

SCOTLAND AND SCOTSMEN

IN

THE EIGHTEENTH CENTURY

FROM THE MSS. OF

JOHN RAMSAY, ESQ. OF OCHTERTYRE

EDITED BY

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IN TWO VOLUMES

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CONTENTS OF THE FIRST VOLUME.

CHAP.	PAGE
INTRODUCTION,	vii
I. THE REVIVAL OF LETTERS IN SCOTLAND, .	1
II. THE JUDGES,	40
III. LORD KAMES,	179
IV. CHURCH AND UNIVERSITIES BEFORE 1745, .	219
V. MEN OF GENIUS AND TASTE FROM 1745 TO 1763,	308
VI. PROFESSORS AND CLERGYMEN, 1745-1760, .	460



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INTRODUCTION.

THE Ochtertyre Manuscripts, from which the present work has been compiled, are comprised in ten bulky volumes, written during the last quarter of the eighteenth century, with occasional additions made until within a year or two of Mr Ramsay's (the author's) death in 1814. Mr Ramsay had made very extensive notes of his reading, recollections, and personal experiences, and had endeavoured to group them together under distinct heads. His own division of his manuscript is as follows :—

Language, Literature, and Biography (of Scotland).

3 vols.

Religion and Church Polity, and of their Influence on Society and the State. 2 vols.

Government, Clanship, and Law. 1 vol.

Prospects of Private Life. 3 vols.

Tracts on Forestry, Female Education, Superstitions, &c. 1 vol.

When it seemed desirable to those who were acquainted with the Ochtertyre MSS. that a work upon which so much care and pains had been expended should be made available to the present generation, the form of publication had to be considered. The bulk of the MSS. put the printing of them as a whole out of the question. Several of the volumes, moreover, overlapped one another; as, for instance, subjects which are treated of under 'Language, Literature, and Biography' are dealt with in the same language in the 'Prospects of Private Life,' and sections of the 'Prospects' are again repeated in the volume on 'Government, Clanship, and Law.' In these volumes also there are many chapters that are mere digests of Mr Ramsay's reading, often accompanied with intelligent views and valuable comments, but of less importance than the records of his own experiences and observations; and, in addition to these considerations, a certain amount of prolixity and discursiveness in Mr Ramsay's style pointed to the propriety of a compilation from his MSS. rather than to the publication of them in their entirety.

In adopting the former course two difficulties had to be encountered. Mr Ramsay evidently desired his MSS., if published at all, to appear exactly as he had written them, although he apparently attaches a more particular value to some portions of his work than to

others. Secondly, he left a stringent prohibition against any attempt to alter or modify his statements and views.¹ In compiling the present work the Editor kept these facts steadily before him, and while extracting from the MSS. such sections as it seemed to him the author himself laid most stress upon, the Editor has not in any way altered the language or even the spelling of the original. The design of the Ramsay MSS. was to present to posterity a picture of his country at the period of which he was a contemporary, and of the persons with whom he had been brought directly or indirectly into contact—in short, to afford a sketch of ‘Scotland and Scotsmen in the Eighteenth Century,’ as the Editor has ventured to entitle the present work.

Engrossed in literary recreations and in the management of his property, the life of John Ramsay of Ochtertyre offers few features of interest, and until the publication of the present work he has only been remembered as the friend of Sir Walter Scott and as a patron of Burns. He was born in Edinburgh on the 26th August 1736, the son of a Writer to the Signet, whose family had acquired the estate of Ochtertyre, in the parish of Kincardine-in-Menteith, near Stirling,

¹ Such a prohibition, often accompanied by a malediction upon its infringement, was very common among Scotsmen of Mr Ramsay’s day, who committed their views and recollections to paper.

in 1591. The property descended from father to son in regular succession until John Ramsay, at his death, bequeathed it to his cousin-german, James Dundas, whose grandson is the present proprietor. In 1749 he was sent to Dalkeith school, to which the abilities of Mr Barclay, its master, had at that time attracted a number of boarders. Mr Ramsay describes him as one of the first schoolmasters in Scotland who sought to rule his pupils by moral discipline rather than by corporal punishment. "He seldom whipped," he says, "but when in a passion, substituting different degrees of shame according to the offence,—viz., setting them on the floor with their breeches down; making them crawl round the school, which he called licking the dust; or putting them naked to bed in a play afternoon, and carrying off their clothes. This method soon rendered him exceedingly popular, both with parents and children, and contributed not a little to the flourishing of his school. He was indeed showy, and carried on the boys fast by means of translations, which were then in high request. His manners were very kind and pleasing, but he chiefly excelled in a sort of intuition into the character and genius of boys, in which he was seldom mistaken. His mode of punishing trespassers proved, however, more beneficial to himself than to his pupils. Ere long shame, which had at first wrought wonders, lost

its terrors and became matter of ridicule to the wilder lads, some of whom took a comfortable nap on a play afternoon."

In spite of the assistance of translations, Mr Ramsay became a good classic. He attended classes in the University of Edinburgh, afterwards studied law in his father's office, and passed as an advocate. His father's death while he was still under age left him in possession of the estate of Ochtertyre, and enabled him to gratify tastes which were evidently alien to the active and bustling life of the law courts. In 1760 he settled down at Ochtertyre and devoted himself to the duties of his property, farming a portion of his own land. His experiences as a landlord are recorded in one of the chapters that have been selected from his manuscript. In case it may be imagined that he takes a somewhat complacent view of his own success, it should be mentioned that his enlightened efforts for the improvement of his estate and the welfare of his tenantry are fully testified to by contemporary records. The vicinity of Ochtertyre to Blair Drummond brought Mr Ramsay into great intimacy with Lord Kames, and made him to some extent a partaker in schemes for improvements which were far in advance of the ideas of the most of the Scottish landlords of the day. He was one of the first to endeavour to give a

practical application to the principles of scientific forestry. He also set an early example of the reclamation of moss lands, which was largely followed by other Menteith proprietors. As a landlord and an agriculturist his views seem to have been greatly in advance of his contemporaries, without partaking of the speculations in which his more visionary neighbour, Lord Kames, was wont to indulge, and which Mr Ramsay sometimes treats with genial ridicule. His character as a landlord is well summed up by the writer in the 'Statistical Account of Scotland': "He was very indulgent to his tenants, was a kind friend, an intelligent country gentleman, and was highly esteemed by all classes of the community."

Both by education and connections Mr Ramsay was possessed of advantages enjoyed by few Scottish lairds of the same acreage. He was connected with the Dundas family, then the ruling power in Edinburgh, his mother having been a daughter of Ralph Dundas of Manour, near Stirling, and a niece of Bishop Burnet. A sister of Mrs Ramsay was married to George Abercromby of Tullibody, and became the mother of Sir Ralph Abercromby. The *salons* and literary clubs of Edinburgh were thus open to him at the time when the influences of English letters were stirring up a new culture in Scotland, and laying the

foundations of the Modern Athens. In London, too, to which he paid several visits—the first in 1758—he was fortunate enough to enjoy the acquaintance of Andrew Drummond, the banker, whose intimacy with Walpole opened up to him the inner circles of Whig society. But Mr Ramsay's tastes were rural and retired, and though a shrewd and dispassionate observer and a close critic, he seemed always to have been glad to return to his books and his tenants, his plans of improvements, and his studies of the social changes that were going on around him. In politics he was a Whig, but a decided enemy of faction, and free from the rancorous spirit that then embittered Scottish politics. He had seen the last struggle for the Stuarts in 1745-46; but though a friend to King George and the Protestant succession, his manuscripts are full of sympathy for the gentlemen who had ruined themselves by their loyalty to a hopeless cause. In religion he was a Presbyterian of a type very rare in his day, and he might with little difficulty have passed for a Broad Churchman of the present generation. Narrow and sectarian feelings meet with his emphatic condemnation, and he records with pain the commencement of sceptical opinions in Scotland and the toleration they met with in society. To us, in the present day of all the "isms," there is a quaintness, almost amusing, in the language which he uses while speak-

ing of the lively apprehensions caused by a few contemporary doubters.

In Mr Ramsay's time, Stirling was the centre of a little literary circle of which he may be said to have been the chief. There was Dr Gleig, the Bishop of Brechin, an able and industrious worker for the 'British Critic' and the first edition of the 'Encyclopædia Britannica,' who was sometimes wont to have recourse to the assistance of Mr Ramsay's MSS. ; Dr Doig, the Rector of the Grammar School,¹ a philologist of great repute, and the orthodox antagonist of Lord Kames ; Dr Graham Moir, of Leckie, a frequent visitor, and a man of high and varied accomplishments ; and Lord Kames himself, whose controversy with Dr Doig warmed into a ripe friendship. And there were others of less note who afforded congenial society to the Laird of Ochtertyre, and who encouraged him in his literary pursuits. To these Mr Ramsay's MSS. were well known and often read ; but with their death they fell into oblivion for more than half a century, until Commander Dundas, R.N., his present representative, encouraged by the hope that they would now be of interest, resolved to publish them.

In the autumn of 1787, Burns, fresh from the recog-

¹ Mr Ramsay raised a mural tablet to his memory with a Latin inscription of his own composition.

nition of the Edinburgh *literati*, visited Mr Ramsay at Ochertyre, and was received with great hospitality and kindness. Mr Ramsay's tastes had been formed on strictly classical models, and he gave Burns the somewhat doubtful advice to cultivate the drama on the model of the "Gentle Shepherd," and to write "Scottish Eclogues." "But," says Mr Ramsay, "to have executed either plan, steadiness and abstraction from company were wanting." He, however, was more impressed with the force of Burns's genius than any of the distinguished critics the poet had met in Edinburgh, the young Walter Scott, perhaps, alone excepted. "I have been in the company of many men of genius," Mr Ramsay writes, "some of them poets; but I never witnessed such flashes of intellectual brightness as from him—the impulse of the moment, sparks of celestial fire; I never was more delighted, therefore, than with his company, two days, *tête-à-tête*. In a mixed company I should have made little of him; for, to use a gamester's phrase, he did not always know when to play off and when to play on. When I asked him whether the Edinburgh *literati* had mended his poems by their criticisms—'See,' said he, 'those gentlemen remind me of some spinsters in my own country, who spin their thread so fine that it is neither fit for weft nor woof.'" In October of the same year, Mr Ramsay wrote a long

letter to Burns, in which, among other topics, he gives him the following earnest advice: "If some intellectual pursuit be well chosen and steadily pursued, it will be more lucrative than most farms in this age of rapid improvement. Upon this subject, as your well-wisher and admirer, permit me to go a step further. Let those bright talents which the Almighty has bestowed on you be henceforth employed to the noble purpose of supporting the cause of truth and virtue. An imagination so varied and forcible as yours may do this in many different modes; nor is it necessary to be always serious, which you have been to good purpose; good morals may be recommended in a comedy, or even in a song. Great allowances are due to the heat and inexperience of youth,—and few poets can boast, like Thomson, of never having written a line which, in dying, they would wish to blot. In particular, I wish you to keep clear of the thorny walks of satire, which make a man a hundred enemies for one friend, and are doubly dangerous when one is supposed to extend the slips and weaknesses of individuals to their sect and party. About modes of faith, serious and excellent men have always differed; and there are certain curious questions which may afford scope to men of metaphysical heads, but seldom mend the heart or temper. Whilst these points are beyond human ken,

it is sufficient that all our sects concur in their views of morals. You will forgive me for these hints." The references to Burns throughout the Ramsay MSS. show traces of disappointment that this sound advice was not more steadily kept in view.

The year 1793 brought to Ochtertyre Walter Scott, then recently called to the Bar, and he could scarcely have come to a better authority than Mr Ramsay on Scottish traditions and memories of the "'Forty-five." The acquaintance thus begun was continued at a distance, until Mr Ramsay's death, the year when 'Waverley' was published. A copy of the 'Ballads from Bürger' was sent to Ochtertyre in 1796, and Lockhart, in his 'Life of Scott,' prints Mr Ramsay's letter acknowledging the gift, and commending the translations. Lockhart remarks that Scott's recollections of John Ramsay of Ochtertyre had gone some way, together with those of George Constable and Clerk of Eldin, to form the character of Jonathan Oldbuck of Monkbarns. Mr Ramsay was an enthusiastic antiquary, and was the means of recovering many prehistoric and Roman remains, as well as antiquities belonging to the period of the War of Independence, in his neighbourhood. An old ash near his house was garnished with an ancient pair of *jougs*, and the collection of the Society of Antiquaries was made richer by some of his discoveries.

Of those who were acquainted with Mr Ramsay, perhaps the only one surviving is the venerable ex-Chaplain-General of the Forces, Dr G. R. Gleig, the son of the Bishop of Brechin, above alluded to, who, though now upwards of ninety years of age, still writes with the vigour of a man at his prime, and with such powers of memory as not many can boast of at even half his age. Dr Gleig has kindly furnished the Editor with the following interesting reminiscences of Mr Ramsay: "I never heard that he did much as a practising lawyer, but he took a good place among the scholars of his generation, especially among antiquaries. He certainly stood with George Constable as the model from which the character of Monkbarne is painted. When I knew him he was an old man, and having lived as he did a bachelor, he had fallen, when alone, into slovenly habits of dress. When receiving company his appointments were those of a gentleman of the old school—a coat, usually blue, with bright metal buttons, a high collar, and lace frills at the wrist. I think he wore hair-powder, but I am not quite sure, though of his carefully tied queue or pigtail I have a clear remembrance. Breeches and blue stockings, with silver buckles in his shoes, were also worn on those occasions. At other times his legs would be encased in worsted stockings, to which it appeared as

if he sometimes forgot to append garters. . . . I think of him as a man of middle stature, well made, and with an intelligent expression of countenance. The MSS. which you are preparing for the press had been his recreation for years, and he never failed to read a portion of them to every visitor whom he could prevail upon to listen. More than once, when certainly not more than twelve or fourteen years of age, I was his audience.

“ Ramsay had the credit, I don't know how justly, of having been in his youth and manhood a great admirer of the sex. When I knew him, so much of the old Adam remained with him that he used to exact a kiss from each of his young lady visitors, for which he rewarded her by a peach—his well-walled and sheltered garden being renowned for the excellence of the peaches it brought to maturity. . . . Ramsay's servant was a sort of counterpart of his master—very little younger, and with the same old-fashioned politeness of manner. His house was well kept, and his garden always in first-rate order.”

Another of Mr Ramsay's recreations was the composition of Latin inscriptions and epitaphs, with which he was ever ready to oblige his friends, alive or dead; and many of the churches and churchyards round about Stirling testify to his sometimes felicitous Latin style. His house and his favourite

spots in its grounds came in also for a share of his regard. As examples of these the following may suffice, taken from a MS. volume of Inscriptions and Epitaphs :—

FOR THE SALICTUM¹ AT OCHTERTYRE.

Written in February 1768. The first attempt at an inscription of any kind.

Salubritatis voluptatisque causa,
 Hoc salictum,
 Paludem olim infidam,
 Mihi meisque desicco et exorno.
 Hic, procul negotiis strepituque,
 Innocuis deliciis
 Silvulas inter nascentes reptandi,
 Apiumque labores suspiciendi,
 Fruniscor.
 Hic, si faxit Deus Opt. Max.
 Prope hunc fontem pellucidum,
 Cum quodam juventutis amico superstite,
 Sæpe conquiescam, senex,
 Contentus modicis, meoque lætus !
 Sin aliter—
 Ævique paululum supersit,
 Vos, silvulæ et amici, cæteraque amata
 Valete, diuque lætamini !

Translation.

To improve both air and soil,
 I drain and decorate this plantation of willows,
 Which was lately an unprofitable morass.

¹ A willow walk on the banks of the Teith, within the grounds of Ochtertyre.

Here, far from noise and strife, I love to wander,
 Now fondly marking the progress of my trees,
 Now studying the bee, its arts and manners.

Here, if it pleases Almighty God,
 May I often rest in the evening of life,
 Near that transparent fountain,
 With some surviving friend of my youth,
 Happy with a competence
 And contented with my lot !
 If vain these humble wishes—
 And life draws near a close—
 Ye trees and friends,
 And whatever else is dear,
 Farewell, and may ye ever flourish !

ABOVE THE DOOR OF MY HOUSE.

Written in 1775.

Mihi, meisque utinam contingat
 Prope Taichi marginem,
 Avito in agello,
 Bene vivere, fausteque mori !

Translation.

On the banks of Teith,
 In the small but sweet
 Inheritance of my fathers,
 May I and mine live in peace,
 And die in joyful hope !

FOR MY GARDEN.

Written in 1778.

Arbores inserendi, putandi,
 Floriferasque muniendi,

Quam placet dulcis labor!
 Pyra insitiva caeteraque poma,
 Quibus amicos munerer,
 Brevi carpere spero.
 In hortulo,
 Indorum opes animo æquare
 Sit mihi innocens ambitio!

Translation.

How pleasing the task
 To graft each fair, delicious fruit!
 To teach luxuriant trees their shapes and bounds!
 To guard betimes their tender blossoms
 From inclement blasts!
 May I soon have in profusion
 The melting pear, the downy peach,
 And other choice fruits,
 Only to share them with my friends!
 In my garden,
 While peace and sweet obscurity are mine,
 I envy not the wealth of Nabobs.

Mr Ramsay died in March 1814, and was buried in the churchyard of Kincardine. In 1803 he composed a Latin epitaph in memory of himself, and left the following characteristic "Instructions" to his trustees with regard to its being put up:—

OCHTERTYRE, 5th June 1802.

I instruct and request my trustees, within a year after my decease, to cause the Latin inscription on the other side [of the Instructions] to be inscribed on a plain slab of white marble, and, with Mr Drummond Home's consent, to be put

up on the front of the Burnbank loft, above my grave. And in case of a new church being built, I instruct my residuary legatee and her heirs, and my surviving trustees, to remove the monument to some place as near my remains as possible, where it can be seen and read. I forbid any change in the Latin, the same having had Dr Gregory's approbation. And I direct three hundred copies of it and the translation to be printed on a sheet of paper, and distributed among my friends and neighbours of high and low degree. If Mr Drummond Home be alive, I request him to take charge of the monument, which I wish simple yet elegant. None ever pleased me so much as those of a marble-cutter in the city of York, whose name I forget; but there is a number of his works in that city and the neighbourhood. I should choose the plainest and least expensive. *Valete! ut migraturus habito—oportet mori.*

JO. RAMSAY.

In the intervening years, however, he composed another, differing considerably from the first draft, and which was duly erected in the church of Kincardine. It is in the following terms:—

*Vitæ mortalis finem anticipans
 Hoc epitaphium a seipso factum
 Tumulo inscribi jussit
 Johannes Ramsay de Ochertyre.
 Suspirare agricolæ, ne gravemini!
 Erat enim vester amicus
 Qui benevolentiaë forsum erroribus
 Satis superque indulgebat.
 Equi enim pinguitudine vel senio
 Nunquam nimio labore absumebantur.*

Vetulum, servum, opificemve,
 Eorumque viduas
 Aspicerè, alloquì, fovere,
 Illi admodum placebat.
 Colonos lætos, industrios avitos
 Majori vectigali sciens prætulit.
 Juventæ sodales! At pauci superstites!
 Vobis poma, vel epistolas mittere
 Illi vero umbratili, erat pro negotiis.
 En ipse qui aliorum marmora
 Pie inscribere solebat
 Vobis e sepulchro supremum dicit vale!
 O, si dolore, morbo, morte, feliciter devictis,
 Amicitia in terris inchoata
 Fiat cælestis amor!
 Præivit—vos sequemini!
 Obiit VI non. Mart. MDCCCXIV ætat. 77.

SCOTLAND AND SCOTSMEN IN THE EIGHTEENTH CENTURY.



CHAPTER I.

THE REVIVAL OF LETTERS IN SCOTLAND.

THE revival of literary genius in Scotland, after it had lain dormant for the best part of a century, was not confined to a single department, but extended to almost every branch of science and the *belles lettres*. As it commenced at a very unpromising period, when men's minds were fretted with the dregs of a civil war; so it was not the result of any regular plan, or facilitated by the munificence of statesmen or patriots. On the contrary, it was begun and achieved by a few private men, some of whom were abundantly obscure and unacquainted with one another. It must, however, be deeply regretted, that in a matter hardly eighty years old, it should already be next to impos-

sible to trace a number of particulars respecting its rise and progress.

One would wish to know the means that were used to induce young men of parts to tread an un-beaten track, at a time when there was little prospect of any suitable reward, or even of literary fame, the hopes of which, in a learned age, have made many strain every nerve to attain to excellence. Although some materials may be collected from books and pamphlets, the most precious information would have been from the conversation of the aged, who were intimately acquainted with those that had a share in the honour and labour of that generous attempt. Had I myself undertaken this work thirty years ago, I might have had much excellent information which is now irrecoverably lost.

I think it, however, better to set down in writing what I know or have learned from others concerning my learned countrymen of the eighteenth century, than to allow it to be buried in oblivion. It will (should these papers be preserved) make the people of the next age lament that men who themselves figured in the republic of letters during that period, had not undertaken a similar task upon a more enlarged scale. Perhaps when I shall be no more, this tract may fall into the hands of persons who have had better means of information than I have had. The hints here given may induce them to follow out the plan here laid down in a way that will amply supply the shortcomings of one whose riper years have been mostly

spent in retirement, and whose conversation was always very limited. To these very circumstances, joined to the loss of friends and neighbours, whose society and correspondence sweetened my happier days, may be ascribed my striking into paths little trodden by others, though nothing is wanting to render them pleasant and striking but taste, and culture, and judgment.

The union of the kingdoms in the year 1707 produced great though not immediate revolutions in the sentiments and tastes of our ingenious countrymen. Indeed that memorable event hath led to consequences, good and bad, which were not foreseen by its able promoters or opponents. These, however, were the natural fruits of a free and constant intercourse between the Scots and the wealthy nation which had already attained to a high pitch of eminence in letters, arts, and arms. In those circumstances, it is not surprising that the former should gradually drop their national prejudices, when thus surrendering them in whole or in part was connected with their interest or their fame. Whether in our other deviations from the modes and manners of our forefathers, we have always acted with discretion, may admit of some doubt; but the most zealous admirers of ancient times must confess that to our old rivals we are in some measure indebted for the great progress which our countrymen have made in the *belles lettres* and authorship.

It is proper to divide this period into three parts, each of which requires separate investigation. The first, from 1707 till the rebellion in 1745-46; the second, from thence to the peace of 1763; and the third, the remainder of the reign of his present Majesty. In the first of these, the principal intercourse between the *literati* of the united kingdoms consisted in the use and imitation of English books by the natives of Scotland.¹ In most other [respects] they were still warmly attached to their national manners and customs, and little inclined to adopt those of their fellow-subjects of the South. It was then, however, that some literary men of great eminence laid in those stores of knowledge which they afterwards turned to excellent account. The second [period] was a truly propitious one in every point of view, the innovations then adopted bearing marks of mature deliberation. Till then the two nations could scarcely be said to be thoroughly united; nor was it easy to say whether we or the English were most reprehensible and narrow-minded in mutual dislikes. But as good frequently results from seeming evil, so the horrors of civil war were ere long succeeded by a friendly intermixture of the sister nations, which proved exceedingly beneficial to the smaller and poorer of the two, whose ambition and industry it powerfully stimulated. In consequence of the troubles, friendships and intimacies were formed between the

¹ [To which must be added a very free use of the power of reprinting English works.]

natives of the two countries, which made them think well of each other. Still, however, the greater part of our literary men retained a laudable partiality for their native land and peculiar customs; nor were they disposed to relinquish them unless for some great and evident advantage. With a very few exceptions, they used their best endeavours to promote the interests of truth and virtue, which they recommended by the graces of style. But in the present reign, our love of innovation in every department, and admiration of the modes of our wealthy neighbours, have been carried beyond all bounds. If some of our countrymen have succeeded astonishingly in certain branches of literature, it must be confessed that others of them have adopted the vices and follies of some modish English writers, to whose language and notions there lay just exceptions. As sophistry or a meretricious style is a reproach to literature, neither the one or the other is likely to confer lasting and honourable fame. In the opinion of the best judges, these things are the usual concomitants of luxury and misimproved learning, the sure presages of the approach of a silver age when men go intentionally wrong, not for lack of knowledge, but from fastidiousness and the love of singularity. Servile imitation, unrestrained by judgment, is, however, such a confession of inferiority as one would hardly have expected from a proud manly people, long famous for common-sense and veneration for the ancient classics. For obvious reasons my inquiries will be chiefly directed to the two first

periods, which will present an ample field of investigation, as it was in them that a large proportion of our men of genius either flourished or received their education.

Although the works of the best English poets and prose writers had early found admittance into the libraries of Scotsmen of rank or learning, they do not seem to have been generally read and admired till the 'Tatlers,' 'Spectators,' and 'Guardians' made their appearance in the reign of Queen Anne. These periodical papers had a prodigious run all over the three kingdoms, having done more to diffuse true taste than all the writers, sprightly or serious, that had gone before them. Nothing, indeed, could be better calculated to please the fancy, inform the judgment, and mend the hearts of readers of all descriptions. Being written in a charming style, equally remote from pedantry and flimsiness, they were read with great avidity by the fair and the gay, who were amazed and delighted to see philosophy brought down to the level of common-sense, the cobwebs of metaphysics being carefully kept out of sight. Whilst they inculcated the most sublime truths with great eloquence and force, they descanted in a strain of wit and irony peculiar to themselves on those lesser duties of life which former divines and moralists had left almost untouched. To the learned they presented many valuable hints not to be found in books, together with just rules of criticism, illustrated with the happiest examples. If at the distance of more than

fourscore years they are still regarded by the friends of religion as inestimable literary jewels, it is not surprising that they should have made a deep impression on the people of that age who knew little of the *belles lettres*. It is alleged some of the more rigid clergy disliked them. Be that as it may, Alex. Abercromby of Tullibody,¹ who died in 1754, aged eighty-four, was all his life hostile to the 'Spectator,' because it had given young people a dislike to more serious books. Addison's Saturday's papers were, he said, the worst of the whole, being *some* religious essays. This worthy man had most of the notions of the Covenanters of the last century. Those admirable papers prepared the minds of our countrymen for the study of the best English authors, without a competent knowledge of which no man was accounted a polite scholar. Indeed nothing could be a more proper sequel to the Greek and Roman classics, which were still universally read and admired. It served to enhance the value of the former that they had constantly kept the best ancient models in their view, seeming to be animated with the same poetic fire, directed by taste and consideration of circumstances.

Whilst men advanced in life, whose habits were fixed, were delighted with those excellent writers who

¹ [Grandfather of Sir Ralph Abercromby, and of Alexander Abercromby, a Senator of the College of Justice. So little did the latter inherit the prejudices of his grandsire, that he was one of the originators of the 'Mirror' and 'Lounger,' imitations of the 'Spectator' and 'Tatler,' published in Edinburgh towards the close of the eighteenth century, and the author of some of the best papers that appeared in them.]

were the pride of their neighbours, it never entered into their imagination to imitate, much less excel them. That they left to young people confident of their own powers, and inflamed with that ambition which is the usual concomitant of genius. It may, however, be taken for granted, that the men who then took the lead in our universities were exceedingly diligent in the discharge of their duty, and careful to foster the seeds of original genius wherever they appeared. Of its earliest blossoms, some of which did not come to maturity, it is now too late to inquire. Soon after the extinction of the rebellion of 1715, a number of promising young men began to distinguish themselves in science or polite literature. In order to improve themselves and counteract conceit, which is never more apt to spring up than in rich minds unaccustomed to contradiction, societies¹ were instituted wherein at stated times, literary subjects were canvassed with freedom and impartiality : ingenious paradoxes were started and assailed with equal ingenuity. There the members used to submit their first essays in composition to the friendly censure of their associates, which helped to lop away luxuriances and check presumption. Meanwhile the tribute of ap-

¹ The most eminent of them was the *Rankenian* Club (so called from the master of a tavern), formed in 1717. It consisted, among others, of Dr Wallace, Dr William Wishart, Mr Colin Maclaurin, Sir Andrew Mitchell, and Dr Young, a physician, all afterwards first-rate men. "It is well known," says the author of a life of Dr Wallace, "that the Rankenians were highly instrumental in disseminating through Scotland freedom of thought, boldness of disquisition, liberality of sentiment, accuracy of reasoning, correctness of taste, and attention to composition."

plause was not withheld from rising merit. It required only time and a coincidence of fortunate circumstances to convert those flowers into fruit.

These juvenile adventurers and their counsellors would soon see the impossibility of making a distinguished figure in the republic of letters without a proper attention to the graces of composition. Latin was by that time out of fashion, except in colleges. And for more than a century nothing of character had appeared in the dialect usually called "broad Scots." To render it polished and correct would have been a Herculean labour, not likely to procure them much renown. Nothing, therefore, remained but to write classical English, which, though exceedingly difficult to men who spoke their mother tongue without disguise, was greatly facilitated by the enthusiastic ardour with which they studied the best English authors. In all their essays at composition, it behoved them to avoid everything that could be called a Scotticism or solecism, while they endeavoured to catch the manner of their favourite writers. In this generous but unpromising attempt our countrymen at length succeeded, to the conviction of all the world. If they who led the van upon this occasion were afterwards surpassed by some of their *élèves*, they deserve the highest praise for what they did and meant to do.

Whilst the Rankenians either cultivated the *belles lettres*, or explored the mazes of metaphysics with ardour tempered by caution, both the Scottish and English muses began to rear the head once more, to

the great joy of every person of taste and sensibility. Nothing but genius could have raised Allan Ramsay from obscurity,¹ to commence, at a period when the writing his native tongue with force and elegance was supposed to be lost. Of his education and progress little is now known, there not being, it is believed, any printed life of him—an honour to which he was well entitled. His becoming the favourite of the great, the learned, and the witty, does honour to the good sense and taste of those times. I mean not to enter deeply into his works; but it must be allowed by every competent judge, that his tales, his songs, and, above all, his ‘Gentle Shepherd,’ are faithful transcripts from nature, by the hand of a master.² His images, language, and modes of thinking will be instantly recognised by every person who has conversed with Scottish swains in their unadulterated

¹ Mr Stirling of Carden told me that Allan was a thresher of lead at Leadhills till he was twelve years of age. Afterwards he was a barber, and last of all a bookseller.

² Pinkerton, who in some of his juvenile performances did not spare Virgil himself, has attacked the ‘Gentle Shepherd’ with an acrimony and petulance which must offend every man with common-sense. Let us hear the opinion of an able and elegant English writer on this subject. “Whether,” says he, speaking of writing in a provincial idiom, “the dialect of Scotland be more favourable to attempts of this nature, or whether we are to seek for the fact in the character of the people, or the peculiar talents of the writers, certain it is that the idiom of that country has been much more successfully employed in pastoral compositions than that of any other part of the kingdom, and that this practice may be traced to a very early period. In later times the beautiful dramatic poem of the ‘Gentle Shepherd’ has exhibited rusticity without vulgarity and elegant sentiment without affectation. Like the heroes of Homer, the characters of this piece are engaged in the humblest occupations without degradation.” In the first edition of Ramsay’s poems, printed by Th. Ruddiman in 1719, there is only an *embryo* of the ‘Gentle Shepherd’; the first scene appears as a pastoral entitled “Patie and Roger.” The play was not published till 1725.

state. The strain of his pieces differs as much from those of his predecessors as his play does from the "Andria" of Terence, or the "Conscious Lovers" of Steele. He is perhaps a worse poet than Dunbar or Douglas; but it must be allowed that he has the happy talent of speaking to the heart in the language of truth and nature. He may, with great propriety, be styled the Scottish Theocritus. In vain do fastidious hypercritics find fault with some of his pieces as light and indelicate; for they are pictures of real life and manners in a less amiable light than those exhibited in the 'Gentle Shepherd.' He is, without doubt, much more pure and decent than the Sicilian bard.

Nor was original composition this gentleman's sole merit. As the preserver and restorer of Scottish song,¹ he is entitled to honourable mention here. The origin of those sweet effusions of sensibility being one of the darkest problems in Scottish literature, it will be proper to hazard some conjectures concerning it. Neither in the Bannatyne nor Maitland collection are there any ancient pastoral songs of merit; and in the former we meet with only one humorous one. From the specimen of thirty-six love-songs contained in it, may be collected that the authors were courtiers and scholars, not simple swains, or such as professed to describe their modes of life. If they imitated the

¹ Besides his 'Tea-table Miscellany,' he published the 'Evergreen,' a collection of ancient poems. In that capacity he did not shine, having used great liberties with the originals, for which he was severely reprehended by Lord Hailes, who confesses, at the same time, the merit of his own compositions.

old English songs, the music of which was in harmony, it is not surprising that they never should have been popular in a country that delighted in simple melody.¹

Still, however, this omission goes only to prove that the compilers of these two collections contented themselves with transcribing pieces written by the most admired poets then known. They were, perhaps, too fastidious to think of gathering the songs and ballads that were in request among the common people, and even relished by illiterate persons of rank, who were in those days a very numerous body. But though the antiquity of the pastoral and humorous ones in question cannot be proved from old manuscripts, they may nevertheless have existed at a much earlier period among an idle people at their ease, strangers to literary refinements. Having no connection with courts or colleges, they were in no hazard of forming to themselves an artificial taste, founded on quaint metaphysical models. In that state of society the effusions of untaught genius are seldom committed to writing, being handed down by tradition from father to son. Nothing, indeed, is more easily acquired or longer remembered than songs or tales conjoined with national music, especially when the words touch upon the favourite pursuits or passions of a people.

There is, however, a circumstance which may help to throw some light upon the matter. The scene of

¹ I sent these remarks to the editor of the 'Bee,' by whom they were published in 1791, vol. ii. p. 202.

the finest pastoral songs is laid on the banks of the Tweed, or some of its tributary streams. From this it may be inferred that the authors were natives of these countries. Although a species of poetry and music probably flourished, then, long before the sixteenth century, the songs in question cannot be referred to the Border minstrels of ancient times. The few fragments of their works which have been preserved breathe a rugged spirit well suited to a people whose trade was arms, insomuch that their love-tales were sometimes connected with family feuds, which ended in slaughter and tragic woe. If the southern counties had been at that time the seat of pastoral poetry and congenial vocal airs, can it be imagined that Sir Richard Maitland and his daughters, who lived in the neighbourhood, would not have inserted some of the choicest songs in their collection? Supposing the taste of the father to have been vitiated by fashion, the effusions of their rustic bards contain sweet and delicate strokes of nature which would have recommended them to a female mind. Be that as it may, among the many poets of that century there is none to whom his contemporaries or biographers adjudge the palm of painting rural manners and rural scenes as they actually existed in her own age. Lord Hailes's remark upon the "Golden Terge" of Dunbar will apply to some of his brethren: "That, though rich in allegory and description, the scene might have been laid with as much propriety in Italy as in Scotland, and with more propriety during paganism than

in the sixteenth century." The only real Doric in that collection are "Jock and Jenny" and "The Wife of Auchtermuchty," if the latter be as old as the year 1568.

In a matter where history and tradition afford no light, recourse may be had to conjecture. One would be disposed to conclude that the sweetest and most beautiful tunes were at least clothed with new words after the union of the crowns, when there was no longer anything to dread from enemies, foreign or domestic. The Borderers, who had formerly been warriors and plunderers from choice, and husbandmen from necessity, either quitted the country or were transformed into real shepherds, easy in their circumstances, and contented with their lot. If their rents were greatly raised, in consequence of peace and security, their profits were much more considerable. Meanwhile some sparks of the chivalry of their forefathers still remained, sufficient to inspire devotion of sentiment and gallantry towards the fair sex. The familiarity which, from political causes, had long subsisted between the gentry and commons, could not be dropped all at once—a circumstance which tended to sweeten rural life, and to level all distinctions of rank; whilst their style of living promoted health of body and tranquillity of mind.

In this happy state of ease, and innocence, and unruffled serenity, the love of poetry and music was likely to maintain its ground, though it would gradually assume a form more suited to the circumstances

of the country and the temper of its inhabitants. The minstrels, whose metrical tales had once roused Borderers like the trumpet's sound, were now discouraged, and classed with rogues and vagabonds. Amidst those arcadian vales, one or more original geniuses may have arisen, in succession or together, who were destined to give a new turn to the taste of their countrymen. Good sense would teach them that the events and pursuits which checker common life were the fittest subjects for poetry. Love, which had formerly held a divided sway with glory and revenge, became now the master-passion of the soul. To portray in lively and delicate colours, though with a hasty hand, the hopes and fears which by turns agitated the breast of the amorous swain, afforded ample scope to the rural poet. Some love-songs, of which Tibullus himself needed not be ashamed, might be composed by an uneducated shepherd, whose learning was confined to the book of God and the book of nature. At least if the character be assumed, the author speaks a language which is not easily counterfeited. The images and allusions are not purloined from ancient or modern poets, but taken from real life, and scenes to which they were strangers. With unaffected tenderness and truth, topics are urged most likely to soften the heart of a cruel or coy mistress, and to bring about a happy union. Even in such as are of a melancholy cast, a ray of hope breaks through, and dispels that deep and settled gloom which runs through the sweetest of the Highland vocal airs.

Some of the more lively and droll songs may appear to the present generation coarse and indelicate. Such, however, were the real manners of a simple sequestered people, strangers to artificial modes. In that very way did they behave in their hours of gaiety and exuberant mirth. In some of them, it must be confessed, objects and incidents are introduced into the group, which a more artful, refined painter would either have concealed or thrown into the background.

