a delicate diplomatic mission, that of the emancipation of the Roman Catholics, but was not recognised by ministers in a public capacity, though he was presented at court as a private gentleman. During this visit he came to Cambo, and a mass of correspondence is in existence in Fife which might probably be turned to good account, for the Cardinal’s life, though little known, was replete with incident, and eventful with change. His portrait is placed in Cambo House. He was raised to the dignity of Cardinal Deacon in 1801 by Pius VI., on whose expulsion from Rome he was sent a prisoner to France, and compelled to reside at Paris. King George III. was pleased to bestow on him a pension of £200 a-year, and he died at Paris on the 19th March 1811, in the fifty-ninth year of his age. He was a delightful companion, a



Scottish patriot, an excellent man, and a sincere Christian.

ERSKINE, Sir GEORGE, of Innertiel, third son of Sir Alexander Erskine of Gogar, and brother of the first Earl of Kellie, was educated by Buchanan, along with King James VI. He was, on the 15th March 1617, admitted an ordinary Lord of Session, in room of Sir James Wemyss of Bogie. He was in 1621 appointed a commissioner for regulating the tax roll of the shire of Kincardine. He refused the Covenant in 1638. On the 13th November 1641 an Act of Parliament was passed declaring that the judges of the Court of Session should in future hold their places *ad vitam aut culpam*. Sir George was the first judge named in the new commission. He died on the 2d July 1646, when Sir Alexander Gibson of Dury was admitted to his place. According to Lord Hailes, he drew up some decisions of the Court while he sat on the bench, but no trace of these has been discovered.

ERSKINE, THOMAS ALEXANDER, sixth Earl of Kellie, an eminent musical genius, eldest son of Alexander, fifth earl, by his second wife, Janet, daughter of Dr Archibald Pitcairn, the celebrated physician and poet, was born on the 1st September 1732, and succeeded his father in 1756. He possessed a considerable share of wit and humour, with abilities that would have distinguished him in any public employment; but he devoted himself almost exclusively to musical science, in which he attained an uncommon degree of proficiency. During his residence at Mannheim he studied composition with the elder Stamitz, and "practised the violin with such serious application," says Dr Burney in his History of Music, "that, at his return to England, there was no part of theoretical or practical music in which he was not equally well versed with the greatest professors of his time. Indeed, he had a strength of hand on the violin, and a genius for composition, with which few professors are gifted." Unfortunately, however, led away by the pernicious fashion of the times, he became more assiduous in the service of Bacchus than of Apollo, and his almost constant intemperance and dissipation tended seriously to impair his constitution. Robertson of Dalmeny, in his "Enquiry into the Fine Arts," styles the Earl of Kellie the greatest secular musician in his line in Britain. "In his works," he says, "the *fervidum ingenium* of his country bursts forth, and elegance is mingled with fire. His harmonies are acknowledged to be accurate and ingenious, admirably calculated for the effect in view, and discovering a thorough knowledge of music. From some specimens, it appears that his talents were not confined to a single style, which has made his admirers regret that he did not apply himself to a greater variety of subjects. He is said to have composed only one song, but that an excellent one. What appears singularly

peculiar in this musician is what may be called the velocity of his talents, by which he composed whole pieces of the most excellent music in one night. Part of his works are still unpublished, and not a little is probably lost. Being always remarkably fond of a concert of wind instruments, whenever he met with a good band of them, he was seized with a fit of composition, and wrote pieces in the moment, which he gave away to the performers, and never saw again; and these, in his own judgment, were the best he ever composed." His Lordship died at Brussels, unmarried, 9th October 1781, in the fiftieth year of his age.

ERSKINE, ARCHIBALD, seventh Earl of Kellie, was born at Kellie Castle, in the county of Fife, on the 22d April 1736. He was the second son of Alexander, fifth Earl, by Janet, second daughter of the well-known Dr Pitcairn, physician in Edinburgh—(See the Family of Erskine). The subject of this memoir was educated in all the ancient principles which characterised the race from which he had sprung. He was taught to consider the British constitution as the most perfect system of civil polity that the world has ever seen; the prerogatives of the Crown as not less essential to it than the most boasted privileges of Parliament; and loyalty to the sovereign as a virtue of high rank. With a mind on which these sentiments were deeply impressed, he entered at an early period of life into the army; but though he continued in it for twenty-six years, he never obtained a higher commission than that of major. For such very slow promotion it is not easy to account. By those who served with him in the only considerable action in which he was ever engaged, his behaviour is said to have been that of a cool and intrepid soldier; by none who knew him will he be supposed to have been other than scrupulously attentive to his duty, and without valuing himself on that superficial knowledge in tactics which renders the conversation of some officers so unpleasant, he was certainly well acquainted with the common evolutions of the army, and had read more on the art of war than many men of meaner birth, who have in a shorter period risen to the rank of general. His monarchical and high church notions, supposed, perhaps, to spring from the known attachment of the family to the house of Stuart, may have retarded his promotion, so long as to speak contemptuously of that house was deemed the surest test of loyalty to the reigning sovereign; but to all who had the happiness of Major Erskine's acquaintance, it must indeed be matter of surprise that, after these illiberal prejudices were banished from the public mind, he was not rapidly raised to that rank to which by his long service he was so well entitled. Although no man could be more feelingly alive to this treatment than he was, it never lessened his dutiful and affectionate attachment to his sovereign, or tempted him for a moment to enlist himself under the banners

of any of those factions which disturbed the Government during George III.'s reign. He had not in his youth learned—nor in his manhood could he be persuaded by all the arguments of public oratory, that “the power of the Crown has increased, is increasing, and ought to be diminished.” But, neglected as he was by the Court, he maintained through life that, in a mixed Government like ours, the constitutional prerogatives of the Crown form the surest bulwark to the liberties of the subject. When, by the death of his elder brother in 1781, he succeeded to the titles of his ancestors, and to the wreck of their fortune, he very justly thought that it became his dignity to relinquish a profession in which he had met with so little encouragement; and he soon afterwards disposed of his commission. For more than a century past, the affluence of the Earls of Kellie has not been equal to their rank, and it must here be added that the sixth Earl found himself under the necessity of selling the estate, which gave him his highest title, and which, during all the vicissitudes of their fortune, had hitherto remained in the possession of the family. To gratify some of his relations, he reserved indeed the castle and a few enclosed fields about it; but these were comparatively of so little importance that none but a man nobly attached to the inheritance of his fathers would have thought of retiring from the world in the prime of life to employ his time and his taste in improving their beauty and increasing their value. Such a man was the subject of this memoir. Archibald, Earl of Kellie, as soon as he had quitted the army, resided for the greater part of the year at the Castle, which, without absurdly attempting to modernise its Gothic grandeur, or to change the form of its ancient decorations, he converted into an elegant and commodious house, every way suitable to the dignity of its owner. Nor was his taste less successfully employed in embellishing his small domain than in adorning his mansion. At his accession, though agricultural improvements had for some time been making a rapid progress through Scotland, the lands of Kellie exhibited to the eye of the spectator the same unadorned prospect, varied only by pasturage and corn fields, which they must have exhibited half a century before; but in the compass of a very few years they were, under his management, made to assume the appearance of a garden. While his Lordship was thus embellishing what remained of his paternal estate at an expense which might have been supposed to exhaust almost the whole of his income, he was enabled by the most judicious economy to support the ancient hospitality of his house. Delicate, perhaps fastidious, in the choice of his companions, he was not indeed encumbered by crowds of visitors, but those who were admitted to his table experienced at Kellie Castle that kind of entertainment which cultivated minds wish to receive from men of rank; they were sure to enjoy, if

they were capable of such enjoyment, “the feast of reason and the flow of soul.” The Earl of Kellie’s time, however, was not to be wholly devoted to rural amusements. Being chosen one of the sixteen representatives of the Scotch Peerage in the Parliament which met at Westminster on the 25th November 1790, he had an opportunity of displaying the worth of his character in a station more important than he had ever before filled; and he did not disappoint the expectations of his friends. He was not indeed fitted, either by nature or by early habits, to make a figure as an orator, nor would his good sense permit him to attempt what he was conscious he could not properly perform, and what, when performed in the most brilliant manner, he considered, perhaps justly, as of no great importance; but he paid unwearied attention to the business which came before the House, and such observations as he made on the different questions on which he was to vote were always to the purpose. As a legislator, he acted upon the same monarchical and high church principles which he had uniformly professed as a private man, and, of course, he supported the measures of the Crown against the systematical opposition of what he deemed a faction. Attached, however, as he was to the monarchical branch of the constitution, he was by no means regardless of the rights of the subject. Of his attention to them he gave some very convincing proofs by the active part which he took in procuring liberty of conscience to two bodies of men, who even in this free country, and towards the end of the eighteenth century, were liable to be legally prosecuted for worshipping God after the manner of their fathers. From the era of the Revolution, when Episcopacy ceased to be in Scotland the form of church government supported by the State, penal laws had at different times been enacted to prevent the bad consequences of the attachment, whether real or supposed, of the Scotch Episcopalians to the abdicated family of Stuart; and two of these laws, passed in 1746 and 1748, were of such a nature, that even in those days of party prejudice and political rancour, they were deemed injudiciously severe by enlightened men of all descriptions. The avowed object of them was to eradicate disaffection to the Government; but their obvious tendency was to force from the communion of the Episcopal Church every man of rank and opulence; though it might have been clearly foreseen, that of these very few would, by compulsion, be made to unite themselves with the Establishment. “To be of no church is dangerous. Religion, of which the rewards are distant, and which is animated only by faith and hope, will glide by degrees out of the mind, unless it be invigorated and reimpresed by external ordinances, by stated calls to worship, and by the salutary influence of example.” The truth of this observation was fully verified in the Scotch Episcopalians. Excluded from

their own chapels, and prevented, by pride perhaps, as well as by principle, from frequenting the churches to which the hand of power seemed inclined to drive them, the religious impressions of their youth gradually vanished from their minds; and they were exposed, unarmed, to the shafts of infidelity. The Earl of Kellie, whose principles were untainted by the fashionable philosophy of the times, being himself a member of the Scotch Episcopal Church, had long regretted the restraints which were laid upon her worship; and to his unwearied exertions it was chiefly owing that in 1792 those restraints were removed by an Act of Parliament. In serving the cause of Episcopacy in Scotland his Lordship was indeed serving himself; but he was soon furnished with an opportunity of showing that he could act with equal energy from motives less interested. The penal laws which oppressed the Scotch Roman Catholics, as they were a still greater disgrace to the statute-book than those which had so lately been in force against the Protestant Episcopalians, every man of a liberal mind had long wished to see repealed; but when it was proposed in 1778 to repeal some of the severest of them, such commotions were excited in Scotland as frightened those who then guided the helm of the State from carrying into effect their humane intention. Men's minds, however, became gradually more enlightened, and when the measure was resumed by the Administration, such relief was granted to the Romanists in Scotland, as, whether it entirely satisfied them or not, was highly grateful to the head of their Church. This appears from different medals, letters, and other testimonies of gratitude, which, for his active endeavours to procure their emancipation, the Earl of Kellie had the honour to receive, as well from the Sovereign Pontiff as from other Italian ecclesiastics of very high rank. It can therefore excite no wonder that his Lordship valued himself more for his exertions in behalf of the Scotch Episcopalians and Scotch Roman Catholics than for any other action which he had ever performed. This valuable life was now drawing towards a conclusion. Temperance had hitherto exempted him from almost every disease; but in July 1795 he exhibited some alarming symptoms. These, however, yielded to the powers of medicine; and his friends flattered themselves with the hopes of long enjoying the pleasure of his lordship's society; but their hopes were quickly blasted. The former symptoms soon returned with such aggravation as too surely evinced that his sufferings were occasioned by hydrothorax—a disease against which the skill of the physician is commonly exerted in vain. It was so exerted in the case of his lordship, who, after lingering long under this severe distress, died on the 8th of May 1797. Of his general character the reader must already have formed some opinion. Inflexible integrity, a high sense of honour, and an unshaken belief in the Christian religion,

directed every important transaction of his life; and although, in the large circle of his acquaintance, there were doubtless many who did not regard him with the fondness of friendship, it is perhaps not too much to say, that Archibald, Earl of Kellie, had not a single enemy. Without pretending to great erudition himself, he loved learning and learned men; but he abhorred the character of a modern philosopher. Such philosophers indeed as Newton, and Boyle, and Berkely, and Johnson, he revered as the ornaments of human nature; but he could not speak without indignation of those who were daily pretending to enlighten the world with their discoveries in politics, in morals, and in religion. "I have heard (said he, when on his death-bed) many infidel-arguments in conversation, and I have read some books expressly written against the authenticity and inspiration of the sacred Scriptures; but I thank God that the most impartial inquiry which I have been able to make into the truth of religion has confirmed my faith; for, without that faith, how comfortless should I now be." It was indeed that faith which, under very severe sufferings, so completely supported him that, during the long course of nine months, he never uttered a complaint which would have disgraced a primitive martyr. His lordship's monarchical principles have been already mentioned, as well as the attachment of his family to the house of Stuart. He was himself attached to that house, but not to such a degree as to give reason to call in question his allegiance to the family on the throne. His was the attachment of gratitude, and not the weak prejudice of Jacobitism, of which the following anecdote may be given as an instance:—In 1788, he received from a club or society in Edinburgh a letter, requesting him to contribute to the expense of a monument to be erected to the honour of King William, and to perpetuate the memory of what he did, at the Revolution, for the religion and liberty of these nations. His lordship, having read the letter, threw it from him with great indignation. "It would appear (said he to a friend) that these patriotic gentlemen do not consider gratitude as a virtue, or they could not have thought of making such a request to me. The revolution of 1688 has indeed been productive of many happy consequences, and on account of them I rejoice that it took place; but no good man can approve of the motives which influenced the conduct of King William on that occasion; and surely no man of the name of Erskine, whatever may be his opinion of the last James, will contribute anything to show thus publicly that he rejoices in the downfall of an ancient house, by which his own family was raised above the common rank of their fellow-citizens." His lordship's private virtues were of the most amiable kind. He was a dutiful son, an affectionate brother, a steady friend, an obliging neighbour, and to his servants a kind and indulgent master. He

professed a quick discernment of whatever was wrong or ridiculous; and in small parties, consisting of men whose principles he approved, he was not unwilling to expose it, for there his conversation was easy, and his humour was exquisite; whilst in mixed companies, and even before a single stranger, he generally preserved a dignified silence. By those to whom he was not intimately known this silence was thought to proceed from the pride of birth; but it was in truth the offspring of taste and diffidence—of taste which viewed an ideal perfection to which diffidence would hardly permit him to aspire. That he had a due value for noble birth, is indeed known to all who knew him; but, as he valued it only for the reason which has been already mentioned, he was so far from thinking that it could atone for the want of personal worth, that no man more heartily assented to the maxim of the Grecian chief—"Nam genus et pro avos et quæ non fecimus ipsi, vix ea nostra voco."