As their heaven-born poets regarded their talents for versification as an amusement rather than a profession, they were not stimulated in their exertions by the hopes of gain or of that literary fame which has such charms for authors. And hence, as their effusions were for the most part suggested by circumstances, which made a strong impression either on their affections or imaginations, they hardly ever went beyond the bounds of a love-song, or a ballad of humour or satire—for the love or hatred of the tuneful tribe is ever in extremes. These, however, were the compositions most likely to please their own little circle of friends and neighbours, whose applause they courted. Their words being carefully treasured upon the memory of their admirers, they seldom thought of writing them down, much less of printing them. Now and then strangers of taste, who had occasion to hear their pieces sung, would take copies. But as these rustic poets were neither known to the learned nor patronised by the great, they were allowed to live and die

in obscurity—praised, wept, and honoured by their friends and companions. Thus, by a strange fatality, their story, and at length their names, were totally forgotten, at the very time when their songs were highly admired over the whole kingdom.¹

Whether this conjecture be well or ill founded, the moment a proper model for pastoral songs was exhibited, there would be no want of admirers and imitators. To succeed in those compositions, sensibility of heart and sound judgment were assuredly more required than pomp of numbers or strength of imagination. Though it be now impossible to trace the origin and progress of song-writing in the Borders, capital changes were likely to take place after the union of the crowns. The changes which took place in people's tastes and sentiments after that day are the best reasons that can be assigned why so few of the poems that were most highly admired in the reign of Queen Mary are now to be found in modern collections. It is possible, but exceedingly improbable, that the music may have remained the same, when the names and words of the tunes were new modelled.

In this situation matters appear to have stood when Allan Ramsay began his poetical career. From what sources he procured his well-known collection of Scottish songs, whether from the memory of the aged or from

¹ In the voluminous collection of ballads begun by Mr Selden and continued by Mr Pepys, are some Scottish songs of last century, that are now well known. Yet nothing is said of the names or abodes of the authors, or of the precise period when they flourished—so short-lived is the memory of song-makers!

manuscript,¹ or books little known, might, not long ago, have been explained by persons well acquainted with the history of these ingenious men. But for the interposition of him and his associates, a number of old songs would ere long have perished irrevocably; in spite of all their researches, pieces of antiquity might escape them, being confined to some remote district, or single family, till chance brought strangers that way, who afterwards took care to publish them.

If, in the 'Evergreen,' Allan Ramsay rashly attempted to *improve* some of his originals, there is reason to think he used still greater liberties with the songs and ballads, a great proportion of which had been preserved by oral tradition. It is impossible to say what polish or variation he or his fellow-editors gave them, till manuscripts confessedly more ancient than the eighteenth century shall be produced. To a good many tunes which either had no words, or only ludicrous fragments, he made verses worthy of the sweet melodies that accompanied them, worthy indeed of a poet of the golden age. Though particularly intelligible to every rustic, they are justly admired by every person of taste and feeling as the genuine effusions of the pastoral muse. The numbers are easy and flowing, yet just and natural, expressed with tenderness and simplicity. In some respects Ramsay was very fortunate. A song in the dialect of

¹ In that eccentric book 'The Complaynte of Scotland,' is a list of the poems most in requisition in 1548, none of which are now extant except "The Hunts of Cheviot" and "The Battle of Harlaw."

Cumberland or Somersetshire could never have been generally acceptable in England, because it was never spoken by people of fashion. Whereas fourscore years ago, every Scotsman from the peer to the shepherd spoke a truly Doric language.

As that gentleman's company was very much courted by persons of wit and fashion, some of them, by his persuasion, or by way of compliment to their mistresses, attempted to write Scottish poetry. Persons too lazy or too depressed to think of compositions that required much exertion, succeeded happily in making words to favourite tunes; and in order to support their assumed character, they spoke the language of impassioned swains.¹

¹ Patrick Edmondstoun of Newton told me, many years ago, that the words to the tune of the "Bush aboon Traquair" were made by John Drummond, second son to Bohaldie, first a writer in Edinburgh, without business, afterwards a captain in the French service. He was a minor poet and a companion of Allan Ramsay. He wrote a volume of poems below mediocrity, to which John Stirling of Keir prefixed the lines "Sedley has that persisting gentle art" changing the name to "Drummond." Colonel Edmondstoun informed me that the modern words, "Tweedside," were written between 1720 and 1730 by Robert Crawford, eldest brother to the late Auchenames, who was a scholar and a man of fashion, in honour of Mary, afterwards the wife of Mr Belshes of Invermay. Miss Home of Coldingknows, a lady who had a number of old songs little known, gave me, in 1791, the first stanza of the old words of "Tweedside." If less poetical than the modern one, they are not devoid of sensibility:—

"When Maggie's een first pierc'd me wi' love,
I carried my noddle sae high
Nae goudspink in a' the gay grove,
Nae tulip sae gaudy as I.
I pip'd, I dan'd, and I sang,
I woo'd, but I came nae good speed,
Therefore into England I'll gang,
And lay my banes over the Tweed."

About 1743 or 1744, the late Sir Gilbert Elliot, upon his return from his travels, wrote pretty words to the tune of "My Apron Dearie," occasioned by

Before quitting Scottish poetry, it will be proper to speak of the poem of "Hardiknute" which was first published about the year 1724. Its fine epic strain, and the strokes of nature it contains, are universally admired, even by those who are not agreed with regard to its age or author. After all that has been written on the subject, it is by no means clear that it was written by Lady Wardlaw. The orthography and some of the vocables being modern, affords no conclusive argument against its being more ancient than the eighteenth century. For however old the poem might be, it appears to have been preserved in some remote corner by tradition. The person, therefore, that first wrote it down would naturally make use of the colloquial Scotch of his own times, and perhaps modernise the more obsolete vocables. What could induce Lady Wardlaw to deny its being her composition when she saw it universally applauded? Why should she have withheld from the public the catastrophe of a tale in which high and low felt warmly interested?¹

the marriage of Miss Katherine Forbes of Newhall, in his absence, to Mr Ronald Crawford. Mrs Peter Cockburn, a lady who was long very much respected by the wits and *literati* of Edinburgh, was the authoress of the modern words of "The Flowers of the Forest." It is uncertain what were the original words, or whether they had (as is commonly supposed) any relation to the battle of Flodden. It has been lately discovered that the beautiful ones—"I've heard of a liltin' at our ewes milkin'"—were made by a daughter of Lord Minto. When they appeared in 1765, people were much divided as to their authenticity. I got a friend to apply to Mrs Cockburn to know what were the oldest words, but got no other answer but a copy of her own verses. That lady died only a few years ago, very aged. Trivial as these circumstances are, they are worth recording as fragments of the history of manners which would soon be lost.

¹ In 1786, after the publication of the Maitland Collection, I wrote Lady

Nor is it credible that the muse of a person who was capable of writing in such a beautiful strain, would not have produced before, or after, effusions of a similar cast.

Whilst Allan Ramsay was high in request, some of his countrymen bethought them of writing English poetry. Who were the earliest promoters of this seemingly romantic undertaking, it would be idle now to inquire, but in the year 1719 there is written evidence that there were societies at Edinburgh, consisting partly of poetical men.¹ If their first essays in

Sarah Bruce, the oldest and liveliest woman of quality then alive, for information on this head. I had a letter in return wherein she said, "That in her youth she was intimately acquainted with Lady Wardlaw, who was one of the most sprightly sensible women of her time, and the delight of all her young friends when very old. That she was generally reputed the authoress of 'Hardiknute,' though when complimented on it she put it off, saying it was given her by an old wife." That she never heard of any other poetical compositions by that lady, further than that sometimes she made little squibs in verse to promote mirth. That she was not personally acquainted with Sir John Bruce of Kinross (to whom Mr Pinkerton, in his magisterial manner, ascribes the writing of this fragment), "but that he was the near relation and intimate friend of Lady Wardlaw; that though he was a man of genius and wit, he was never said in those days to be the author of 'Hardiknute.'" Lord Hailes told me afterwards, that it was from him that Pinkerton got Sir John's letter to Lord Binning, which seems to have been a *jeu d'esprit* to put her ladyship on a wrong scent till they should meet. From this letter, however, it may, without straining, be inferred that that gentleman was in the secret with regard to this very interesting tale, so little in the style of former Scottish poets.

¹ In the year 1719 five translations of Horace's 'Epistle to Nero' were printed at Edinburgh, with a rambling dedication, written by one who styles himself a member of the Athenian Society. Four of them are written by Scotsmen. The first by a Mr Stewart, to the Duke of Marlborough; the second by a Mr Boyd, to Mr Rowe, poet-laureate; the third by a Mr Cunningham, to Bishop Hoadley; and the fourth by Mr Joseph Mitchell, to a Lady in favour of a lover. Of the three first nothing, even their Christian names, is known at present, only they seem to have been men of some fashion, and are greatly praised by the dedication for their taste and pro-

composition did not bespeak first-rate genius, the very attempt deserved praise. By drawing the attention of their countrymen to English poetry, they called forth the latent powers of persons to whom Nature had been more liberal in her gifts, though their modesty hindered them to break the ice by any vigorous effort. Those *would-be* wits would hardly have been mentioned here had they not been the precursors of men whose works have been admitted into the canon of English poetry. Thomson and Mallet, the most eminent of them, commenced their career at Edinburgh nearly about the same time; and though very different men in all respects, their

iciency in the *belles lettres*. Mitchell, who was an author by profession, published a small volume of poems, which were little thought of at the time. Ramsay says he had written a tragedy. Of the translations it is needless to say much, as they are below mediocrity. Mr Abercromby told me that Callender of Craigforth, father to the late John Callender, Mr Robert Symmon, and Mr Duncan, minister of Tillicoultry, were members of Mitchell's club. Of the first of these three, Richard Dundas of Blair (no poetical man) spoke slightly, as a flimsy, affected lad. He died young. Mr Symmon was afterwards travelling governor to Lord Brooke, latterly Earl of Warwick. Mr Abercromby and I supped in his house at London in March 1758, when he appeared to be a lively, learned, pleasant man. Mr Duncan was a man of much wit and genius, and very amiable in his manners, a great friend of Mr Abercromby and his lady. He got his death by travelling on a tempestuous winter day to preach at Norriestown. Mitchell, who afterwards went to London and became a ministerial writer, published, in conjunction with his associates, a work entitled the 'Scots Miscellany,' which is now very rare. The poems are in general but indifferent; the best one by Mallet, then a very young man, and a very poor one by Craigforth. In December 1762 I saw, in Mrs Walker's inn at Dunfermline, a small volume of poems by that class of people. I remember neither the title nor contents, but I was struck with many verses by the author of the 'Night Thoughts,' to these juvenile poets, praising them for their generous attempt to introduce the English muses into Scotland. I wished, on my return to that country, to have got hold of this literary relique; but Mrs Walker was dead, and everything sold or dispersed.

friendship continued without interruption to the last.

It would be improper for me to enlarge upon persons whose story is universally known. All I can pretend to do is to mention some anecdotes which have escaped their biographers. As Thomson was the better poet, so he was likewise the better man of the two ;¹ for, by every account, Mallet was more inferior

¹ His Amanda, so highly celebrated in the 'Seasons,' was Miss Young, afterwards Mrs Admiral Campbell. According to the account of Mrs Robertson, the second wife of Mr William Robertson, surgeon at Richmond, who was her intimate friend for a number of years, she was not a striking beauty, but a gentle-mannered, elegant-minded woman, worthy of the love of a man of taste and virtue. She surely derived none of her gentleness from his mother, who was a coarse, vulgar woman. Her sister was the first wife of Mr Robertson, but died in a few years. At the marriage, which was but a few days after the death of the father, the females of her family laid aside mourning. Next morning, at breakfast, Mrs Young, casting an angry look at her married daughter, said, "Betty, what is the meaning of that dress? How long has your father been dead?" Mrs Robertson answered, "I thought it pardonable on this occasion; besides, madam, you are in colours likewise." "And what of that?" retorted the mother; "he was your father, but not a drop of blood to me!" She constantly opposed the poet's pretensions to Amanda, saying to her one day, "What! would you marry Thomson? He will make ballads and you will sing them." Mrs Robertson, Mr Robertson's second wife, repeated to me the beautiful impassioned lines which Thomson sent to his Amanda with a copy of the 'Seasons.' They were, I believe, first printed by Foulis, of Glasgow, from a copy I had given a friend. As they are not common, I shall insert them here:—

"Accept, dear nymph, this tribute due
To tender friendship, love, and you;
But with it take what breath'd the whole—
O take to thine the poet's soul.
If fancy here her power displays,
And if an heart exalts these lays;
You, fairest, in that fancy shine,
And all that heart is fondly thine."

I might, had I thought of it anxiously, have got much precious intelligence from that good lady concerning Thomson and the cluster of wits that frequented her husband's house. As they were justly fond of her, she could never speak of that gentleman without emotion. To her indeed—not to Mr

to his amiable friend in heart than in genius. Hence it is that their lives have been written in a very different strain, the one bordering on panegyric, the other upon satire. And first of Thomson, whose memory was long very precious to his friends, whereas it is well observed by Dr Johnson, who has treated him with uncommon moderation, Mallet¹ was one of the

Robertson—ought the application for anecdotes to have been made, for he had very little sentiment about him—she a great deal. Nothing can be more characteristic than the notes of her conversation, which, like herself, was blunt and kind. I experienced much friendship from this worthy pair in the years 1758 and 1763, when in England.

¹ The late James Moray of Abercairny told me that Mallet, or Malloch as he was originally called, was son to the gardener at Abercairny, who was of that tribe of Macgregors that assume the name of Malloch—*i.e.*, freckled, being descended, as they say, from a younger son of the laird of Macgregor. Bohaldie is reputed the head of this tribe. The poet used when a boy to carry legs of mutton from Crieff to Abercairny. Had it not been for his insufferable arrogance afterwards, nobody would have remembered those things. Being a brisk boy, he was afterwards patronised by Mr Ker, a native of Dunblane, originally one of the masters of the High School of Edinburgh, and, at after-periods, Professor at Aberdeen and Edinburgh. By that gentleman's interest, he was made janitor of the High School, an office more lucrative than respectable. To this Colonel John Crawford alluded a number of years afterwards, when Mallet was giving himself improper airs in the company of Englishmen of fashion: "Tollatur"—the words used by the master when a boy was to be whipped on the janitor's back—"David Malloch." The reproof was at once delicate and effectual; the English understood not a syllable of it, while it silenced the bard. After struggling for years with poverty and pride, he was made preceptor to the last Duke of Montrose and his brother, in which station he behaved so well that it laid the foundation of his good fortune. While in that family he kept up a correspondence with Professor Ker, which was discovered some years ago by Mr Drummond of Chegth, and part of it published in the 'Edinburgh Magazine.' The whole is very characteristic. The first letter is a humble vindication of himself from the charge of purloining books. As the scene began to brighten up, he rose in his style, and sometimes spoke to his old patron in a haughty strain that ill became him. At length the correspondence is broken off, under the usual pretext. In one of his letters, in answer to Ker's question whether he was the author of "Winter," he says it was written by that *dull fellow* Thomson, who had long been the sport of their club. He says that the obligations he

few Scotsmen of whom Scotsmen did not speak well. That, however, is an unpleasant theme, nor should I have touched upon it, if it were not universally known.

One cannot forbear a wish that the two friends had trod at least in part the paths of Allan Ramsay. They would surely have found it more easy at their outset to compose in their mother tongue than in English, which, in those days, they only knew from books. Their acquaintance with the finest models, ancient and modern, would have enabled them to give a classical polish to a dialect which was still spoken by people of the best fashion by education. "William and Margaret," one of the first, and perhaps the best of Mallet's poems, would have appeared to great advantage in a Scottish garb. And in that might Thomson have decked out rural scenes in the happiest manner. Had his situation led him to converse more with the swains of Teviotdale, it would not have diminished the beauty and force of his images, that he had given them the sweet colouring of nature, which never appears to more advantage than in poetry. Scottish Georgics would have been a precious supplement to the 'Seasons,' doing equal honour to the poet and the philosopher. As his native language had been employed lately in pastoral poetry and epic tales (supposing Lady Wardlaw to

had latterly conferred on him were the best atonements for his petulance towards an excellent genius.

This explains Thomson's invariable attachment to a man whose faults were abundantly glaring. But certain obligations are indelible.

be the author of "Hardiknute"), he might with equal success have tried it on the drama. If his turn of mind was not suited to comedy, he was well qualified to have written tragedy in any language which he perfectly understood. By making use of Scotch, he would doubtless have had fewer readers and less powerful protectors. Still, however, original genius which spake the language of tenderness and truth, would not have wanted admirers and patrons in whatever dialect it had chosen to vent its effusions. But this necessity, then, forced these gentlemen to try their fortune in England—left them no choice in that matter. By that means an opportunity was lost of enriching the Scottish language with classical productions which would have maintained their ground as long as there was a ray of taste and common-sense in Scotland.

William Hamilton of Bangour was another poet of that period, highly respectable in point of talents. He was but a few years younger than Thomson, and educated at the same time at Edinburgh, where he pursued the same studies, yet in all probability they had no intercourse in their youth. Thomson was in those days, as Shakespeare phrases it, a fellow of "no mark or likelihood," nor was the extent of his genius known even to his intimate friends before he left Scotland; whereas Mr Hamilton, though long a second brother, was from his outset a man of fashion, which helped to make his talents more conspicuous in the eyes of the learned, the fair, and the gay. If the

beautiful verses addressed to the Countess of Eglington, which were prefixed to the 'Gentle Shepherd,' be, as is commonly thought, written by him,¹ he began his poetical career at an early period of life, for that play was first published in the year 1725. It was undoubtedly the best piece of English poetry written by one born and bred in Scotland that had yet appeared. And accordingly it was greatly applauded by those whom a fashionable-mannered poet would wish to please.

I do not mean any regular criticism on his works—it will be sufficient for my purpose to consider him in connection with the *literati* of those times. Every one that is acquainted with his story knows that poetry was his amusement not his trade. In the prime of life, he was too giddy and dissipated to submit to that abstraction from company and that intense thought which are necessary to insure extensive and permanent fame; for genius must be seconded by industry, and whetted by the hopes of gain and celebrity. Love being his ruling passion from youth to age, it gave occasion to his happiest pieces, which speak the very language which a scholar and a gentleman would use to the woman whom he passionately loved. Yet with all their tenderness and animation, some of his poems bear marks of having been written carelessly and harshly. When the incident which had inspired his muse, in his happiest moods, was out of his head, he did not think of retouching them, and still less of

[¹ There is no longer any doubt about Hamilton's authorship of these verses.]

making any collection of them. A great part of what was published after his death was procured from his friends, to whom he had given copies; and a number of them still remain in manuscript. A little more application and polish would have entitled him to hold the same place among our poets which Tibullus does among those of Rome.¹ To his biographer I refer the reader for an account of his story. I shall, however, mention a few particulars that are little known, and will ere long be forgotten. A change in his political creed produced consequences which did not brighten his evening of life. He was bred a Whig in the family of President Dalrymple, whose second wife was his mother. As he was bred to no profession, though a second brother, their house was long his home. After succeeding to the family estate, he was advised to make a tour to Italy, threatened with a consumption. When sauntering one day about the Capitol, a young man laid his hand on his shoulder, saying, with a smile, "Mr Hamilton, whether do you like this prospect or the one from North Berwick Law best?" He immediately recognised it to be Prince Charles. They entered into conversation. An intimacy took place which was dignified with the name of friendship. He, of course, espoused the cause of the abdicated family with all the credulity of an exile and all the ardour of a

¹ The few songs written by him in the Scottish dialect do him credit, and prove that he had a happy talent for pastoral poetry. His verses to Lady Eglinton show him to have been the friend of Allan Ramsay, who was in those days in very high fashion.

poet.¹ At that time, however, the opposition to Sir Robert Walpole was at its height, which helped to weaken people's attachment to the reigning family.

Although Mr Hamilton's delicate frame and habits of life rendered his personal aid of little consequence, he repaired to his friend's standard as soon as it was set up. After the Highland army was defeated and dispersed, he put on a livery coat, and rode before the cloak-bag of James Rollo, son of Penes Rollo, a man little known. Being soon obliged to separate, our poet took shelter in a cave, where he wrote an address to his soul, which is printed in his works—"Mysterious Inmate of this Heart." Ere long, on being forced from his retreat, he was seized by a party that was looking out for straggling rebels. Having been carried before the next clergyman, this poem, found in his pocket, was produced in evidence against him. On looking at it, the man, who was old and splenetic, bade them carry the prisoner before the minister of a neighbouring parish who, he said, was much more conversant in metre than ever he had been. Fortunately that gentleman happened to have both taste and humanity. After reading and admiring the little poem, he assured the people that there was no treason in the verses, and chid them for their officiousness in apprehending a stranger, who, for aught they knew, might be a loyal and peaceable subject. A note was slipped into the culprit's hand, bidding him return when it was dark, and he should be protected till the

¹ I had this anecdote from my uncle, Dr Dundas.

country was more quiet. Accordingly, he lay concealed in that good man's garret for six weeks.¹

It would answer no good purpose to enter deeply into the story of his private life. He was twice married—first, to a very amiable, accomplished woman, whom he celebrates under the name of Hemella, in his poems.² But after bringing him a son she died, leaving him in deep affliction. Towards the close of his course, when broken with ailments, occasioned by his military life, and heightened by the disappointment of his fondest hopes, he married into a family of which he certainly was not more than fond, upon considerations abundantly romantic. Being given to understand that the young lady was dying for love for him, he married her upon a high point of honour. He died in the year 1754. Many characteristic anecdotes have I heard from Lord Kames³ and Mr and Mrs Abercromby, which I cannot now recollect. They always spoke of Willy Hamilton, as they affected to call him, in the language of affection, mingled with regret. By every account, nothing could be more brilliant and delightful than his social hours among his friends, when in good spirits and free from

¹ I had this anecdote from the Miss Geddes, in whose house at Edinburgh he was afterwards hid.

[² Katherine, daughter of Sir James Hall of Dunglas.]

³ Strange stories are told of the absence of his elder brother, who was no poet or deep thinker. When his own lady, whom he passionately loved, was seized with her pains, he would needs go and quicken the midwife; but he had not gone far before he forgot his errand, and went to Edinburgh. Nor did he return till an express was sent to tell him that she had brought him an heir. And I have afterwards seen the son, when a boy at Dalkeith school, take a nap standing on his feet at a review.

those fits of absence which were hereditary in his family. They complained much of his giving them entirely up when he became a politician and king-maker. On the whole, this amiable ingenious man wanted not a share of the infirmities which sometimes sink genius below its proper level. The exuberance of his wit, and the liveliness of his imagination, proved frequently too hard for his judgment. The warmth of his heart gave him a romantic cast, which betrayed him into things which he would have laughed at in any other man, making him mistake a momentary impulse of affection for the still calm voice of reason.

Alexander Robertson of Strowan¹ was much older than the poet before mentioned, having been born about the year 1670 or 1671. Yet he falls to be placed last in this group of wits, as being less known and in general much inferior to them in his compositions. As the lines of his character and fortune were strongly marked, some account of him will not be unacceptable. He was a cavalier in the purest sense of the word, having engaged in every rebellion that took place between 1689 and 1746. Having been attainted soon after the Revolution, he served for some time in the French army; and being a man of spirit and address, was all along well received at the Court of St Germain's, which was then filled with Scottish and English persons of fashion. Soon after

¹ In the summer of 1770, I was at the goat-whey in Rannoch, while the memory of Strowan was fresh, and a number of his companions, high and low, still alive who loved to talk of him.

the accession of Queen Anne he received a pardon, for which he cared so little that he did not suffer it to pass the Seals. During that reign he lived more in the world than Highland chieftains usually do ; and his wit, joined to his handsome person and courtly manners, made him generally acceptable. His accession to the rebellion in 1715 did not make him worse, as he had slighted the Queen's pardon for his treason in King William's time. After ten years' uncomfortable exile, the Earl of Portmore, who was his relation, procured him leave to return home, from George I. That Prince had already given a grant of the rents of the estate of Strowan to his sister, Mrs Margaret, for behoof of him and his creditors, who were not the less numerous for his politics. Upon returning to Rannoch he took the estate entirely into his own management, turning his sister out of possession, and treating her in a manner no less unnatural than illegal.¹ But he soon found his situation ill suited to a man of high spirit who had been educated in courts and camps. Had his estate been

¹ He first imprisoned her in a small island at the head of Loch Rannoch, on which there was no house ; then he sent her to the Western Isles, where she died in misery. His companions said in his defence, that she was both an imperious and a wretched woman, which surely did not mend matters. Even vice cannot be punished but by the magistrates. There was certainly something peculiar in the blood of that generation. When Strowan was pressed to marry, he used to say that nothing descended of his mother could prosper. She was the daughter of General Baillie, of whom it was alleged that, in order to ensure the succession, she had an active hand in starving her own brother. It is the tradition of Rannoch, that as often as she went abroad to ride or walk the crows followed after her in great numbers, making a hideous croaking, as if upbraiding her with her guilt.

much greater, and entirely free, it would not have sufficed a person of his romantic thoughtless cast, that wished to act the part of both a chieftain and a man of fashion. Ere long he found himself beset with difficulties which he was utterly unable to remove; and his distinction between debts of honour and legal debts did not raise his character or credit.¹ For a number of years the poor man was beset with officers of justice who wished to imprison him; and though he placed guards at the principal passes into his country to give him notice, they sometimes put him in great hazard. This banished him for a great while from Edinburgh where he was much in request; nor was it safe to visit his fashionable friends in the low country. Even in circumstances which would have depressed any other man, he kept up the port and dignity of a chieftain, which he could the easier do that he was exceedingly beloved by his numerous clan. He lived constantly in thatched houses of one

¹ If his creditors trusted to his honour, he was most desirous to pay them; but if nothing would content them but bonds or bills, he thought no more of the matter. "Oh," said he, "that man has security on my estate: let him make the most of it." A messenger more fearless than the rest broke through and apprehended him in his garden at Cary. So far from resistance, he treated the man with great [hospitality *]; but the women in the neighbourhood tore and seized the catchpole, spite of all Strowan could say, and stripping him stark naked, kept him under the spout of a mill-wheel till the poor creature was almost killed with cold. For this the chieftain was tried at Perth, but acquitted for want of evidence. The room in which Strowan slept and entertained company at Cary was the factor's kitchen in 1770. In the garden, which had once had a good wall, besides fruit-trees, might be spied mint, rhubarb, and flowers in their natural state, monuments of their former master's taste and attention.

[* This word in the MS. is undecipherable.]

storey, the family ones having been burnt in time of war. At a period when his great neighbours at Dunkeld and Taymouth had no notion of pleasure-ground or gardening, he planned, and in part executed, a villa at Mount Alexander with much taste and judgment, being picturesque even when deserted and overrun with bushes and weeds. And his garden at Cary was one of the best in the country, and planted with good trees, both for shade and fruit. Between these two places he divided his time as the fancy struck him; and it was but four miles betwixt them.

In the year 1745, when seventy-five years of age, and in no condition to undergo the fatigues of a campaign, he joined his Prince at the head of a considerable body of men. By so doing, he said he would show the Elector of Hanover that, although he might give his estate to that puppy Duncan Robertson, none but himself should raise the clan.¹ After the battle of Preston, he was allowed to go home, having got for his share of the spoils Sir John Cope's chain and furred nightgown. Though he lived for several years after, Government connived at his drawing the rents, whilst prudence taught him the propriety of keeping

¹ In 1745 George II. ordered the Barons to report whether the investiture of the estate of Strowan should be given to the heir-male or the heir-at-law. To the great indignation of the chief, they reported in favour of Duncan Robertson of Drummachnan, who immediately after joined the rebels, not very wisely. In marching south Strowan lodged with Mr Simpson, minister of Dunblane, a worthy, pleasant man. Being antipodes in politics, much good-humoured irony passed between them. On the chief's return, in Cope's chain, and arrayed in his furs, Mr Simpson met him on the bridge. "Strowan" (said the latter), "you come back in better order than you went." "Oh," replied the wit, "all the effects of *your* good prayers, Mr Simpson."

out of the way of the military parties that were stationed in that neighbourhood.

When he first became a proficient poet cannot now be known. The probability is that he contented himself with short effusions suited to the moment, till poetic fame became the object of men's ambition. But at whatever time he turned his thoughts that way, nothing could have prevented him from rising above mediocrity but want of application and distraction of mind, occasioned by his misfortunes and straits. A moderate degree of cultivation, and the counsels of literary friends, would have lopped away his luxuriance and corrected his inaccuracies. Cruelly as his memory was treated in publishing, after his death, pieces that were either unfinished or unworthy of him, his "Holy Ode," and "Farewell to Mount Alexander," bespeak an elevated, well-attuned mind, capable, in happier circumstances, of having soared still higher. Considering the mean company he kept for more than twenty years, and the strange life he led, the wonder is how he could exert his mental powers to such good purpose as he did.¹ When half-seas

¹ James Moray of Abercairny told me that between 1720 and 1730 he used to go over and stay a week with Strowan, who was his relation, and always very kind to him. Nothing, he said, could be more brilliant and delightful than that gentleman's wit, or more pertinent than his remarks upon men and things. But the pleasure of his guests was diminished by the style of dissipation in which he lived. In the morning his common potation was whisky and honey; and when inclined to take what he termed a *meridian*, brandy and sugar were called for. These were the liquors which he generally used, not being able to afford wines, and perhaps liking spirits better. When his guests declined the beverage, he would say good-naturedly, "If you be not for it, I am." Besides taking too much of these cordials, he exhausted his spirits

over (long his favourite luxury), he often gave vent to poetical sallies which were not always dictated by decency and discretion. Whilst their author thought little more of them, and could not be prevailed on to touch or chasten them, his myrmidons, who flattered his vanity by extravagant praise, took copies, which were circulated over the country. Spite of his many failings, and the bad company kept for a number of years by this extraordinary man, there was a dignity and courtesy in his manner which, joined to the vigour and sprightliness of his understanding, made his conversation highly acceptable to persons of every rank. As he was exceedingly popular in his own country, so none knew better how to make his competitors keep their distance.¹ Till the Rebellion, he was a welcome guest in the first families² of the

by lively talk ; on these occasions he would turn into his bed, which stood in the room where he ate and drank. After sobering himself with a nap, he got up and walked abroad, till he had recourse again to his cups. One day while Strowan was asleep, Abercairny spied on the top of the bed a bundle of papers, quoted on the back like a law process. Taking it down, he found a collection of his host's poetry, strangely assorted—here a serious one, and next to it an obscene or satirical one.

¹ There was then in his neighbourhood a laird who, without sense or learning, had the knack of versifying in Latin and English. As he was a very absurd old man, it may well be imagined he would not be less quarrelsome over his cups while a youth. On those occasions, after he had reprehended his neighbours, Strowan called with much gravity for his page, whom he directed to chastise that rude noisy fellow.

² None fonder of a visit from Strowan than James, Duke of Athole, whose social hours were joyous and dignified ; who lived with his vassals like a parent and a companion. It had been the custom for every *gentleman* to kiss the Duchess. He learned from her woman that one of Strowan's companions (afterwards an officer in the French service) had once been his menial servant. On her complaining of the indignity of having to salute such a man, the Duke archly answered, "Madam, my friend is a greater man than the king ; for he can both *make* and *unmake* a gentleman when he pleases."

country, even when his dress and equipage did not seem to correspond with the loftiness of his pretensions. On those occasions, however, he took care to be attended by the gentlemen of his clan, and a number of domestics, of a very different cast from the powdered lackeys in the houses of the great, each of them having infirmities peculiar to themselves.¹

It may be thought too much has been said of this gentleman's private life; but the abuse and abasement of his brilliant talents show the inexpediency and danger of going much beyond one's depth, either in politics or expense.²

It will be proper to speak of Scottish Latin poets in the first part of the eighteenth century. The fame of Dr Pitcairn was more than sufficient to bring that

¹ In his time Rannoch was the seat of numerous and daring gangs of thieves. As they bade defiance to Government, it was not in Strowan's power to repress them, though he abominated their courses. Being told of a great thief on his estate, he said he would try his honesty, affecting not to believe the charge, whereupon he despatched him to Perth for a sixpence loaf, which the man did with great despatch, bringing with him a roll, which was then given into the bargain. As he might have concealed it, Strowan would never after hear anything wrong of a man of so much honour.

² [It is to be feared that the acquaintance of the present generation with the results of Strowan's muse is limited to the couplet quoted by the Baron of Bradwardine—

“ For cruel love has garten'd low my leg,
And clad my hurdies in a philabeg; ”

which the Baron pronounces an “elegant rendering” of Virgil's

“ Nunc insanus amor duri me Martis in armis,
Tela inter media atque adversos detinet hostes.”

Yet Strowan was unquestionably a man of mark in Scottish literary society, and a personal friend of most of the poets of his day, especially of the Jacobite Meston.]

species of composition into repute.¹ And though none of his *élèves* or imitators equalled him in genius and poetical fire, some of them succeeded well in the arduous attempt of writing in a dead language: but nothing could induce their young countrymen to follow their example, by which they could only expect to attain to mediocrity. By writing in English, which few of them could speak with elegance and propriety, was opened a more ready road to fame and excellence.

Between 1710 and 1730, the Royal Company of Archers was in high repute. As great numbers of the disaffected were members of it, Government seems to have regarded it with a jealous eye, as a bond of union among people who would otherwise have seldom met. That, however, did not prevent a very large proportion of the Scottish nobility and gentry of all generations from being admitted into that society. The annual cavalcades of the Archers were in those days very grand shows in a country which had lost its Court and Parliament. The contentions of the members for the silver arrow made them strive to excel in feats of archery, which were witnessed by the fair and the great, who appeared there in great

¹ In the same volume with Pitcairn's may be seen a few Latin poems by others. Sir William Scott of Thirlestane, who died at the age of twenty-five, seems to have been the most promising of that group of poets. Although Mr Thomas Ruddiman was an excellent Latinist and philologist, he was rather a versifier than a poet. Professor Ker (the patron of Mallet at his outset, afterwards a professor, first at Aberdeen, and latterly at Edinburgh) was, if not the best, at least the most voluminous writer of his time in that way. The best account of Scottish Latin poets in the seventeenth and eighteenth centuries will be found in a publication in the celebrated *Lauder*, which did him more honour than his scandalous attack upon Milton.

lustre, to stimulate ambition. No wonder that meetings which were then highly regarded by the Scots, should be celebrated in verse by the poets of those times, both in Latin and in Scotch.¹

From poets let me now pass to lawyers, a body of men who in Scotland have all along taken a decided lead in matters of taste and literature. A person who wishes to trace their character and exertions before the Rebellion of 1745, has many difficulties to encounter. The people who could have given the most satisfactory account of their rational powers are now mostly off the stage. Few of them in their days wrote books, unless in their own profession. And it would be unfair to estimate their abilities of composition from their law papers, which, being hastily drawn up on the spur of the occasion, were soon forgotten. All I can pretend to do is to collect a few gleanings with regard to the lawyers, who were either men of learning and sense, or professed encouragers of genius in every form.

¹ In the supplement to Pitcairn's poems, are two very short ones by Sir William Bennet of Grubbet, a man who then bore a high character for wit and genius, being regarded by the poets as a minor Mæcenas. But he was too lazy, and too fond of his bottle, to submit to the toil of composition; his effusions, therefore, were mostly extempore. To him the ill-natured world gave the honour of writing or laying the plan of the 'Gentle Shepherd.' It is likely Allan Ramsay was no farther beholden to him and his other friends, than for a few hints and castigations. I have heard Lord Kames tell that Sir William, being invited by the first Duke of Gordon to sup with him on a Sunday evening, was not a little surprised to hear his Grace say to his butler, after supper: "Give Sir William Bennet his first glass of wine;" after a proper pause, "Give him his second glass;" and at length, "Give Sir William his third and last glass of wine;" upon which he to whom the bottle would have been a moderate dose, said to the man, "God bless you, sir, let it be a bumper!" The Duke is said to have been stanch and sober, though a good man.

CHAPTER II.

THE JUDGES.

How pleasing would it be to connect the lawyers that figured between the Revolution and the year 1715 with the eminent ones characterised by Sir George Mackenzie and Bishop Burnet! Yet unless what is said by Lord Hailes in his catalogue of the Lords of Session, little is known of those worthies to the present generation, except their names and stations. In all probability they bore a much nearer affinity to their brethren in Charles II.'s time, some of whom were genuine Scotsmen, than to those that came after them, the greater part of whom had more or less of English literature and manners mingled with their own. Sir Hew Dalrymple and Cockburn of Ormiston, who presided for many years in the supreme civil and criminal courts, and Sir James Stewart, Lord Advocate to Queen Anne, were more eminent for professional skill and strength of intellect than for eloquence or literary attainments. Murray of Philiphaugh, a Lord of Session and Lord Register in King William's time, is said to have been both an eminent

lawyer and statesman—at least his letters to Carstairs are better written than those of his contemporaries. I have heard Lord Kames speak with great respect of Sir James Naismith's abilities as a lawyer. He is said to have excelled in what was called *proponing dilators*, on which the advocates of the preceding age had valued themselves exceedingly.¹ Sir William Pringle, Lord Newhall, bore for more than forty years a very high character as a lawyer and a judge. Nor was he less celebrated for his parts, and intuition into character, than for his candour and unsullied virtue. These were set off to great advantage by the dignity and propriety of his manner, which were supposed to have had a happy influence on his brethren.² Of his eloquence and style of writing, it is now much too late to make inquiry; but his death was exceed-

¹ It once happened that when Duncan Forbes and Robert Dundas were rising young men, they were consulted in a case when a delay was of infinite consequence to their client, who had justice on his side. They advised Sir James Naismith to be taken into the case, who, upon topics that did not occur to them, produced *nine* sheets of dilators, or rather a succession of dilators, which effectually procrastinated the decision till a favourable change of circumstances took place.