ERSKINE, THOMAS, Earl of Kellie, was born in 1745. He succeeded his nephew, Charles, eighth Earl of Kellie, on the 28th October 1799. In 1775, Thomas was appointed his Britannic Majesty's Consul at Gottenburg, Marstrand, and other ports on the western coast of Sweden. He was elected one of the sixteen representatives of the Scotch peerage on the 14th November 1804, on the vacancy occasioned by the decease of the Marquis of Tweeddale; and was again chosen at the general election in 1807. His lordship, in addition to his inheritance of Kellie Castle and Cambo House estates, made extensive purchases of land in the East of Fife. The *London Gazette*, of 12th July 1808, notified that the King had been pleased to give and grant unto the Right Hon. Thomas, Earl of Kellie, his royal license and permission to accept and wear the ensigns of a Knight Commander of the Royal Order of Vasa, conferred upon him by His Majesty Gustavus Adolphus IV., king of Sweden, and to order that this, His Majesty's (King George III.'s) concession, be recorded in the College of Arms. Methven Erskine of Ardrie succeeded his brother, Earl Thomas, in the earldom, and at his death the title merged into that of Mar, but it is understood that these earldoms will be again disjoined, and the titles and honours of Mar and Kellie be inherited by two distinct noblemen. Sir Thomas Erskine of Cambo, Bart., the present proprietor, is the great-grandson of Earl Thomas, and great-grandnephew of Earl Methven, both of whose estates he inherits.

ERSKINE, Sir THOMAS, of Cambo, Bart., was born on the 23d July 1824, and succeeded his father as second baronet. He was the son of Sir David Erskine of Cambo, Bart., who was born on 16th February 1792; married, 27th August 1821, Jane Silence, daughter and heiress of the Rev. Hugh Williams of Conway; and died at Cambo in 1841. Sir Thomas is married,

and has issue. He is Lieutenant-Colonel of the Fife Rifle Volunteers, is a resident proprietor and useful country gentleman, and discharges all his public duties in a faithful and efficient manner, to the satisfaction of all classes.

ERSKINE, The Hon. HENRY, third son of Henry David, Earl of Buchan, was born at Edinburgh on 1st November 1746. His health being originally delicate, the early part of his education was of a domestic nature; a tutor, possessing considerable talents, having been for some time resident under the paternal roof, who superintended the studies, not only of Henry, but also of his brother, who was ennobled in England, and became Lord High Chancellor of Great Britain. After the domestic education alluded to, the Earl of Buchan removed with his family to St Andrews, and resided there for several years, for the purpose of his sons pursuing their classical and philosophical studies at that celebrated university, which has been long famous for producing distinguished men; and in respect of such residence the present memoir appears in this work. As his patrimonial fortune was not large, a profession became necessary for Henry; and the bar and the army presenting the only two avenues to fortune usually trod by the sons of great families in Scotland, he was early destined for the law, while his younger brother, Thomas, at first adopted the sword, and latterly the gown. Henry Erskine was called to the bar at the age of twenty; possessed of polished manners, an imagination warm and ardent, with a ripe and precocious judgment. At an early age he had cultivated the Muses, and refined both his language and his mind by poetry. These all operated in a certain degree to render him conspicuous, and to enable him to introduce some degree of grace and purity into his pleadings—rare ornaments at that time. Another arena for the display of his talents was not long in presenting itself—namely, the General Assembly of the Church of Scotland. This, it is well known, is a representative body, in which both clergy and laity appear annually, by deputies from their respective synods and presbyteries, at Edinburgh; and it has been termed "the best theatre for deliberative eloquence to be found in Scotland." It was here, indeed, that the indefatigable Viscount Melville, who left no moment of his life unoccupied, first prepared himself for the more profitable contentions of the senate. Here, also, Henry Erskine, no longer trammelled by technical niceties, exhibited the first specimens of his oratory. As he possessed a deep sense of religion even in his juvenile years, and was zealously attached, from conviction as well as education, to the Presbyterian faith, he always maintained and asserted the superior excellence of this system, both with respect to its tenets and its discipline. Such sentiments, coupled with a due consideration of his talents and lineage, rendered him respectable in no common de-

gree in the eyes of his colleagues ; and, as a natural consequence, he was always listened to with the greatest deference and attention. Meanwhile, his practice increased apace, and his abilities soon made him sought after. Besides, as he always distinguished himself when he undertook to rescue innocence from persecution—to vindicate the cause of the oppressed—or to support the claims of the friendless tenant against the encroachments or injustice of his landlord—he soon became a very popular advocate. Nor was his opinion as a lawyer neglected ; for no one could give a readier answer to a case, or unravel an intricate knot with superior acuteness and precision. The period had now arrived—that is, when he considered his independence secured—when Mr Erskine thought it proper to become a married man. His first wife was Christina, the only daughter of George Fullarton, Esq., collector of the customs at Leith ; and by this lady he had three daughters—Elizabeth Frances, who died young, Elizabeth Crompton, afterwards Mrs Callender, and Henrietta, afterwards Mrs Smith ; together with two sons—Henry and George. Although the lady, who was an heiress, brought him a handsome fortune, yet this circumstance did not tend to relax his industry ; but, on the contrary, the sight of an increasing family contributed not a little to increase his assiduity, and render him, if possible, even more careful and attentive than before. We have already contemplated Mr Erskine in the character of a lawyer ; but it still remains for us to consider him as a politician. George Buchanan, the preceptor of James VI., in his famous tract, “ De Jure Regni apud Scotos,” affects to consider his native country as a republic ; and he lays down rules, in the first place, for checking any small deviation on the side of arbitrary power, and, in the next, for punishing any gross assumption on the part of the executive. Notwithstanding this, it is evident from history that the kings of Scotland, in the exercise of the prerogative, were for many ages omnipotent, both in Parliament and the inferior courts. In the reign of Charles II., however, the oppressions of the Duke of Lauderdale and others were so notorious, even in matters of conscience, that a sullen and settled opposition took place, and a love of civil and religious liberty, which had first evinced itself in the time of Mary, and was fostered by the masculine and audacious spirit of the great Scotch Reformer, burst out at the Revolution, in the southern counties, when William III. assumed the throne of both kingdoms. It has even been said that the word *Whig* (*Whiggan*) is indebted for its origin to the Covenanters in the west of Scotland ; but the principle made but little progress in the northern parts of the United Kingdom, until the battle of Culloden, in 1745, put an end to all the hopes and pretensions of the house of Stuart. Mr Henry Erskine, like his elder brother, was a Whig, and that, too, at a period when it was scarcely possi-