² It was alleged that at a period when some of the judges were supposed to be occasionally warped by connections, Lord Newhall was disposed, in a doubtful case, to go against his friends. A tenant of his brother's, Sir Robert Pringle, who had a law plea, complained one day at Stitchell, that Lord Newhall was his greatest enemy on the bench. Johnston of Hilton, a man of eccentric wit and humour, asked the man if he had given his lordship money! He answered he had not, nor did he think it would be taken. "Oh," said Hilton, "you are an ignoramus; try the experiment." On going to Edinburgh the man called on Lord Newhall, who received him with much benignity, thinking he brought some message from his brother. The man, at last pleading poverty, slipped half a guinea into his lordship's hand, who was going to commit him, but was appeased on hearing it was one of Hilton's coarse, indiscreet jokes.

ingly lamented both by Bench and Bar, and was long considered as a national loss.¹ Though men well advanced in years, and wedded to old customs, might despise the new refinements of style as nothing to the strength of a lawyer's arguments, or the elucidation and arrangement of his facts, yet persons beginning their course with more flexible tempers were disposed to view that matter in a very different light, as enabling them to put truth and justice in a fairer and more becoming dress. It may well be thought these improvements were not the want of a day or even of a few years; for in such cases, men's ideas and tastes change by degrees, very difficult to be traced by their sons or grandsons. And hence the admired productions of our men of law, seventy or eighty years ago, may be deemed harsh or uncouth by those of the present age, whose taste is perhaps too finical or fastidious. What wonder, too, that in times of innovation in point of taste and composition, when there was no proper standard, a few conceited young men should have fallen into an inflated finical style which they called English, though it would have been reprobated by every Londoner or Oxonian that had any pretensions to taste and common-sense!

¹ Sir David Dalrymple, who succeeded Sir James Stewart as Lord Advocate, bore a very high reputation as a lawyer and officer of State, in trying, troublesome times. But I am not prepared to enter into particulars with regard to these good and great men. It may, however, be taken for granted, that whenever a taste for the English classics became prevalent among our men of law, a considerable change for the better would take place, if not in their pleading, at least in their law papers.

Duncan Forbes of Culloden, first Lord Advocate, and afterwards President of the Court of Session, was, if not the greatest lawyer, the most eloquent of his time. Nor was it easy to say whether his genius or his virtue was most transcendent. He was born in the year 1685, being a second son of a good family near Inverness, which had risen by trade during Cromwell's usurpation. He was bred at the grammar school of that town, where he was looked on as an excellent scholar and a lad of pregnant parts. Having only a patrimony of 10,000 merks, he was destined to be a merchant; but having lost the bulk of it in his first adventure, it became necessary to choose another profession that should not be at the mercy of the winds and waves. His own inclination led him to be a soldier; but he was over-persuaded by his friends to study law, which was then the readiest road to riches and fame. Such a man would indeed have been sadly thrown away had he been placed in a warehouse or behind a counter; but in whatever station he had been placed, the vigour and elegance of his mind would have given him a decided superiority over his fellows. He studied civil law first at Utrecht, and afterwards at Paris; but from his passing, in the twenty-third year of his age, it may be collected that, though unsuccessful in trade, he had lost little time, which was of more consequence to him than his capital. Little is known of him for some years, save that he and his elder brother were

reputed the hardest drinkers in the North,¹ and that in times when almost every gentleman loved his bottle. Being connected with a generous, jovial disposition, it was in those days less censured than it deserved; certain it is, many otherwise virtuous men carried it to a great height without diminishing their reputation.

Mr Forbes took a great share in the debate which took place in the year 1713 with regard to a medal of the Pretender's which Mr James Dundas of Arniston presented to the Faculty of Advocates in the name of the Duchess of Gordon. Though a great majority of that learned body voted to receive it, Mr Forbes and his friends opposed it very keenly, contending that it was an insult to the Queen and the Protestant succession which approached near to high treason.

More will be said of that matter when speaking of Baron Kennedy. Suffice it to say that this gentleman displayed great eloquence upon that occasion. In the rebellion of 1715 Forbes was no less clever than successful; for it was owing to his eloquence and address that the famous Simon, Lord Lovat, took part with Government, which proved ruinous to the insurgents. This procured him the favour of John, Duke of Argyll, who was one of the greatest and most eloquent men of his day. Such was his Grace's opinion of Forbes's parts and integrity, that he made him an offer of £600 a-year to take charge of his affairs, which were much out of order. Though Forbes would

¹ Tradition says that at their mother's burial they drank so hard that they forgot the corpse when setting out for the churchyard.

accept of no stated salary, he undertook the business with great zeal and alacrity,¹ continuing to be the acting commissioner on the Argyll estate from that time to the Duke's demise. All he stipulated for his services was the friendship and protection of that great and good man, which he enjoyed for many years unimpaired, the Duke loving him as a brother, or a friend that sticketh closer than a brother.

In 1722 this gentleman stood for the Inverness district of burghs, and though another was returned, the House sustained his election. What figure he made after taking his seat can best be learnt from the parliamentary debates; but a man of his eloquence and knowledge of business was not likely to be a mute. By that time, however, he had got into great practice at the Scottish bar, which was not surprising, as nothing could exceed his zeal and ability but his integrity and contempt for money. On the fall of the Sunderland Ministry, which occasioned great changes in Scotland, Mr Forbes was appointed Lord Advocate in the room of Mr Dundas of Arniston, his coeval and rival. He was hardly installed in office, when violent riots took place at Glasgow about the malt-tax. If I mistake not, the Lord Advocate went, at the head of a strong body of regular troops, to that city, from whence he brought the magistrates prisoners

¹ In 1769 I was told at Inveraray by some gentlemen of that county that Mr Forbes used for a number of years to come annually to that place to pass the chamberlain's accounts and to set leases. All concerned were happy in having such a man to deal with.

to Edinburgh. Though these were strong and unpopular measures, he conducted himself with so much spirit and fortitude, tempered with mildness and candour, that he quickly broke a most formidable opposition, which either truckling or severity might have driven to madness. It is true he was powerfully supported by the Earl of Ilay, who acted as Minister for Scottish affairs. The highest panegyric that can be made on Mr Forbes while Lord Advocate is, that he was one of the most popular and fairest characters in Scotland, at the time when the cry against Sir Robert Walpole and the Earl of Ilay was loudest; who, in fact, merited a very different treatment from their countrymen. To the latter Scotland owed very high obligations. When the celebrated Colonel Charteris was tried for a rape, the Lord Advocate was at London attending his duty in Parliament. If the culprit was a vile character, nothing could be more base or wretched than his prosecutors, who availed themselves of the popular odium to chastise him. That did not hinder Mr Forbes from espousing the cause of the prisoner; but all his efforts were vain, the crime being proved as far as swearing could go: and it would appear from the printed trial that his lawyer did not speak for him. Nothing, therefore, remained but to apply to the Crown for mercy. As all the world cried shame upon the conspiracy, the Lord Advocate, who made the application, found it no difficult matter to procure the wretched man a pardon for a crime of which

assuredly he was not guilty. Upon being released, he offered Mr Forbes a handsome purse, apologising for its not being more, his property having been either pillaged by the mob or seized as an escheat.¹ But the Lord Advocate refused it with great dignity, saying that he had interfered in his behalf only because he thought him innocent of that charge. Charteris then made him an offer of a liferent, such as of the house and enclosures of Stoneyhill, near Fisherrow.² As that was a very desirable residence for a man that did not care to be from Edinburgh in vacation time, the offer was accepted, and Mr Forbes possessed it as long as he lived.

The Lord Advocate acted a spirited famous part in the warm debates that took place on the bill for punishing the magistrates of Edinburgh for alleged neglect of the mob which proved fatal to Captain Porteous. Since he could not soften the English Ministers, who entered violently into the Queen's resentment at the breach of her reprieve, he, in conjunction with his noble friend John, Duke of Argyll, and a number of peers and commoners

¹ Mr Andrew Drummond, then a very young banker, told me, in 1758, that at that time Charteris kept money at his shop, under the singular proviso that he should draw in person, as none of his drafts would be answered. Besides cash, there was much plate, &c., in his custody. The sheriff demanded his property as their right; but Mr Drummond, knowing they had no evidence, gave them a stern refusal, on which Alderman Barber [Swift's friend] said, "Come, Andrew, you know the world; give up the effects and you shall have one half." "Mr Alderman," said the honest man, "do you take me for as great a rascal as Charteris or yourself?" No reply was made, and the property was saved.

² Musselburgh.

from Scotland, opposed the bill in its progress through Parliament. Though left in the minority in every question, their opposition made the most exceptionable clauses to be somewhat mitigated. This conduct in a sworn steward of the Crown, zealous to promote the honours and interest of his royal master, ought to have opened the eyes of the English Ministers, who did not know much more of Scotland than they did of Tartary. It was not difficult to foretell that certain parts of the Act would kindle a violent flame in that country.

In summer 1737, Mr Forbes was made President in the room of Sir Hew Dalrymple, who had sat on that chair forty years. At a time when people's minds were in a violent ferment, this promotion gave universal satisfaction. The Faculty of Advocates congratulated him with great affection on that occasion. When the oath *de fidei* was administered to him, he enforced it with a solemn appeal to the Almighty, that he would religiously observe what he had sworn. In another man this might have been superfluous; but the audience was deeply struck with the impassioned manner in which he uttered this additional pledge of his truth and fidelity. From all that can be collected, the expectations of the public were fully gratified. If the new President did not give better judgments than his predecessor, he was infinitely his superior in point of dignity and manners, discovering in all he did and said an elegance and good sense which charmed both Bench and Bar. He completed

the plans set on foot by that enlightened judge Lord Newhall, for the reformation of a set of lesser abuses that had long lessened the dignity of the Court or retarded business. In those times, no less than at present, people were much disposed to censure the judges, and to impute their conduct at times to improper motives. No man pretended to take that liberty with the President. That he was on every occasion right, it would be too much to affirm, but all men were disposed to give him full credit for the goodness and purity of his intentions. His opinions were elegant and masterly, the effusions of a rich mind which had been properly cultivated. When he perceived in any of his brethren something like a bias to a great man or collective bodies, he concluded his own opinion with saying, "My lords, I speak here the language of an independent man who has been at much pains to inform himself: I trust you will decide this cause upon the same principles, seeing we must all render an account to God of our proceedings here." At no time, perhaps, was virtue more the language of Bench and Bar than while this accomplished man presided in that Court. When he spoke, which was generally last, there was a universal silence in the house, everybody being disposed to regard him as an oracle that never deceived. In a word, it might be said of him, as of a great Roman lawyer and judge,¹ that he was "*ingenio et justitia præstantissimus, inter jurisperitos eloquentissimus, inter oratores jurisperitissimus.*"

¹ Scævola.

It may well be thought that, both while Lord Advocate and President, he was the friend and patron of every lawyer of promising parts; and he had a sort of intuition into character that enabled him to appreciate their merits. Nothing could exceed his courtesy to them while pleading before him, behaving towards them like an indulgent parent who knew how to preserve his dignity and authority. Nothing could offend him but petulance or want of principle, for which he thought no parts could compensate. He gave no quarter to knaves and pettifoggers, thinking mercy to them cruelty to the lieges. And they were all along exceedingly afraid of him, whose penetration enabled him to see through all their disguises and chicaneries. Although malice never presumed to impeach the President's moral character, it cannot be said that he was entirely free from foibles. Conscious of his own merit and importance, he was supposed to be fond of popular applause, and by no means insensible to the sweet voice of flattery, which self-love ever holds to speak the language of mirth and affection. Suffice it to say, that neither the one nor the other ever made him swerve from the paths of virtue and integrity; for he abhorred everything that had the semblance of meanness, no Spaniard being more tenacious of his honour. It was likewise alleged that his opinions were sometimes too eloquent.¹ That may certainly be carried

¹ Such was the opinion of Lord Kames, who always spoke of President Forbes with enthusiastic veneration, as a man of first-rate talents, and an honour to his country.

too far ; for he who is fond of hearing himself speak, cannot with decency find fault with others for taking the same liberty. In such cases it matters little that what he says bears the stamp of excellence, while his brethren hardly attain to mediocrity ; for much speaking is not the way to despatch much business. Supposing these charges to have been well founded, they were at best but peeeadilloes, that served to set off his right parts to the more advantage. This great and good man lived in very trying times, when prerogative and patriotism were striving for the mastery. Instead of running into either of these extremes, he conducted himself in the conflict with such rare temper and good sense, that if he did not please both parties equally, he did not lose the esteem of those whose sentiments differed widely from his own. Had the Ministers of these times studied to exalt the prerogatives of the Crown at the expense of the subject, he would have been the first man to oppose them. But he knew more than enough of the state of parties to expect that so motley a phalanx as that which opposed Sir Robert Walpole in his desired plans, were likely to work a salutary reformation when they should get into power. But ere long he was called to act the part of a statesman and general under great disadvantages. The part he acted in the Rebellion of 1745 is universally known. To him it was unquestionably owing that a number of the most potent clans in the Highlands and Isles did not join the young Pretender's standard in great force. No

man had lived upon more cordial footing with the Highland chieftains, or was more sensible of their importance. Had his plan of raising Highland regiments been adopted, and persevered in for some years, there would in all probability have been no rebellion. Be that as it may, he certainly found means to detach some of them who had gone the furthest lengths, from the side of the insurgents. If he could not save their honour, he put them on the way to save their lives and estates.¹ His eloquence, by all accounts, was as great in conversation and epistolary corresponding as in senates or courts of justice; and as none knew better the strengths and weaknesses of those petty potentates who had it then in their power to shake or support the throne, it was no easy matter to resist the persuasion of a man who, they were well assured, was their true friend. From one specimen that is preserved we may judge of the strain of the rest.² Had he or the Duke of Argyll

¹ I have been well assured that there were no men in whose company the President delighted more than Keppoch's and Lochiel's. "Yet," he said, one day after they had left the room, "I believe these gentlemen will be the first to join the rebels, to their own ruin."

² In the 'Scots Magazine,' 1745, is a letter from the President to Lovat, in which the folly and ingratitude of that noble lord is set forth in striking colours, with great force and benignity. He tells him the Duke of Perth and Lord Tullibardine have infinitely more to say for themselves than him who had tasted of the kingly bounty. Lovat's answer is truly characteristic, being a tissue of duplicity and flattery that could deceive nobody. In the Magazine which contains an account of Lord President Forbes's death and funeral, are the Court of Session's reasons for declining to attend the funeral of Lord Newhall in their formalities. While they make a high panegyric upon their departed brother, they were afraid that this compliment to his memory might be made a precedent for doing the same thing to judges who less deserved it. Nor was it done even in Forbes's case.

been earlier intrusted, the rebellion might have been crushed in the bud ; but the Marquis of Tweeddale and the other servants of the Crown that were brought in upon the fall of the Walpole Ministry, were certainly very sorry statesmen. But the President not only made use of his pen and his tongue to serve his royal master, but in an advanced period of life, and with a constitution far from being robust, he drew his sword at that critical juncture. By his unwearied exertions a body of loyal Highlanders was raised, which made a seasonable diversion, and hung upon the backs of the rebels. If they did not make a very brilliant figure, let it be considered that if he found means to make the chieftains declare for Government, the bulk of their followers were not hearty in the cause, being much attached to the Stuart family, and indignant at the part some of their chiefs had acted. Be that as it may, the fatigues of a winter campaign were much too severe for his delicate frame.

What a pity that his meritorious exertions, both in point of person and fortune, should have been repaid with ingratitude and neglect ! A man's merit may sometimes be too transcendent in the eyes of princes and statesmen.¹ It is the greatest stain upon an

¹ The following anecdote, which I had from the late Sir James Campbell, Ardkinglass, will perhaps throw some light upon that matter. Upon the Lord President's arrival at Inverness, after the battle of Culloden, Sir Everard Falkner received him at the foot of the stair, and carried him up to the Duke, who received him most graciously and asked him to dine : Sir James being the captain on guard, was of course at table. The President was in very high spirits—happy in the company of his royal master's son, and much elated with the position of public affairs. After drinking half a bottle of wine, his

Administration to which this country owes the highest obligation for their endeavours to promote the well-being, tranquillity, and civilisation of its inhabitants.

It is alleged that his reception at St James's was by no means what he had reason to expect. That, however, is to be referred to the Duke, who was then all-powerful at Court. It shows how capable princes who mean well are of being misled. Perhaps the Lord Chancellor Hardwicke and the Duke of Newcastle had not forgot the President's conduct in the Porteous Bill, which they considered as romantic and uncourtly in a servant of the Crown.¹

heart warmed, and taking hold of the bottle, asked the Duke's permission to give a toast, which was readily granted. The President then said, in a fine glow of benevolence, "Now that your Royal Highness has so happily suppressed this unnatural rebellion, allow me to drink a bumper to mercy and peace." The Duke and his military grandees drank off their glasses without saying a word, and an unsociable silence having taken place, the President soon after withdrew. Some weeks after, when Sir James was shooting in forbidden time, his lordship, who was riding about, made up to him. After his apologising on account of the times, the President, recognising his face, asked him to dine at Culloden. Having taken a hearty glass, Sir James said, when the other company were gone, "My lord, I am afraid your toast at the Duke's table gave offence." "I wonder at that," said his host; "mercy and peace are excellent things after a civil war." In the following winter or spring Sir James dined with the President at Edinburgh, who said to him, after drinking freely, "Young man, little did I think, when I saw you last, that my well-meant wishes for clemency had been so ill taken. To my cost, I have found your information true." In another point his lordship was imprudent, presuming too much upon his late services. Lady Mackintosh, his near neighbour, a fine woman, of great wit and spirit, was a prisoner when he arrived at Inverness. In the true spirit of chivalry which never wages war with women, he paid this lady a visit every day. Yet he well knew how active she had been on the side of the rebels, and how she had influenced some of his neighbours. This could not be very agreeable to the Duke, who asked the President, with a sneer, "Has your Lordship been to see Lady Mackintosh this morning?" "Yes, please your Royal Highness."

¹ Besides his petty imprudences at Inverness, which ought to have been

When Mr Pelham, the Prime Minister, a most amiable character, required a state of the President's disbursements, the patriot felt sore at the treatment, and disdained to reply. Upon that occasion, it may be said, the Government was niggardly—not even just. Nor is it any justification of its conduct, that the money advanced by him for the public service was refused to his family some years after his death. The smiles of his sovereign and the favour of his minister would have cheered the heart and perhaps re-established the health of this excellent man, whose life was of infinite consequence to his country.¹ Never would a baronet's patent and a handsome pension have been more worthily bestowed than upon this occasion.

I regret that it is not in my power to give a minute account of the President's domestic life in town and country, in youth and age, for his companions have, one after another, paid the debt of

looked on as the ebullition of a good heart, he has been said to have made a speech to some of the great statesmen, who inquired if there was any foundation for the cruelties said to be committed at Culloden. His answer was, "I wish I could say No." These, it is believed, were much exaggerated, and probably committed without the Duke's orders. Sir Joseph Yorke, who was then one of his aides-de-camp, told Mr Robert Mackintosh, a number of years after, at the Hague, that the Earl of Ancrum directed a set of wretched men, found in a house next day near Culloden, to be taken out and shot, as an offering to the manes of his brother Lord Robert, who had fallen in the battle. Sir Joseph added, that the Duke was so much incensed at this barbarity, that he did not speak to his lordship as long as he was in Scotland. The Duke was certainly not fortunate in some of his military favourites.

¹ Upon some idle bodies telling him that one of the general officers had said, "All the President's services were not worth five shillings," he answered, with good-humoured spleen, "I thought they were worth *three crowns*!"

nature. Hospitality of a truly primeval kind seems to have been his most prominent feature, according to what I have heard of him in my younger years from people who had been partakers of it. Nothing could be more delightful and instructive than this good man's social hours at the head of his table. He discovered such knowledge of men and books, so much courtesy and gaiety, and at times so much innocent playfulness,¹ that his conversation was justly regarded

¹ It will not be deemed extraneous to mention an anecdote which may give some idea of this gentleman's pleasing humour. Falconer of Phesdo, a Lord of Session, being exceedingly provoked at his son's extravagance and uselessness on his travels, disinherited him, and left his whole estate to his lady, to dispose of it at her pleasure. The young man, who had figured in the gay world, on hearing of this settlement, suddenly disappeared, and was not heard of for some years. It is believed he served for some time in the French army, being exceedingly fond of that people. At last, in the course of his rambles, he came over to England, where, in a freak, he became a farmer's servant. A gentleman from the same county happening to be benighted at his master's, recognised him in his disguise, and taking him aside, told him that his disconsolate mother and his friends had made many searches after him in vain, she being determined to put him forthwith in possession of his fortune. It was agreed that they should travel together to Scotland. On hearing of that resolution, the honest farmer said to the stranger, "Lord forgive you, sir, for taking away the best servant I ever had. Why, he knows everything, and anticipates my very wishes." His unexpected arrival gave great joy to his mother, and he soon rendered himself so acceptable to his neighbours in the country, that at the next general election he was elected member for the shire of Kincardine. To the surprise of all, and the indignation of the patriots, Mr Falconer voted with the Ministry on every question. One day Sir Robert Walpole said to Mr Forbes, "My Lord Advocate, I have a tolerable notion of all the members from Scotland save one, who votes steadily with us without asking anything or ever coming near me." The Advocate told him Phesdo's story, which pleased him so much that he expressed a desire to see the gentleman. "Sir Robert," said the other, "he is much of a humorist, but I will endeavour to do it in my own way." Soon after, he said to Phesdo in the House, "Have you any objection to dine to-day with a few friends at a magnificent French tavern at the west end of the town: I will carry you in my chariot." He readily assented, and after the House rose, they drove to Sir Robert's house. Upon seeing that gentleman, who gave him a very

as a great feast. And what was no less to his honour, even in his more joyous moments, when giving full scope to mirth and fancy, he neither uttered, nor suffered others to utter, in his presence, a sentiment that misbecame the friend of truth and virtue. This was the more meritorious, that in his youth and prime he had drank very hard, and to the last went to the very verge of sobriety, considering the juice of the grape, in connection with easy-spirited conversation, as the best cordial that an old man immersed in business could have. If ever drinking was to be excused, it was in the company of this accomplished man, from whom one was sure to hear something worth while; while he had a happy talent at discovering the bent and turn of mind of his guests, from their table-talk. Be that as it may, his convivial turn never made him neglect business, or

flattering reception, he saw the Advocate had played him a trick. Being a well-bred, well-informed man, he made the best of it, and bore his part in the conversation after dinner to very good purpose. On their return, the Advocate asked him why he had been so shy of paying his respects to Sir Robert, when he was so strenuous a supporter of his measures. "My lord," said Phesdo, "I will be very plain with you: I think the French the happiest people under the sun; nay, I like their government, which is a good one for one that minds his own business. In my opinion, Sir Robert's measures bid fair to make Britain one day a province of France, which, I think, would be a blessing to us." No more was said, but Phesdo went to no levees. An English member made one day a grievous complaint that he had been almost famished at Paris. "What say you to that, Phesdo?" said the Advocate. "Why, my lord, nothing will go down with that fellow but blood and butter." That gentleman [Phesdo] lived to a great age in perfect health. Between 1760 and 1770, when near ninety, and bent like the segment of a circle, he was a very keen golfer, and a very facetious, pleasing companion. After drinking a pint bottle of claret, "he walked back to Edinburgh from Leith with great composure."

forget what was due to his dignity. Whether he read his papers in the evening or early in the morning, he appeared perfectly master of every fact and every argument, bringing with him every morning a minute-book, out of which he moved every question at its order. In these days the Court generally rose at noon, and dinner was very early.¹ He generally took two Lords of Session with him in his coach, the only one used by a judge at that time. After taking a short airing they dined, and returned to their business. Indeed supper was the favourite meal of these times, and the time when people had most leisure for conversation. On Saturday he went to Stoneyhill, accompanied by a friend or two, for it would seem his lordship was not fond of solitude. If the weather permitted he played at golf, a diversion of which he was always very fond.

There was no man of his time who had a better title to the name of patriot—an excellent word, but miserably misapplied at that period to a set of men whose pretensions to it were in general very slender, most of them being would-be statesmen very indifferently qualified for that station. It was a mark of the good sense of that age, that there was not a more popular character in Scotland than Mr Forbes, both as an officer of the Crown and as a judge. Although trade and manufactures were then in their infancy, he was

¹ Lord Balmerino, elder brother of him that lost his head, was generally one of the President's parties. He was an elegant-mannered, pleasant man. When he spoke, which was seldom, it was very much to the purpose, and well attended to.

on all occasions their strenuous patron.¹ In like manner he was considered as the Mæcenas of every man of genius, whether in science or *belles lettres*. Of the latter he was an excellent judge, from his having a fine taste and a sound judgment. The attempts of our countrymen to equal the best English orators had not gone very far in his time—the greater part of the adventures in that way having as yet only put forth blossoms which made the public expect, ere long, a plentiful crop of fruit. He was no stranger to the persons who had entered deeply into that generous enterprise, and always ready to befriend them with his advice and protection. To him Thomson, who was one of the first and greatest of our authors, paid a beautiful and just tribute in his ‘Seasons’ that deserves to be transcribed:—

“Thee, Forbes, too, whom every worth attends!
 As truth sincere, as weeping friendship kind,
 This truly generous, and in silence great,
 Thy country feels through his reviving arts
 Plann’d by thy wisdom, by thy soul inform’d;
 And seldom has she known a friend like this.”

Very little classical prose was published by Scotsmen while he was alive. Nor could it be supposed that Mr David Hume’s treatise of human nature or essays could please a man of his views and principles. A

¹ He was one of those true patriots who set on foot the Scottish distillery, both to be a vent to our own grain and to check the use of French brandy, which was the common beverage of high and low. They could not foresee the revolutions that have taken place in that trade, upon which a curse seems to be annexed.

great proportion of the *literati* of Edinburgh at that time were either canvassing the metaphysics of other men or preparing those works which afterwards did so much honour to themselves and their country. But some of them who were afterwards voluminous authors and theory-makers, were only considered then as ingenious men, enamoured beyond measure of polite literature and philosophical disquisitions. We know not what the President thought of the metaphysics then most in vogue; but he was subsequently aware of the bad use to which they might be applied by acute men. None, therefore, was more jealous of the ecclesiastics and laics who seemed disposed to set up natural religion in opposition to revelation. At that time Deism, appalled sometimes in one fashion and sometimes in another, was making rapid progress in Scotland. It gave less offence to charitable, well-meaning people, that the men who were most addicted to philosophising professed the utmost veneration for the Supreme Being, whilst they spoke the language of virtuous philanthropy in glowing terms.

The President ran the less risk from this quarter that he had embraced, with all the enthusiasm of a new convert, the opinions of Hutchinson, who attempted to institute certain theories of his own in the room of Sir Isaac Newton's highly admired ones. The former were probably the more acceptable to this good man, who was a zealous Christian, that they were drawn from the Holy Scriptures. As a number of them rested upon mysterious meanings

annexed to Hebrew words, he resolved to study that language—for which purpose he retired for a while to a solitary house near Inverness, where he could acquire that branch of knowledge without being disturbed by company or business. That was not all: so much was he convinced of the truth and solidity of Hutchinson's system, that he wrote a beautiful tract to support it. His 'Thoughts on Religion, Natural and Revealed,' in opposition to one of Tindal's pieces, bespeak his pious, rational, enlightened mind, zealous for the good of mankind. It is an invaluable specimen of the style of this great man, which is chaste, and elegant, and perspicuous.

It seems unaccountable that a man so much engaged in business of the utmost importance, and so fond of company, should have found leisure in the duties of life for original composition upon subjects seemingly little connected with his profession or modes of life. Perhaps he sketched out the outlines of his 'Thoughts on Religion, Natural and Revealed,' when he retired for a season from the bustle of life. Be that as it may, he could always spend his mornings and forenoons in vacation time in study; and the older he grew the more does he appear to have turned his mind to divinity. I have been told that in session time, both in Edinburgh and at Stoneyhill, he made it a rule to devote great part of Sunday to solitude and meditation. After attending divine service in the forenoon, he took a solitary airing in his coach upon the sands for an hour or two, being all the while

intent upon some speculation. On coming home, he committed his thoughts to writing, and was no more seen till supper-time, when he had a few friends—of whom Mr Frederick Carmichael, then minister of Inveresk, and a great favourite of his, was commonly one. Had we minutes of their table-talk, like that of Selden, it may be presumed the President and his friends had as few idle words to answer for on their Sabbath evening conversations as any men; for these breathed the love of God and goodwill to men. Whether the President's peculiar notions were just or not, they assuredly did not make him the worse judge or the worse member of society. His religion neither soured his temper nor diminished his elegance and industry.

I know not what part his lordship bore in the debates of the General Assembly, which were no less animated than momentous, when he filled the office of both Lord Advocate and President. It is likely he was of the moderate party, which, with a few exceptions, was that of the officers of State. And while Professor Hamilton was supposed to guide that venerable body, its proceedings were upon the whole temperate and healing,¹ such as must have met with the approbation of every wise and liberal-minded man who wished to soothe the minds of the com-

¹ Mr Wallace was told by his father that when this gentleman was Lord Advocate, a popular Assembly seemed disposed to settle a minister in direct opposition to a royal presentation. After telling them calmly that it was against law and good policy, he left the house. The Highifiers stopped short at this rebuke.

mon people without humouring them in their wild crotchets.

The President was only once married, his lady being a daughter of Rose of Kilraick,¹ his near neighbour at Culloden. She died early, leaving only one son, who, though a very worthy man, did not inherit his father's brilliant talents, a mortification which fell to the lot of Cicero, Addison, and many great and good men in ancient and modern times. As he was not likely to prove either a good scholar or an eminent professional man, a commission was procured for him in the Blues. At the battle of Dettingen the young man, from whom little was expected, behaved with great gallantry, and had the merit of recovering one of the regimental standards which was then taken. This proved matter of much joy and exultation to the excellent father, who, it was observed, seldom spoke of his son, whom he thought a heavy, spiritless lad. On receiving the news, he drank his health with great glee, and ever after spoke of him with great affection, as of one who had regained his good opinion. The time at length came when an end was to be put to all this good man's joys and mortifications, and when a final seal was to be set on his character. Ungratefully and capriciously as he himself had been treated, it surely gave him much satisfaction to see Government taking vigorous measures to prevent a repetition of the convulsions; for though his generous nature led him to treat the fallen insur-

¹ [Kilravock.]

gents with mercy, tempered by steadiness, no man was less friendly to their principles and pretensions. And the prospect of taking away the heritable jurisdictions which, even after the Revolution, had been a copious source of oppression and iniquity, must have been highly gratifying to so good a patriot. Though he continued after the Rebellion to discharge his public duty with great ability and success, his friends perceived a gradual decline in his health and spirits.¹ Whatever might be the cause of his death, his last illness was short; for he had been upon the bench in the month of November, and on the 13th of December he breathed his last. One would have wished for some account of his sick-bed from the eloquent pen of his friend Mr Carmichael, for it must have been a dignified and instructive scene. He died universally lamented—even such as were least satisfied with his politics giving him ample credit for his justice and virtue. His funeral was splendid, being attended by the Magistrates of Edinburgh, the Faculty of Advocates, and the Writers to the Signet, in their formalities—his brethren declining the compliment, lest it should be made a precedent; they therefore attended the corpse along with the relations of the family. In short, he and Lord Newhall were the two judges of those times for whom the public expressed most sorrow when they died. President Forbes died at a

¹ *Virgilium tantum vidi!* I saw him in the President's chair a few weeks before his death. Though a boy, I was struck with his figure, which is well represented in his statue in the Parliament House.

most critical juncture, when a new tide of opinions and manners was setting in strong. If any single man could have stemmed the torrent, it was this gentleman, who, in point of genius and accomplishments, was equal to any of the tonish *litterati* of these times, and in virtue and rectitude very much their superior. As he was one of the first of the Scottish lawyers who sacrificed at the shrine of the English graces, so he was unquestionably the purest and most enlightened. Nor can a young lawyer, beginning his course with every advantage, form himself upon a more faultless model.

Robert Dundas of Arniston, the successor of Duncan Forbes in the President's chair, was not only a strongly marked, but a very meritorious character. I can give no account of his education,¹ or of the places abroad where he studied civil law. But his being a second son, who must depend chiefly upon himself, was, upon the whole, no loss to him, as habits of intense application were indispensably necessary in his situation. He passed lawyer in the same year with Forbes, who was long his rival, and though sometimes of different sides,² his good friend on the whole. Like him he distinguished himself in the affair of the medal; but, though a zealous Revolution man, no

¹ In the life of his son there is a number of anecdotes with regard to the father.

² In the reign of George I. the *Squadron* and the Argathelians were ultimately in power. Dundas was of the former, Forbes of the latter. The Dukes of Montrose and Roxburghe, and the Marquis of Tweeddale, were the heads of the *Squadron*. Though only a subdivision of the Whigs, it was long a source of much personal animosity.

sooner was his brother in danger than he defended him with great eloquence. In a few years he came into very great practice for one of his standing. Soon after the accession of the Hanover family, he was made Solicitor-General, and upon the death of Sir David Dalrymple, Lord Advocate. He held that high office with great reputation, till the fall of the Earl of Sunderland, which extended to the *Squadron's* Ministers in Scotland.

Soon after the loss of his office he was made Dean of Faculty, an honourable but not a lucrative station, which he held for a number of years. The loss of power and revenue was in some measure compensated to this gentleman by vast practice, which brought him much money and more fame. He was, it is commonly believed, the greatest Scottish lawyer of the eighteenth century. Besides being a profound feudalist and civilian, he was confessedly one of the closest and clearest reasoners of his time. In order to discover the flaws and sophistry of his antagonist's arguments, he reduced them into the form of syllogism, a task which few of our modern men of law will attempt. It was his peculiar excellence, that after he had taken a full view of a cause, he saw instantaneously the points upon which the decision would turn. These he laboured, leaving men of less acuteness and penetration to harass themselves and the Court with extraneous matter. He spoke with great force and fervour,¹ as if perfectly satisfied of the truth of what

¹ An Englishman, who had slipped into the Court of Session one day when

he said. And hence, though no elegant or pathetic speaker, his speeches were luminous and convincing. The quickness of his apprehension, the soundness of his judgment, the boldness and originality of his topics, made him be regarded as one of the best barristers of his time. In a word, happy was the client who could retain Arniston. Although his law papers were, like his pleadings, full of rich matter much to the purpose in nervous language, yet even then his style was considered by people not very nice in these matters as harsh and unpolished.¹ In truth, he appears to have undervalued the ornaments of rhetoric more than was proper, resembling in that the great lawyer spoken of by Sir George Mackenzie, "*qui trunco non fronde efficit umbram.*"

When considered as the oracle of the Bar, and in the receipt of very great fees, Mr Dundas thought proper to accept of the gown of an ordinary Lord of Session.² One cannot help being surprised at his being made a judge by that Administration, for he was then member for the county of Mid-Lothian, and had voted with the patriots in the question upon the

Dundas was pleading with great vehemence, not being able to understand what he said, asked a gentleman if it was the custom in Scotland for barristers to scold the judges, his discourse being addressed to them.

¹ See his Information for Finhaven.

² [Carnegie of Finhaven had killed the Earl of Strathmore, in a drunken brawl, by a rapier-thrust intended for another gentleman of the company who had given him serious provocation. Dundas secured Finhaven's acquittal; and the speech for the accused is memorable as having served to define and confirm the rights of Scottish juries.—See Arnot's Criminal Trials.]

Excise and Septennial Bills. I know not if any change had taken place in his sentiments previous to his appointment in 1737. Be that as it may, his being called to the Bench must have diminished his income greatly. But he probably found himself unequal to the vast load of business imposed on him, from which he had no other way of escaping. He proved a very great accession to the Bench, at a time when there was a number of able men upon it. The qualities which had raised him to the head of the Bar turned now to excellent account, and made him be regarded as one of the ablest and most useful judges of his time. He was an admirable Ordinary, doing a vast deal of business without precipitating it. Notwithstanding the heat and impetuosity of his temper, which could ill brook contradiction in conversation, his lordship was a most patient and dispassionate hearer of counsel, contriving to draw valuable information from a heavy uninteresting pleading; for when once master of the facts, he could make law for himself. And in the Inner House he made a no less conspicuous figure. Upon the death of President Forbes, all men looked to Lord Arniston as the most proper person to succeed him. Nor was the public deceived in its expectation. Till his health declined apace, which affected his temper, he was looked on as one of the ablest and most upright men that had ever filled that chair. More laconic than his predecessor, he kept judges and lawyers close to the point. The force, the brevity, the soundness of his opinions, ad-

monished his brethren to compress their matter and to weigh their words, since the time of the Court was so precious.¹ There were doubtless cases of magnitude, when it was necessary for him and his brethren to speak at more length, but these were comparatively few. Even his abrupt manner, which degenerated at last into absolute erabbedness, contributed to accelerate business; for nobody cared to say more than enough to a man so fiery and peremptory, who understood business perfectly, and meant excellently well. If he wanted the flowing courtesy and impressive eloquence of Forbes, he fell nothing short of him in sterling integrity, which neither public nor private considerations could sway. This was the more praiseworthy in a man of strong passions and an ardent temper, who, in his ordinary talk, seemed to set no bounds to friendship and resentment. But his good sense, of which he had an ample share, taught him that, if he were to carry either the one or the other to the seat of judgment, it would sink his character irretrievably.