ble to avow it with impunity. The members of this distinguished family, however, boldly asserted their right to freedom of thought and discussion ; and openly stigmatized the American war as hostile, both in its origin and progress, to the constitution. At the conclusion of that contest, the merits of the subject of this memoir were not forgotten, as indeed it would have been impossible to have overlooked them ; for he was now, if not the very first at the Scottish bar, at least in the foremost rank ; and, in short, almost the only constitutional lawyer of any distinguished talents there. Accordingly, when Lord North (afterwards Earl of Guildford) was reluctantly driven from power, and the Rockingham administration came into place, the office of Lord Advocate of Scotland, a post far more important than that of Attorney-General in England, was conferred upon Mr Henry Erskine. This occurred in 1802, after which he was immediately nominated a member of Parliament. But his opportunities of supporting the new administration were few, on account of its own ephemeral existence. On its retreat, he was immediately stripped of his official dignity, without the slightest ceremony, and his place was instantly supplied by a new candidate for office, whose principles were, doubtless, more pliant, as well as more conformable to the wishes of the minister. Twelve years retention of power on the part of Mr Pitt precluded all hope of re-instatement or advancement on the part of a man who always exhibited an unvarying uniformity of his principles. One honourable and independent station, however, became the object of his laudable ambition ; it was indeed unaccompanied by any emoluments whatsoever, but, on the other hand, it had been occupied and adorned by the greatest and most distinguished practitioners at the Scottish bar. This was the office of Dean of the Faculty of Advocates, to which all the members are entitled to elect, and which was now obtained by Mr Erskine in a manner honourable to both parties. Yet even this distinction was at length envied the possessor ; and, as if to mortify both himself and his party, an active canvas took place, when a new candidate presented himself, and a majority of this great judicial corporation, influenced by the open smiles of power, seemed to be now as eager to depose, as they before had been anxious to appoint him. In 1806, when Mr Fox again returned to office, overwhelmed by disease rather than by years, Mr Thomas Erskine was nominated Lord Chancellor, and his brother Henry once more became Lord Advocate. On this occasion he was returned member for the burghs of Dumfries, Kirkcudbright, Sanquhar, Annan, and Lochmaben, in the last session of the second Imperial Parliament, which met January 21, 1806, in the room of Major Dalrymple, who, to make way for him, had accepted of the Chiltern Hundreds. On the dissolution,

which soon after ensued, he was re-elected without opposition. This, however, like the former Whig administration, at the close of the American war, was not suffered to remain long in power, and on its termination Mr Henry Erskine found his seat in Parliament supplied at the next dissolution by Sir J. H. Maxwell, Bart. It was thus, that although twice Lord Advocate, he did not continue in office above two years and a half, during the course of a long life, and had accordingly a glimpse rather than a full possession of power. It can never be said, however, that he abused his high station by any undue exertion of power, or disgraced himself by an equivocal assumption of prerogative. The claims of this great officer of state have long been happily obsolete. In remote times he exercised a degree of authority utterly incompatible with a free government; and even within the memory of the last generation, a parliamentary inquiry disclosed such a flagrant act of injustice in a remote county, that the shield of power even could not shelter the perpetrator from the reproach he merited. At length Mr Erskine's constitution began to give way by the pressure of disease; and his good sense wisely prompted him to withdraw from the bar. This occurred in 1812, and the five remaining years of his life were burdened by maladies of various kinds. At this time he occasionally had recourse to travel, and went to England, where he resided for some time. At other periods he frequented the watering and sea-bathing places, but without finding relief. Medical aid having also proved unavailing, his amiable wife (the second, whom, as Mrs Turnbull, he had married, after the death of his first, in 1804) and family were reluctantly forced to despair of his recovery. Their fears proved but too true, for he died at his country seat in West Lothian, on the 8th October 1817, when he had nearly completed the seventy-first year of his age. In his person, Mr Henry Erskine was tall and graceful; in height he surpassed both his brothers, and in the first bloom of youth was considered handsome in no common degree. Although a man of great gaiety, his habits were, fortunately both for himself and family, of a domestic nature. Even in the early part of his life he was temperate, and in the latter, abstemious. It has been observed of men of wit in general that they delight and fascinate everywhere but at home; yet he, at home, was ever most pleasant, and although he denied to himself the enjoyment of all expensive pleasures, yet, so far as his means extended, he was ever indulgent to those around him. Mr Erskine was always addicted to a country life. He talked of cultivating his lands at Ammondell with delight, and when in London had been heard to indulge in the rapturous hope of returning to gather in his harvest. Accordingly, when he withdrew from practice, he spent the greater part of his life in this rural retreat. He had constructed a beautiful little villa, and created

the scenery around it in strict conformity to his own taste; and in employments such as these passed the remainder of his life. He was fond of wit, and enjoyed a good joke better than most men; nay, he would not disdain even a pun, either in prose or verse. No one exhibited, either in his person or practice, a greater portion of the social affections; and such was the happy texture of his temper, and the indescribable buoyancy of his spirits, that disease itself could neither subdue the constancy of his mind, nor entirely deprive him of that playful gaiety for which he was so eminently distinguished. It is no small proof of the general respect in which the memory of this amiable gentleman was held, that his virtues and talents were, within a few months after his death, commemorated by several persons of distinction. The following observations have been attributed to Mr (afterwards Lord) Jeffrey, of Edinburgh, a man of letters of no small repute:—"In his long and splendid career at the bar, Mr Erskine was distinguished, not only by the peculiar brilliancy of his wit, and the gracefulness, ease, and vivacity of his eloquence, but by the still rarer power of keeping those seductive qualities in perfect subordination to his judgment. By their assistance, he could not only make the most repulsive subjects agreeable, but the most abstruse easy and intelligible. In his profession, indeed, all his wit was argument, and each of his delightful illustrations a material step in his reasoning. To himself it seemed always as if they were recommended rather for their use than for their beauty. And unquestionably they often enabled him to state a fine argument or a nice distinction." The following tribute is from the pen of another friend:—"The character of Mr Erskine's eloquence bore a strong resemblance to that of his noble brother (Lord Erskine), but being much less diffuse, it was better calculated to leave a forcible impression; he had the art of concentrating his ideas, and presenting them at once in so luminous and irresistible a form, as to render his hearers masters of the view he took of his subject; which, however dry or complex in its nature, never failed to become entertaining and instructive in his hands; for, to professional knowledge of the highest order, he united a most extensive acquaintance with history, literature, and science, and a thorough conversancy with human life, and moral and political philosophy. The writer of this article has witnessed with pleasure and astonishment the widely different emotions excited by the amazing powers of his oratory; fervid and affecting in the extreme, when the occasion called for it, and no less powerful, in opposite circumstances, by the potency of wit, and the brilliancy of comic humour which constantly excited shouts of laughter throughout the precincts of the court, the mirthful glee even extending to the erminent sages, who found too much amusement in the scene to check the fascinating author of it. He assisted the great

powers of his understanding by an indefatigable industry, not commonly annexed to extraordinary genius; he kept his mind open for the admission of knowledge, by the most unaffected modesty of deportment. The harmony of his periods, and the accuracy of his expressions, in his most unpremeditated speeches, were not among the least of his oratorical accomplishments. In the most rapid of his flights, when his tongue could scarce keep pace with his thoughts, he never failed to seize the choicest words in the treasury of our language. The apt, beautiful, and varied images which constantly decorated his judicial addresses, suggested themselves instantaneously, and appeared, like the soldiers of Cadmus, in complete armour and array, to support the cause of their creator, the most remarkable feature of whose eloquence was, that it never made him swerve by one hairbreadth from the minuter details fitting his purpose; for, with matchless skill, he rendered the most dazzling oratory subservient to the uses of consummate *special pleading*, so that his prudence and sagacity as an advocate were as decisive as his speeches were splendid. Mr Erskine's attainments, as we have before observed, were not confined to mere acquaintance with his professional duties; he was an elegant classical scholar and an able mathematician; and he also possessed many minor qualifications in great perfection. His knowledge of music was correct, and his execution on the violoncello was most pleasing. In all the various relations of private life, Mr Erskine's character was truly estimable, and the just appreciation of his virtues extended far beyond the circle of his own family and friends; and it is a well-authenticated fact, that a writer (or attorney) in a distant part of Scotland, representing to an oppressed and needy tacksman, who had applied to him for advice, the futility of entering into a lawsuit with a wealthy neighbour, having himself no means of defending his cause, received for answer—'Ye dinna ken what ye say, maister, there's nae a pair man in Scotland need to want a friend or fear an enemy while Harry Erskine lives.' How much honour does this simple sentence convey to the generous and benevolent object of it! He had, indeed, a claim to the affection and respect of all who were within the knowledge of his extraordinary talents, and more uncommon virtues. With a mind that was superior to fear and incapable of corruption, regulated by un-deviating principles of integrity and uniformity, elevated in adversity as in prosperity, neither subdued by pleasure into effeminacy, nor sunk into dejection by distress—in no situation of his life was he ashamed or afraid of discharging his duty, but constant to the God whom he worshipped, he evinced his confidence in the faith he professed by his actions: to his friends he was *faithful*, to his enemies *generous*, ever ready to sacrifice his little private interests and pleasures to what he conceived to be the public wel-