Although no polite scholar, he was far from despising polite literature. On the contrary, he recommended it earnestly to his young friends, who were a very numerous and respectable band, regretting that he had neglected the study of the best English

¹ Though there were at that time a set of very able judges, there were also some of them very weak men. To them he was barely civil. He said to one of them on putting a vote, "Your lordship is *non*, I suppose," alluding to his often declining to vote. To another, in a cause of accounts, "If your lordship knows anything, it is this."

classics in his youth, which is the best season for acquiring any branch of knowledge. He had little occasion to advise them to study to polish their diction, for by that time every man who had had a liberal education was paying sufficient attention to that matter. As they looked up to him with esteem and affection, his counsels and wishes were equal to commands. From his knowledge of the world and his instruction into character, joined to much warmth of heart, no man was better qualified to give young men of much promise more useful hints with regard to their studies and conduct.

In private life he seems to have been a mixed character, his passions being an overmatch for his principles, which were sound.

He was a zealous friend, a fair and sometimes a generous enemy, when the latter ceased to be formidable. However that might be, simulation and dissimulation were not in the catalogue of this great man's vices; for to a man whose character was bad he could not be civil, in whose company soever he found him.¹ Though by no means opulent, he was no

¹ About 1740 or 1741, John, Duke of Argyll, who had quarrelled with Walpole, happened to be in Scotland. He contrived to give Lord Arniston a hint that he would, upon a certain day, be at a place near Arniston; and if his lordship would throw himself, as by chance, in his way, he would dine with him. A *direct* message would in these days have been thought ill-bred. Accordingly he went a-coursing, and contrived to meet the Duke as by accident. Much kind conversation and many professions of esteem passed on both sides; but the judge went away without asking his Grace to dine. When he came home, his lady asked where the Duke was, for dinner was nearly ready. "My dear," said he, "the first person I saw in the coach was that scoundrel (naming him), and rather than let him within my door I would burn the

lover of money, few lawyers having ever refused so many fees, or working harder without them. He made it a rule never to take money from a freeholder of Mid-Lothian or a clergyman, and it was observed that he never exerted himself more strenuously than upon those occasions. He was all his life exceedingly fond of company, or, in other words, of his bottle, without which, in those days, there was little society. Besides frequent potations at his own house at Edinburgh after business was over, he was often in the tavern, which was in those days in much more repute with men of all professions and characters than at present.¹ But at Arniston for a number of years he kept what would now be called open house, where friends and neighbours came uninvited, and met with cordial welcome. His splenetic humour, which in certain tempers is by no means incompatible with much kindness, sometimes broke out before meals,²

house. But come," said he, "let this great dinner be served up in form. I asked a friend or two to dine with the Duke, and they shall certainly not be disappointed." The Duke, it was alleged, was not always choice in his company.

¹ I have heard from good authority that once, when engaged with a very joyous company in the tavern, his coachman came at the hour appointed. Being a very bad night, he sent repeated messages without effect. At last the man, who probably liked his horses as well as his master did his company, broke into the room and said he would stay no longer. So much was the latter incensed, that he wrote a warrant of commitment to the tolbooth against the poor man, and was with great difficulty prevented from carrying it into execution.

² It was then customary for the magistrates of Edinburgh to pay their respects in a body to a new President, if he lived near town. In taking a walk before dinner, Bailie Milroy, a timber merchant, one of their number, was much struck with a fine ash-tree (which had been lately blown down). Staying behind the company, he measured it and calculated its contents. On coming

seldom after them. At the head of his own table he made a joyous and respectable figure, none knowing better how to give conversation an interesting turn; and whether it was grave or lively, he took no more of it than was acceptable to his guests. In truth, a great deal was to be learned from him over his cups, which was not to be had from books or from other people. He was particularly fond of the society of young men, who found themselves both edified and entertained by his converse, in which there was no forbidding pride. When any of his *élèves* neglected his glass or digressed from the matter in hand, he would say with good-humoured spleen, "*Hoc age.*" His love of hunting and rural sports drew a number of people about him; and surely to one who either thought or lived hard, a degree of exercise was exceedingly necessary.

It may well be thought that a man so able, friendly, and hospitable must have had a great sway in his country. For many years he had the entire command of the shire of Mid-Lothian, living with the freeholders like brothers, and doing them every service in his power. He was long their representative; and when called to be a judge, they followed his recommendation. Happy would it be for counties had they such

up, he asked his host abruptly if he would sell the great tree. "No, really, Bailie," said his lordship peevishly. "But, my lord," continued the other, "perhaps you do not know its value: I will tell you, and, moreover, give you a halfpenny a foot above the common price." "Sir," said the judge in a rage, "rather than cut that tree I would see you and all the magistrates of Edinburgh hanging on it." I had this anecdote from Lord Kennet.

men at their head ! It is true, upon one occasion he had an unpleasant quarrel with a promising young man, to whom the public were abundantly partial. Suffice it to say that this idle dispute gave him an opportunity of displaying a wonderful extent of eloquence and ingenuity, it being one of the greatest exhibitions he ever made. He had for many years everything to say with the Faculty of Advocates, a great proportion of them regarding him as a parent or a brother.

Though a free speaker, and reputed a free liver, more than perhaps suited his age or station, he was a firm believer in Christianity, and when not under the impulse of passion, desirous of acting up to its precepts. Such were the effects of a strict religious education. Though the lessons then learned might be neglected for a season, they were not to be eradicated amidst the bustle of life. Even the persons that loved him least, and made least allowances for his frailties, never questioned his sincerity, but imputed them to the warmth of his passions. Indeed meanness and hypocrisy of every kind seemed entirely foreign to his nature, which had nothing dark or artificial in it. He was a constant attendant on divine service in town and county,¹ and an excellent hearer. Being not a little indignant at the rapid progress

¹ Miss Smith, Kilmadock, who was once in the family, told me that, on Sunday at breakfast, he said to a young lawyer, "I hope for your company to church ; such as do not like that had better take themselves away." It had more effect than a penal statute.

of scepticism, he was beyond measure jealous of some of the Edinburgh philosophers, who, towards the end of his course, adventured to broach their novel notions.

He was in his judgment a stanch Presbyterian, carrying his hatred and contempt for the Episcopalians beyond all bounds, insomuch that in one of his positive fits he persuaded the Court very indecently to sit upon Christmas Day. I am not prepared to say what were precisely his views of ecclesiastic polity at different periods of his life. It is easier to say what he was not than what he was. Assuredly he was none of those who contended fiercely for the *divine right* of the Christian people to choose their minister. He was for a number of years decidedly against Patronage, to which he believed nothing would reconcile the Scots.¹ Till 1750, much the greater part of churches were settled according to the letter or spirit of the Act 1690, even when a presentation was got. Unwilling to exasperate the common people, he opposed the first deposition of Ebenezer Erskine and his brethren, foreseeing that it would kindle a violent flame. That he was never influenced by *Squadron* politics, it would be rash to affirm; for in these days the settlement of vacant churches was often a trial of skill between the two great factions. If the temperate system of Church polity laid down by the Marquis of Tweeddale was

¹ In the year 1736, he drew up the Assembly's spirited remonstrance on Patronage. It may be seen in the Church records.

not of his lordship's devising, it probably met with his hearty approbation, for he was the oracle of that noble lord and the intimate friend of Dr Wallace. In 1749 and 1750, his lordship opposed, with his usual energy, a proposition of the Church's applying to Parliament for a general augmentation of stipends; and when he found the dominant party would not listen to his remonstrances, he put the landed interest upon a way to defeat the scheme.

He died in the year 1752, less of disease than of a failure of nature—the lamp of life burnt to the lees. Though his temper had become irascible to the extreme, he retained his intellect vigorous and unimpaired to the last.

It is needless to give any account of his family affairs. He was twice married, and left issue by both his ladies. As he lived to see his eldest son in a prosperous state, likely in time to fill the first stations in the law, so another of them, whom he left young, has made a distinguished figure in most trying tempestuous times, which required a strong-minded man.

Upon the whole, whoever wishes to be either an eminent barrister or an enlightened upright judge would do well to study the character of President Dundas. From it he may learn what mighty things may be done in public life by a man of strong passions, who grafts strict honour upon better principles, making them the rule of his conduct. If he had his faults, neither his clients, while he was at the bar,

nor the lieges, when he was advanced to the bench, were the worse of them.

He may likewise be regarded as one of the last of that illustrious group of Scottish lawyers who adhered religiously to the dialect, manners, and customs of their ancestors. At his outset, and even on going into Parliament, he did not think it incumbent upon him to study the niceties of the structure and articulation of the English language like a school-boy. This was, no doubt, an insuperable bar to his being well heard in the House of Commons; but he was satisfied with displaying his unpolished manly eloquence at the Scottish bar, where he was sure of finding admirers. Trusting to the extent of his intellectual powers, and to skill in his own profession, he held the graces of style by pronunciation perhaps too cheap. Be that as it may, he left it to younger men to bow to the Dagon of English taste. Though Scotland had lost its rank among the nations, he could say, as the Trojan did of his country after the fall, "*Fuimus Troes, fuit Ilium et ingens gloria Teucrorum.*"

Thomas Kennedy of Dunure, one of the Barons of Exchequer in the reigns of George I. and George II., was the son of Sir Thomas Kennedy, Provost of Edinburgh before the Revolution. He passed lawyer in 1698; and if the information of the age may be relied on, he was much esteemed as a barrister in the latter end of Queen Anne's reign. He is said to have been averse to extensive practice, reserving himself princi-

pally for causes where there was much scope for eloquence and ingenuity. So high was his reputation, that when Sir David Dalrymple was turned out for alleged neglect of duty,¹ Mr Kennedy was made Lord Advocate in his room. He held that office but a few months, having been appointed in June 1714 and removed in November, when Sir David was restored to the office. In that high station he was distinguished for candour and ability—his speeches in Crown causes being more like those of a judge than of a prosecutor thirsting for vengeance. His pleadings and law papers are said to have been uncommonly elegant for those times, when that matter was in very little request. The qualities of his head and heart were heightened, not diminished, by a modesty in which there was not the least tinge of awkwardness. It is somewhat extraordinary, that a man who had been the Lord Advocate of a Tory Ministry should be made a judge by the Ministers of George

¹ James Dundas, elder brother of the President, said to have been the ablest man of his family, was commissioned by the Duchess of Gordon to present, in her name, a medal of the Pretender's to the Faculty of Advocates. He made a flaming speech, which, as the law stood, sounded very like high treason. After a very keen and passionate debate, it was agreed by a great majority to receive the medal. Though a zealous Whig, Sir David Dalrymple did not prosecute Mr Dundas, who had reason to think his conduct would be acceptable to the Tory Ministry. But whatever might be their motive, upon a strong remonstrance from the Hanoverian envoy, they turned out Sir David and put Mr Kennedy in his place. To avoid a prosecution, James Dundas went to Paris. Finding himself neglected at a fashionable ordinary, he bespoke three places for next day, when he brought two dogs with him, which he set on each hand of him, dividing all his discourse to them, calling them M. le Compt and M. le Chevalier. A Frenchman called him out, and killed him in a *rencontre*.

I., who scanned men's principles with great care. It affords proof that his conduct had been unexceptionable. He was long the great ornament of that Court,¹ which was not always fortunate in its head.²

Being a classical man, in the true sense of the word, nothing was more grateful to him than the advancement of those studies which have a tendency to mend the heart and improve the understanding. Different as he seemed to be on great occasions when crowds wished him to speak his sentiments, in the company of his friends he expressed himself with great facility and grace. And so sweetly winning and unassuming was his way of communicating knowledge or giving advice, that everything he said made a deep impression on ingenious minds. For many years his house was the rendezvous of the learned and polite, who never found themselves more at their ease than in the company of this good man. To him they communicated their literary plans, of which they knew him to be both a competent and a candid judge. Then every topic which engrossed the attention of men of letters at home and abroad was discussed by him and his accomplished guests. How fortunate was it for young men to have free access to such excellent society, where much was to be learned which could not be had from books! Then they had an opportunity of seeing things not often seen,—courtly

¹ [The Exchequer.]

² Once that Chief Baron Idle, the weakest of men, was teasing a witness, the Baron said mildly, "Brother, would you have the man tell what he does not know?" Idle had been Lord Hardwicke's schoolfellow.

manners set off by mirth and innocence ; obsequiousness, without one grain of flattery and meanness ; and virtue, in a form so amiable and alluring that youth itself was desirous to copy it. Under his auspices were formed a number of persons, some of whom made afterwards a considerable figure in the great, the learned, and the busy world. All of them professed infinite obligations to the Baron for what they had learned under his roof. It was observed that most of those that were bred in his school had a strain of gentleness and a disposition to courtesy which served to recommend them in the commerce of life. The modesty and reserve which had accompanied him while an officer of State, and perhaps prevented him from doing all the good he might, did not desert him in a more private station, where he kept as much aloof as possible from the bustle of the world. To that must be attributed his reluctance to write anything which might have served as a memorial of him to future times. No man was more likely to have written better memoirs of his own times, or was better acquainted with the characters of the persons who acted the principal parts in the political drama. And after he had withdrawn from courts and parliaments, he kept up a correspondence with persons who could give him the best intelligence.¹ From some of his letters, which I read with

¹ Colonel Edmonston, who was cousin to Mrs Kennedy, and always regarded the Baron as a second father, told me that he was directed by him on his deathbed to burn a number of interesting letters, particularly those of

great pleasure, his style seems to have been no less classical and delicate than characteristic of the writer. Indeed they approached very near the idea I had formed of his conversation, which is the best test of letter-writing.

If his manners would now be thought courtly in the extreme, his lady had all the ease and frankness that could be desired, accompanied with dignity, and a politeness which would have graced a court. She was indeed an excellent specimen of the ladies of Edinburgh before they began to engraft English modes upon their own. As she had been a fine woman in her youth, she did not cease to be amiable and engaging when old age overtook her. She had all along a vein of sprightliness, chastened by good breeding, and heightened by benignity and a sense of propriety. Yet when any person in her company chanced to be rude,¹ she knew how to check him without losing her temper.² If the Baron spoke rather English than Scots, she adhered pertinaciously to her native dialect, as it was spoken by people of fashion in her youth and prime. For some time

William Stewart, the friend and confidant of the Duke of Argyll in the reign of George I.

¹ As the Baron lived long at Fountainbridge among the English Commissioners, they were sometimes together. One of them, a vulgar half-bred man, said one day to Mrs Kennedy at table, "Madam, your ham is stinking; order it away." She complied, and turning to her butler, said, "Did not I order one of my own hams, made at Dalwharran [Dalquharran], and not that nasty, rotten, stinking, English one?"

² She was heiress of the family of Kinninmont in Fife, and was first married to Sir Alexander Murray, who died early, leaving an only son, who died soon after his marriage.

before his death in 1754, he was so much enfeebled as not to be able to go abroad. She survived him some years, retaining her pleasantry and cheerfulness to the last. No wonder, then, that for many years their table and drawing-room should be regarded by the learned and polite as places where elegance and virtue were happily united, without pride or fastidiousness.

Sir Gilbert Elliot, Lord Minto,¹ falls to be mentioned among the amateurs and early promoters of polite literature in this country. For many years he was one of the *litterati* to whose opinion much deference was paid by the authors of new works in verse or prose. Though too lazy, or too busy, to write anything himself, he was looked upon as a very judicious critic, whose taste might be relied on as likely to anticipate that of the public. Perhaps he was better acquainted with the *belles lettres* than with the quiddities of the feudal or municipal law. Yet his sound masculine understanding and long experience in business, joined to his dignified manners, procured him the character of an upright useful judge, whose opinions were well digested, and delivered in gentlemanly language. I am not prepared to give a fuller account of his outset and progress; but he was a most fortunate man in his family. He first saw his eldest son, whom it was then the fashion to admire for his accomplishments, married to a

[¹ Lord Minto by courtesy only as a Lord of Session. His grandson, who was Governor-General of India, was the first Lord Minto in the peerage.]

beautiful, amiable woman with a handsome fortune.¹ In fine, how gratifying was it to an aged parent to be promoted to the office of Justice-Clerk by the interest of that son, when eloquence had raised him to great offices and the rank of Privy Councillor! After having been a Lord of Session for forty-four years, he died in 1766, while his family was most prosperous,—indeed somewhat an object of envy.

Contemporary with the persons last under consideration were five Lords of Session, who, though very different in other respects, made a considerable figure in their day. As none of them were professed Liberals, or much concerned in what was doing in the literary world, it will be sufficient to speak of them briefly, the rather that I have little access to be acquainted with those particulars which are considered as the most interesting parts of biography. Had they been entirely omitted, the series of our men of law would have been incomplete.

James Erskine, Lord Grange, was by the interest of his brother, then Secretary of State, made Justice-Clerk when but a young man. He was displaced after the Queen's death to make way for Ormiston, who had been turned out by the Tories. He continued, however, a Lord of Session and Justiciary. Being a zealous Presbyterian, and in high favour with the rigid clergy, he had probably been represented to

¹ Baron Kennedy and his lordship were long great friends, and Mr Elliot being one of the former's favourites, was pitched on to marry Miss Murray, on whom Mrs Kennedy settled the estate of Kinninmont.

the new king as of very different principles from his brother the Earl of Mar.¹ And though the latter had been disgraced, he did not rise in rebellion till after the judges had received their commissions. Be that as it may, Lord Grange was well qualified to shine on the bench. He was a good lawyer, a ready and forcible speaker. Had the qualities of his heart been equal to those of his head, he might have made a great and useful figure, both as a judge and a member of society. But as he was of a restless, fickle, intriguing spirit, he lost his happiness and independence by pursuing phantoms that eluded his grasp. Instead of confining himself to the duties of his office, which were sufficient to occupy the most active mind, he plunged into the abyss of politics, from which, as from a pestilence, every judge ought to keep aloof. He was one of that motley phalanx which, with very different views, assailed Sir Robert Walpole, whom they represented as a second Sejanus, whilst they assumed to themselves the name of patriots. A number of them, particularly the younger ones, meant well to the State, though they expected in due course to get a share of the loaves and the fishes. It would, however, be excess of charity to allow Lord Grange even the merit of good intentions; for he appears to have been the dupe of his ambition, which was equally chimerical and selfish. Imagining that he should be

¹ The truth is, Lord Mar was always esteemed a Whig in his sentiments; but as ambition made him a Tory, resentment made him set up the standard of rebellion against the House of Hanover.

as well heard in the House of Commons as he was in the General Assembly, he stood for the burghs of Stirling, &c., and upon carrying the election resigned his gown. But his first speech convinced Sir Robert that the new member's eloquence would be never formidable. Finding his hopes of being ere long Minister for Scotland utterly blasted, he attempted to return to the bar; but he met with no encouragement, even from his old associates in politics and business. It would be irksome to trace the progress of his degradation in society, step by step. He ruined his own fortune, and involved his virtuous and amiable nephew, Lord Erskine, when little more than of age, in explicable difficulties. His high pretensions to sanctity and patriotism did by no means accord with his life and conduct. The sending his lady, the mother of all his children, who had been guilty of no crime, to St Kilda, where she lived and died in great misery, fixed an indelible stain upon his reputation. Upon these parts of his history I forbear to enlarge. But after a number of years, spent in poverty and obscurity about London, he died wellnigh forgotten in the year 1754. The story of this able ill-fated man would be a grateful theme to those who delight in performances similar to Scotstarvet's 'Staggering State of Scots Statesmen.'

David Erskine, Lord Dun, was a man of very different character. If not a first-rate lawyer, he had sufficient learning to make him a useful judge. As he spared no pains in discharging the duties of his

laborious office, so he was accounted a man of honour and integrity, both on and off the bench. His piety and zeal for religion were conspicuous, even in times when all men prided themselves upon being decent in these matters. The pedantry of his talk and the starchiness of his manners made him the subject of ridicule among people who had neither his worth nor innocence of heart and life. He was likewise overrun with prejudice, which sometimes warps the judgment of able, well-intentioned men; but for that, one would be at a loss to account for his Toryism which approached very near to Jacobitism. How this could be reconciled to the oaths he had taken, is not the question here; but sometimes we see people wonderfully ingenious in grossly deceiving themselves.¹ Be that as it may, it could not escape observation that, for a number of years Lord Dun hardly ever voted on the side of the Crown, even when the decision was wellnigh unanimous. This never appeared more glaring than after the Rebellion of 1745. Had he been a chancellor it was wrong; but circumstanced as the Bench then was, his single vote was of little avail. In his notions of Church government he was decidedly Episcopal, which was nowise inconsistent with his solemn obligations. His

¹ Strange as it may sound, I have been assured by people, very well informed, that in Queen Anne's time, near a moiety of the Lords and Clerks of Session, and perhaps a larger proportion of the advocates and writers, were declaredly disaffected. What salves the former had to sooth their consciences I will not say; but it shows that oaths of allegiance and oaths of opinion will not make men refuse lucrative and honourable offices.

conversing much with that species of clergy gave, probably, a tinge to his principles, of which he himself was not aware. He was, I have been told, prolix and diffuse in his speaking, both in public and in private. It did not serve to set off what he said to greater advantage, that he spake a language peculiar to himself, which he called English. Upon the whole he was assuredly a good, if not a great and shining character. His foibles were either venial, or occasioned by prejudices which it was impossible for him to shake off. In one point he carried his notions of duty much too far. He thought when a judge could not constantly do his duty he ought to retire; for which reason he resigned his Justiciary gown in 1744, because he was no longer able to ride the circuit—for in those days it was literally performed on horseback. And in 1753, when his health and strength were much impaired, he quitted the bench entirely, without asking a pension, to which his long and faithful services well entitled him; and he was by no means rich. He ought therefore to have retained the emoluments of his office, though not able to discharge the duty. His 'Advices,' which were published not long after his death, convey no very high idea of his teaching and judgments, or of the beauty of his diction.¹ He hardly lived two years after quitting the bench.

Andrew Fletcher of Milton was in many things a

[¹ Friendly and Familiar Advices; adapted to the various Stations and Conditions of Life, and the Natural Relations to be observed among them. Edinburgh, 1754.]

striking contrast to his brother Dun. Each of them had a great deal that the other wanted. Lord Milton was nephew to Fletcher of Saltoun the great patriot,¹ who could not abide his paying early court to Ministers of State. Being esteemed a man of parts and a dexterous politician, he was called to the bench somewhat earlier than common in those times. And if he was not a scientific lawyer, it was owing to his other pursuits and avocations, not to want of parts. He was for many years the confidential friend and deputy of Lord Ilay, afterwards Duke of Argyll, who had long the entire direction of Scottish affairs. Though both that noble lord and his deputy Milton were for a great while the objects of much envy and obloquy, it is now understood that the former was not only the wisest and greatest Minister, but also the most enlightened patriot, Scotland has produced. That Lord Milton was not a pure character admits of little doubt; for he lived in factious and perilous times, when Ministers of State must take every method to defeat the designs and machinations of their enemies. In those days a regular plan was laid by those who called themselves patriots to force themselves into the Cabinet, by getting a majority in the House of Commons. To attain this end they used every means, even sometimes those which a rigid moralist would reprobate. These things were

¹ I have heard Sir Hugh Paterson say, who knew Saltoun well, that he early predicted his nephew would turn out a *corrupt fellow*, and a perfect courtier. Saltoun, however, hated all kings and Ministers of State.

at least as culpable in patriots as in Ministers of State. But that was not all: the Jacobites, who in those days were a numerous, high-spirited body of people, were continually forming plots of insurrections, by invasions, in concert with the natural enemies of Britain. In those circumstances Ministers were surely justifiable in endeavouring to counteract the cabals of the pretended patriots, as well as the hostile plans of the friends of the house of Stuart. And it must be confessed there never was a sub-Minister in any country who acted his part with more ability and address. Now that men's passions have subsided, let it be remembered to his honour, that he never took a hammer to break an egg—that is, he never had recourse to harsh or violent measures when it was not absolutely necessary. He no doubt availed himself of his own and his patron's power at Court, a thing which has always been, and must ever continue to be, done by the rulers of states and their Ministers. Yet amidst all the charges brought against him, he was never accused of having any politics of his own to promote at the expense of his royal master. There was hardly a county or burgh in the kingdom where he was not acquainted with all the friends and opponents of Administration and with the characters and views of the leading men on both sides, of which knowledge he made the proper use. If some of his instruments were not always what they ought to have been, they were at least perfectly equal to the task assigned them; for no Minister ever employed so

few weak men. It will readily be admitted, that a great deal of the business done by him was by no means well suited to the station of a judge, who ought to be of no party, and is not entitled to shelter himself under the excuse of State necessity. The management of elections, and the counteracting plots against the State, fall more properly under the department of a Secretary of State or his deputies; but as there was no such Minister in Scotland, these parts of his duty were exercised by the Justice-Clerk, in conjunction with the Lord Advocate. And as the Administration had without just cause been assaulted with great violence, an unusual degree of vigour and vigilance was undoubtedly due on its part. After the fall of Sir Robert Walpole, when the power and influence of the Duke of Argyll suffered a temporary collapse, no reformation was effected in counties and burghs, nor did the wheels of Government run more smooth. After a short interval of two years things returned to their former channel, with the approbation of the public. It must not be omitted, that though no man was more hostile to the partisans of the house of Stuart while in arms, yet the moment they were at his mercy, he showed them more humanity and forbearance than the tenor of his instructions warranted. And it had been happy had his superior been actuated by the same spirit. When he resigned the office of Justice-Clerk in 1748, he retained the charge of superintending elections, which he considered as his masterpiece.

Of his literary talents, and of the figure he made while at the bar, it is now much too late to inquire. But in point of fashion and accomplishments, he was a modern man compared with his brother Grange and Dun, who trod in the steps of their fathers. He wrote and spoke like a man of sense and knowledge, who attended more to substance than to show. His mother wit and penetration would have enabled him to have made a great figure on the bench, had the variety and weight of his other business not engrossed his attention. His opinions, though not laboured or profound, were generally much to the point, and expressed in plain, perspicuous language. For a number of years before his death he did as little business as a judge as he could, being corpulent and infirm. Had he made it a rule, in the zenith of his power and influence, to be *non liquet* in political causes, it would have been for his credit. I know little of his private life, and nothing of his religious principles. If no Mæcenas, his friend the Duke of Argyll was all along the avowed patron of men of letters and genius. Before his demise, in 1767, Lord Milton was so much enfeebled in mind and body, that he diverted himself with children's playthings, which must have been a humbling sight.

Patrick Grant, Lord Elchies, was a great lawyer, and perhaps one of the quickest and most acute judges in his day. If any one was superior to him upon the whole, it was Lord Arniston. Of the out-

set and connection of the former I am entirely ignorant,¹ only he had a good estate in Murray, which, in the latter part of his life, he seldom visited. In what style he wrote and pled while at the bar, is a point which few persons now alive can solve; but the probability is, that his merit would induce the practitioners of the law to employ him as a counsel whose zeal and ability promised success. I have often listened with admiration to his speeches in the Courts of Session and Justiciary, which were equally close and keen. If not an elegant polished speaker, he was a most energetic one, both in point of manner and matter. Of course, though not a popular character, his opinions had great weight both with the Bench and the Bar; for he seldom let anything escape him, and sometimes he started points of law that had not occurred to the lawyers on either side.² So much did he enter into the business before him, that he could not forbear an unpleasant sneer on his countenance when he listened to the opinions of his brethren who were of a different judgment. And in answering them, he spoke with all the fire and animation of a barrister. That, however, was probably connected with his hot sanguine temper, which could

¹ When his mother was told of his being made a Lord of Session, she said it would not surprise her if her pet should be made a king. A proof of her high opinion of him!

² This took place in the Laird of Lundin's claim to the estate of Perth, where he found a flaw which had not occurred to the king's counsel. It raised a loud clamour against him, and even many of his own party condemned him as ill-natured and officious in a case of that kind.

ill brook contradiction. Where party dislikes were out of the question, his integrity and good intentions were unquestioned. But no promotion-hunter or election-jobber,—he was if anything too keen a Whig. He was thought to go as far wrong as Lord Dun, though in the opposite extreme, it being remarked that he seldom voted to sustain a claim. In this he was surely exceedingly culpable, as it looked very like taking a side, than which nothing can be more indecent in a judge, who is bound to do justice in mercy. But in this he probably deceived himself, without designing it. No wonder, then, that he should be even more execrated by the Jacobites and the friends of the suffering families than Lord Milton himself, whose humanity some of them had experienced, and who, if forced sometimes to take severe measures, never aggravated them with bitter words. The heat and keenness of his temper were no less conspicuous in the Justiciary Court, where, in most cases, he exerted himself with indecent fervour to get the culprits convicted. Most of them, it is believed, were guilty of the charge, and had the assistance of very able counsel, who often attempted to mislead juries. That, however, is no sufficient apology for a criminal judge playing the part of a Crown lawyer—it being his duty to moderate the violence of both sides. In giving his opinion upon the import of verdicts, and signing the sentence of death, there appeared a malignant smile on his face which shocked the spectators. If he meant it as

the triumph of justice over guilt, it was sufficient that the unhappy convicts were ere long to make atonement for their crimes, without being insulted by the horrid joy of their judges, in cases when even the heart of a generous enemy would be softened. Upon the circuit he kept up his dignity to the full; nor would he abate one tittle of the rights of office.¹ He was a very temperate man on these occasions, nor did he affect the popularity of some of his brethren in entertaining the country gentlemen. From all that I can learn, he was a mere lawyer, who thought and spoke of nothing else but cases of law, which he would argue over his bottle with his usual animation and ingenuity, backed perhaps by new and more eloquent arguments.² Well aware how much he was hated and detested by the disaffected, he affected to despise their clamours, conscious, he said, of having done nothing more than his duty in perturbed times, when lukewarmness would have been a crime. Be that as it may, he was a man more able than

¹ On the 2d or 3d day of August the Provost of Glasgow asked his lordship's leave to be absent next day on special business. "My Lord Provost," said Elchies very modestly, "I can no more dispense with your presence in the procession than with that of my trumpeters." Charles Cochran, whose wit was of a malignant cast, observed of the circuit lords that there were two of them, Justice-Clerk Erskine and Minto, who *ate*; two of them, Strichen and Drummorie, who *drank*; and two that neither ate nor drank, Elchies and Killkerran.

² This used to provoke Lord Arniston beyond measure, whose conversation was of a very different cast. "My lord," said he one day at Elchies's table, "I never wish to talk on law after meals. The moment a cause is determined, I desire not to argue it over again: I would as soon converse with a w—— after business was over."

amiable—more ingenious and useful than a great proportion of his countrymen were disposed to admit. Want of prudence and want of self-command seem to have been the chief defects of his public character, for with his private character I am not acquainted; only, had there been any stain in his principles or practice, party malice would have proclaimed it aloud. He died in 1754.

Hew or Hugh Dalrymple, Lord Drummor, had a strongly marked character, the features of which differed not a little from both his predecessors and successors. He was younger son to the President, and raised to the bench in the prime of life while his father was alive. From his habits in the latter part of life, there is no reason to think that he was a hard student in his youth, or a plodder at any time. The quickness of his parts rendered the first unnecessary; and his love of society prevented the other. Neither can any person now alive tell, even from second-hand, what practice he had at the bar; but as a persuasive energetic speaker he was well calculated to shine in all causes where an appeal was to be made to the passions. I shall therefore be obliged to confine myself chiefly to his afternoon of life, when his vivacity and ardour of temper were regulated, not extinguished. I had frequent opportunities of seeing him for some years in the Courts of Session and Justiciary, or in the General Assembly; and I had occasion to hear much of him both before and after he quitted the stage of

life. Who that saw him at an advanced period of life could have imagined that this gentleman should be so far gone in the manner of patriotism as to have serious thoughts of resigning his gown, that he might get into Parliament and run down Walpole! In 1733, when a very young judge, he stood for the Aberdeen district of burghs, but, fortunately for himself, lost the election, after a keen contest. How he comported himself off and on the bench during the remainder of that statesman's Ministry, I am not prepared to say; certain it is, however, that spite of any ebullitions of party spirit, his character as a judge and a man remained unsullied. In the year 1744, when the Ministry consisted partly of *quondam* patriots, he was made a Lord of Justiciary, a promotion which gave general satisfaction. From that time he confined himself to the conscientious and spirited discharge of the duties of his important offices. He contented himself with evincing upon all occasions loyalty to his sovereign, whose true interest he thought intimately connected with the happiness and freedom of his interests. He had the sagacity to see that the fall of a great but unpopular Minister had not produced a golden age, and that purity and self-denial which had been so fondly expected by himself and others.

Lord Drummore was henceforth a great ornament and support to both benches, less perhaps as a profound civilian and feudalist, than for his candour and the soundness of his head and heart, which led him

to judge soundly and decisively in every question. No man questioned his integrity or the purity of his motives; for though prone to resentment, he carried it not to the seat of judgment. As he was a man of great personal and political courage, he was neither to be daunted or biassed by influence of any kind when he thought the interests of truth and virtue were at stake. He retained so much of the patriot, that had the Ministers of those times been disposed (as they were not) to stretch the prerogatives beyond bounds, he would have opposed them strenuously. In his opinion there was no parade of learning or authorities; but he laid down the law briefly, clearly, and forcibly, in a way to be understood by every gentleman, whilst he spoke home to the feelings of his audience, who revered his rectitude. Possessed of a vein of native eloquence, improved by strong mother wit, he seemed to scorn rhetorical flourishes. In short, to hear him in the Court of Session, a stranger would have concluded him to have been some strong-minded country gentleman who had been raised to dignity in times when there was a penury of able professional men.

He also made a great figure as a criminal judge, save that his heat of temper sometimes prompted him to be seemingly over-zealous for justice. But every person who remembers, as I do, the spirit of those times, knows that the advocates usually employed by culprits went often further lengths than honour or conscience warranted, for they used equal liberty with

law and fact in addressing juries ; and hence persons notoriously guilty of crimes of the grossest dye could hardly be convicted, especially when anyhow connected with party. Be that as it may, his lordship's general deportment in that Court, particularly on the circuit, bespoke dignity, good sense, and mildness, which impressed the spectators with awe and esteem, both for the man and the judge. When he put off his robes of office, he appeared in a new form. By going the circuit frequently he was acquainted with every gentleman of name, his character and connections. Whilst he and they met like old friends, he never let down his dignity among them, even in his convivial hours, which were joyous beyond measure. In a word, he was one of the ablest and most popular judges who then went the circuit.¹

In private life and in his retirement he was exceedingly respected and liked. The kindness of his heart, the soundness of his judgment, and the clearness of his apprehension, rendered him a safe and desirable counsellor. His experience in business and

¹ He was perhaps the last judge who literally rode the circuit. On that occasion he and his retinue appeared to greater advantage than in the present times—he himself and his servants being well mounted and armed with pistols. His figure was portly and graceful, particularly on horseback, and he had a fine animated look. Indeed, from the general strain of his manners and temper, it was not clear whether nature had intended him for a colonel of horse or a judge. In tracing the progress of manners and customs, it is proper to mention that till this time the circuits had been opened with a sermon, after which the judges repaired to the court-house. On some occasion of great business, Lord Drummor proposed to the ministers to open the Court with prayer without a sermon, and ere long the practice became general.

his intuition into the strength and weaknesses of character enabled him to make up differences which a man of less sincerity and address would have attempted in vain; and in proportion to his fortune, few men were so generous and open-hearted, for he was equally ready to serve his friends with his purse or his interest. He spent every hour he could call his own at Drummore,¹ a villa picturesquely situated, which he did not like the less that it was of his own making. There he farmed on a small scale in the English manner, which, if not a profitable concern, afforded him exercise and amusement.² His seemingly boundless hospitality, though common in those days, was rendered more grateful by his fascinating manners and converse, which would have rendered the humblest fare delicious to any person of real taste. His meals, seasoned with mirth, and kindness, and information, formed a wonderful contrast to the ponderous dishes and insipid conversation of many a modern meal. Though he frequently had recourse to irony, he had likewise the happy knack of saying something to every guest which helped to raise him in his own esteem. What wonder, then, if he and his guests sometimes forgot all decent time?

It cannot be denied that Lord Drummore wanted not faults and failings connected with the bent of his temper and constitution. He was perhaps too

[¹ Near Musselburgh.]