fare, or to the domestic felicity of those around him. In the words of an eloquent writer, he was a man to choose for a *superior*, to trust as a *friend*, and to love as a *brother*; the ardency of his efforts to promote the happiness of his fellow-creatures, was a prominent feature in his character; his very faults had their origin in the excessive confidence of too liberal a spirit, the uncircumscribed beneficence of too warm a heart. It has been remarked of a distinguished actor that he was less to be envied whilst receiving the meed of universal applause than at the head of his own table; the observation may justly be applied to Mr Erskine. In no sphere was the lustre of his talents more conspicuous, while the unaffected grace and suavity of his manners, the benevolent smile that illumined his intelligent countenance in the exercise of the hospitalities of the social board, rendered, indeed, a meeting at his house 'a feast of reason and a flow of soul.' In person, Mr Erskine was above the middle size, well proportioned but slender; his features were all *character*, and mostly strikingly expressive of the rare qualities of his *mind*. In early life his carriage was remarkably graceful—dignified and impressive as occasion required it; in manner he was gentle, playful, and unassuming, and so persuasive was his address that he never failed to attract attention, and by the spell of irresistible fascination to fix and enchain it. His voice was powerful and melodious, his enunciation uncommonly accurate and distinct, and there was a peculiar *grace* in his utterance which enhanced the value of all he said, and engraved the remembrance of it indelibly on the minds of his hearers. For many years of his life Mr Erskine had been the victim of ill health, but the native sweetness of his temper remained unclouded, and during the painfully protracted sufferings of his last illness the language of complaint was never heard to escape his lips, nor the shadow of discontent seen to cloud his countenance. Nothing in his life became him like the leaving of it; he looked patiently forward to the termination of his painful existence, and received with mild complacency the intelligence of his danger, while the ease and happiness of those whose felicity through life had been his primary consideration were never absent from his thoughts." It is difficult to contemplate such a character as Mr Erskine's without feeling that were there many Erskines one should learn to think better of mankind. The general voice placed him, while living, high among the illustrious characters of his age. May the humble memorial the writer is now giving the public preserve his name unblemished by misrepresentation till some more equal pen shall hand it down to posterity as a bright example of what great usefulness extraordinary talents may prove to society, when under the direction of sound judgment, incorruptible integrity, and enlarged philanthropy. It is not a little singular, that it

is doubtful whether a good portrait of Mr Henry Erskine actually exists.

ERSKINE, THOMAS, Lord Erskine, was the youngest son of David Henry, tenth Earl of Buchan. He was born in the year 1750. He resided with his father and his family at St Andrews while receiving his education at the Grammar School, and afterwards at the University of that city. At a very early age he had imbibed a strong predilection for a naval life; and the limited means of his family rendering an early adoption of some profession necessary, he was allowed to enter the service as a midshipman, under Sir John Lindsay, nephew to the celebrated Earl of Mansfield. Young Erskine embarked at Leith, and did not put foot again on his native soil for many years. He never, it is believed, held the commission of lieutenant, although he acted for some time in that capacity by the special appointment of his captain, whose kindness in this instance ultimately led to his eleve's abandoning the service altogether, when required to resume the inferior station of a midshipman. After a service of four years he quitted the navy, and entered the army, as an ensign in the Royals or 1st Regiment of Foot, in 1768. In 1770 he married an amiable and accomplished woman, and shortly afterwards went with his regiment to Minorca, where he spent three years. While in the army, he acquired great reputation for the versatility and acuteness of his conversational powers. Boswell, who met with the young officer in a mixed company in London, mentions the pleasure which Dr Johnson condescended to express on hearing him—an approbation which assures us that the young Scotchman's colloquial talents were of no ordinary kind, and possessed something more than mere brilliancy or fluency even at that early period of his life. It was the knowledge of these qualities of mind which induced his mother to urge him to devote the great energies of his mind to the study of the law and jurisprudence of his country. Her advice, seconded by the counsel of a few judicious friends, was adopted, and in his twenty-seventh year Thomas Erskine renounced the glittering profession of arms for the graver studies of law. He entered as a fellow-commoner of Trinity College, Cambridge, in the year 1777, merely to obtain a degree to which he was entitled as the son of a nobleman, and thereby shorten his passage to the bar; and at the same time he inserted his name in the books of Lincoln's Inn as a student-at-law. In order to acquire that knowledge of the technical part of his profession without which a barrister finds himself hampered at every step, Mr Erskine became a pupil of Mr (afterwards Judge) Buller, then an eminent special pleader, and discharged his laborious and servile avocation at the desk with all the persevering industry of a common attorney's clerk. Upon the promotion of his preceptor to the bench, he entered into the

office of Mr (afterwards Baron) Wood, where he continued for some months after he had obtained considerable business at the bar. Mr Erskine having completed the probationary period allotted for his attendance in the Inns of Court, was called to the bar in 1778, and in the very outset of his legal career, while yet of only one term's standing, made a most brilliant display of professional talent in the case of Captain Baillie, against whom the Attorney-General had moved for leave to file a criminal information in the Court of King's Bench, for a libel on the Earl of Sandwich. In the course of this, his first speech, Mr Erskine displayed the same undaunted spirit which marked his whole career. He attacked the noble Earl in a strain of severe invective. Lord Mansfield, observing the young counsel heated with his subject, and growing personal on the first Lord of the Admiralty, told him, "that Lord Sandwich was not before the Court." "I know," replied the undaunted orator, "that he is not formally before the Court, but for that very reason I will bring him before the Court. He has placed there men in the front of the battle, in hopes to escape under their shelter; but I will not join in battle with them. *Their* vices, though screwed up to the highest pitch of human depravity, are not of dignity enough to vindicate the combat with *me*; I will drag *him* to light, who is the dark mover behind this scene of iniquity. I assert that the Earl of Sandwich has but one road to escape out of this business without pollution and disgrace, and that is by publicly disavowing the acts of the prosecutors, and restoring Captain Baillie to his command." Mr Erskine's next speech was for Mr Carnan, a bookseller, at the bar of the House of Commons, against the monopoly of the two Universities in printing almanacks. Lord North, then Prime Minister and Chancellor of Oxford, had introduced a bill into the House of Commons for re-vesting the Universities in their monopoly, which had fallen to the ground by certain judgments which Carnan had obtained in the courts of law. The opposition to the Premier's measure was considered all but hopeless. But, to the honour of the House, the bill was rejected by a majority of 45 votes. Not long after having gained this triumph, Mr Erskine made a most splendid appearance for the man of the people, Lord George Gordon, at the Old Bailey. This great speech, and the acquittal which it secured to the object of it, have been pronounced, by a competent judge, the death-blow of the tremendous doctrine of constructive treason. The monster, indeed, manifested symptoms of returning life at an after period; but we shall see with what noble indignation its extirpator launched a second irresistible shaft at the reviving reptile. Lord George's impeachment arose out of the following circumstances:—Sir George Savile had introduced a bill into Parliament for the relief of the