² He used to saunter about his fields through the day in a short green coat and jockey cap, a dress that did not suit his great bulk. This made the country people compare him to a *giant's bairn*.

hot and too easily provoked, as well as too prone to resentment; but (as has been already observed) he did not carry it to the bench, so he was no unfair or implacable enemy; and when he found himself wrong or misinformed, he had the nobleness to acknowledge it. If he sometimes drank too hard, it was the vice of the times, and considered as a venial offence when the company was good. Were I even well acquainted with his other frailties, it would not become me to draw them "from their dread abode." Though not compensated, they were, in the opinion of the world, somewhat extenuated by the shining and useful qualities of his head and heart. While hurried away by the impulse of passion he sinned against conviction, he never sought to soothe his conscience by the opiates of infidelity and profligacy on principle. Having been well grounded in the doctrines of Christianity,¹ he all along professed his sincere belief in them. His masculine sense, which made him reject everything that was useless, forbade him to entangle himself in the mazes of metaphysics which at the time engrossed the attention of the Edinburgh philosophers. For some of them, it is well known, he had no regard.

Of the extent and nature of his literary knowledge it is difficult to speak. He wrote no books or even pamphlets that we know of. Certain it is, that he

¹ Mr Duchall, afterwards minister of Logie, was his governor—a polite, pious, rational man, whose instructions were likely to make a deep impression on an ingenuous youth.

made no parade of erudition in his public appearances, where affectation and pedantry had no share.¹ Indeed his time was fully occupied otherwise, either in business or relaxation.

After enjoying a tract of almost uninterrupted health for many years, he was, upon his return from the circuit, seized with a distemper which carried him off in May 1755, to the great sorrow of his friends and neighbours. Happy would it be for society if there were many such judges, spite of all his infirmities and prejudices, which were in truth the infirmities and prejudices of the times.²

Charles Erskine, Lord Tinwald, afterwards Lord Justice-Clerk, was one of the most distinguished characters of those times. He surely falls more within the present plan than the group of judges last under consideration, being not only an eminent lawyer and judge, but likewise a polite scholar, and an elegant speaker and writer. He was the youngest of three brothers, men of genius and spirit,³ and designed for an academical life. When not much more than of age, he was made a regent, a professor at St Andrews, where he taught for some

¹ His account of the battle of Preston, at which he was present, is the only thing of his I know in print. It much resembles his speeches.

² His party spirit exceeded all bounds. Nothing could exceed his hatred of Jacobitism and the Episcopal clergy, but his contempt for the pretensions of the *Christian people*, and the clergy who supported them. A little reflection might have convinced his lordship that both the one and the other, though very opposite in their notions, were virtuous men, actuated like himself, by honest prejudices which they had sucked in their mother's milk.

³ Sir John Erskine of Alva, a man of more genius than conduct, of more wit than wisdom. Dr Erskine, physician and favourite of Peter the Great of Muscovy. He is reputed to have been the ablest of the brothers.

years with great applause. As that was a very limited scene for bright parts, he was advised to turn his thoughts to the bar. By way of interim establishment for the young lawyer, the last Earl of Mar, then all potent in Scotland, procured the Professorship of the Law of Nature and Nations to be erected for him. Though one of the best endowed in the University of Edinburgh, it was not the less welcome for being almost a sinecure. He came almost immediately into great practice; and in a few years was made Solicitor-General, upon Duncan Forbes being made President. This gentleman was appointed Lord Advocate at a very critical tempestuous period. He held that office till the removal of Sir Robert Walpole, when he found it expedient to retire with a double gown in order to make way for Mr Craigie, whom the new Ministers had pitched upon as Lord Advocate. And in 1748, upon a new arrangement of the honours of the law, he was made Lord Justice-Clerk. Archibald, Duke of Argyll, struggled hard to get him made President in place of Arniston. Lord Chancellor Hardwicke, however, succeeded in getting it for Craigie.

This gentleman was possessed of excellent talents, which were improved by culture, and set off to great advantage by graceful persuasive eloquence in a strain peculiarly his own. If he had not Forbes's impassioned glow of sentiment, or Dundas's quickness and fire, he was nevertheless a very powerful and successful pleader. He was, from the accounts I have had

from very competent judges, singularly fortunate in the choice, and arrangement, and application of his topics. His language was long considered as a pattern of elegance and perspicuity. And as his sentences had the appearance of being carefully culled, and marshalled in proper order, so they were uttered with such suavity, and in such a winning manner, that he often extorted the assent of those that heard him to his propositions. It was confessed, however, that if his words were soft and harmonious, his matter was weighty. By way of acid to his sweets,¹ he seldom failed to enliven his speeches with strokes of wit and irony, in which there was no venom or indelicacy. A fastidious critic might perhaps think there was sometimes too much art and *finesse* in his way of expressing himself. Be that as it may, his being a handsome man with a prepossessing countenance, did not diminish his oratorical powers. It was likewise of great consequence to him that he was always cool and composed in a debate, it being exceedingly difficult to put him in a passion or even to ruffle his temper.²

¹ The wags used to give him the denomination of Sweet-lips.

² There was, however, one subject upon which he was irritable. As he never missed a hit at the Jacobites, in season and out of season, they in return would fain have had it believed that he had once been a Jacobite himself, so zealous for the arrival of the French fleet in 1708, that he used to get up before break of day to see what way the wind was. Charles Cochrane, a coarse, ill-natured wit, put him one day in a violent passion at the Duke of Argyll's table by telling him that if the Jacobites should prevail, they would hang him for a deserter. "Charles," said his lordship, not with his usual suavity, "you are most impertinent." When Lord Mansfield was accused on similar grounds by the Duke of Bedford, he behaved with more dignity and temper. "When I was a child," said he, "I acted like a child; but now that I am a man, I have put away childish things."

This was the more meritorious, as he himself used to say he was naturally as irascible as any of his family. His voice was not strong, and he had a lisp in his speech which became him. The few gestures he used were graceful and significant. Such is the account I have had at second-hand of this gentleman's appearances at the bar, which I was too young to have witnessed. But for ten years I was much pleased with his manner of speaking on the bench, where, in point of dignity, elegance, and decency, he had but one single equal.¹ He delivered his opinion with so much gravity and grace, and appeared so thoroughly acquainted with the law and the fact, that he was always heard with reverence and the deepest attention, though he sometimes spoke long. If he had not the same perspicuity and industry in discovering dark and knotty points of law, no man was better able to judge of their truth and solidity when brought forward. And as he avoided all extraneous matter in his speeches, it seemed to be his great object not to commit himself rashly on any subject. It cannot be denied that this respectable man met with a great deal of obloquy in his own time, on account of the part he acted in public affairs. Indeed, from the very outset of his political career, till a short time before its close, he was

¹ Lord Alemoor (of whom afterwards), with all his ability and good-breeding, was by no means so popular a circuit judge as some of his brethren. Though he received his company with courtesy, and entertained them handsomely, his manner was rather stately and reserved. Being a sober man, he did not give his guests as much wine and talk as would have thawed the ice of ceremony.

placed in situations where even the purest intentions could not secure a man against heavy censure. A great proportion of his countrymen, many of them persons of rank and figure, were either the dupes or tools of faction, or else embittered against the reigning family. To counteract their machinations, and to give full play to the wheels of Government, was his duty and ruling passion while a servant of the Crown. What wonder, then, if he brought a little of the same spirit to the bench, where it may occasionally have warped his judgment, unknown to himself, especially when he thought the safety of the State, or the just prerogative of the Crown struck at? In questions between man and man he is acknowledged to have been an enlightened and unbiassed judge; and now that the face of party had assumed another hue, it may be affirmed that the greater part of the charges brought against him were either unfounded or exceedingly exaggerated. Even when his duty obliged him to take strong or harsh measures, his language to culprits and their lawyers was uniformly smooth and gentle. Granting him, however, to have been sometimes too keen, it required all his steadiness and spirit to keep some of the persons who then figured at the bar within proper bounds. One cannot help, therefore, regretting that this elegant accomplished man should have lived in times when it was necessary to take steps that revolted his nature. It was, however, his honour and felicity to be associated with some of the wisest, ablest, and most successful Ministers this na-

tion has ever seen. And though he lived in a period elouded with faetion, it was, upon the whole, a blessed and prosperous one. The observations already made, will in some measure apply to his eonduct as an officer of State. Lord Milton, when he retired from the Justice-Clerk's chair, left his suceessor a great load of business, attended, in its own nature, with great diffieulty. But though for five or six years it was attended with much fatigue and odium, yet, like *Æsop's* burden, it beame gradually lighter, and for years before he died it had become almost a sineeure. It contributed greatly to his ease and credit that his predeeessor took upon himself, from ehoeie, the election department, whieh, though a necessary one in troublesome times, is always an ungracious and invidious one. I remember it was remarked that, with all his benignity and eommand over his passions, Lord Justice-Clerk Tinwald was in truth more strict and rigorous than Lord Milton, who was reputed a sterner and more political man. These, however, were perilous times, and the measures of administration with regard to the disaffected breathed at that period uneommon harshness and severity. In these eireumstanees the Justice-Clerk durst not mollify his orders, knowing the eonstruetion that would be put on them by his superiors.

Of the nature and extent of this gentleman's literature, and of his talents for eomposition, it is diffieult to speak with preeision. It may, however, be taken for granted that, educated as he was for a college life,

he laid in an ample store of knowledge, taken from the best books, ancient and modern. When an eminent counsel and a servant of the Crown, and still more when a judge, he had no time to increase his store, which, from all I could ever hear, was fully sufficient for every purpose. Be that as it may, he had all along a great name as a man of taste; and the elegance and precision of his law papers¹ were a strong proof that he had at an early period of life paid more attention to an innate style than most of his brethren in those days. They were for a great while considered as masterpieces in point of language. Every young lawyer, therefore, aspired at copying him in his manner of speaking and writing. At length there arose a set of men who confessedly excelled him in elegance of diction and reach of thought, as well as in metaphysical acumen, upon which last he had no time to spare. Statesmen in power, and judges that make conscience of their duty, seldom think either of writing books or of attending to language, further than it serves to convey their ideas. It was therefore want of leisure which prevented this accomplished man from making a figure as an author.

In private life he was, upon the whole, a fortunate man. While yet young, he married Miss Grierson of Barjarg, who had a good estate, by whom he had a numerous family of sons and daughters. Even his

¹ I heard Lord Kames tell that, while a young lawyer, he was thought exceedingly presumptuous for calling in question the purity of Mr Erskine's language in one of his celebrated papers.

second marriage, at an advanced period of life, turned out much better than such matches usually do. It gave him an opportunity of acting the part of a father to his amiable daughters-in-law,¹ the Misses Maxwell, who received, under his auspices, an education in which there was a happy junction of elegance and sobering of mind. Before quitting the stage, he had the satisfaction of seeing them matched into noble opulent families that courted the alliance.² Like many other men immersed in business or State affairs, he had it early in contemplation to retire at some future period to rural scenes, where he might enjoy the sweets of domestic life without distraction. It so happened, however, from a train of circumstances, that it never was in his power to execute his plan. At an early period he purchased the estate of Tinwald, near Dumfries, where he built a handsome house and made large plantations; yet though passionately fond of the place and of the neighbourhood, he was obliged to part with it to buy his brother's estate. Besides the well-known picturesque beauties of Alva, it had to him the merit of having been the scene of his boyish and youthful years. With a view to spend

[¹ Step-daughters. One of them became Lady Glenorchy—a lady remarkable for her piety, and foundress of a well-known church in Edinburgh, which still goes by her name.]

² The cruellest disappointment he met with through life was the death of his eldest son Charles, who was bred to the English bar, and reputed one of the ablest, most eloquent young men Scotland had produced. In the delirium of a fever, caught soon after being brought into Parliament, he threw himself over a window at London, and was killed in the fall, a circumstance which was concealed from his father.

his hours of sweet retreat where he had commenced his course, he was at great expense in putting the house and environs in order; and he was never happier than when it was in his power to spend some weeks of the vacation at Alva with his family and a few easy friends.

Whatever envy or malice might say of his public conduct, none could deny that he seemed born to shine in the scenes of domestic and social life. Though the character of a country gentleman was in a great measure new to him, who, for a number of years, could only get to the country for a few days at a time, yet it sat easy and becoming upon him. Besides being the best-humoured man alive, whom it was hardly possible to put into a passion,¹ he was perfectly well bred, and at home upon every subject. In the company of those he liked he was remarkably cheerful and communicative; and as he had a rich store of anecdote, and a true judgment of men and things, he often brought out interesting scraps. He could accommodate his conversation to persons of all ages and character, and be merry and lively in a drawing-room without forgetting his age and station, or time and place.² And whenever it was necessary

¹ Once indeed he was hard put to it. In his absence a pragmatistical gardener had, of his own head, made pollards of a set of limes near the house. "John," said he, calmly, "what made you mangle these trees?" "To give them better heads," answered he. "Ah, before that takes place, my head will be low." "Deil make matter, my lord! the trees will still be growing." The good man smiled and went away.

² Mrs Joass, who in those days lived much at Alva as a friend of the Misses Maxwell, spoke always of the Justice-Clerk as one of the pleasantest and

to give his young friends counsel and information, he did it without dietatorial or harsh airs. There was at that time an excellent neighbourhood around Alva, consisting of amiable and well-informed people, who lived together on an easy friendly footing. Pleasant and rational as their society was, they all agreed that the Justice-Clerk was an accession to it. It was observed, however, that his lordship had a little of his brother Sir John's projecting spirit; but his advanced years and avocations prevented him from going very far.¹

Upon the whole, a man more fortunate in his old age and in his latter end can hardly be figured. His health was in general so good, that, when upwards of eighty, he continued to go the circuit and do duty in the Court of Session with his usual ability. How pleasant must it have been to him, who was passionately attached to his king and country, to see, upon the accession of a new king, the almost total expiration of party, a thing which ten or twenty years ago

worthiest of men. He was at uncommon pains to regulate the taste and sentiments of his young friends, by recommending proper books to them which he characterised. At other times he could trifle agreeably with them, and even help them to make verses or puns. At that time Lady Glenorchy was lively and innocently frolicsome. Though her father-in-law was a warm friend to revealed religion, she learned no Methodism from him.

¹ He would fain have prosecuted his brother's mining schemes. "If," said he one day, "one could turn over the Ochils like a bee-hive, something might be got worth while." On a joint trial on coal being made by him and Mr Abercromby at Cambus, where Sir John had thrown away great sums, Mrs Abercromby, a great favourite of his lordship's, expressed her doubt. "Madam," said he, "were you a farmer, I verily believe you would not trust the ground with seed, lest it should not grow." It is sufficient to say the project misgave after a considerable expense had been incurred.

appeared impossible! At length, in 1763, when a happy termination was put to a *too successful* war, and when the only thing to be dreaded was the abuse of public and private prosperity, he was seized with an illness which, though slight, carried him off in a few days. Even then his good fortune did not desert him; for as he had little pain, he was perfectly recollected and reconciled to his approaching dissolution, for which he prepared like a good Christian.¹

Such were the more eminent Scottish judges before the Rebellion of 1745. There were doubtless others worthy of being also commemorated, but to them and their story I am a stranger. Before proceeding to the lawyers of those times, who either figured or might have figured in the republic of letters, I shall speak of some eminent ones who had no pretensions to taste, their studies being in a great measure confined to their own profession.

Robert Craigie of Glendoich, successively Lord Advocate and President of the Court of Session, was a man whose character ought to be studied by every young lawyer. So little is known of his education and outset, that it is uncertain whether he studied law at home or abroad; but in whatever way his knowledge was acquired, he was confessedly an excellent civilian and feudalist. Without powerful friends or insinuating manners and address, his own merit

¹ His last composition was a prayer in classical Latin for his king and country, written with his own hand upon the back of the Secretary of State's letter to him announcing that the definitive treaty of peace was signed.

and application got him considerable practice before he had been long at the bar. While a rising man, he was made Sheriff of Perthshire, which was in those days rather an honourable than a lucrative office. Though he dealt little in flowers of rhetoric or in addresses to the passions, his pleading gave equal satisfaction to the Bench and to his employers, and that at the time when the Bar was very strong. He was indeed allowed to be an acute, clear-headed, indefatigable man, who had seemingly no other pleasure or pursuit but business. His plain, unassuming manners, joined to the opinion entertained of his rectitude and skill, rendered him highly popular among the practitioners of the law, who placed high confidence in him. He wrote as he spoke, his papers being learned, elaborate, perspicuous, and candid, without any pretensions to finely turned periods or originality of thought, for sound reasoning and precedents were in more estimation with him than novel theories. No wonder, then, that his productions should be as much admired by the Lord Chancellor¹ as by the agents of Edinburgh. When Arniston and Tinwald were raised to the bench, he succeeded them as the chamber counsel to whom people were to have recourse in all nice and important questions. It is a branch of business by which much money and much reputation are to be got with little fatigue.

So high did Mr Craigie stand in the public opinion, both as a lawyer and a man of integrity, that the

[¹ Lord Hardwicke.]

Ministers who supplanted Sir Robert Walpole and the Duke of Argyll made choice of him to be Lord Advocate ; and had all the patriots then in office been as upright and well-intentioned as this gentleman, it would have been a blessed Administration. He conducted Crown causes with a fairness and moderation that promoted the real interest of his royal master ; and in discharging the duties of a public prosecutor, who by the law of Scotland is invested with all the powers of an English grand jury, he showed no rancour or violence. In preparing good laws and carrying them through Parliament, he did great service to his country. To him we are indebted for an excellent law respecting elections, which cut up by the roots all the abuses then known, and promised to prevent them in future, were it possible to bridle ambition and chicanery by statutes. But here our panegyric must end. It soon appeared that he was very indifferently qualified to be an officer of State in trying times. His office required something more than knowledge of books and of the mysteries of law. His colleagues soon discovered that he knew next to nothing of the world beyond his own very limited sphere, which made it no difficult matter to mislead and overreach him ;¹ and though his public appearances were respect-

¹ In August 1745 he was grossly cheated of a large sum of money by James Macgregor, son to Rob Roy, who pretended to make great discoveries, and undertook to apprehend the Duke of Perth. Besides the money, the Lord Advocate gave him a promise in writing of a commission in the army, by the designation of son to the famous partisan, Rob Roy. Macgregor being chased from Stirling for circulating the Pretender's manifestoes, called here [at Ochertyre] to buy a horse, which my father sold rather than he should

able, he did not gain upon a more intimate acquaintance, there being a want of dignity and propriety in his talk. His defects became more conspicuous when the Rebellion broke out, which exhibited scenes in which he did not know how to act. Being, it is believed, heartily tired of his office, he showed no bad humour when deprived of it in December 1745—a period which required strong-minded Ministers, thoroughly acquainted with the state of the country, and possessed of intuition into character. In fact he was rather a gainer by the change, which placed him in the very situation where he was calculated to shine and to make a great fortune, without envy, and without altering his modes of life, which were not suited to a high station. Upon returning to the bar, he was accounted the soundest lawyer at it, though perhaps not the most eloquent or the most ingenious.

When President Dundas died in 1752, a warm contest took place about his succession. Mr Craigie was supported by Lord Hardwicke, while the Duke of Argyll recommended the Lord Justice-Clerk as the fittest man. It is believed the former was not personally acquainted with Mr Craigie, whom he knew only by his law papers and pleadings at the bar of the House of Lords.

Perhaps he thought that gentleman would make

take him for nothing. After finishing business, Macgregor was asked how he liked the Lord Advocate. "He may, for aught I know, be a very great lawyer, but I do not think him much of a politician." Much to Mr Craigie's honour, he refused to appear against Macgregor some years after, when tried for a capital crime, lest it might be thought revenge.

the better judge that he was not over-eloquent, or reputed a deep politician. But the Chancellor would listen to no reports to the prejudice of his candidate, who was preferred. Ere long, however, it was discovered that that great man had been mistaken in his choice.¹ Spite of his professional knowledge and good intentions, which were acknowledged by those that found fault with his conduct, the new President did not rise in the opinion of the Bench or of the Bar. This was the more to be regretted, that he did not fail in any essential point of duty, but rather for want of temper and decorum. Though not violent or overbearing in his disposition, there was often a heat in his speaking which was very offensive, though he meant not to offend. He spoke much too long, and too often; for when his able brethren differed from him (which they often did), he either interrupted them or thought it incumbent on him to answer their arguments. As they were apt enough to reply, it may well be imagined how much precious time was wasted to little purpose. From the warmth and keenness of

¹ Soon after Mr Craigie was made choice of, Mr Mackenzie of Delvine happened to dine with Lord Minto. There being no other company, the latter said he was glad to find Mr Craigie was to be President, he being a great lawyer and a virtuous man. "My lord," answered Mr Mackenzie, "I have my own doubts about him. My old master, Mr Mercer, of Perth—an excellent judge of men—told me that he knew both Mr Craigie and Mr John Murray (afterwards Clerk of Session—an ignorant man) sheriffs of Perthshire, and that, in his opinion, the latter was by far the best judge." "Fie!" said his lordship, scandalised at this comparison, "this is some of your county politics." Some time after, when the President was engaged in some unseemly altercation, Lord Minto came to the bar, and whispered Mr Mackenzie, "John, your master has been a very wise man."

his speeches, a *blind* man would sometimes have taken him rather for a pleader than a judge. It would have been less extraordinary, though more culpable, had this taken place in political or Crown causes; but as the splitting of votes was only begun in his time, the Court was generally at one in public business, or unless when a nice point of law intervened. The President never showed more keenness and impatience than in questions which turned upon abstract points of law, when the honestest and ablest men might be of opposite sentiments. Even the voice of malice never presumed to impute it to improper motives. If ever his judgment took a wrong bias, it was not known to himself, or done to qualify friendship or resentment. It must therefore be imputed to the love of dogmatizing, which is by no means confined to divines. But from whatever source it proceeded, it only served to provoke contradiction; for all the President's reasoning did not convince his brethren, who were equally tenacious. If there were anything vulgar in what he said, it was less in words or pronunciation than in his idioms and views, which did not bespeak an elevated mind improved by proper culture. Although his defects and infirmities neither impeached the professional knowledge nor sullied the moral character of this gentleman, yet they contributed to make him appear little, which kept him from being as much revered as he deserved. Had he been an ordinary judge, under a president of spirit and conduct, who kept steadily to rules, he would have made a great respectable figure;

because his speeches would not in that case have exceeded in point of length or tartness.

Owing partly¹ to his want of dignity and authority, the business of the Court fell exceedingly far back in his time, which was the more unexpected, that the Bench was all the while very strong and very desirous of doing its duty. Upon the whole, the story of President Craigie may teach Ministers of State never to place a man at the head of a supreme court of justice who is deficient in point of breeding, and a stranger to the ways of the world. A judge with less virtue and less scientific knowledge, who is steady in his conduct, courteous and dignified in his demeanour, will do the most business, and be the most respected. And it may teach young men intended for the Bar not to neglect the lesser elegancies of life, which are only to be learned in good company. So far from trenching upon essentials, these things serve rather to heighten and adorn them, by teaching them how to behave with propriety in every station and relation of life.

He was most apt to be deficient in public companies, where he ought to have been most guarded.²

¹ The claims on the forfeited estates, and the trial of Fassifern for forgery, took up doubtless a great deal of time.

² At the circuit one day, in a large company, he drank to Lords Prestongrange and Auchinleck by the names of *Willy* and *Sandy*. In this he forgot what was due to their place. When the late Earl of Kinnoull first took the oaths, the clerk told him the fees were two shillings. "My lord," said the President, alluding to the test, "in the reign of Charles II. the price of perjury was a shilling." [The seventh Earl, then an old man, was an Episcopalian of Jacobite sympathies. He had married the younger daughter of Harley, Earl of Oxford.]

As a country gentleman, he is entitled to much praise. While at the bar, he generally lived four or five months of the year at Glendoich, an estate purchased by himself, where he built a good house. In those days few lawyers who had country houses remained in Edinburgh during the vacation. It is not surprising that a man who toiled hard in session time should have a double relish for rural scenes and occupations. At Glendoich, therefore, he passed his happiest days. At Edinburgh he had neither leisure nor inclination to be hospitable, or to enjoy the conversation of his friends; but in the country he saw a great deal of company upon an easy footing. What his cheer wanted in elegance was, in the opinion of his neighbours, amply compensated by the frankness and kindness of their host, who was devoid of pride or state when wealth and honours flowed upon him. They even liked his simple homely manners as well as his communicative humour; and though a very sober man, he did not spare his wine when he liked the company and their style of mirth.

He was much found fault with for not living while in office more fully and genteelly. If there was foundation for the charge, it may be more easily accounted for than justified.

By the time he was in office, his own and his wife's¹ habits were formed; and after a certain period of life, it is almost impossible to change them even for the

¹ She was a burghess of Perth's daughter, by whom he got a good portion.

better. As they had originally a very moderate fortune when they married, rigid economy made part of their plans of life. And when his practice grew considerable, the cares of a numerous family made them persevere in a course which was become a second nature to them. No wonder, then, that they should all along keep aloof from the fashionable world. He wanted both time and taste for it: and neither her birth nor manners gave her much inclination to go into polite company. It is therefore no wonder that, after being raised to the highest honours of the law, he and his lady should not think of a new system of living. It is believed the President would have wished to live in character had he known how to do it;¹ but his house and table and equipage fell under the lady's department, whose original notions adhered to her in every change of fortune. Their entertainments, though given to persons of rank and fashion, were, of course, censured and ridiculed, whether too great or too small; but as there was evidently too much attention paid to little matters, meanness was the charge most usually brought.²

If he was all along too fond of money for a man so moderate in his wants and wishes, there are circumstances in his conduct which show that if avarice was

¹ Baron Craigie used to say—"The world is much mistaken about my brother. Though he loves money, he does not wish to hoard it, but his misfortune is, he does not know how to spend it like a gentleman."

² [Mr Ramsay's accounts of the Craigies and their habits will recall Lord Campbell's remarks on Lord and Lady Eldon in the 'Lives of the Chancellors.']

his ruling passion, he acted a very preposterous part.¹ It was for many years a principle with him never to crave a debtor for interest, or a tenant for rent. And it may well be imagined his good-nature would be exceedingly abused in the course of his long life. Without disputing his benevolent intentions, or inquiring whether his forbearance was most injurious to himself or the persons whom he meant to favour, it surely acquits him of the charge of being a sordid, griping man. I have heard it asserted by people that had good access to know, that with better management he might have left double the fortune he did, besides living better. If, from the tenderness of his nature, he exceeded in point of forbearance, it was a luxury which no man could have enjoyed but one who had a great deal more than he could spend.

It is not surprising that Mr Craigie should all along have a considerable sway in his county. Fortunately for the peace and respectability of Perthshire, there was but one contested election in the reign of George II., which he and his friends carried from contending parties, with their own consent.² His influence, therefore, was directed to much better purpose than election

¹ At the end of a winter session, he would have had a thousand guineas in gold lying in his escritaires, which he neither thought of counting nor laying out. He was so bad an accountant that he could hardly sum ten figures deep. So strangely does nature distribute her gifts.

² In 1727, there was a keen contest between the Athole and Gleneagles families, which ran very near. But as Mr Craigie and his friends, who assumed the name of the "Bridge of Earn Club," had not declared, both sides desired that they should name the member. They chose Mr Drummond of Megginch, whom the wags of those days called Sir Francis Wronghead.

broils and party disputes. He had the merit of putting the business of the county into excellent method. To this good man it is owing that Perthshire has, for more than half a century, been distinguished from the neighbouring ones by the candour and good temper of its proceedings in election and road matters, which elsewhere have been a fruitful source of passion or jockeying. He was doubtless most fortunate in having a number of spirited sensible gentlemen to co-operate with him in all his plans. Yet it may be safely affirmed, that but for him the regulations that do so much honour to his memory would never have been thought of.¹ But whatever Mr Craigie's contemporaries might think of the style in which he spoke, and acted, and lived, his detractors could not deny that at the approach of death, he behaved with dignity and fortitude. After a long tract of good health, he was seized, about a twelve-month before his demise, with complaints which, though they weakened him, did not prevent him from doing his duty with little interruption. At length, in April 1760, it was apparent that his last hour was at no great distance. One of his friends proposed to send for a clergyman whose piety was well known. He declined it, saying he must have lived near fourscore

¹ He suggested that a committee should meet the day before the election, consisting of the men of business of both sides, who should consider the claims, and give their opinion without regard to party. When General Scott was told that, at Michaelmas 1774, [Graham of] Balgowan had with a clear majority admitted most of the Duke of Athole's votes, he fell into such a fit of laughing, at what he termed *absurd candour*, that the lining of his breeches broke loose.

years to very bad purpose indeed if he did not know how to die on an hour's notice. A deathbed, he said, was no time for one to make his peace with God. A little while after, he breathed his last with sweet composure.

Though not personally acquainted with the gentleman, I had access to mark his proceedings during the seven years he filled the President's chair, and to hear all that was said for and against him. Nor should I have entered so deeply into his character and conduct had his faults and failings been any more than specks in a meritorious character.

William Grant, afterwards Lord Prestongrange, a lawyer in great practice, and equally distinguished for parts and probity, was made Lord Advocate in December 1745, upon the removal of Mr Craigie. It soon appeared that the Duke of Argyll, who was an excellent judge of character, had recommended a person who had studied men as well as books to good purpose. As he was not terrified in the hour of danger, neither did he make an intemperate use of power when peace was restored to his country. By a happy mixture of spirit, steadiness, candour, and caution, he discharged the duties of his high office at a very stormy period, with less obloquy and ill-will than could have been expected. Though resolute and determined in his proceedings, his language in public and private, towards such as were within the lash of the law was devoid of virulence. He knew enough of human nature, and of State trials, not to

have observed that insulting passionate expressions, uttered in the wantonness of power by procurators or judges,¹ had often forced an indelible stain on their characters. These things, indeed, are considered by the friends of the sufferers, and by all impartial men, as cruel and unnecessary aggravations of the penalties awarded by law. It was fortunate for the Lord Advocate and the Lords of Justiciary that the rebels were all tried in England by the law of that country, which Scotsmen could not be supposed to understand. Yet the dregs of a civil war necessarily produced a number of trials and prosecutions which it behoved the servants of the Crown to carry through with spirit and steadiness. In discharging that disagreeable part of duty, he behaved with such temper and prudence, that he generally succeeded where he himself would have wished it. In discussing the many complicated claims that were made upon the forfeited estates, it is not easy to say whether he did most service to the Crown or to the subject. Whatever might be said by men heated by passion, it is now well known that never were fewer just claims rejected or fewer fictitious ones sustained than upon that occasion. What a contrast did it form to the proceedings of the Commissioners of Inquiry, which pleased nobody! To his praise be it said, that he

¹ At that time he held the office of Procurator for the Church, and Principal Clerk of the General Assembly, which was lucrative and attended with considerable influence in ecclesiastical affairs. He wished to have kept it, but it was thought incompatible with his new office.

never made a severe measure more intolerable by the manner of doing it. In fine, he was an officer of State who, while in office, had no by-views to promote, or any politics but those of the king whose bread he ate.

If not a man of quick and brilliant parts, he was accounted a solid and safe counsellor in all difficult cases. If there were less fire and pathos and novelty in his pleadings than in those of others, the dignity of his manners, the weight and closeness of his arguments, commanded the esteem and attention of all that heard him. And if his eloquence was not of the highest or most eloquent cast, it was the eloquence of common-sense, superior in many respects to that of the schools. Nor did it make the less impression, that he was known to be a man of truth and virtue, incapable of misleading judges or juries. Both in his speeches and law papers, there was an elaboration and swell of sentiment which pleased the ear, and reminded one of Lord Clarendon's splendid diction. But as this gentleman was free from literary affectation, and had neither leisure nor ambition to be thought an elegant writer or pleader, he appears to have followed the bent of his own genius in those things. His law papers, however, were much admired.¹

In 1751 he succeeded Lord Elehies as a Lord of

¹ One of his papers made a great noise. A country gentleman, who had got his own cousin-german with child, while she lived with him as his house-keeper, emitted an oath before the commissioner of Edinburgh, wherein he flatly denied any promise of marriage on his part. The Lord Advocate pled his cause with unusual keenness, regarding it as that of injured innocence.

Session and Justiciary; and surely never were two very able men of the same name more different in their manners both on and off the bench. Lord Prestongrange lost no fame by becoming a judge. Indeed his speaking was better suited to the bench than to the bar, there being a degree of stiffness awkwardly in his gesture, and a chaining in his tones when he pled, that disgusted nice judges. In his opinion there was a modesty and gracefulness, a clearness and a force, that did equal honour to the head and heart of the speaker. And as his thoughts were well digested and accurately expressed, he was seldom faulty in point of length or of warmth; which last he thought indecent in a judge, who should carefully avoid everything which looks like taking a side. On becoming a judge, he seemed to forget that he had been long a servant of the Crown and a friend of Ministers of State;¹ and at a time when the manners of the Court were not more than correct, he behaved with reverence to the President and courtesy towards his brethren and the Bar. A man so amiable, enlightened, and

After pointing out a number of inconsistencies in his oath, he roundly told him, if he did not repent and do justice to his injured kinswoman, he would be *damned*. The gentleman sent the Lord Advocate a challenge, who answered it by sending the gentleman to prison till he made submission.

¹ In summing up the evidence in Cameron of Fassifern's cause, who was charged with forgery, Mr Lockhart made an oblique yet strong attack on Lord Prestongrange, who, when Lord Advocate, first brought the charge against his client. His lordship said nothing till he came to give his opinion on the merits of the case, when he gave such a candid account of his own conduct in that business as fully justified him from every imputation of cruelty and unfairness towards the prisoner, delivering himself like an impartial judge, who would have acquitted the prisoner if he could.

upright, could not fail to be an excellent criminal judge. Nor did the benignity and equanimity of his temper diminish his zeal for truth and justice. He was thereby disposed to give a fair and dispassionate hearing to the counsel on both sides, and, upon a full consideration of the circumstances, to temper judgment and mercy. Nor could he be reproached with indecent keenness, which even good intentions cannot justify, against the greatest criminal. There was a strain of piety, compassion, and good sense in his addresses to unhappy convicts which might have touched the hearts of the most obdurate, while it melted all that heard it.

If this good man failed in anything, it was at the head of a circuit table. As he had no fluency of talk in mixed companies, his manners were censured as stately and reserved. This rendered him unacceptable to many guests, who had been accustomed to judges of a more frank and jovial disposition, who did not pride themselves upon their temperance. They imputed his shyness and habitual sobriety to parsimony, which made him grudge his wine, not considering that every judge is not bound to possess colloquial or convivial talents, though he ought to be hospitable. In fact they touched the only flaw which malevolence could spy in this venerable man's character and conduct, for certainly he was too intent upon making a fortune for his family. He had, indeed, begun the world with but scanty provision for his children. It is of all things the hardest to enlarge one's scale of

economies and expense in the exact ratio of his acquisitions. While one man sets no bounds to his expenditure, another falls as much under the mark.¹ Yet even where the love of money is the ruling passion, it appears in different forms in different men. As Lord Prestongrange was born and bred a gentleman, and always lived in good company, he did not in retrenching superfluities fall into their absurdities, which persons that rise from small beginnings are apt to commit from not knowing better. His entertainments and equipage might not be entirely suited to his fortune or rank, but there was no inconsistency in them by being either too great or too small. Though it would have been hard to make him entertain crowds of company, it must be confessed that the opinion generally entertained of his penurious disposition contributed to make him much less popular and beloved than he deserved. Nay, virtue less pure and greater sociability of disposition, with a better address, would have made him a greater favourite with the public without adding one whit either to his worth or to his usefulness.

A man immersed for many years in public or

¹ One day when setting out for Prestongrange in a hurry, with his nephew Mr Garden, he put a handful of gold and copper into the same pocket. Meeting a beggar by the way, his lordship gave him a guinea, which produced many blessings and profound bows. Mr Garden, who suspected what had happened, said not a word till they had got into the house. With a grave face, and much glee, he said, "My lord, I am happy I can now vindicate you from the imputation of narrowness." "What do you mean, Frank?" "When other people give coppers or silver to the poor, you give gold." A servant was despatched after the beggar, but he readily kept out of the way.

private life had surely no time for studies unconnected with his profession. As in advanced life he had lost taste for *belles lettres* reading, so he was still less disposed to enter deep into metaphysics, which were then in high repute among the philosophers of Edinburgh. Nobody saw earlier the pernicious use that was likely to be made of them. Meanwhile, without any parade or noise, he adhered to the system of religion and ethics which he had learned in his younger years as the rule of his faith and conduct. A man who had little leisure to read was not likely to write books, or even pamphlets, unless upon extraordinary occasions.¹

The death of his only unmarried daughter, a beautiful and amiable woman, cut off ere her prime, gave Lord Prestongrange's constitution a fatal shock, which almost unmanned him. It brought on a lingering illness which baffled all medicine and all counsel, for it affected his mind as well as his body. At length, in the year 1764, it put a period to the life of this virtuous man.