Roman Catholics of England from some of the penalties they were subject to by the test laws. The good effects of this measure were immediately felt, and in the very next session it was proposed to extend the operation of similar measures to Scotland. This produced many popular tumults in Scotland, particularly in Edinburgh, where the mob destroyed some Popish chapels, and produced a reaction of feeling in that country also. A number of Protestant societies were formed in both parts of the kingdom for the purpose of obtaining the repeal of Saville's act, as a measure fraught with danger to the constitution both of Church and State. In November 1779, Lord George Gordon, the younger brother of the Duke of Gordon, and at that time a member of the House of Commons, became President of the Associated Protestants of London; and, on the memorable 2d of June 1780, while proceeding to present a petition against concession to Roman Catholics, signed by 44,000 Protestants, was attended by a mob so numerous, and who conducted themselves so outrageously, as for a moment to extinguish all police and government in the city of London. For this indignity offered to the person of royalty itself, Lord George and several others were committed to the Tower. Upon his trial, Mr Erskine delivered a speech, less remarkable perhaps for dazzling eloquence, than for the clear texture of the whole argument maintained in it. A singularly daring passage occurs in this speech, which the feeling of the moment alone could prompt the orator to utter. After reciting a variety of circumstances in Lord George Gordon's conduct which tended to prove that the idea of resorting to absolute force and compulsion by armed violence was never once contemplated by the prisoner, he breaks out with this extraordinary exclamation—"I say, by God, that man is a ruffian who shall, after this, presume to build upon such honest, artless conduct as an evidence of guilt." But for the sympathy which the orator must have felt to exist at the moment between himself and his audience, this singular effort must have been fatal to the cause it was designed to support; as it was, however, the sensation produced by these words, and the look, voice, gesture, and whole manner of the speaker, were tremendous. The result is well known; but it may not be equally well known that Dr Johnson himself, notwithstanding his hostility to the test law, was highly gratified by the verdict which was obtained. "I am glad," said he, "that Lord George Gordon has escaped, rather than a precedent should be established of hanging a man for constructive treason." In 1783 Mr Erskine received the honour of a silk gown, His Majesty's letter of precedence being conferred upon him at the suggestion of the venerable Lord Mansfield. In the same year Mr Erskine was elected Member of Parliament for Portsmouth. The defence of John Stockdale, who was

tried for publishing a libel against the Commons' House of Parliament, has been pronounced the first in oratorical talent, and is certainly not the last in importance, of Mr Erskine's speeches. This trial may be termed the case of libels; and the doctrine maintained and expounded in it, by Mr Erskine, is the foundation of that liberty which the press enjoys in this country. When the House of Commons ordered the impeachment of Warren Hastings, the articles were drawn up by Mr Burke, who infused into them all that fervour of thought and expression which ever characterised his compositions. The articles so prepared, instead of being confined to the records of the House until they were carried up to the Lords for trial, were printed and allowed to be sold in every bookseller's shop in the kingdom, before the accused was placed upon his trial; and, undoubtedly, from the style and manner of their composition, made a deep and general impression upon the public mind against Mr Hastings. To repel or neutralise the effect of the publication of the charges, Mr Logan, one of the ministers of Leith, wrote a pamphlet, which Stockdale published, containing several severe and unguarded reflections upon the conduct of the managers of the impeachments, which the House of Commons deemed highly contemptuous and libellous. The publisher was accordingly tried on an information filed by the Attorney-General. In the speech delivered by Mr Erskine upon this occasion, the very highest efforts of the orator and the rhetorician were united to all the coolness and precision of the *nisi prius* lawyer. It was this rare faculty of combining the highest genius with the minutest attention to whatever might put his case in the safest position, which rendered Mr Erskine the most consummate advocate of the age. To estimate the mightiness of that effort by which he defeated his powerful antagonists in this case, we must remember the imposing circumstances of Mr Hastings' trial—the "terrible, unceasing, exhaustless artillery of warm zeal, matchless vigour of understanding, consuming and devouring eloquence, united with the highest dignity," to use the orator's own language, which was then daily pouring forth upon the man in whose defence Logan had written and Stockdale published. It was amidst the blaze of passion and prejudice that Mr Erskine extorted that verdict, which rescued his client from the punishment which a whole people seemed interested in awarding against the reviller of its collective majesty. And, be it remembered, that, in defending Stockdale, the advocate by no means identified his cause with a defence of Hastings. He did not attempt to palliate the enormities of the Governor-General's administration; he avowed that he was neither his counsel, nor desired to have anything to do with his innocence or guilt; although in the collateral defence of his client he was driven to state matters which might be considered by many

as hostile to the impeachment. Our gifted countryman never perverted his transcendent abilities by devoting them to screen villany from justice, or to the support of any cause which he did not conscientiously approve. In 1807 Mr Erskine was elevated to the Peerage, by the title of Lord Erskine of Restormal Castle, in Cornwall, and accepted of the seals as Lord High Chancellor of England, but resigned them on the dissolution of the short-lived Administration of that period, and retired upon a pension of £4000 per annum. After that time to the period of his death, his lordship steadily devoted himself to his duties in Parliament, and never ceased to support, in his high station, those measures and principles which he had advocated in his younger years. His death was produced by an inflammation of the chest, with which he was seized while on the voyage betwixt London and Edinburgh. He was landed at Scarborough, and proceeded to Scotland by short stages, but died, on the 17th of Nov. 1823, at Amundell House, in the seventy-third year of his age.

ERSKINE, EBENEZER, the founder of the Secession Church in Scotland, second son of the Rev. Heury Erskine, was born at the village of Dryburgh, Berwickshire, June 22, 1680. Some accounts say his birth-place was the prison of the Bass, but this is evidently erroneous. After passing through a regular course of study at the University of Edinburgh, where, in 1697, he took his degree of M.A., he became tutor and chaplain in the family of the Earl of Rothes. He was licensed to preach by the Presbytery of Kirkcaldy in February 1703, and in the succeeding September was ordained minister of Portmoak, Kinross-shire. Exemplary in the discharge of his ministerial duties, and devoted to his people, he soon became popular amongst them. In the various religious contests of the period he took an active part, particularly in the famous Marrow Controversy, in which he came forward prominently in defence of the doctrines, which had been condemned by the General Assembly, contained in the work entitled "The Marrow of Modern Divinity." He revised and corrected the representation and petition presented to the Assembly on the subject, May 11, 1721, which was originally composed by Mr Boston; and drew up the original draft of the answers to the twelve queries put to the twelve brethren; along with whom he was, for their participation in this matter, solemnly rebuked and admonished by the Moderator. In the cases, too, of Mr Simpson, Professor of Divinity at Glasgow, and Mr Campbell, Professor of Church History at St Andrews, who, though both proved to have taught heretical and unscriptural doctrines, were very leniently dealt with by the Assembly, as well as on the question of patronage, he distinguished himself by his opposition to the proceedings of the Church Judicatories.