Andrew Macdouall, afterwards Lord Bankton, was, at the breaking out of the Rebellion, a lawyer in good repute, being very learned and very acute, though he had not a happy manner of expressing what he knew. He was doubtless a singular, but withal a very respect-

¹ His answer to the young Pretender's manifesto does honour to his head and heart, and shows his powers. The arguments are strong, yet temperate; the language and sentiments display a dignified perspicuity and a vigorous understanding.

able character. The wildness of his eye, the uncouthness of his countenance, and the awkwardness of his gestures, looked somewhat like a person crazed.¹ His confusion of ideas and abruptness of expression, occasioned by exuberance of matter, rendered him a very extraordinary pleader, fitter for a stage than a court of justice. He generally began in the middle of a cause, making such sudden transitions that it was difficult for judges or lawyers to follow him. But if his law papers were not like those of other men, they were correct and methodical compared with his speeches: at least in some part of them, everything material to the issue might be found. Yet with all his oddities, he was much employed. Besides a vast stock of knowledge, written and unwritten, respecting the law of Scotland, he was indefatigable in business, and so sagacious that he often discovered flaws either in the titles or arguments of the opposite party, and hence the most eminent counsel at the bar liked to have him as a coadjutor in dark or knotty cases. They knew that his industry and penetration would stand them in good stead, and supply them with excellent materials or hints, which needed only to be arranged and polished. And he was not in less request with the men of business that he was univer-

¹ He used to be much encumbered with his gown, which was continually falling off his shoulder. In attempting to recover it, he sometimes hit the person next him with his elbows. One day at the fore bar he hit Mr Lockhart on the mouth, who said, "Mr Andrew, were I to do as little as you in a cause, I would be ashamed to take my fees." "Sandy," rejoined he, throwing out his elbow, "you are never ashamed to take your fees in *any* cause."

sally regarded as a man of strict honour and probity, a bitter enemy to trick and chicanery. But with all his good qualities, nature never intended him to be a public speaker.

In that point of view his elevation to the bench was by no means advisable, because there he spoke too much and too often, and that not in a better style than his pleadings, which were not numerous. It was extraordinary that he should have been promoted for having written a voluminous work upon the law of Scotland, of which none would have suspected him. Contrary to expectation, it was very well received, both in his own country and in England. But as his papers were superior to his extemporaneous effusions, so his Institutes were better arranged and more correctly written than people imagined. For a number of years, however, it had been his chief occupation and amusement in vacation time. He had therefore sufficient leisure to retouch it, and, by the advice of learned friends, to render it more smooth and less embarrassed than his more hasty productions. Lord Chancellor Hardwicke was so much pleased with his book, which told him more of the law of Scotland than could be had elsewhere, that he insisted on making its author a Lord of Session. That the noble judge would not have done, had he known Mr Macdouall half as well as his book. He would then have seen that want of decorum and manners made him an improper person for the bench.

Statesmen should be acquainted personally with those whom they recommend to be judges.

Upon the bench Lord Bankton was sometimes eccentric, and though his opinions contained much valuable matter huddled together, there was a want of dignity and sometimes an absurdity so comic that it provoked risibility.¹ There was a constant warfare between him and President Craigie, both of them great lawyers, and both of them equally tenacious. This gave occasion to frequent disputes, little to the credit of either, it being hard to say whether the fretfulness of the one or the coarseness of the other was more reprehensible. It was the more to be regretted as they were both of them diligent, able, and incorruptible judges. Had Lord Bankton been raised to the bench at a more early period of life he might have been an excellent Ordinary, from his perfect knowledge of business and habits of intense application, which would have made his toil a pleasure. But at the time of his appointment he was long past his best, being broken with age and infirmities.

I cannot give so full an account of Lord Bankton as I could wish, having only had access to observe

¹ One day, in a cause between the tailors and mantua-makers in Perth, he began his speech thus—"My lord, I confess I have a great inclination for the girls." This produced a general laugh. The President sometimes addressed him very indecently, "Mr Andrew, my lord!" The other, no less rudely, would sometimes tell the President, "My lord, that is *buff*" [nonsense]. One day that the latter spoke disparagingly of Sir James Balfour's "Practiques," the other said, "My lord, he was a President as well as yourself, and as much thought of in his day as some other people."

him in his public character. He was even in those days regarded as an old-fashioned man, who formed his manners and notions on the model of the lawyers that figured early in the century. These were not rendered more engaging by the oddities of his behaviour, which resembled nobody else. He was a zealous Scotsman; and thus, though it behoved him to write his book in English that it might be generally read, he spoke what was held to be antiquated Scotch at a time when his countrymen of all characters retained more or less of that dialect. Though not calculated to shine in a drawing-room or assembly,¹ I have been assured by people who knew him well that he was much liked by his companions for his probity and honour, which made them put up with his absurd eccentric manners. He did, indeed, better in a private room or in a tavern than in a court of justice. No wonder, then, that he should be facetious and entertaining over a bottle; for besides a flow of animal spirits, he had a rich store of anecdotes, together with a vein of wit and humour peculiarly his own—perhaps not of the most refined kind. His lordship died in October 1760, a few months after President Craigie—having been a Lord of Session little more than four years.

Alexander Lockhart—Lord Covington at an after period—was the grandson of Sir George Lockhart,

¹ A lady told me that drinking tea one afternoon with Mrs Macdouall—a well-bred woman, sister to Lord Prestongrange—her husband, then a lawyer, said to his wife: “Am I fou yet? How many cups have I drunk?”

President of the Session, one of the greatest lawyers in an age of great lawyers. If he had a great deal that Lord Bankton wanted, he surely wanted much that the other had. It is said that after being called to the bar, he was so fond of pleasure and play, that his friends gave him up as lost. To diminish their hopes, he married a beautiful woman for love without a fortune, which made them be called the "handsome beggars." Much to his credit, however, soon after taking that step he began to give close application to business, which was the only thing wanting to ensure him success. Nature, indeed, had been very bountiful to him both in body and mind; for he was a graceful, handsome man, and his countenance, considered as an index to the mind, was very prepossessing. His voice was sweet and strong, and well attuned—a fit vehicle for manly sentiment. He had a happy vein of eloquence, which he turned to good account. If not so great a feudist or civilian as some of his contemporaries, and a stranger to legal metaphysics, he had a stock of learning fully adequate to his occasions, with a plentiful fund of common-sense to direct him. And hence what he knew was always expressed by him with such felicity, that he was thought to know more than perhaps he really did. Few men had a quicker conception or a clearer head. No wonder, then, that even when the Bar was exceedingly strong, his parts and application should procure him practice. No cause, so small or so little tenable, that he would not undertake, and plead it with enthusiastic zeal.

His detractors alleged that his judgment was not equal to his fancy, or his heart to his head. Be that true or false, he was long in prodigious favour with the men of business, who possibly liked him the better for not being over-squeamish. Perhaps he did not write so well as he spoke ; but considering the multiplicity of papers he drew, the marvel is how they should have been so good.

When I began to attend the Parliament House in 1753, this gentleman was in the zenith of his fame, though some of his brethren were fully more esteemed. In every cause of consequence people flocked to hear him plead, but his *forte* seemed to lie in demolishing or underpropping character by means of a train of circumstances nicely arranged. It was alleged, however, that his zeal for his clients made him sometimes lose sight of candour and good-nature. He not only spoke with more fire than most of his brother advocates, but frequently accompanied his perorations with tears, and that sometimes in cases where there seemed little room for the pathetic. But though he had vast business in the Court of Session, it was in addressing juries in the Courts of Justiciary and Exchequer that his eloquence was most powerful and formidable. For a number of years he stood constantly opposed to the Crown lawyers in every great trial ; and the ablest of them scrupled not to confess his abilities and resources. In fact he sometimes prevailed in the Court of Justiciary, where, as the verdict is final, the interests of society required that he should

fail. It is surely no great or praiseworthy feat to mislead rash, half-learned jurymen, twisting law and fact, flattering their prejudices, and touching their feelings in an unguarded moment. Nothing, however, is more difficult than to define how far an advocate is entitled to go in defence of a culprit. It is allowed on all hands that he ought not to go beyond the bounds of veracity on those occasions. But when a man wishes to build his fame on his oratorical powers, he forgets, when contending keenly for victory, the considerations that would have weighed with him in his cooler moments. He never failed to shine exceedingly in a very long trial, when defending criminals whose case appeared to be desperate.¹ It must be recorded to his praise that he very seldom failed in respect to the judges,² or in good-breeding to his

¹ Mr Crosbie told me soon after, that in the trial of the Ogilvies, which lasted forty-eight hours, he stood the fatigue better than the youngest of them. He took down every deposition with his own hands, but no short ones, when he went out to take a little air. In answering Lord Advocate Miller, who was perfectly worn out, he displayed such powers of eloquence and ingenuity as astonished everybody. To save the life of his unhappy client he gave up, with great art, her character; but contended there was no legal proof of her *guilt*, though enough to damn her fame. [This was the trial of Katherine Nairn, wife of Ogilvie of Eastmilne, accused along with her brother-in-law, Patrick Ogilvie, of poisoning her husband. A guilty intercourse existed between Lady Ogilvie, as she was called, and Patrick, and both were found guilty and sentenced to death. Katherine Nairn effected a romantic escape from the old Edinburgh tolbooth, but her accomplice was executed.]

² Once Lord Chief-Baron Idle, the weakest of men, interrupted him in the course of his charge to the jury, with telling him he did not understand what he meant by a *long* hundred and a *short* hundred. After trying in vain to explain it, "Gentlemen of the jury, do you understand me?" "Perfectly," they said. "Why, then," proceeded Mr Lockhart, "it is of less consequence whether my lord understands me or not."

brethren ; for, even in his hottest conflicts, he had always the manners of a man of fashion.

It was hardly possible for a man who dealt so freely in personalities and strong assertions to keep clear of quarrels. In these, however, he did not behave to the satisfaction of those who carried the point of honour very far. Even in his prime his reputation for personal courage was very low. This was a great misfortune to a man of his profession, who must often say harsh things. It led people who thought themselves aggrieved by his philippics to demand that satisfaction which they knew he was not disposed to give. They next insulted him, which would seldom have happened had he had stronger nerves, or been more temperate in his language.¹ During the reign

¹ In March 1754, in the trial of two men for robbing and murdering a sergeant, I saw Mr Lockhart, in his speech on the relevancy, point with his finger to Mr Small, factor on the estate of Strowan, and say in an impassioned tone—"There stands the man that thirsts for the blood of those innocents." This charge was the more cruel, that he believed the prisoners were guilty ; and Small had only done his duty. The appearance of a ghost in that trial, the last, perhaps, that will appear in the books of a journal, made the jury disregard a strong chain of circumstances. Be that as it may, two days after, Mr Small, who was a man of sense and spirit, came up to Mr Lockhart in the Parliament Close, and attempted to twist his nose. Complaint was made to the Court, and a very able defence made for Small by the Lord Advocate. In giving judgment, Lord Drummore, who had no regard for the complainer, said, had Mr Lockhart done as he should have done, they needed not have been troubled with that business. "I will," said he, "tell the Court how I acted in a similar case. A gentleman came to me when I was at the bar, and complained that I had used undue liberties with his character. All the answer I made him was that I had had the facts from the agent, who was answerable for them ; but if I heard a syllable more, I would break every bone in his body." Small got off very easily, in respect of the provocation, being ordered to ask pardon of the Court, of the Faculty of Advocates, and of Mr Lockhart. The two first he did in the most handsome manner. Then turning to his adversary with a contemptuous sneer—"And since, my lord, it is your

of George II. Mr Lockhart was regarded as a Tory, if not a Jacobite, those being the principles of his family. By that, however, he was no loser, for it got him at different periods a great deal of business and very high fees. Yet even in those days it was the opinion of people who knew him well, that he was not so warmly attached to any family or any principles, but that he would turn the moment he should find his account in it. Accordingly, upon the accession of his present Majesty, he, like many others, altered his tone, wishing exceedingly to be well thought of by the new Ministry. By degrees he withdrew himself from the Court of Justiciary, the trials being little momentous in general, and his place supplied by younger men of promising talents. It was odd that, though long in first-rate practice, he should never have been much employed as a chamber counsel;¹ it seemed the more eminent men of business distrusted his judgment or caution, or thought him too much disposed to give either palatable or hazardous counsels.

At length, in the year 1775, he was made a judge, at the special request of Lord Mansfield, who, it was said, thought it shameful that a first-rate barrister should have been so long neglected. And surely no

pleasure that I should ask pardon of Mr Lockhart, I do it in obedience to your commands." The laughter was all on his side. Mr Wedderburn's [afterwards Lord Rosslyn,—see Campbell's 'Lives of the Chancellors,' vol. vii.] attack in 1757 was more unprovoked.

¹ Mr Ferguson of Pitfour succeeded Mr Craigie in that department; and upon the former being made a judge, Mr Robert Macqueen was the man chiefly consulted in knotty matters.

man was better qualified to give lustre to that station. If his virtue was not supposed to be more than pure—in eloquence, accomplishments, and knowledge, he had few equals. And although his promotion came much too late in life, he made a respectable figure as a judge. His opinions were in a superior style, and delivered with equal grace and propriety, displaying a happy mixture of learning and experience. At his outset it seemed to be his ambition to do the laborious business of an Ordinary¹ with more acuteness and despatch than other men. But he was now not able to toil as he had done for many years, and infirmities were creeping fast upon him. He was therefore forced to relax his industry, and to content himself with doing his duty with decency. Deafness was a great discouragement to him. At last he became fretful, and impatient of contradiction from his brethren, most of whom were his juniors, insomuch that he would sometimes throw off his gown and leave the Court before it rose when he found things carried against him. I was, however, much better acquainted with his proceedings as a lawyer than as a judge.

Not having been acquainted with him personally, and little connected with his circle, I forbear to speak much of his private life. It is alleged, however, that he was by no means a lively or entertaining companion, being always well pleased to let other people take his share of the discourse. It indeed often happens that eloquent barristers and preachers, as

¹ [Judge Ordinary.]

well as lively ingenious writers, are not remarkable for the brilliancy of their table-talk. Perhaps it was his love of taciturnity that made him all along exceedingly fond of play, which amused him without breaking silence or obliging him to commit himself upon any subject. In that way he is said to have spent all his leisure time, little to his profit.

Whether it was owing to his being a dupe in that way, or to the great expense of his family, which was no less numerous than gay and fashionable, it so happened that he was, during the greatest part of his life, not accounted a rich man, at the very time that he was in first-rate business. However that may be, or however little he might shine in conversation, such was his courtesy and attention to his guests, that his house was all along frequented by people of distinction.

Some time before his death his spirits were much affected,¹ which did not add to his strength or health. His death happened in the year 1782, when more than fourscore years old.

Peter Wedderburn, afterwards Lord Chesterhall, was at that period a lawyer very much esteemed, but in little practice. He is, however, better entitled

¹ While in that state, James Boswell, who in those days hovered like a vulture above the dying judge, in quest of anecdotes, called one day on Lord Covington, whom he found reading the Bible. "My lord," said he, "you are exceedingly well employed." "Why, Boswell, I have sold all my books but this, which contains a rich heaven of instruction and consolation. When I look back upon my past life, it appears no better than a guilty dream." To divert that topic, Boswell proposed a party at cards in the evening, which was agreed to. Dining next day with Mr Dundas he told the story, on which his host, snatching the bottle and swearing an oath, said, "I hope *my* life shall not pass away like a dream."

to a place in these sketches than the great barristers lately under consideration, who thought of nothing but their own profession, whereas he made jurisprudence and polite literature go hand in hand ; and what is more, his ideas upon most subjects were derived chiefly from England, where, it is believed, he either received part of his education or spent part of his youth. His father being a commissioner of excise, was probably advised by some of his English brethren to give his son a little of the Inns of Court, to qualify him for appearing in the Court of Exchequer. Be that as it may, he was remarkable for speaking proper English at a time when the most zealous of our *literati* were contented with polishing their periods and dropping their Scotticisms in what they wrote. Yet even they who were least fond of innovations, confessed that there was nothing affected or disgusting in Mr Wedderburn's pronunciation.

He was the great-grandson of Wedderburn, Lord Gosford,¹ whose character is beautifully drawn by Sir George Mackenzie. If not the most illustrious of that illustrious group, he appears to have been the most amiable, because he was the most virtuous. If his descendant did not inherit his Ciceronian eloquence, he resembled him in love of truth and dignified integrity. For it is believed no considera-

¹ I was personally acquainted with this good man, having been put under his charge when I went to college. Often have I regretted my backwardness, which prevented me from being so much in his company as I might have been. I was recommended to him by my excellent friend Mr Drummond of Blair.

tion could have induced him to mislead or deceive a court of justice upon colourable pretences.

His parts were rather solid than bright, and his elocution was more correct than animated. His *forte* lay in judgment and penetration, not in flights of fancy or sallies of wit. The weakness of his voice, and a constitutional modesty, which was the more singular that he had always kept the best company, were great obstructions to his rising at the bar; and to strangers he had a prim, pedantic appearance, which was not in his favour. His reserved, distant manner did not recommend him to the practitioners of the law, many of whom would have liked him better had his virtue been more pliant. Yet with all his gentleness and meekness, he was a man of high and dauntless spirit in matters where he thought the interests of virtue and society endangered.¹ He was long Secretary to the Board of Excise, and in high favour with the Commissioners, who consulted much with him in matters of law connected with their department. While in that office he had it often in his power either to soften the rigours of the excise law, or to quash prosecutions that bore hard on the subject without benefiting the Crown. And he was always of counsel for the king in causes respecting that branch of the revenue.

¹ He took a very active hand in the opposition to Mr Haldane when named to be a Lord of Session. The best paper on that side was, it is said, drawn by him. Though never suspected of being a factious man, or the dupe of politicians, he may have believed accusations against that gentleman which could not be brought home.

He wrote better than he spoke ; and hence his law papers were much admired, not only for candour and force, but also for the purity and precision of their style. Before the year 1745, his brethren in the highest practice were more ambitious to be accounted weighty speakers or close reasoners, than to be thought deeply skilled in the matters of the English language. And as these things were still in less request among the agents, Mr Wedderburn's attention to style did not bring him an additional number of fees.

It was, I remember, the general wish that a man of so much worth and knowledge, whose income was by no means equal to his deserts, should be made a Lord of Session,—a situation for which nature seemed to have designed him. The virtue of a judge cannot be too pure and steady ; nor would his diffidence and reserve any longer obstruct his usefulness. His manner of speaking, as well as the turn of his mind, suited also the bench much better than the bar. After various disappointments, from his want of political interest, he was made a judge in the year 1755. The expectations of the public with regard to him were not disappointed ; for he was accounted an upright, enlightened judge, though not a showy one. If he was not a frequent or copious speaker, what he said was very much to the purpose. He did not, however, think it incumbent on him to speak in every cause, being contented with delivering his sentiments when he thought they might throw additional light upon the question before the Court.

The dignity and propriety of his demeanour upon the bench was the more striking that some of his brethren were somewhat faulty in that respect, whilst they abounded in knowledge and ingenuity.

Before speaking of his private life, I shall say a little of his political and religious principles, which, in his time, were regarded as the most prominent features in every character. He was one of those old-fashioned Whigs who made loyalty and the love of liberty go hand in hand, because the interest of the king and the State were in most cases evidently the same. When I knew him, the divisions of that party into courtiers and patriots had happily ceased, all of them seeming to be of one heart and mind, and many who were zealous in the cause having no prospect of promotion. Indeed this good man seems to have owed his elevation to the bench as much to the excellence of his character as to the statesmen who then visited Scotland. In his notions of ecclesiastic polity he was decidedly an Episcopalian, without having any connection with the Nonjurors, whose political tenets he reprobated. He was indeed a member of the Church of England, being one of the congregation for whose benefit Lord Chief-Baron Smith built and endowed a chapel at Edinburgh to accommodate his countrymen. His religion was, like himself, manly yet unpretending; without gloom, without crotchets, and without weaknesses. It was, to say the truth, such as Tillotson preached and Addison recommended. Though it did not enter into his ordinary discourse,

it taught him to set a guard on his lips, and to shun the appearance of evil without courting the observation or applause of men. Firmly convinced of the truth and value of Christianity, he beheld with indignation the too successful efforts of some infidels to pull down or undermine the foundations of natural and revealed religion. They were then exceedingly busy in sowing their tares; but during his time the philosophers of Edinburgh, one or two excepted, were modest and guarded compared with what they were afterwards, preaching either a relaxation in morals, or a semi-religion which led to deism. He did all in his power to discourage it; and if any of his favourites were more or less tainted with scepticism, they had the address to conceal it from him.

He was singularly fortunate in his children, whose education engrossed much of his time and thoughts for a number of years.¹ If he had good soil to work upon, it must be allowed the culture was excellent. His manner of breeding his eldest son, the Lord Chancellor, was exceedingly admired at the time. It was indeed the chief patrimony his children received from him; for as his fortune had never

¹ Lord Loughborough's daughter was one of the finest women of her time, and withal very accomplished. She was afterwards the wife of Sir Henry Erskine, and a great favourite at Court. David, the second son, was for some years my intimate companion, an excellent scholar, with fascinating manner. It was the opinion of many that he was not inferior to his brother in genius and elocution; but on his father dying in straitened circumstances, he gave up the law for the army. The after-part of his doing, and his untimely death in 1773, are well known. It was alleged of him that his heart was not so good as his head, measuring people by the standard of rank and fashion. Surely he did not take it from his good father, who was all *heart!*

been great, so both he and his lady were fond of company, and she was no economist. In July 1756, about a year after he took his seat, this excellent man was seized with an illness which, though seemingly slight, carried him off, to the deep regret of all that knew him.¹ What a pity it was that his life had not been spared till he had seen the prosperity of his children!

John Erskine of Carnock deserves honourable mention among the law worthies of those times, though he was nowise ambitious of the palm of eloquence or of celebrity. Of him, too, I can speak with full confidence, for I was well acquainted with him in his latter years. Indeed, many happy days have I spent either under his roof or that of those who were dearest to him. He was the eldest son of Colonel John Erskine, whose father was Henry Lord Cardross. The colonel was in most things rather a man of the seventeenth than of the eighteenth century; for in Church matters he had all the crotchets of the Covenanters, which he inherited from his mother. And though a zealous Whig, he was all his life an irreconcilable enemy to the Union, even after some of its good effects became apparent: but a zealous party man is never to be convinced.² Having,

¹ His lordship was on his deathbed when his eldest son made his unadvised attack upon Mr Lockhart. Contrary to the wish of his family, some indiscreet person told him of it. "I am sorry for it," said he, with true spirit; "but if my son will fly at game, I am glad he has taken the highest." It recalled to people's remembrance the family crest, an eagle flying to the sun, with the motto, "*Illæso lumine solem.*"

² So zealous was he for Presbytery, that he gave in a petition of appeal to

like the people of the last age, dealt deep in the traffic of pleas, he was engaged in endless litigation, of which, from long habit, he became at last very fond, it being in truth his chief business and amusement. His son was in those points the very reverse of him. He forbore to enter deep into civil or religious broils,¹ contenting himself with being a good subject and a good Christian, without one spark of rancour towards those that were not of his sentiments. Being from youth to age a man of the sweetest, most inoffensive disposition, peace and quiet were his darling luxuries; for even victory itself could not, in his opinion, make up for the trouble and vexation it cost to obtain. If he was, as it were, in a fever to be at variance with any man when he thought justice was on his side, he was still more averse to try doubtful and intricate points, the issue of which none could tell any more than the benefit that would accrue to the party who prevailed. It may well be imagined that his pacific temper gave much offence to his father, who regarded it as want of spirit and enterprise. "That silly lad, John," said he on his deathbed, "will make up all my pleas." Accordingly, upon his death, Mr

"the Lords in Parliament assembled," which was rejected, of course. On that occasion, a Bailie Patrick Gillespie made a motion in the town council of Stirling to *congratulate* their worthy Provost on the loss of his appeal. "*Congratulate!*" said his brother, Bailie David, "deil a bit; that is not the word, though I do not know the right one." Upon an after occasion, in a matter of very great consequence, his son was obliged to sign the petition of appeal, for nothing could make the colonel bow to the Baal of Prelacy.

¹ He made it a rule never to vote at elections or to attend public meetings; nor was he enrolled as a voter. He must have qualified as an advocate and professor after the Rebellion of 1745.

Erskine's first act of administration was to compromise most of those disputes, some of which he referred to his opponents.

That measure was not the result of simplicity or rashness; for no man knew better upon what ground his title stood, or how to make it good. He was looked upon as a sound, acute lawyer, whose knowledge was equal to his integrity. Yet though the situation of his affairs, which his father left much embarrassed, and the largeness of his own family, would have rendered practice desirable to him, there were insuperable obstructions to his rising at the bar. His excessive diffidence and dislike to disputation, joined to the weakness of his constitution and the extreme feebleness of his voice, forbade all public speaking, or anything that required much exertion. But it did not hinder him from studying to excellent purpose; and being esteemed a learned, deserving man, he was made professor of municipal law at Edinburgh, an office which suited his views. In that chair he sat for a number of years, and had the merit of having brought his class into high repute. He contrived to reduce all he had read upon the law of Scotland, and all the innovations that had taken place since the great authors had written, into a regular system, to the great ease and edification of the students, whom it saved a great deal of thought and labour. He was likewise frequently consulted as a chamber counsel in knotty cases by his numerous friends and connections, who revered his worth, and

well knew that he would not give them delusive hopes, or encourage them to try doubtful points, to show his ingenuity. And the best-employed lawyers liked to have him as their coadjutor in a consultation, knowing him to be a man of sound judgment and great knowledge, who wished to sift everything to the bottom without suffering himself to be led astray by passion or caprice. To all that sought his advice, he warmly recommended the ways of peace as far as was possible, being well apprised of the law's delay and uncertainty. If he sometimes seemed to carry that spirit too far, it was an amiable failing; and, upon the whole, it is believed he was no loser by it in his own affairs.

The reputation of his class being very high, he was much importuned by some eminent judges and lawyers to publish the substance of his lectures, which promised to be a better introduction to the study of our law than anything then extant. Notwithstanding his aversion to printing his lucubrations, he complied, and published, in 1756, his 'Institutes' in an octavo volume. Although no more than a brief compend of what he delivered in the class, it met with a most favourable reception from the men of law of those times, who considered it as a book from which readers of every description might learn somewhat. So great was the demand for it, that it underwent several editions in a few years. He was then advised by his friends to write upon a much greater scale; and being emboldened by the success of his first essay,

he set about his great work with all the alacrity and enthusiasm of a young man. The preparing this work for the press was his chief amusement and occupation, after resigning his class and retiring to the country. Nor did he desist from his task when almost worn to a shadow, and his dissolution appeared to be at no great distance. While sitting at table, or playing at cards, at which he was very keen, he would get up and retire to his study, to set down some fact or reflection that struck him at the moment. Though nearly finished, it was not published till after his death, when it lost nothing by being committed to his son David.

As he married early in life, and had a number of children, he had a set of difficulties to encounter which required both resolution and perseverance to overcome. Though his father left him a large property, it was very much encumbered, insomuch that nothing but the greatest frugality and the most unwearied attention would have brought his affairs into order. In this, however, he succeeded, being exceedingly well seconded by his lady, who was a woman of superior understanding. He was therefore able to purchase the estate of Cardross,¹ the seat of his grandfather's family, at a judicial sale. Yet while engaged in those meritorious struggles, which would have contracted other people's hearts, they were for a number

¹ The day after the sale, Mr Erskine waited on Lord Buchan, and offered to resign the bargain to him, as heir of the family, on getting £500; and if that did not suit his lordship, he offered him that sum in a present. Lord Buchan chose the latter.

of years eminently distinguished for their hospitality both in town and country, and that at a time when that virtue was most in vogue.

As he kept aloof from public measures, he did not love to talk on politics, well knowing it was a conversation which neither mended the heart nor convinced gainsayers. Indeed, had he been as zealous a Whig as the colonel, it would not have conduced much to his domestic quiet; for Mrs Erskine and her numerous connections were warmly attached to the house of Stuart. Whatever he might think of their principles, his innate humanity led him to sympathise with the distresses of the sufferers. Meanwhile no man had a greater love to his country, and rejoiced more sincerely in its prosperity, though he did not wish to interfere with its rulers. In his children he was particularly lucky—the high character which some of them bore in their professions, helping to cast a lustre on his evening of life. The care and tendance of his family served indeed as a stay and cordial to his declining years, which neither wealth nor power could command. Sir Thomas Browne says, that *his* life had been a miracle of thirty years. With much more propriety might that observation have been applied to Mr Erskine, who was for more than forty years thought to be in a consumption, from spitting blood, yet lived to the age of seventy, with all his faculties entire. After many unexpected escapes from death, this good man at length expired in that happy frame of mind which piety and the remem-

brance of a well-spent life inspire, in the month of March 1768.

James Ferguson, afterwards Lord Pitfour, was one of the greatest and most popular lawyers of that period, and also a man of probity and amiable disposition. He was the son of James Ferguson, who purchased, at different times, the estate of Pitfour.¹ He was a man much respected in that country for his public spirit and worth. But having been an adventurer in the South Sea, he would have been a ruined man, had it not been for his son's exertions. Of the early years of the latter, or where he was bred, I knew nothing; but when I first knew Edinburgh he was in good practice. Though his small shrill voice and awkward person prevented him from being an elegant speaker, yet so deeply learned was he in the philosophy of the law, and so well acquainted with the springs that actuate the human heart, that few barristers were heard with more satisfaction. His metaphysical turn, combined with common-sense, enabled him to set every subject in a new and striking point of light. The candour and caution with which he explained his way in dark involved cases, and the diffidence with which he urged arguments of a novel cast, got him the favour of the judges, and sometimes staggered his opponents. He had none of the Aberdeenshire brogue; for though he did not

¹ Mr Skinner of Linshart informs me that the first Pitfour was son to a Baillie of Inverury in Charles II.'s time. Ferguson the plotter was either his brother or uncle, but of a very different character and spirit.

affect to speak English, he was perfectly intelligible to any South Briton. His manner of pleading was better suited to the Court of Session than to the Justiciary, where it is necessary to carry juries by surprise, or by a blaze of eloquence. As his conscience would not allow him to go unwarrantable lengths, so his pleadings were too refined for most jurymen. But when nice points of law occurred in a criminal trial, recourse was often had to him, his ingenuity and skill being confessedly great. He succeeded President Craigie as a chamber counsel, in which capacity he gave universal satisfaction. His professional talents enabled him to point out the strength and weaknesses of titles. And in advising his clients in the great affairs of life, he displayed a comprehension and foresight which would have become a Chancellor of England. Instead of flattering their wishes and prejudices, or of adding fuel to the angry or interested passions, he spoke his sentiments with honest plainness, stating the difficulties they had to encounter, and the chances against them. In a word, for a number of years, people were unwilling to proceed in any business of moment till they had Pitfour's opinion to sanction them. A series of his opinions would be a treasure of information to men of business, as well as a truly honourable monument to the heart and head of this amiable and able man.

Nor did his law papers give less satisfaction to the judges and his clients, whether his object was to

argue a point of law or to connect a chain of circumstances drawn from evidence. His language was so pure and natural, that if it did not add weight to his topics, it contributed to adorn them. Though perhaps in fewer causes than his coeval Mr Lockhart, he was supposed to receive more money. And for a great while he could not have overtaken his business had he not remained in Edinburgh or the neighbourhood during the vacation, which was then much less common than it is at present. In 1760, when Mr Dundas was made President, he succeeded him as Dean of Faculty, an office of no profit but much dignity, being regarded as a proof of eminence and worth.

It may be thought strange that a man of such parts and virtue should not have been called to the Bench till past his prime. But he was long considered as a disaffected man, whom it would be improper for a Whig administration to promote. It probably originated from his being an Episcopalian, like most of the northern gentry of those times. The clergy of that persuasion with whom he consorted early in life were no doubt men of piety and worth; but unfortunately for themselves and their flocks, they had grafted religion on the son's stock of politics which produced bitter fruit. Yet the arguments of those reverend gentlemen were apt to make the deeper impression that they were men of learning and ability, who led blameless lives, and discharged the pastoral cure with unwearied zeal. Whatever Mr Ferguson

might think on the subject of government, he received from them a set of religious notions, in which he persevered through life, much to his own comfort.

He submitted to the established government, and took the oaths prescribed by law, a sacrifice which a man of his honour and cast of mind would not have made had it been against his conscience. Before the Rebellion of 1745, he was probably, like many other good men, dissatisfied with the Ministers of those times, and desirous of a change of administration.

But if ever a man was to change his political creed upon conviction, it was in the latter part of the reign of George II., when government was at once vigorous and gentle, and all hopes of a revolution in favour of the exiled family were seemingly at an end. Yet whatever may have been Mr Ferguson's sentiments on these subjects, he was surely partial to the persons of his Nonjuring friends, whose private virtues he respected. And as he sincerely compassionated many of the unhappy sufferers in that cause, he was always ready to give them the aid of his professional skill in their law business. That was sufficient, in times when party spirit ran high, to make him be suspected by the Whigs. The active hand he took in setting up a qualified chapel at Old Deer, shows that he was not satisfied with the politics of the Nonjuring clergy, which it was evident penal statutes would not eradicate. At the time when that took place, he could not have any motive for currying favour with the Government, to which he knew him-

self to be obnoxious. The most unpleasant consequence of that measure was a total estrangement between him and the Nonjuring clergy, of whose company he had long been fond.

But whatever had been the sentiments of the Ministers of George II., these were not the rule by which those of his grandson regulated their conduct. Now that party spirit was seemingly extinguished, and a golden age of peace and harmony fondly expected, all men wondered that Mr Ferguson had not been made a judge; for in his hands it was said men's lives and properties would be safe. Even then, however, it occasioned a keen competition.

He was warmly supported by Lord Mansfield;¹ but as Mr Bruce was strenuously supported by his brother-in-law, Sir Lawrence Dundas, who, without the name of Minister, had at that time the disposal of almost everything in Scotland, the event seemed doubtful, when the unexpected death of Lord Edgefield made way for both candidates. If Lord Pitfour did not justly answer the very high expectations entertained by the public, let it be considered that he was then past his grand climacteric, and beginning to feel the

¹ On that occasion Lord Mansfield applied for an audience of the king, and said to him, "Sir, your reign begins to be clouded with faction. The best way of blunting its force is to keep the channels of justice pure by placing men of parts and virtue on the bench. Mr Ferguson is confessedly the first man at the Scottish bar, and all the world speaks well of him. I am afraid Mr Bruce's chief merit is his connection with Sir Lawrence Dundas." Lord Mansfield was a stranger to the persons of both, and acquainted with Mr Ferguson only professionally. Lord Kennet turned out one of the most useful and industrious judges of his time, though his parts were not brilliant.

infirmities of age. Although his opinions were masterly and even elegantly expressed, he was sometimes censured for being too refined, or soaring too high for the bulk of his hearers. He was also too fond of showing his ingenuity in starting doubts and difficulties which did not occur to others. In giving judgment he sometimes wanted that promptitude and decision which is in truth mercy to litigants. It is surely more the duty of a great judge to solve scruples than to raise or magnify them. But though, perhaps, not so bold a minded man as some of his brethren, he was justly regarded as one of the great ornaments of the Court of Session; for as his erudition and experience enabled him to throw additional light upon almost every question, so he had just that eloquence which becomes a judge, though it be too lame and unimpassioned for the Bar or for juries. Much was expected from him likewise in the Outer House; but whether it was that he was too nice and indecisive, or that he could not apply to business with his wonted ardour, certain it is that, as an Ordinary, he was far excelled by men who had neither his talents nor erudition. Being younger and stronger men, they seemed to take pleasure in their meritorious toil. He was all along regarded as an incorruptible judge.¹

¹ His conduct in the Douglass cause raised a loud clamour against him, and was at least no proof of a strong mind. Mrs Ferguson and Lady Stewart, mother-in-law to Douglass, being sisters, he had over-scrupulously declined to vote in the preliminary questions; but when the cause was ripe for

If not the most dignified and graceful mannered of the Lords of Justiciary, he never failed in that decency and correctness of speech and demeanour which so well become the judges of a supreme criminal court. Yet with all his rectitude and the purest intentions, he did not altogether escape censure in that capacity. He was accused of leaning in general too much to the side of the prisoners, a fault which could not with justice be found in most of his brethren. It was alleged that in some cases he went great lengths to get the culprits acquitted when the evidence was very strong.¹ But even malevolence durst not ascribe his conduct to political or personal considerations; for while he sat on that bench the voice of party was not heard in Scotland, and the people who excited his commiseration were low, friendless creatures. His great humanity, joined to the indignation he had felt while at the bar, when he saw the judges over-zealous for the Crown, made him, perhaps, incline more to the other extreme than was proper or decent.

In entertaining the company that waited on him, Lord Pitfour observed a middle course. As his man-

decision, he resumed his seat. But an old ailing man had not nerve to resist female importunities. His speech in that cause is a very able one.

¹ At a very pleasant dinner at Stirling, in 1772, on the last day of a circuit in a small but select company, when Lord Pitfour gave the Court of Justiciary, Lord Kames, who was that day in high glee, said: "Ay, Pitfour, here is our *hanging* Court, of which you are a most unworthy member; for if you got your will nobody would ever be hanged. You would have been a rare judge to the Empress Elizabeth of Russia." He entertained us with a laughable account of his friend's courtship.

ner was courteous and humble, his fare was such as became the dignity of his place. If he had not the convivial talents of some of his brethren in entertaining large and mixed company, nothing could be more delightful than his supper-parties when he liked the company. Like his brethren of the former age, *supper* was his favourite meal. Then he liked to see his friends without *fracas*, and when he gave loose to mirth, had no objection to a cheerful glass, when seasoned with lively or edifying discourse, in which, though he took his share, every one was welcome to join.¹

A man so long in extensive practice had it in his power to make a handsome fortune in a more innocent and honourable way than some of the great lawyers of the former age, who had rapidly amassed great estates by the iniquitous practice of buying pleas. Although he lived genteelly, there was no extravagance in his family. When he quitted the bar, it was said he had realised £30,000 while in business. He bought those parts of the Marischall estate which lay contiguous to his own property. It was a very desirable purchase on that account, yet it got him a great deal of ill-will. He was accused, and by none more loudly than by his old

¹ When a lawyer, it was his rule to do no business on Saturday : but though a man of unostentatious piety, he was no Puritan. He thought it no sin to entertain a few friends at dinner or supper, when they were delighted with the philanthropy, the animation, and the knowledge, of their host. With pleasure do I remember the time I have spent with that excellent man at Stirling and Edinburgh. I used to be with him most part of the circuit.

friends and neighbours, of having taken advantage of Lord Marischall's¹ ignorance to get a scandalously good bargain; yet, after having been more than thirty years in the family, in times when prodigious rises took place in other estates, it does not appear to have turned out a very lucrative bargain. Whether that has been owing to humanity or indolence is of little consequence; but it goes far to acquit Lord Pitfour and his son of any felonious purpose of *immediate* lucre. And their moderation towards the people of that estate does them the more honour, that some of the first families of the kingdom were, during this period, racking their rents with unfeeling greed, inattentive to consequences.

The truth is, Lord Marischall was determined at all events to part with his estate; and had not Lord Pitfour got it, some person equally unconnected with the family was likely to have had it,² for it would seem he was not fond of some of his next heirs. Though exceedingly desirous to return home and revisit the haunts of his youth, a very short residence in his native country served to give him a complete disgust to it and to the people, of whom he had formed ideas that were not realised. At his disappointment we need not wonder; his houses were in ruins, and the companions of his younger years mostly dead. Now that he was become a courtier,

[¹ George Keith, the last Earl Marischall, attainted for his share in the Rebellion of 1715.]

² The late Hugh Seton told me Lord Marischall had offered part of his estate to Mr Charles Smith, his father, an intimate friend of his lordship's.

he cared not for much intimacy with the disaffected, who, while he was an attainted person, had cried him up as a demigod in parts and manners. And his early prepossessions hindered him from coalescing with the Whigs, who did not much admire some parts of his late conduct.¹ Far from being touched with the extravagant joy which was shown on his return to his native country by the friends and neighbours of his family, he behaved to them with a coldness and *nonchalance* that quickly dispelled the flattering illusion; nor did his generosity atone for the apathy of his manner.² Determined to abandon Scotland for ever, and pass the residue of his days at Berlin or Neuchatel, where he could find company more to his liking, it was part of his plan to sell his Scottish estates, as he could dispose of the money with more facility than land. To a man who had already more than he could spend, and whose main object was to wind up his affairs in Scotland speedily and quietly, a great price was only a secondary consideration. And he considered himself as under high obligations to Lord Pitfour for the zeal and professional skill which he had displayed in his complicated affairs. At what time their connection commenced is un-

¹ His revealing the secret of the family compact to our Government (however meritorious in one point of view) gives no high idea of his gratitude to Spain, whose bread he ate for many years.

² In 1719, his nurse hearing of his landing at Glenshiel, sold her cow and sent the price, which was £20 Scots, to him. This story was told to his lordship at Peterhead; and it was added that the woman's daughter was then in the town, and in great poverty: but he heard the story with his usual *sang froid*, and said nothing.

certain, but it probably lasted a considerable while. If more money might have been got at a public sale, it would have exposed Lord Marischall to remonstrances from his relations, some of whom he did not like so well as his neighbour Pitfour.¹ This may perhaps be thought a digression; but my zeal to vindicate a person whom I highly revered is a sufficient apology. In one point of view this transaction must be regretted; because to a person of his sensibility, far advanced in years, nothing could make up for the wound it gave his popularity, both at Edinburgh and in the north. It was, indeed, observed, that after making the purchase he seldom went to Pitfour.

For some years before his death this good man declined apace in body and mind. At length, in 1777, about a year after resigning his Justiciary gown, he breathed his last, coming to his grave in a full age, like as "a shock of corn cometh in its season."

Alexander Boswell of Auchinleck, afterwards a Lord of Session and Justiciary, was, at the breaking out of the civil war in 1745, a lawyer much esteemed, but not in great practice. This good man was the son of James Boswell of Auchinleck, a branch of the family of Balmuto in Fife, that married the heiress of Auchinleck in James V.'s time. The

¹ I am assured by Mr Skinner of Linshart that Lord Marischall made one of his surviving friends in Buchan offer their estates by private bargain to Lord Aberdeen, who would have grasped at it had he been in Scotland.

father was a heavy plodding man, a good lawyer, of plain sense without imagination.¹ He married a daughter of the Earl of Kincardine by a Dutch lady of noble family. For this, however, it would seem his posterity paid dear, for most of them had peculiarities which they had better have wanted. Yet though Lord Auchinleck had a great deal of Dutch phlegm, his singularities were less striking than those of that lady's other descendants. Of his progress at school and college nothing is now known, but he was reputed a good classical scholar. According to the custom of these times, he studied civil law in Holland, where he was related to a number of noble or respectable families. He afterwards made a trip to Paris, where he dressed in the height of the fashion;² and what was more to his credit, when he saw an English traveller making himself merry at his awkward figure, he resented it with so much spirit and propriety, that the buck thought proper to make submission. After returning to Scotland he put on the gown, being esteemed a worthy, well-informed young man,

¹ Old Auchinleck was a slow, dull man, of unwearied perseverance and unmeasurable length in his speeches. Arniston used to set him up when he wanted business to be protracted. It was alleged he never understood a cause till he lost it *thrice*. He used to say over his cups, that his friend Arniston was like a race-horse, and he no better than a cadger's beast; but though the one went farther in five minutes than the other did in an hour, they commonly stabled together at night.

² When the late Mr Drummond of Blair, who was then at Paris, told his son at Lord Kames's table, that he had seen his father strutting abroad in red-heeled shoes and red stockings, the lad was so much diverted with it that he could hardly sit on his chair for laughing.

of great industry and resolution. If not an eloquent or philosophical lawyer, he was considered as a sound and useful one, having a goodly share of erudition and ingenuity. His courtesy, manliness, and candour of disposition made him much liked both by the Faculty, and by men of business, to whom his unwearied application, accompanied with much sagacity and good sense, recommended him not a little. In his pleadings and law papers he displayed a vein of art and irony which produced much mirth, though he himself never deigned to smile.¹ And he was universally esteemed a man of truth and sterling integrity.

In 1748, in consequence of the Jurisdiction Act, Auchinleck was appointed the first sheriff-depute of the shire of Wigtown. To comply with the letter of the law, which required four months' residence, he brought his family to live at the county town. He showed of what importance and utility it would be to enforce that clause strictly, when the sheriff is a man of spirit and conduct. Besides new modelling the sheriff court, he paid unwearied attention to the police of the shire in every department. In this, as he was exceedingly popular, the country gentlemen heartily co-operated. In a word, at a time when the

¹ The tailors of Perth pursued the mantua-makers as intruders on their trade, they having a privilege from William the Lion entitling them to make inclusively all sorts of men and women's apparel. Auchinleck, as counsel for the latter, wrote a much-admired paper, not unworthy of Swift, displaying much knowledge of antiquities. He supposed William the Lion's master-tailor conjured up to give his opinion of a modern lady's dress, and guessed what he would say of stays, hoops, &c. The tailors lost their cause.

new sheriffs prided themselves upon doing their duty, he was looked upon as one of the best of them.

No wonder then, that in 1753, on the resignation of Lord Dun he should be made a Lord of Session, and in 1755, upon the death of Lord Drummore, a Lord of Justiciary. His preferment gave general satisfaction. So for more than twenty years he was looked upon as one of the most useful and upright judges on the bench. If there was little eloquence or originality in his opinions, they were always very much to the purpose, touching with great force upon the material points in the cause. And they made the deeper impression, that he appeared to speak from the heart with a plainness and candour which were very taking. Even they who found fault with his vulgarisms, confessed him to be indefatigable and superior in every form. In questions that hinged upon antiquities his opinion had much weight, though he was less philosophical than Lord Kames, and less accurate than Lord Hailes. He was likewise one of the judges who regarded nominal and fictitious votes as an evasion of the law and a temptation to perjury.

He was, while he had his health, considered as one of the best Ordinaries of his day, which, if not a very brilliant, is confessedly a very important department. His patience in hearing counsel, and in examining complicated or unconnected processes, enabled him to bring matters into form, and to ripen causes of importance for the Inner House. From the size of his roll, and the despatch he gave, one would have

thought his Outer House business was sufficient to have occupied the whole time of the most active and conscientious judge. But no judge on the bench was more master of the printed papers, which were often very numerous, sometimes voluminous. His labour as an Ordinary was not diminished by writing with his own hand all his interlocutors. As a criminal judge his character stood very high. His mind and body were, for a number of years, so strong, that he seemed to take delight in a very long trial, which some of his brethren considered as an intolerable burden. In delivering his sentiments from the bench, the goodness of the matter more than compensated for the homeliness of his phrase. In conducting trials on the circuit he avoided indecent keenness no less than ill-judged lenity to culprits. So great was Lord Auchinleck's candour, discernment, and knowledge of business, that a man standing trial for his life could not wish for a more impartial, dispassionate judge.

He made a most respectable figure at the head of his circuit table. In receiving his guests there was a kindness mingled with dignity, which gave the more satisfaction that he was well known to be no flatterer or politician. By his having gone the circuit so long, there was hardly a person of consideration whom he did not know, either personally or by character. If he had not the courtly address of the Lord Justice-Clerk Erskine, or the fascinating language of Lord Alemoor, he had a greater degree of

frankness, and could converse with country gentlemen in their own way. But that was not his principal merit: it was his rule to spend every shilling of his allowance for the circuit—a thing less to have been expected that in everything else he was supposed to be fond of money and abundantly economical. He had a plentiful table; and as most of his guests liked a bottle of good wine,¹ he did not balk them, taking care to avoid every appearance of excess. He used to tell the company that the circuit table was not his but the king's, whose representative he was then; and the oftener he saw them the more agreeable to him.² Besides other topics of discourse, he had an inexhaustible fund of anecdote, which in his better times, he introduced with propriety, and told with much *naïveté*, without relaxing a single muscle of his face. It was the opinion of this excellent man, that a friendly and social intercourse between the judges and the country gentlemen was of infinite consequence in a political light. He foretold that if the former should, either from fastidiousness or parsimony, cease to be courteous and hospitable to the nobility and gentry, it would ere long diminish the lustre and dignity of the circuit courts. Every moment of the vacation that could be spared from the circuit was spent by him at Auchinleck, of which he was passion-

¹ After dinner he commonly said: "Gentlemen, claret is my liquor; if anybody chooses port or punch, let him call for it."

² He laughed much at the rule laid down by some of his brethren, of asking gentlemen but *once* to dinner. "It is," said he, "treating them like beggars at a burial, who get their alms in rotation."

ately fond. Then he built an excellent house, so slowly and prudently, that he hardly felt the expense. Although he did not pride himself on having an extensive, nicely cultivated farm, he made a set of spacious inclosures: but the planting of forest-trees was his favourite recreation; and as he began early, he lived to see them well advanced.¹ At his country seat he lived many years most hospitably and rationally without much show or expense. He lived to see his friends and neighbours in the easy, unceremonious way he had been accustomed to from his early years. In a word, few men saw more company, and that in a way more to his own satisfaction and that of his guests. For many years he was revered in the highest degree by all his neighbours, great and small. Even at Auchinleck he was not without courts of justice, which helped to amuse him, while they were in high repute among the country people. He had a court-room in his office himself, where he and some of the neighbouring justices sat once or twice a-week, and did a great deal of business,—the fame of his lordship's justice and despatch (to say nothing of the cheapness) having spread far and wide.² In these courts he acted as preses and clerk; “for,” as he said himself, “while the suitors are *claver-*

¹ He told me one of his favourite recreations in the country was to prune with his own hands the trees he himself had planted. Beginning at five in the morning, he wrought with his knife or chisel every spare hour.

² He was a great friend to unhappy females who had been debauched by young fellows, that afterwards denied it. He used to say, “I father more bastards than any man in Ayrshire.”

ing—i.e., chattering—I am employed in writing out the sentence.” It was indeed rather a court of chancery¹ than a court of law; and surely in his hands discretionary powers might be more safely lodged than in those of less enlightened magistrates who had by-views to serve. Some of his ablest brethren were exceedingly hostile to the jurisdiction of justices of peace; whereas it was his opinion that a country gentleman could not be more honourably employed than in taking away differences among his country neighbours.

Let me now speak at some length of this venerable man’s principles and prejudices, which, to say the truth, were closely interwoven. In this entry it may be affirmed that no man was ever a warmer friend to truth and the best interests of society than he. He unquestionably wanted that versatility and indifference with regard to matters of opinion which became at length one of the distinguishing characteristics of the latter part of the eighteenth century. He was a firm believer of the truth of Christianity, and his life did not discredit his profession. Perfectly persuaded that Presbytery, as established at the Revolution, came the nearest of any National Church to the model and spirit of the primitive one in the first two centuries, he perhaps loved it the more that it was a cheap religion, and narrowed the power and jurisdiction of

¹ It was his maxim to pay no regard to an Act of Parliament in a *Crown cause*—that is, a question about five shillings. On the other hand, it was said, there was sometimes as much law in a five pounds cause, as in a five hundred one.

the clergy, to which he was no friend. As much reading and reflection had confirmed him in his attachment to his own ecclesiastical system, what wonder that he should have too little allowance to make for such as only differed from him in forms of worship and government? He neither had nor desired any connection with the Episcopal clergy of Scotland or England. An intimate acquaintance with the one or with the other would have convinced him that he and they agreed in essentials, and had the same glorious end in view. In truth, there was no prospect of any reconciliation between people who were so exceedingly opposite in their views and sentiments. The Episcopalians of both kingdoms, while he was in the prime of life, were as narrow and bigoted in their notions as himself; and neither of them would have tolerated the Presbyterians had the power been in its hands.

The enthusiastic admiration which the modish *litterati* professed for the English classics, and their straining every nerve to catch the manner of their favourite authors, seems to have given this good man an aversion to the smoothing and rounding of periods. He was at no pains to improve his colloquial Scots, which people of fashion would have considered as vulgar, in the beginning of the century. As he was one of the very few that never endeavoured to form an oratorical language half-way between familiar discourse and their style of writing, so he seems to have thought that dialect and pronunciation mattered

very little, provided one spoke the language of truth and common-sense.

In these times, however, Lord Auchinleck was surely blamable, since the Scots of the seventeenth century had neglected, while it was in their power, to improve their own language. Nothing remained for their descendants but to acquire that of their ancient rivals who had brought theirs to a degree of perfection. So far from undervaluing the exertions of our literary reformers, he ought to have praised and honoured them for attempting a very difficult task. The abuse of fine writing by certain free-thinkers was doubtless a melancholy proof that the best and most laudable things may be perverted to the worst purposes. That, however, was a strong inducement to the friends of religion and virtue to study the graces, that by the sweetness and elegance of their diction they might catch the attention of the young and the heedless, who might be in danger of making shipwreck of their faith and virtue. Neither was he to be commended for speaking on the bench after the manner of Pitscottie. In this, perhaps, there was little less affectation than if he had adopted the English of good Lord Dun. Why adhere pertinaciously to a dialect which, from the nature of the thing and the spirit of the age, was changing with great rapidity, much for the better as was generally thought? Even the language of the most polite courts do not continue long stationary; for new words, new phrases, and new

modes of pronunciation are every now and then introduced and sanctioned by all-powerful fashion.

In politics Lord Auchinleck was a Whig of the old form, and therefore he looked on King William as the greatest hero in modern times, whose plans of policy were the best which human wisdom could desire to make a nation happy and respected at home and abroad. Indeed, were one to estimate Whig principles and Whig policy by their effects, they had in his own time raised Great Britain to a pitch of glory and prosperity hardly to be paralleled in the history of mankind. His dislike to the Stuart family bore some proportion to his veneration for the memory of our great deliverer, in which he was much confirmed by private as well as public considerations, no part of the kingdom having been more oppressed before the Revolution than Ayrshire and Galloway. No wonder, then, that he could consider the restoration of the Stuarts, by the help of their Popish confederates, as one of the greatest curses that could befall the nation. In that temper of mind, fretted by their perpetual machinations, what wonder that he should regard them with the eye of prejudice and alarm as long as they were formidable? But although, for ten or fifteen years after the Rebellion, party spirit ran very high, his lordship was never accused of acting harshly and vindictively towards the partisans of the exiled family in their fallen estate. On the contrary, his language on the bench during the reign of George II. was more mild and temperate than that of some

of his brethren. But although, upon the demise of that prince, no fame, or thanks, or good things, were to be got by that species of zeal, yet if any person in his company thought proper to attack the prince or the measures he admired, he was ready to give them an answer. Nothing moved his spleen and indignation more than to hear some of the new converts still sticking for passive obedience and non-resistance; and it sounded rather incongruous to hear them reviling the memory of those who achieved the Revolution, and the present family on the throne, while they professed loyalty to George III. in a high-flown strain.

The evening of Lord Auchinleck's life was much clouded by the absurdity, eccentricity, and mischievousness of his son James. A volume might be written upon that extraordinary young man; but here it will be sufficient to speak of him in connection with his father, to whom, for a number of years, he gave much disquietude. He had hardly finished his academical studies when his untoward genius began to show itself.¹ Having eloped from Edinburgh, Alexander, Earl of Eglinton, discovered him by chance in London in very bad company. He took the young

¹ His first exhibition at Edinburgh was the bringing on the stage a comedy by Lady Houston, entitled "The Gallant in the Closet," a very extraordinary performance, to which he not only wrote a prologue, but some of the scenes. After being twice acted, it was damned by the audience, to the great grief and indignation of Boswell, who stood sweating behind the scenes. Not long after he went off with an actress to London. Love, the manager, immediately acquainted Lord Auchinleck of it, telling him at the same time that the connection was not perhaps the more safe that the woman was a Papist, and reputed virtuous among *them*.

man to his own house, and thinking it the best way of redeeming him from wrong connections, gave him a Pisgah view of the gay world. From a very extraordinary letter¹ of Boswell's to that noble lord, published, as was generally believed, by himself, it would appear he was exceedingly enamoured of it. Whether his lordship dropped him, or he his lordship, is of little consequence, only it was no disadvantage to Boswell to break off the connection. His first publication was one of the most silly and nonsensical that ever disgraced the press, being a strong proof that his *cacoethes scribendi* was incurable. Soon after he set out on his travels, which lasted some years. On his return he published a History of Corsica, which was very well received by the public, because, by way of supplement, it contained a very interesting account of the Corsican insurgents, and of Paoli their leader.² Having put on the gown, he gave more application than could have been expected from one of his flighty disposition. But it soon appeared that his wild oats were not all sown. In the Douglas cause he was keen and intemperate to a degree of absurdity. A few weeks before judgment was given, he published an

¹ Letters, &c., between the Honourable Andrew Erskine and James Boswell, Esq., 1763.

² Lord Auchinleck, being much offended at his son for going to Corsica, Colonel Edmondstone, who had been abroad with Lord Mountstewart, waited on him at Edinburgh, to tell him that the young man was much to be commended for taking that excursion, which, had he been his own master, he would likewise have made. Boswell, who had been much with Lord Mountstewart when abroad, was one of the few whom the Colonel could not abide, as a mischief-making lad, vain and penurious. His father was rather fond of his History of Corsica, saying, "James had taken a *tout* on a new horn."

indiscreet pamphlet, entitled ‘Dorando,’ which gave great offence to the Lord President and the judges. This ill-timed effusion of zeal would soon have been forgotten, had he not, on hearing that the House of Peers had reversed the decision of the Court of Session, headed the mob which broke the judges’ windows, and insulted them in the most licentious manner.¹ His behaviour on that occasion savoured so much of insanity, that it was generally imputed to his Dutch blood. That same year Lord Auchinleck declared his intention of entering into a second marriage, which, in his circumstances, was a very prudent measure. But as his son had no desire to have a stepmother, he wrote him a very petulant letter, threatening never to speak to him again if he took that step. To this the old man returned a truly Spartan answer,—“James, my estate is not entailed.”²

The most memorable event in the history of that

¹ His good father entreated the President, with tears in his eyes, to put his son in the tolbooth. Being brought before Sheriff Cockburn for examination, he was desired to tell all that happened that night in *his own way*. “After,” said he, “I had communicated the glorious news to my father, who received them very coolly, I went to the Cross to see what was going on. There I overheard a group of fellows forming their plan of operations. One of them asked what sort of man the sheriff was, and whether he was not to be dreaded. ‘No, no,’ answered another, ‘he is a puppy of the President’s making.’” On hearing this exordium, Mr Cockburn went off, leaving the culprit to himself. At an entertainment to a very miscellaneous company of the friends of Douglas, Boswell made no scruple of recounting his feats on the night of the mob. On which Mr Stewart Moncrieff, starting to his feet, said, “Upon my soul, Boswell, you are mad.” “Sir,” answered he, “swear by your sixty thousand pounds, by your ice-house, by your peach and grape houses, but do not swear by what you value so little as your soul.”

² Somebody asked him before the marriage if his lady was to be called Mrs Boswell, according to the modern fashion. “No,” answered he; “I am too old to keep mistresses.”

extraordinary young man which has any connection with his father, was his friendship with Dr Johnson, who, though an illustrious literary character, was assuredly a singular and capricious man. Of his life and conversation Boswell has given the world a very full and interesting account, which no wise man and no true friend would have published in his own time. Be that as it may, the two books communicated a great deal of information which everybody was fond of hearing, though the author had violated the laws of society. Yet, in consequence of these publications, the name of Samuel Johnson will never be mentioned without recalling that of James Boswell. At the same time, the latter bears the same relation to his revered friend that a pinnace does to a first-rate man-of-war. To Dr Johnson he unquestionably owed the highest obligations; for at a time of life when a staid character might have been led astray both in principles and practice, he spoke the language of a man of virtue—in which, with all his eccentricity, there is no reason to doubt of his sincerity. It was of infinite consequence to him to have the benefit of the conversation of that gentleman and his literary friends. Yet, if report may be believed, Mr Boswell was obliged to submit to many mortifying rebuffs before he could make out his favourite point. It was equally humiliating and unpalatable to be obliged to purchase Dr Johnson's good opinion at the expense of adopting all his

religious and political crotchets¹ with the zeal of a new convert.

One cannot help regretting that his new principles and new prejudices should have been diametrically opposite to those of his venerable father. It is needless to inquire which of the two was the best, or rather the least exceptionable; for both Lord Auchinleck and Dr Johnson were men of virtue, and firm believers in revealed religion, though they differed widely about its appendages. It was assuredly one of the cruellest mortifications the former could have met with in the evening of life, to see his son entirely under the influence of a Tory and High Churchman, who (to use his own phrase with regard to another person) was as narrow as the neck of a vinegar-cruet. No wonder, then, that his lordship should consider the Doctor as the person who had misled his son, and that at a time when other young men seemed disposed to drop the language of Whig and Tory, because the old party distinctions were in a great measure done away with or diverted into new channels. Two such antipodes could hardly meet and discourse together without quarrelling. Very different accounts were given of their famous altercation at Auchinleck. All that could be collected was that the disputants were

¹ Mr Rolland showed me an excerpt from one of Boswell's settlements, in which he requests the prayers of all good Christians for his soul, after its departure—which, he says, may benefit it, and cannot possibly do it harm. This was one of the *usages* for which the English and Scottish nonjurors contended fiercely, and in which Dr Johnson was a firm believer.

equally hot and bigoted.¹ Perhaps, in tenderness to the memory of two such good men, it is better to bury the story in oblivion. Considering Boswell's preposterous passion for recording private conversation, he deserves credit for withholding from the public the angry dialogue that passed between his father and the Doctor. Yet amidst all his professions of filial reverence, it is plain he thinks his father had the worst of the argument.

Lord Auchinleck declined earlier and faster than was expected from the apparent strength of his body and mind, joined to his temperance and regularity. The first great shock that was given to his constitution proceeded from his own imprudence, or rather from over-confidence in his own vigorous habit.² Though he recovered, and continued for a number of years to do business with his usual assiduities, his intimate friends perceived a mortifying falling off in his faculties before it became apparent to others. While weakening almost imperceptibly, he was unfortunately persuaded to split his votes in direct opposition to his declared principles for a number of years. In vain did he, with his usual pleasantry, allege that he was obliged to do it in self-defence,

¹ The year after, his lordship told me at Stirling, with more warmth than common, that the great Dr Johnson, of whom he had heard wonders, was just a *dominie*, and the worst-bred *dominie* he had ever seen. Boswell one day assured him that the Doctor was a constellation of virtues. "Yes, James," answered he; "the Doctor is Ursa Major, and you are Ursa Minor."

² In the trial of the Ogilvies, he sat nine hours without rising from his seat, while examining Anne Clark. It brought on a suppression of urine, which, though removed, left him very much weakened.

and attempt to make a distinction between the *givers* and *receivers* of fictitious votes. He called the holders of his votes his *men*, and said they ought to wear his livery. In truth, the whole blame lay upon his advisers, who surprised him in his decline into a promise which, though he ought not to have made it, could not be broken without quarrelling with his friends.¹ The first symptom of mental decay perceived by strangers, was the repetition of his stories, and the introducing them without any connection. At length his memory and judgment were so much impaired that his conversation, which had once been highly pleasing, became a string of stories, good in themselves, but misapplied. This was very mortifying to those who remembered him in his prime. And what was worse, he sat and voted on the bench when it was exceedingly improper. What pity that our judges, when worn out with age and infirmities, should not have their *quietus* like the English ones! At length, both mind and body being completely exhausted, he breathed his last in August 1782. My veneration for the memory of this good man has made me enlarge this notice to an unusual length. But there have been few lawyers, judges, and county gentlemen in our day who acted a better part in the drama of life. As no character deserves more to be

¹ When verging fast to dotage, he gave an inconsistent vote in a political cause, which gave great offence to one of his political friends. Going up to the bar he said very indiscreetly, "Boswell, what think you of your father to-day?" "Sir," answered he, "you and your brother have made him a politician, and you have not improved him."

imitated in most things by persons beginning their course, it may also teach the most presumptuous not to trust too much to the strength of their mind or body, since none can tell what may be between him and the grave. So much for the judges and lawyers of note before the Rebellion of 1745.

CHAPTER III.

LORD KAMES.

HENRY HOME, afterwards Lord Kames, was a lawyer in high reputation when the Rebellion of 1745 broke out. What entitles him to a distinguished place in this work is, he did more to promote the interests of philosophy and *belles lettres* in Scotland than all the men of law had done for a century before. If the outlines of his story may be had from his biographer, the subject is by no means exhausted. And therefore in the following sketch of his life I shall state such particulars as either fell under my own observation, or were communicated to me by persons who had the best means to know him. I do not mean to encroach on other men's labours, or to enter into controversy with those who take different views of this eminent man. In speaking of him, I shall do full justice to his merit, without being blind to his faults and failings. As I never flattered him while alive, it would ill become me to treat his memory with disrespect. A biographer ought not to record every idle word that drops from a worthy man

in his unguarded moments; and still less should specks and petty shortcomings be magnified or highly coloured. Yet the historian of private life may touch upon them with tenderness and delicacy when they were notorious in a person's lifetime. He can thus with the better grace blazon the virtues and endowments of his heroes. The moral painter whose portraits do not contain a happy mixture of lights and shades, discovers little acquaintance with nature or art.

No part of Lord Kames's story is more interesting and instructive than the commencement of his course, which was by no means strewed with roses. The late Richard Dundas of Blair, and John Dundas of Manor, told me that, about the year 1718, or 1719, they were boarded with him in the same house at Edinburgh. From those worthy intelligent gentlemen I might have learned a great deal with regard to Lord Kames's morn of life. One of these gentlemen told me that, when almost a man, Lord Kames studied Latin with great diligence. That was a proof of his sense and spirit; for without being master of that language, he could not acquire a knowledge of the civil law. It may be taken for granted that, at that advanced period, he would learn more and to better purpose in a year than the most rigorous master could teach a mere boy in three or four. He told Professor Dalziel, not long before his demise, that he had never been at any college.

He was for some time in a Writer to the Signet's chambers, which was then regarded as a proper education for gentlemen of moderate fortune. Besides younger brothers who were to make it their profession, the heir of the family was sometimes sent thither to learn as much law and clerkship as might enable him to carry on his own business. It was in those days very common for young men intended for the bar to attend a Writer's chambers for some time, to give them a knowledge of the structure of deeds, and of the form of process before the Court of Session. And if their master happened to be a man of ability, they could learn from him a number of things which might be very useful to a practising lawyer. In a word, the *lattern*,¹ as it was called, answered nearly the same purpose in Scotland that the Inns of Court did to the English.

As Lord Kames never was out of Britain, and was apprentice to a Writer to the Signet, it might be concluded that he passed trials on the municipal law, which, if less creditable, was cheaper than that on civil law. Such as chose the former were put under the protection of some eminent barrister, who allowed them to attend his consultations, where they could learn much that was not to be had from books. They also studied the works of the great lawyers who had formed a system of the law of Scotland. It was likewise incumbent on them to make themselves masters of the decisions of the Court of Session, of

¹ Lattern, from *lectern*, a reading-desk.

which there was a large mass, partly printed and partly in manuscript, sufficient to exercise the industry and judgment of the most laborious student for years. If more voluminous than the English reports, and less crabbed than the law Latin and French books which an English student of law is obliged to read and systematise, our municipal law was at that period a sort of chaos.

From his not putting on the gown till five-and-twenty, it may be presumed his course of study was somewhat out of the ordinary road. If, in his latter years, he spoke with little reverence of the Dutch civilians, whose works were to be found in every lawyer's library, there can be little doubt that at his outset, and in his prime, he was exceedingly indebted to those heavy inelegant writers for hints which stood him in excellent stead. Be that as it may, to his unwearied application to study from nineteen to twenty-five years of age was Lord Kames principally indebted for his after-eminence in law and literature. He then acquired those invaluable habits of application which, in process of time, rendered business a play, and intense thought a luxury. In truth, the very things which he and his friends regarded as misfortunes—namely, want of fortune and powerful patrons—proved blessings, and sources of fame and eminence. They were, however, not agreeable to him at the time: he said to me repeatedly, that had he been assured of £50 sterling a-year, no consideration should have made him submit to the

drudgery of mind and body which he underwent for years before and after coming to the bar.

Nothing could be more praiseworthy than the motives which made him submit cheerfully to all this toil. His object was to retrieve his father's affairs, which were much embarrassed, and to preserve the remains of his paternal inheritance. While actuated by an ambition that was at once pure and congenial to the finest feelings of the heart, he was not deficient in resolution and steadfastness; for he showed that a spirited young man, fond of society, was capable of poring over dull law books with all the industry of a Dutchman and the ardour of a poet.

The same acuteness and unwearied research which marked his course of study, turned to excellent account in his practice at the bar. From what I have heard from his coevals, who had access to know the fact, his early essays in speaking and writing were favourably received by the judges—and, what was of no less consequence, well thought of by the more sensible practitioners. It was apparent that the young barrister was most desirous to go to the bottom of every question. As his contemporaries are now all gone, I shall state what I have heard from the aged and intelligent. If less graceful and pathetic in his pleadings than some of his brethren, he commanded respect and interest by the force and ingenuity of his arguments, which had a cast of originality. Perfectly master of his ground, and not

to be diverted from his purpose, he delighted in demolishing or undermining theories which time and practice had sanctioned. For this he was well qualified from his metaphysical turn, which in those days was chiefly directed to professional subjects. Instead of attempting, like his friend Pitfour, to conciliate by the smoothness of his language and the semblance of humility, he often maintained propositions which were at best problematical, as if they had been self-evident axioms. If sometimes foiled in those early attempts at innovation, he was nevertheless a gainer by them on the whole. Even such as were most partial to the old way, confessed the richness and versatility of his talents, which they prognosticated would turn to great account when they should be matured by years and experience. When the interests of his clients¹ required him to quote statutes and precedents, nobody knew better how to intrench himself behind legal bulwarks, or was less disposed to surrender the fortress at discretion.² Before the

¹ In 1793, Principal Macleod of King's College told me, once, when Lord Kames happened to be at Aberdeen on the circuit, he and some of the professors were asked to dine with his lordship. Before dinner, one of them asked if he thought David Hume believed what he wrote. "I cannot," answered the judge, "answer that question, unless you will take what happened to myself for a solution. When a young lawyer, I had great scruples about pleading causes which were bad or not tenable; but I was told by the parties or their agents that that was not my affair. Being ready to abide by the consequences, they insisted on my doing what I could. I therefore was repersuaded, and said everything that could be urged. To my great astonishment, I sometimes prevailed when I least expected or desired it. From this I conclude that an ingenious man may *write* himself *into* any opinion he pleases."

² When a young lawyer, his best client was an East Lothian lady, who was very litigious and censorious. He used to visit her in his way to and from

Rebellion of 1745, he had got into great practice. In time he bade fair to have risen to the head of the Bar, and in the course of ten or twelve years, must have made a large fortune.

When raised to the Bench in the year 1752, the expectations of the public concerning him were very high. He was still in the prime of life, and his ingenuity and erudition were confessed by such as were least partial to him. And for a number of years he gave great satisfaction to Bench and Bar. Nor was he less esteemed as an Ordinary, in which capacity a judge may do a great deal of good. But after getting a great roll, it gradually declined, owing to his time and thoughts being directed to other objects. His impatience and haste to get on did not accelerate business, or please barristers or agents. His insuperable aversion to details and prolixity in every form, which made him at times attempt to abridge the harangues of pleaders, did not convince them, thinking themselves entitled to plead their cause in the way they thought best for their clients. It may well be thought that this was not more than agreeable to some of the young lawyers, who are a *genus irritabile*. There was also at times

Kames. One Sunday morning at her house the lady fell foul of her neighbour with great acrimony. To divert the subject, Kames said he had got Bishop Butler's sermons in his cloak-bag, and as it was a tempestuous day, would, if she pleased, read one of them. She assented: and as he chanced to stumble on the sermon which has for its subject "the government of the tongue," he had not gone far before he began to dread that it would lose him a good client, so exactly did it apply to his hostess. When finished, she said, "Mr Home, it is an excellent sermon, and would fit our neighbour Scotston to a T."

a fretfulness and liveliness in his expressions as an Ordinary, which did not suit the gravity or dignity of a judge. That, however, was somewhat constitutional; but it did not increase his popularity or usefulness, nor could his admirers justify it.

The chief fault found with Lord Kames for a number of years, was not doing all the good which a judge of his abilities and resources might have done with great ease to himself. His opinions all along bespoke a vigorous mind, enlightened by experience and culture. They were set off to great advantage by the spirited natural way in which he delivered them. He had the faculty of detecting sophisms and incongruities; while fraud and chicane met with no quarter at his hands. Yet even in his best times, he was censured for being more subtle and abstracted in his reasonings than the bulk of his hearers could comprehend. This, it was said, made the first President Dundas very testy, as being unsuitable to a supreme court of justice. Nor was it acceptable to President Craigie, who was a sound lawyer, but a great dogmatist; of him, however, his lordship stood in little awe. With the second President Dundas, who was no philosopher or profound lawyer, he took his own way.¹ But what was highly honourable to him, his integrity and public spirit were all along recognised.

¹ One day the late President Dundas said to him, after he had delivered a metaphysical opinion, "Lord Kames, I do not understand a word of what you have been saying all this while; it is too deep for me." Some time after, on Lord Kames rising from his seat, the President asked him where he was going. "—*backwards*, my lord; do you understand *that*?"

If an unexpected change took place in his lordship's conduct as a judge, it may more easily be accounted for than excused. Even when at the bar, great part of his leisure time was devoted to composition of one sort or other; but after he became a judge it grew upon him, becoming his supreme delight. But in the first stages of his authorship he did not allow it to interfere with his duty, being exercised chiefly in vacation time, when the public had no claim on him. At length his passion for literary fame engrossed his thoughts. What wonder that, under those impressions, he should make no scruple of dedicating to composition the greatest part of that time which his other brethren spent in reading session papers, or in examining processes, or else in recreation! First, Sunday, as a day of rest; next, Monday, which was no Court day, were taken hold of. As these were not sufficient, he afterwards made free with that part of the mornings and evenings which he used to set apart for his Outer and Inner House business. To save reading, he had recourse to expedients which neither his quickness nor versatility could warrant.¹ As no man can serve two masters, so the office of a judge and the labour of composition on a great scale are utterly incompatible.

¹ He made his clerk read only the facts, unless he liked the drawer, saying he wanted no new law. A person coming to breakfast, found him examining a process. After listening attentively to a long representation, his clerk asked if he should read still longer answers. "No," said his lordship, "let me only hear what is said in answer to one particular point." He then dictated: "The Lord Ordinary, *in respect* of the answer, refuses this representation."