In 1731 Mr Erskine accepted of a call to Stirling, and, in September of that year, was settled as one of the ministers of that town. Having always opposed patronage, as contrary to the standards of the Church, and as a violation of the Treaty of Union, he was one of those who remonstrated against the Act of Assembly of 1732 regarding vacant parishes. As Moderator of the Synod of Perth and Stirling, he opened their meeting at Perth, on October 10th of that year, with a sermon from Psalms cxviii., 24, in which he expressed himself with great freedom against several recent acts of the Assembly, and particularly against the rigorous enforcement of the law of patronage, and boldly asserted and vindicated the right of the people to the election of their minister. Several members of Synod immediately complained of the sermon, and on the motion of Mr Mercer of Aberdalgie, a committee was appointed to report as to some "unbecoming and offensive expressions," alleged to have been used by the preacher on the occasion. Having heard Mr Erskine in reply to the charges contained in the report of the committee, the Synod, after a keen debate of three days, by a majority of not more than six, "found that he was censurable for some indecorous expressions in his sermon, tending to disquiet the peace of the Church," and appointed him to be rebuked and admonished. From this decision twelve ministers and two elders dissented. Mr Erskine, on his part, protested and appealed to the next Assembly. To his protest, Messrs William Wilson of Perth, Alexander Moncrieff of Abernethy, and James Fisher of Kinclaven, ministers, adhered. The Assembly, which met in May 1733, refused to hear the reasons of protest, but took up the cause as it stood between Mr Erskine and the Synod; and, after hearing parties, "found the expressions vented by him, and contained in the minutes of Synod, and his answers thereto, to be offensive, and to tend to disturb the peace and good order of the Church; and therefore approved of the proceedings of the Synod, and appointed him to be rebuked and admonished by the Moderator at their bar, in order to terminate the process." Against this decision Mr Erskine lodged a protest, vindicating his claim to the liberty of testifying against the corruptions and defections of the Church upon all proper occasions. To this claim and protestation the three ministers above named adhered, and along with Mr Erskine withdrew from the court. On citation they appeared next day, when a committee was appointed to confer with them; but, adhering to their protest, the farther proceedings were remitted to the Commission, which met in the ensuing August, when Mr Erskine and the three ministers were suspended from the exercise of their office, and cited to appear again before the Commission in November. At this meeting the four brethren were, by the casting vote of the

Moderator, "deposed from the office of the holy ministry." In the subsequent December, the four ejected ministers met together at the Bridge of Gairney, near Kinross, and after prayer and pious conference, constituted themselves into a Presbytery, and thus originated the Secession Church in Scotland. The General Assembly of 1734, acting in a conciliatory spirit, rescinded several of the more obnoxious acts, and authorised the Synod of Perth to restore the four brethren to communion, and to their respective charges, which was done accordingly by the Synod at its next meeting, on the 2d July. The seceding ministers, however, refused to accept the boon, and published their reasons for this refusal. On forming themselves into the "Associate Presbytery," they had published a "Testimony to the Doctrine, Worship, and Discipline of the Church of Scotland." In December 1736 they published a second testimony, in which they condemned what they considered the leading defections of both Church and State since 1650. In February 1737, Mr Ralph Erskine, minister of Dunfermline, brother to Ebenezer, and Mr Thomas Mair, minister of Orwell, joined the Associate Presbytery, and soon after two other ministers also acceded to it. In the Assembly of 1739 the eight brethren were cited to appear, when they gave in a paper called "The Declination," in which they denied the Assembly's authority over them, or any of their members, and declared that the church judicatories "were not lawful nor right constituted courts of Jesus Christ." In the Assembly of 1740 they were all formally deposed from the office of the ministry. In that year, a meeting-house was built for Mr Erskine by his hearers at Stirling, where he continued to officiate to a very numerous congregation till his death. Being chosen Professor of Divinity to the United Associate Synod, he held that office for a short time, and resigned it on account of his health in 1749. He died June 2, 1754, aged seventy-four. He had been twice married; first, in 1704, to Alison Turpie, daughter of a writer in Leven, by whom he had ten children, and who died in 1720; and secondly, in 1724, to Mary, daughter of the Rev. James Webster, minister of the Tolbooth Church, Edinburgh, by whom he also had several children. Four volumes of his sermons were printed at Glasgow in 1762, and a fifth at Edinburgh in 1765. A new Secession Church, in South Portland Street, Glasgow, bears the name of "Erskine Church," in memory of Ebenezer Erskine and his brother Ralph. The principles for which the fathers of the Secession contended being now held by a majority in the National Establishment, several congregations of Seceders in Scotland, who have adhered to their original standards, have recently returned into the bosom of the church.

ERSKINE, JOHN, an eminent lawyer, son-in-law of the Hon. James Melville of

Balgarvie, Fifeshire, of the noble family of Leven and Melville, was born in 1695. He became a member of the Faculty of Advocates in 1719; and in 1737, on the death of Professor Bayne, succeeded him as Professor of Scots Law in the University of Edinburgh. His abilities and reputation as a lecturer soon attracted numerous young men to his class. In 1754 he published his "Principles of the Law of Scotland," which thenceforth became a manual for students. In 1765 he resigned the professorship, and retired from public life, occupying the next three years chiefly in preparing for publication his "Institute of the Law of Scotland," which, however, did not appear till 1773, five years after his death. The Institute continues to be regarded as the standard book of reference in the courts of law of Scotland. Mr Erskine died March 1, 1768, at Cardross, the estate of his grandfather.

ERSKINE, Rev. Dr JOHN, was born on the 2d June 1721. He was the eldest son of John Erskine of Carnock, the celebrated author of the "Institutes of the Law of Scotland." His mother was Margaret, daughter of the Hon. James Melville of Balgarvie, of the noble family of Leven and Melville. He received the rudiments of his classical education, assisted by a private tutor, at the school of Cupar, in Fife, and at the High School of Edinburgh, and entered the University there in the winter of 1734-5. Being originally destined for the bar, he attended some of the law classes, but his inclination leading him to prefer the study of theology, he was, in 1743, licensed to preach by the Presbytery of Dunblane. In 1741, before he was twenty years of age, Mr Erskine had written and published anonymously a pamphlet entitled "The Law of Nature sufficiently propagated to the Heathen World," or an "Enquiry into the ability of the Heathens to discover the Being of a God, and the Immortality of Human Souls," being intended as an answer to the erroneous doctrines maintained by Dr Campbell, then Professor of Divinity at St Andrews, in his treatise on the "Necessity of Revelation." Having sent a copy of this pamphlet to Dr Warburton and Dr Doddridge, they both expressed their high approval of it in a correspondence which it was the means of opening up between them. In May 1744, Mr Erskine was ordained minister of Kirkintilloch, in the Presbytery of Glasgow, where he remained until the year 1753, when he was presented to the parish of Culross, in the Presbytery of Dunfermline. In June 1758 he was translated to the New Greyfriars, one of the churches of Edinburgh. In November 1766, the University of Glasgow conferred on him the honorary degree of Doctor of Divinity, and in July 1767 he was promoted to the collegiate charge of Old Greyfriars, where he had for his colleague Dr Robertson. In the different parishes in which Dr Erskine had ministered, he had enjoyed the esteem and affection of his parishioners. They

were proud of him for his piety, learning, and rank; they were delighted and improved by his public and private instructions, and they deeply lamented his removal when called from them to undertake the more important charges to which his merit successively promoted him. His attention to the duties of the pastoral office was most exemplary, and his benevolent consolation and advice, which were at the service of all who required them, secured him the respect and affection of his flock, who long remembered him with feelings of the warmest gratitude. No man ever had a keener relish for the pleasures of conversation, but in these he considered that he ought not to indulge, conceiving his time and talents to be entirely the property of his parishioners. At college he had made great attainments in classical learning, and through life he retained a fondness for the cultivation of literature and philosophy. He refrained, however, from their pursuit, restricting himself in a great measure to the discharge of his important religious duties. But though literature was not allowed to engross a large share of his attention, still, by much exertion, and by economising his time, he was enabled to maintain a perfect acquaintance with the progress of the arts and sciences. About the time when Dr Erskine obtained his license, a remarkable concern for religion had been exhibited in the British Colonies of North America. In order to obtain the earliest and most authentic religious intelligence from these provinces, he commenced a correspondence with those chiefly concerned in bringing about this change. Nor was this correspondence confined to America; he also opened a communication with several divines of the most distinguished piety on the Continent of Europe. This intercourse he assiduously cultivated and carried on during the whole of his life. One of the objects professed by the promoters of those revolutionary principles which, toward the close of the last century, threatened the subversion of social order in Europe, was the destruction of all Christian Church establishments, and an association was actually formed on the Continent for this purpose. Dr Erskine, however, having, in the course of his researches into the state of religion, discovered the existence of this association, gave the alarm to his countrymen, and Professor Robinson and the Abbé Barruil soon after investigated its rise and progress, and unfolded its dangers. The patriotic exertions of these good men were crowned with success. Many of those who had been imposed upon by the specious arguments then in vogue were recalled to a sense of reason and duty; and even the multitude were awakened to a sense of the impending danger, when the true character of the religion and morality of those political regenerators were disclosed and illustrated by the practical commentary which the state of France afforded. The consideration that

he had assisted to save his country from the horrors to which the French nation had been subjected was one of the most gratifying reflections which solaced Dr Erskine on looking back on his laborious and well-spent life. In the General Assembly of the Church of Scotland he was for many years the leader of the popular party. There the openness and integrity of his character secured him the confidence and affection of his friends, and the esteem and respect of his opponents. The friendship which subsisted between him and Principal Robertson, the leader of the Moderate party, has been objected to by some of his more rigid admirers as displaying too great a degree of liberality; a fact strongly illustrative of the rancour which existed in former times among church parties. The courtesy which marked Dr Erskine's conduct to Principal Robertson throughout their lives, and the candour which led him to bear testimony to the high talents and many estimable qualities of the historian in the funeral sermon which he preached on the death of that great man, did equal honour to Dr Erskine's head and his heart. The following anecdote has been told of one rupture of the friendship which had subsisted in early life between Principal Robertson and Dr Erskine:—Mr Whitefield, who was sent by the English Methodists as a missionary into Scotland, at first formed a connection with the Seceders, the body which had left the Established Church; but when he refused to confine his ministrations to them, they declared enmity against him, and his character became a controversial topic. Mr Erskine appears to have been a great admirer of the character of this celebrated preacher. It unfortunately happened that at the time when the friends and enemies of Mr Whitefield were keenly engaged in discussing his merits, the question as to his character and usefulness was made the subject of debate in a literary society which Robertson and Erskine had formed. Conflicting opinions were expressed, and the debate was conducted with so much zeal and asperity that it occasioned not only the dissolution of the society, but also a temporary interruption of the private friendship and intercourse which subsisted between Erskine and Robertson. There is another anecdote of these two great men which tells more favourably for Dr Erskine's moderation and command of temper, and at the same time shows the influence which he had acquired over the Edinburgh mob. During the disturbances in Edinburgh in the years 1778-9, occasioned by the celebrated bill proposed at that time to be introduced into Parliament for the repeal of the penal statutes against the Roman Catholics in Scotland, the populace of Edinburgh assembled in the College Court with the intention of demolishing the house of Principal Robertson, who had taken an active part in advocating the abolition of these penal laws, and there seems to be little doubt that the mob would have

carried their threats into execution in defiance of the military, had not Dr Erskine appeared, and by his presence and exhortations dispersed them. Dr Erskine's opinions both in Church and State politics will be best understood from the following short account of the part which he took on several of the important discussions which divided the country during his life. In the year 1769, on the occasion of the breach with America, he entered into a controversy, and published more than one pamphlet deprecating the contest. He was an enemy to the new constitution given to Canada, by which he considered the Roman Catholic religion to be rather too much favoured. In 1778, when the attempt was made to repeal certain of the penal enactments against the Roman Catholics of Great Britain, he signified his apprehension of the consequences, in a correspondence between him and Mr Burke, which was published; and finally, we have already seen that he took an active and prominent part in support of constitutional principles when threatened by the French Revolution. In his temper Dr Erskine was ardent and benevolent, his affections were warm, his attachments lasting, and his piety constant and most sincere; he was remarkable for the simplicity of his manners, and for that genuine humility which is frequently the concomitant and brightest ornament of high talents. In his beneficence, which was great, but unostentatious, he religiously observed the Scripture precept in the distribution of his charity, and in the performance of his many good and friendly offices. We cannot close this short sketch of Dr Erskine more appropriately than in the graphic words of our great novelist, who, in his "Guy Mannering," has presented us, as it were, with a living picture of this eminent divine. "The colleague of Dr Robertson ascended the pulpit. His external appearance was not prepossessing; a remarkably fair complexion strangely contrasted with a black wig, without a grain of powder; a narrow chest and a stooping posture; hands which, placed like props on either side of the pulpit, seemed necessary rather to support the person than to assist the gesticulation of the preacher; no gown, not even that of Geneva, a tumbled band, and a gesture which seemed scarcely voluntary, were the first circumstances which struck a stranger. 'The preacher seems a very ungainly person,' whispered Mannering to his friend. 'Never fear, he is the son of an excellent Scotch lawyer; he'll show blood, I'll warrant him.' The learned counsellor predicted truly. A lecture was delivered fraught with new, striking, and entertaining views of Scripture history; a sermon in which the Calvinism of the Kirk of Scotland was ably supported, yet made the basis of a sound system of practical morals, which should neither shelter the sinner under the cloak of speculative faith, or of peculiarity of opinion, nor leave him loose to the waves of unbelief and schism. Something there

was of an antiquated turn of argument and metaphor, but it only served to give zest and peculiarity to the style of elocution. The sermon was not read—a scrap of paper containing the heads of his discourse was occasionally referred to, and the enunciation, which at first seemed imperfect and embarrassed, became, as the preacher warmed in his progress, animated and distinct; and although the discourse could not be quoted as a correct specimen of pulpit eloquence, yet Mannering had seldom heard so much learning, metaphysical acuteness, and energy of argument brought into the service of Christianity. 'Such,' he said, going out of the church, 'must have been the preachers to whose unfearing minds and acute, though sometimes rudely exercised talents, we owe the reformation.' 'And yet that rev. gentleman, whom I love for his father's sake and his own, has nothing of this sour or pharisaical pride which has been imputed to some of the early fathers of the Calvinistic Kirk of Scotland. His colleague and he differ, and head different parties in the Kirk about particular points of church discipline, but without for a moment losing personal regard or respect for each other, or suffering malignity to interfere in an opposition, steady, constant, and conscientious on both sides.'" Having attained to the eighty-second year of his age, Dr Erskine was suddenly struck with a mortal disease, and died at his house in Lauriston Lane, Edinburgh, on the 19th of January 1803, after a few hours' illness. He had been from his youth of a feeble constitution, and for many years previous to his death his appearance had been that of one in the last stage of existence; and during many winters he had been unable to perform his sacred duties with regularity. Before he was entirely incapacitated for public duty, his voice had become too weak to be distinctly heard by his congregation. Still, however, the vivacity of his look and the energy of his manner bespoke the warmth of his heart and the vigour of his mind. His mental faculties remained unimpaired to the last, and unaffected by his bodily decay, his memory was as good, his judgment as sound, his imagination as lively, and his inclination for study as strong as during his most vigorous years, and to the last he was actively engaged in those pursuits which had formed the business and pleasure of his life. Dr Erskine was an active popular preacher and leader, and voluminous writer, and the titles of his books and pamphlets would fill a considerable space.

## F.

FAIRFOUL, The Right Reverend ANDREW, was the son of the Rev. John Fairfoul, minister of the town of Anstruther Wester; and had first been chaplain to the Earl of Rothes; next, minister at North Leith; and afterwards