In the year 1763 Lord Kames was appointed a Lord of Justiciary, when that bench was filled with able, virtuous judges. In that capacity he was well qualified to make a distinguished figure, from his long experience and great acumen. If ever deficient in lesser matters, he never failed in essentials. He was none of those that wished to shuffle over that laborious and often irksome part of duty, for he grudged no pains. His opinions on great and knotty points of criminal law displayed equal ingenuity and erudition, expressed with force and precision. His charges in cases not capital were nervous and concise, yet luminous. With such clearness did he take down evidence, that on hearing the record read, one could tell the depositions dictated by him. If he generally inclined to the side of the Crown, that was by no means peculiar to him. Though much found fault with in our judges, it was occasioned by circumstances. In no country did the scale incline more to culprits than in Scotland at that period. The poorest, most friendless felon was defended by counsel, who, wishing to get a name, took sometimes unwarrantable liberties with law and evidence. On those occasions our Lords of Justiciary would have thought themselves highly culpable had they connived at the escape of criminals. Yet their interposition and reproofs did not always produce the desired effect; for keenness on the part of prosecutors and judges, though well intended, serves only to make the prisoner's counsel more rash and intemperate in their allegations. And what is worse,

half-learned, pragmatICAL jurors are often misled by declamation. It is, therefore, no more than justice to Lord Kames and his colleagues to say that they were solely actuated by the love of justice,—the culprits whom they seemed solicitous to convict being confessedly guilty. That his lordship was always right or temperate in his reprehensions to juries or barristers who, in his opinion, had failed in their duty, need not be affirmed. It is well known that they gave often great offence, which was nowise diminished by the justness of his sarcasms. It must, however, be acknowledged that in trials of life and death he sometimes lowered the majesty of justice by the levity or harshness of his expressions. On this it is needless to enlarge, only it struck the most superficial observer, and was matter of regret to his friends and admirers. Nothing of that kind took place in the Inner House. To gravity and appearances he paid perhaps too little attention, and therefore did not check those petty ebullitions of spleen or impatience as he ought to have done. Neither had he much reverence for forms¹ and modes of procedure sanctioned by a train of precedents. Thinking himself superior to rules which he considered either as nugatory and cumbersome, or else hurtful to the interests of justice, he sometimes set at nought the maxims and practice

¹ He was one of the first judges that attempted to charge juries after the prisoner's counsel had finished. He did it in the two trials of the Ogilvies and the Keiths, in the first of which the lawyers had taken great liberties. The arguments *pro* and *con* may be seen in the preface to the Keiths' trial, and in an answer to it which was supposed to be written by his lordship.

of his predecessors. It may well be thought that this part of his conduct did not meet with general approbation. He should have remembered that forms of proceeding in supreme courts of justice ought not to be rashly tampered with, or new modelled, lest it should trench on essentials. It ought to be done after due deliberation by the Legislature. The departing from them would tend to throw too much power into the hands of the judges, of which they might sooner or later make an improper use. The chief effect of these peculiarities was to render Lord Kames less popular than he ought to have been as a criminal judge.

In spite of his honour, hospitality, and convivial talents, he did not give that satisfaction at the circuit table which might have been expected from a man that knew the world and had kept the best company. If his parties on these occasions were often brilliant, and generally very pleasant, he gave much disgust by curtailing the number of guests, and changing the mode of entertaining them and the officers of Court that were part of his equipage. And magistrates and others that were bound to pay *suit and presence* to the judges, complained of the bad reception they met with from him. These innovations ran counter to the manners of the times, and the practice of his predecessors and brethren. They gave the more umbrage that they were evidently connected with systematic saving in a department where, of all others, it is less proper or expedient. It is sound policy to maintain

the dignity of the judge who represents the king when administering justice. Suffice it to say, it did not give general satisfaction, being regarded as an unfortunate crotchet.¹

It is remarkable, that in little more than a twelve-month after his decease, an Act of Parliament was obtained to regulate the Court of Justiciary, which seemed to accord with Lord Kames's views. Besides shortening the time of the circuit, it gave the judges a power of charging juries in capital cases, a thing absolutely necessary when the evidence was no longer reduced to writing. It cannot be disputed that this law, in conjunction with other causes, has given a new cast of character and features to that Court ; but innovations are not always reformations, or productive of salutary consequences.

Before speaking of Lord Kames as a man of letters and a promoter of polite literature, a little must be said of his original principles. At his outset in life he was an Episcopalian and Jacobite, these being the opinions of his family and connections. But it may be taken for granted that his mind was too inquisitive and his spirit too independent to adhere to any system merely because it had been that of his fathers. What wonder, then, that after studying history and conversing freely with first-rate people, he should be convinced that the Revolution of 1688 was absolutely necessary !

¹ Much was said on that subject in a letter to Lord Braxfield soon after being raised to the Bench. It was ascribed to Boswell.

After this he had only to coalesce with the established Government, the rather that it was in those days no less vigorous than mild. Whatever might be his motives, he derived no immediate benefit from the change ; for he got nothing before being raised to the Bench save the office of Advocate-Depute, which he owed to the friendship of Lord Advocate Erskine. Neither can I tell what part he took in the disputes between Sir Robert Walpole and his opponents ; but he was none of those that could be idle or neutral when his country was in a flame. It surely gave him frequent opportunities of displaying his professional abilities, and a lawyer is never better paid than in political causes. I suspect he took the popular side ; but long before I knew him, *patriotism*, as it was called, had fallen very low, people being ashamed of it or its leaders ; and therefore all but the professed partisans of the Stuart family held nearly the same language. His having the patronage of Archibald, Duke of Argyll, affords a strong presumption that he was esteemed sound in politics at a time when the qualifications of candidates for office were nicely scanned by Scottish and English Ministers of State. Though Church and State politics were themes on which he seldom committed himself, he made no secret of his early opinions, which he seemed to hold very cheap.¹

¹ "Dear bairn," said he one day to a young lady who was teasing him very idly on these subjects, "why plague me with all this nonsense ? was I not once an Episcopalian and Jacobite myself ?" Supping at Mr John Erskine's before he was a judge, he began to joke Mrs Jean Hog of Harcus, his near neighbour

His quitting the Episcopal Church cut much deeper in the causes and consequences. The question with him was not between Episcopacy and Presbytery, for when he quitted the one, he did not join the other. To the popular Scottish clergy he retained all along his original dislike, estimating them lower than perhaps they deserved. And if afterwards he was fond of the company and conversation of some accomplished ministers of the Establishment, they had no cause to think him of their communion. Nor was his deserting the Nonjurors dictated by prudential considerations ; for prior to the year 1745-46, nothing hindered a practising lawyer from attending their chapels. To the persons of that clergy he could have no objection, they being proper, worthy, well-bred men, though neither philosophers nor *belles lettres* men.

He was probably induced to take that step from drinking at an early period of life such deep draughts of philosophy as tended to disparage if not unhinge his original opinions. To this he was encouraged by his passion for abstract speculations which he tried to engraft on innovation, which, from first to last, he connected with spirit and wisdom. Upon this head I shall be very brief, seeing I have nothing to direct me but conjecture or report, which are unsafe guides. As theology was one of the themes on which he

in the country, a woman of great wit and spirit, upon her ill-fated politics. She, who had known him from his earliest years, said to him with her wonted familiarity, "Harry, are ye fishing, lad ? I will not miss you." Not wishing to hear old stories rubbed up, which would have diverted the company at his expense, he dropped that discourse.

seldom committed himself in the society of his *very* friends, it was a problem which they did not pretend to solve; not even the perverse, prying industry of Boswell could solve that problem. From his writings, however, as well as his conversations, it may be collected that he firmly believed in a Supreme Being, a providence and a state of retribution. And no speculations pleased him more than the unfolding of final causes. He had, it would seem, too much genius, and too independent a spirit, to adopt the dictates of any set of men, however amiable or respectable. He surely prized Christianity the more, that it illustrated and supported those doctrines of natural religion which are the great keys of society in every age and country. Men are sometimes influenced by circumstances and situation. Had he lived in the seventeenth century his lucubrations might have breathed somewhat of the celebrated Sir Thomas Browne's¹ piety and philanthropy, a little shaded by singularity and petty doubts which would not have occurred to ordinary men. Or had he been contemporary with the excellent Lord Chief-Justice Hale, he might have employed metaphysics in the service of revealed religion with all the zeal and ability of that amiable and eloquent judge.

But be Lord Kames's speculative opinions what they would, he was universally esteemed a man of great talents and taste, who thought and acted for himself. In fact, the ardour and industry with which

¹ Sir Thomas Browne, author of the 'Religio Medici,' 'Vulgar Errors,' &c.

he promoted the cultivation and improvement of polite literature and the useful arts in Scotland, was almost apostolical. By living to a great age, he had the satisfaction to see his own labours and those of his associates crowned with all the success he could desire; and what was highly flattering, himself looked up to as an umpire in literary questions and matters of taste. Far from confining his views to jurisprudence, he took a very extensive range. He was all along enthusiastically fond of the English *belles lettres*, to which he paid more attention than to Greek or Roman writers. Though no poet himself, he had as lively a fancy and as much warmth of sentiment as if he had been one of the tuneful tribe.¹ There were, indeed, few departments of literature or science in which he did not take an active concern; and if he did not cultivate them himself, he had friends in whose success he was keenly interested.

But poetry and criticism were only his lighter studies, philosophical acumen being the thing on which he principally valued himself. It is well known that between 1723 and 1740, nothing was in more request with the Edinburgh *literati*, clerical and laical, than metaphysical disquisitions. These they regarded as more pleasant themes than either theological or political controversies, of which, by that

¹ I have often regretted I had not got from him, in his *mollia tempora fandi*, anecdotes of Allan Ramsay, who led the van of the Scottish writers after the revival of literary genius. With him and the other wits who took a lead in the republic of letters at an early period, no man was better acquainted or more communicative of what he knew.

time, people were surfeited. The writings of Locke and Clarke, of Butler and Berkeley,¹ presented a wide and interesting field of inquiry, in which they could exercise their intellectual powers without endangering their own quiet or safety. By treading in the steps of men who were able and eloquent champions of revealed religion, there was little danger of alarming the orthodox clergy, whose scruples and jealousies were at that time carried sufficiently far. Little, however, did those great and enlightened authors foresee what wretched use would ere long be made of their mode of reasoning; for metaphysics are a sort of mercenaries, which may be brought to fight either for or against the cause of truth. Many of Lord Kames's friends and admirers lamented that, with talents for better things, he should have plunged into the thorny and unprofitable mazes of metaphysics, and revived controversies which, under various forms and names, had baffled the wit and ingenuity of divines and philosophers in ancient as well as modern times.

If for a number of years his efforts in philosophy were confined to talk, or fugitive pieces read in societies, he was by no means idle.² He was then

¹ Mr Dundas of Manor told me it was generally believed that once, when Kames was in London on business, he went, without previous introduction, to the lodgings of Dr Berkeley, who received him with great courtesy. Without preamble his visitor fell a-discussing certain knotty points. The good Doctor, who was a well-bred man, tried to divert the discourse, but finding that could not be done, sat silent.

² Whatever was the reason, he was not a member of the Rankenian Club; but he was an original member of the Philosophical Club, instituted in 1734, and a contributor to its publications.

collecting and arranging those stories which at an after-period he turned to great account. His practice at the bar and compositions connected with his own profession engaged much of his time and thoughts. Meanwhile the influence of his conversation and admonitions to the literary men of that period was by all accounts great and efficacious, especially when addressed to young people of great promise, who were ambitious of making a figure in the republic of letters. It was much in favour of him and his associates that they were in no haste to obtrude their speculations on the public. Had he devoted as much of his time then to abstract speculations as he did after being made a judge, he would have lost his practice at the bar. It was well, however, that his more early publications contributed to raise his professional fame, while they afforded convincing proof of his intense application and powers of discrimination. Indeed, had he devoted his thoughts chiefly to speculations on the law of Scotland, he would have been not only one of the greatest and most enlightened judges of his time, but would have stood at the head of the classical and philosophical writers upon the jurisprudence of his native country.

In speaking of Lord Kames's public life, it cannot be omitted that he was an early and zealous cultivator of our arts and manufactures, of the greatest part of which he saw the rise and the maturity. To him it was matter of luxury and ambition to bring forward obscure merit, whether in letters or arts.

The inventor of a new wheel or loom attracted almost as much of his regard as a *belles lettres* man. It was his unceasing exertions in husbandry and manufactures which procured him the friendship first of Archibald, Duke of Argyll, and afterwards of Mr Steuart Mackenzie, to whom it was supposed he owed his two gowns. Both as an individual and as a member of different boards, he laboured to promote an enlightened spirit of enterprise and industry among his countrymen. Yet he was sometimes the dupe of his over-sanguine temper. Indeed his spirited representations were not easily resisted by his brethren. Large sums of public money were expended in the Highlands and forfeited estates, which he afterwards confessed, with deep regret, had proved no better than water spilt on the ground; but repeated disappointment did not change his ardour, or make him more cautious, he being always ready to listen to any plausible proposition. He fondly trusted that a new and spirited attempt would more than make up for former failures. If he had had selfish or party views to serve, or been connected with the projectors, the purity of his views might have been questioned; but at a period when a great deal of jobbing took place in different departments, it was confessed on all hands that Lord Kames acted upon disinterested motives, believing that the schemes patronised by him would promote the prosperity of his country. In applying public money to problematical purposes, he acted precisely as he did in his own affairs. In all trans-

actions, he was too apt to act upon the suggestions of fancy, to which he could give what direction he thought proper. In a word, he was one of those that thought better of men and measures than perhaps they deserved. Intuition into character was by no means his *forte*, and therefore he was disposed to take people's own account of their qualifications. To the merit of having meant excellently well he is surely well entitled.

And now of this gentleman's private life, which was strongly marked and interesting. Did not his virtues greatly overbalance his foibles, I should either have said nothing, or touched upon it very slightly. If any body suffered from the latter, it was himself, from the diminution of his dignity. Some of them flowed from the liveliness of his imagination, and the exuberance of his animal spirits, to which, in his old age he gave more scope than he had done in his prime. The high rank he held in the republic of letters, and a splendid addition to his fortune when well advanced in years, did not make him more sober-minded or guarded in his talk. He was never enamoured of gravity, or very attentive to time or place. This made him regard etiquette and decorum with less respect than was proper. In this, however, he did not judge wisely; because their contemporaries will ever judge of public and eminent men by appearances.

But his inattention to accounts and ignorance of the real state of his finances cut much deeper than his

love of change; for these impaired his fortune without adding to his pleasure or comfort. No man was less disposed to be mean or profuse than his lordship. But instead of laying down and pursuing a plan, in which fulness and economy should go hand in hand, he went no farther than detached items, which he sought to retrench with a bad grace. And while contesting articles beneath his notice, he would, without scruple, have settled a great or complex account without examining its contents or justice. Nor would he suffer other people to cure him of a burden which ran counter to his habits and pursuits. In a word, a moderate share of arithmetic and book-keeping, joined to accuracy and perseverance, would have given stability and success to his schemes, besides insuring his confidence and comfort. Finding himself charged with a great income, he was at times peevish and unreasonable. He wished to do things handsomely, but sometimes mistook the means, or would not submit to proper investigations. It was the more to be regretted, that he wished to rest his fame on philanthropy and public spirit.

For a number of years before his death he was very susceptible of flattery, which was sometimes laid on so clumsily that it was surprising how any man of sense and spirit could swallow it;¹ some indeed did it more artfully, not less successfully. The points on

¹ Somebody having one day regretted this foible, Dr Charters said that if it was necessary to flatter Lord Kames, it was so far well that a person might do it with truth and a safe conscience.

which his lordship wished to be praised were his theories and his rural operations. They threw out some slight objections, which gave him an opportunity of setting matters in a new and striking light, after which the objectors had only to confess themselves converts to his opinion.

Having thus pointed out with truth and delicacy the specks and imperfections which occasionally cast a shade over Lord Kames's brilliant qualities, I now turn with pleasure to the bright side of the picture. As his parts and accomplishments were confessedly great, no man was better qualified to make a good figure in social and domestic life. Nor was he less amiable and respected that goodwill to man appeared to pervade his words and actions. Under his own roof, or in his neighbours' houses, he was so easy and communicative, that none could suspect him of any sinister design. From youth to age his conversation was so rich and fascinating, that young and old, grave and gay, learned and unlearned, delighted in his company, knowing that they should be edified or entertained. If at times metaphysical in his *conduct*, nothing of it was to be seen in his social hour when consorting with persons whom he liked. No man indeed had a greater versatility of humour. In a drawing-room of beaux and belles he could, at an advanced period of life, trifle agreeably, and convey instruction or reproof in the language of apologue or keen irony. When met with his philosophical friends to discuss abstract points, he seldom failed

to enliven the driest subject by his lively natural sallies. In conversing with artists or mechanics, he could bring himself down to their level, and astonish them with his knowledge of things which appeared to lie much out of his way. And whilst it was the fashion for men of all characters and ages to frequent the tavern, he could render himself as acceptable to the grave and the learned, as to the gay and the frolicsome.

I shall now give a sketch of Lord Kames's manner of life in town and country, so far as I had access to know. I know little of it previous to 1752-53; but from that time forth I saw and heard much of him. And first of him as a resident in Edinburgh. Almost to the close of his life he was an early riser—a matter of infinite importance to lawyers, judges, and authors. Till late sederunts and later dinners prevented it, his practice and that of other men of law was, after the Court rose, to walk with two or three friends to the Meadows or Leith for an hour or more, when a very animated conversation took place. At dinner he had seldom any ceremonious guests, only such as he or his lady had asked in the forenoon. And after finishing their meal and drinking a few glasses, the company separated—the ladies to dress for visiting or for public places, the men to business or study. Meanwhile Lord Kames put on his nightgown and velvet cap, whilst his clerk read to him. After making himself master of his business for next day, he considered the remainder of

the evening as his own. Sometimes he went to the drawing-room, and heard the tale of the day from his fair favourites; after which he was very fond of playing a rubber at whist, at which he was so very keen and touchy, that it was a perfect comedy to everybody but his own partner, whose play, he expected, should suit his own hand. At other times he went to a public place, a thing not common among his predecessors. Few people had more enjoyment at a play or concert, he being a great connoisseur in both. At the assembly he was by no means idle, for he paid court to the reigning beauties in a style very different from that of the beaux. Supper was his convivial meal as it had been of the people with whom he had consorted in his youth and prime. In those days it was the fashion to pass the whole or part of the evening in the tavern. I have been assured by some that used to be of his parties, that he had once drunk very hard; but when I knew him he was in general very sober, having fallen out of conceit with claret, which had long been his favourite liquor.

But on giving up the tavern he had supper-parties at home, in a style so perfectly his own that it deserves commemoration as a relic of the old manners of Edinburgh. His lady could seldom tell how many guests would be at supper till they assembled. It was understood that his lordship's *set*, to whom he had given *general* invitations to that purpose, might come when they pleased, without ceremony; and the

oftener they came the more acceptable were they. Difference of humours and sentiments produced at times a collision, which, under the control of their host, added to the entertainment of the company, everybody exerting himself as much as possible. Though in general people of eminence in their way, they seldom met but at those symposia, which were commonly very pleasant, albeit formed contrary to ordinary rules. When in high glee, what wonder that his lordship and his friends should sometimes forget all time! That, however, did not hinder him from getting up betimes in the morning, for very little sleep sufficed him. It may well be thought that he had sometimes invited parties, but on being told of them by the servants, his *set* did not intrude. In spite of fashion, he all along persevered in not getting or taking dinners in session time, save now and then on a Saturday or a Monday. By this means he saved much precious time, and was able, after dinner, to sit down cool and collected to business or study. Yet the most striking and memorable thing in his Edinburgh life, was his unwearied attention to form the minds of young people of both sexes in the morning of life. No sooner did a young man give indications of pregnant parts than he got acquainted with him, and took a warm part in all his concerns. Besides chalking out a course of study and pursuits, he took care to engage him in conversation, in order to try his understanding, and discover his principles and bent. If he had a philosophical turn, and was not apt to

boggle at novelty, it was an additional bond of union. He then became an inmate of the family and a companion to his lordship, who used in his walks to read lectures to his juvenile disciples. Some of them were men of fortune and fashion, who expected to make a figure in Parliament or public business; but the greater part was designed for the bar. From the time I knew him, he had a succession of clever *élèves* who afterwards attained to eminence. Although he assuredly meant them exceedingly well, and did them material service, yet, strange to tell, sooner or later most of them dropped the connection. It would be indelicate to inquire whether this was their fault or his. Possibly he expected more court from them than they were disposed to pay; and with him there was no medium, his fondness and dislike being equally ardent and undisguised.

His lordship was likewise at extraordinary pains to form the taste and improve the knowledge of young ladies distinguished for beauty or talents. It cannot be doubted that he wished to make them wise and good, as well as knowing and accomplished. If his notions of ethics and religion did not in all things tally with those of the Presbyterians or Episcopals, they agreed in essentials, differing chiefly in drapery and colouring. By that time austerity, and self-denial, and excessive zeal, were in little request, as they ran counter to the taste and spirit of the age, which was disposed to make the yoke of duty more light, by reducing religion to matter of *sentiment*.

It may be taken for granted that his philosophy for females differed somewhat from what he taught young men. Instead of guessing at the nature of his lectures to the former, the reader is referred to his last book, which came out the year before his death,¹ as it probably contains the substance of what he had retailed to them for a number of years. He was likewise at much pains to give his fair pupils a relish for polite literature, not only telling them what books to read, but also instructing them in the canons of criticism. If he trusted more than he ought to have done to delicate sensibility, and the love of virtue for its own sake, he only trod in the steps of Shaftesbury and Rousseau, of whose beauties he was an enthusiastic admirer, whilst he confessed the faults and eccentricities of both these writers. Whatever tenderness or feeling he might have had in the morn or noon of life, he appeared in his old age to have a very slender portion of them when descanting upon them. It cannot, however, be disputed that Lord Kames's conversation and counsels had a great influence on the minds of his fair hearers, who were more learned and accomplished than their mothers and grandmothers. Meanwhile the world is seldom indulgent to the eccentricities of genius; and therefore it found fault with a judge upwards of seventy accompanying girls of eighteen or nineteen to public places, and philandering with them with all the sprightliness

¹ 'Some Thoughts on Education;' or, as it was first entitled, 'Of the Culture of the Heart.'

of an ensign of the Guards.¹ Yet even they that censured him for this unseasonable gallantry, confessed his courtship to be entirely consistent with the purest virtue.

He was for many years passionately fond of a country life, nor is it easy to say whether he was most busy in town or country, unwearied industry in one form or another being his most prominent feature. I never was at Kames, but have heard a great deal of his hospitality there; and his lady used to say that they saw more good company at that place than at Blair Drummond, and that in a way more to her liking.

About 1747 or 1748, his lordship made his first essays in husbandry at Kames. It is needless to inquire whether it was a gaining adventure. It was to him for a number of years a source of much entertainment; for like Cato the Censor, he might have said, "*Agriculturarum voluptatibus incredibiliter delector.*" Indeed farming was one of the sciences in which he wished to be thought as learned as in jurisprudence or ethics. He deserves great praise for the part which he had in introducing English husbandry into Scotland. And for a number of years he strained every nerve to inspire all his friends and neighbours with a passion for it as ardent as his own. And as the

¹ When in very high spirits the levity of his talk was sometimes reprehensible. Lord Abereromby told me, that one night, after supper, in his own house, he spake in rapturous terms of a young lady's *legs*. In a vein of dignified irony Mrs Drummond said to him, "I thought, my lord, you had never gone so *low* as a lady's legs, contenting yourself with her head and heart."

enthusiasm of such a man is very catching, he had a goodly number of disciples.

His lady's succession to the estate of Blair Drummond forms a memorable epoch in Lord Kames's story. So great an accession to a man that was by no means rich, was more than sufficient to produce a temporary elation in the most steady and sober mind. To one of his ardent temper, fond of improvements, and fond of novelty in every form, it presented a set of flattering prospects which were seemingly within his grasp. It was, however, a new and untried scene. He succeeded a gentleman exceedingly revered by high and low for the qualities of his head and heart, while his sound judgment and intuition into character gave success and stability to his understandings, which were thoroughly digested.¹ But his lordship was none of those that either trod in other men's steps or adopted their dictates. And therefore, with hope and zeal for his counsellors, he proceeded to carry his various schemes into execution. On this it is needless to enlarge, seeing he sometimes succeeded and sometimes failed.

It is needless to enter into particulars; but the same things which marked his progress in the Merse followed him to Menteith, and produced the same checkered effects. Meanwhile he enriched his domains and embellished his place, grudging no expense or exertion. And he gave a good example to his tenants and neighbours. Though little partial

¹ James Drummond of Blair Drummond, father to Lord Kames's wife.

in those days to gentlemen farmers, they were indebted to him for great improvements in ploughing, and for certain implements of husbandry, which he either bribed or forced them to use. The Bridge of Drip, and the colony which he planted in the moss, remain honourable monuments of his enterprise and perseverance—the latter being a small addition to the sum total of human happiness. To borrow an expression from one of his own inscriptions, it was engrafting benevolence on self-love, which is the way to have excellent and valuable fruit. In fine, he achieved things which his two predecessors, men of first-rate sense and information, either did not think of or deemed impracticable.

From the liveliness of his fancy, and the promptitude of his elocution on most themes, it might have been expected that composition would have been his pastime. That, however, was not the case; for the embryoes of his lueubrations cost him infinite expense of thought, and when first put in writing¹ gave no indication of excellence. When intent on some abstract speculation or novel theory, he used to throw his body into an awkward attitude, his head being sometimes depressed as low as his knees, whilst his body formed somewhat of a semieirele. In that uneasy posture, after revolving again and again, did he dietate his first thoughts in no very coherent

¹ His Embryoes, or First Hints, were mostly written on the backs of letters, of which he had bundles regularly made up. In this he resembled Pope, the first drafts of whose poems were written on the backs of letters, which made him be called "Paper-sparing Pope."

form.¹ Yet whatever difficulty he might have in sketching out the outlines of his intended works, he soon brought them to form, by means of interlineations, additions, and alterations on his first hints, which were copied over repeatedly, with improvements and enlargements. He never published a book till it had undergone several editions, in all which the labour, time, and changes in the arrangement were conspicuous. This was a drudgery to which a man of his mercurial temper would not have submitted had he not hoped for literary excellence. He gave himself no concern about his primary editions, which other men would either have burnt, or preserved as relics of composition at different periods.² When these circumstances are attended to, one ceases to wonder that he should have been not only a voluminous but correct writer.

The style in which he lived at Blair Drummond was no less pleasing than rational; and that was not diminished for having a mixture of old and new modes, free from stiffness or daintiness. It was not easy to say whether the husband or wife made the best figure in the eyes of the guests; but surely they did not make the worse figure, that each of them had

¹ I heard him give a *naïve* account of the way in which he and his friend Pitfour dictated. The latter was so lazy and stationary, that if he wanted a book, he rang the bell for a servant to fetch it. "Whereas," said Kames, "I walked through the room all the time, accelerating my pace when I came to state the facts and arguments on which the cause rested."

² His first draft, together with the greater part of his letters (the backs excepted), were sent to the temple of Cloacina, affording an interesting miscellany.

much that the other either wanted or made light of. They both had what was highly acceptable to every visitor—a great deal of old-fashioned kindness and hospitality, combined with modern polish and propriety. In recording minutely of manners, it is proper to observe that three o'clock was their dinner-hour in the country. Strangers or neighbours who did not bring their families, were welcome without previous invitation, and had no reason to regret their coming on chance. Formal parties were, however, coming fast into request; but his lordship made them the more agreeable, by breaking through form and ceremony. Whilst this good pair resided at Blair Drummond, they had a set of neighbours who would have done honour to any age or country, the rather that they lived on an excellent footing together. These families, with friends and relations from a distance, to say nothing of the *literati* (whom somebody styled the "*caterati*"), brought a succession of good company to that place. Let it not be thought a paradox to the generation that came after him, that the most joyous, and at times the most rational parties were formed by chance, when learned or accomplished people met with a full purpose to be mutually agreeable. In the meantime their host contributed to heighten the intellectual feast. To the last, indeed, he had a wonderful flow of spirits and a *naïveté* peculiar to himself. It must not be omitted that the language of his social hour was pure Scots, nowise like what he spoke on

the bench, which approached to English. In all probability he used the same words, phrases, and articulations which the friends and companions of his younger years made use of in their festive hours, when people's hearts knit to one another. Nevertheless there was nothing mean or disgusting in his phraseology or tone. On the contrary, great was his felicity in sketching out character and incidents with a glowing yet hasty pencil. The change of a few of his Doric phrases would have spoilt his humorous stories, rendering them flat and insipid. Yet though too old to unlearn his native dialect, he wished the rising generation to speak English with grace and propriety, reprobating only affectation¹ and vulgarism.

Besides a great store of topics respecting the books and personages who had figured during his long and busy life, he had an inexhaustible fund of anecdotes, which he retailed in a happy appropriate way, being what Horace calls *ex re fabellæ*. And till a year or two before his death, I hardly ever heard him tell the same story twice, and he never exceeded in length. Nothing put him more out of humour than the introduction of business or politics after meals.² A collec-

¹ He used to say that pronouncing the letter *z* in the names Mackenzie and Menzies in the English was enough to turn his stomach. Indeed in old Scots *z* was sounded like *y*.

² One day after dinner, when the trial of Admiral Keppell at the instance of Palliser had engaged the public attention, two gentlemen at his table fell into a hot dispute about it. At last, out of all humour, he caught hold of the bottle, and said: "What! am I to be plagued with this nonsense? I will carry away the wine." This reproof, though not in the ordinary style, silenced the combatants, and gave the conversation a better direction.

tion of Lord Kames's table-talk, like that of Selden or of Johnson, as given by Boswell, would be a precious and interesting relie of him, were it lawful to record and publish a person's unguarded conversation. And surely at times he had a levity or prurience of speech when he meant no harm. To put the matter strongly, such was the magic of his discourse, that he could attract the learned and the fashionable to his house without gratifying their palate in the article of liquor.¹ A man, however, must have had too *much* or too *little* taste who would not have preferred Lord Kames's port and punch, to Burgundy and champagne in the houses of dull, ignorant, vainglorious men. Yet though in general a sober man, when he met with people to his liking that liked their bottle, he could occasionally drink hard.² He was one of the very few lively persons whom liquor rendered more joyous and sprightly. He was surely the better companion that

¹ At his Edinburgh suppers, but not when I knew them, whisky-punch was the liquor. For a number of years it was thought to be patriotism to drink it in preference to French brandy. His abhorrence of claret in his latter years is too well known to be insisted on. At the circuit table at Jedburgh, his lordship asked Mr Henry Erskine where he supposed D'Estaing and the French fleet in the West Indies to be. "Confined to *port*, my lord, as we are at present." "Oh you sly rogue," replied Kames; "but for all that, not one drop of claret shall you have."

² In March 1780 he was much afflicted with a severe cough and cold, which he brought from Edinburgh. But having got his friend Colonel Edmondstone to stay a week with him, they took every day a good dose of port after dinner. Whether it was the liquor, or the discourse, to everybody's surprise the cough speedily vanished. At another time, dining with a Provost of Stirling, whom he did not much like, the latter said, with some humour, "My lord, you do not seem to have any drought this afternoon." The latter was so pleased with this sally, that he gave the Provost as much wine as he could carry off.

he constantly saw things in the fairest point of view, and that when other men were much alarmed. He carried this so far, that when any disaster, public or private, took place, he did not allow himself to be cast down beyond measure, but looked to some favourable change of circumstances. If in prosperous times he set no bounds to his hopes and expectations, in those of a less pleasing cast he could make himself believe what he pleased; for as he gave credit to good news on the slightest authority, he required very strong evidence before he would listen to evil tidings.¹ This happy disposition, which so well befitted a philosopher, contributed to sweeten his temper and to alleviate the evils of life.

It now remains to say a little, and but a little, of Lord Kames as a member of county and district meetings, as a rural magistrate, and a neighbour. It was highly honourable to him, that when some of his brethren were a little delicate on that point, he kept wellnigh aloof from contested elections,² scenes in which judges ought never to intermeddle. Both in county and district meetings he forbore to take that share which he was well entitled to have done. When new propositions were brought forward, it was easy

¹ A person having asked him if he had read that day's paper: "Oh, man," said he, "do you feed upon news?" Yet no man read the newspapers more faithfully, nor did the most sanguine coffee-house politician survey them with a more systematic eye.

² If I mistake not, the only contested election in which for a number of years he took a share was that of Berwickshire in 1780, when he supported Mr Scott of Harden in opposition to Sir John Paterson, who was not a popular character.

for him to spy flaws in them ; but the best way of obviating his objections was to request him to lay down a plan of his own. As, however, he was as little fond of public as of private business, he constantly declined it, leaving it to anybody that pleased to do it. At the same time, he never failed to throw his weight into the proper scale when he saw any symptoms of jobbing or ill-humour ; but fortunately these were little common in this neighbourhood while he lived. He was none of those that undervalued or wished to circumscribe the jurisdiction of justices of peace ; but the rapidity and impatience of his proceedings, joined to his being little acquainted with the characters and circumstances of his country neighbours, prevented him from being as useful in that capacity as he might have been. Notwithstanding this, his courts were very different from those of good Lord Auchinleck, which were, in truth, rural courts of chancery. Lord Kames's contempt for form and etiquette did not make him the better magistrate.¹ To the smuggling in whisky he was long very hostile.

He was a good landlord and a good neighbour ; for surely no man in this country had fewer disputes with tenants or conterminous heritors. Though fond of good rents, he was no squeezer. Of the value of land, and of the character and situation of his people, he was not well apprised ; and he was sometimes actuated by the impulse of the moment : but in

¹ A sagacious countryman observed one day that it would seem our great lawyers thought the trifles of the law beneath their notice.

general his tenants got good bargains from him, for he wished to be just and kind.¹ It is true he died before successive dearths gave occasion to a new system of letting land. In like manner he carefully avoided disputes about roads and marches with his neighbours, great and small; and in truth they were as pacific as himself. In fact, greed and litigation would have given him more pain than pleasure had he been successful; and they would have interfered with pursuits that were more to his liking. He also knew enough of the world and of courts of law, not to be aware that the most expensive and rancorous litigations often originate from trivial causes, inflamed by pride and caprice. Few octogenarians ever enjoyed better health and spirits than he did to the close of his course. It was, however, extraordinary that all along his diseases should have been those of young or vigorous men. Even between seventy and eighty he was subject to severe fevers, from some of which he recovered with difficulty,² but the strength of his stamina and mind saved him. And to the astonishment of his medical friends, his health was speedily re-established.

¹ He sometimes made his clerk write the tacks [leases], but his impatience made him forget necessary clauses; and in one of them the clause of registration was omitted. Men of less genius would have been more deliberate and accurate.

² One of his fevers was contracted by his walking, I know not how many hours, with the late Duke and Duchess of Athole in their widely extended pleasure-grounds. After a fever at Edinburgh, his colleague, Lord Auchinleck, called on him and offered to take two of the towns [on circuit] if he would take the third. "Man," said Lord Kames, "I will take *all* the towns." He kept his word, recovering surprisingly on the journey.

But to everything in this world there must be a termination. In the autumn of 1783, this venerable man was seized with a flux, of which he made very light, saying it would carry off the peccant humours. Yet in that very feeble state he insisted on going the Northern Circuit, having it much at heart to pay a last visit to the Duchess of Gordon, who was very anxious to see him. Yet neither the journey, nor the gracious reception he met with from his noble *élève*, produced its usual effects. After finishing the circuit, and paying his visit, he returned to Blair Drummond exceedingly weak, but confident he should recover. Soon after, he had the satisfaction to witness his son's marriage to a lady of whom he had the highest opinion. When November approached, he made a point of attending the session when worn to a shadow. At no time did he display more spirit and *naïveté*. I spent a day with him before he set out, and was amazed to find his faculties perfectly entire when his person was quite emaciated. Though well entitled to have pled inability, he continued for near six weeks to do his duty as a judge with his usual alacrity. During that period he received visits from his numerous friends, to whom he talked in his ordinary style, perfectly apprised of his approaching dissolution, to which he was entirely reconciled. And what was very extraordinary, but a few weeks before he was intent on finishing one of his favourite lucubrations. At last he found it necessary to leave the Court before it rose, at which time his cheerful-

ness¹ did not forsake him.² He was only confined to bed for a week, when, nature being exhausted, he not unwillingly put off mortality.

Little apology is due for the length of the foregoing sketch, seeing the subject is copious and interesting to every Scotsman. If Lord Kames was not the most eloquent and able of our literary or professional men, he was a character to which they all looked up with reverence.

¹ Before asking him how he did, he answered, "You see I am not at the last gasp yet." Having asked at supper for apple-fritters, his lady said they were bad for him, being too acid. "Then," said he with great keenness, "give me plenty of sugar, and that will be an alkali to the acid."

² Boswell, whom he had not been fond of for some time, meeting him when stepping into his chair, said, "What, my lord! are you going away already?" "What!" answered he, "would you have me stay and leave my bones at the fireside?" Calling him back, he said, "Boswell, I hope to see your good father one of these days. Have you any message to him? Shall I tell him how you are going on?" I had this from Lord Hailes in May 1784.

CHAPTER IV.

CHURCH AND UNIVERSITIES BEFORE 1745.

FOR a number of years after the Revolution, it would appear that the Presbyterian clergy were more eminent for piety and good lives than for genius or literary attainments. If they had the good qualities of the Covenanters of the last age, they had likewise some of their faults and infirmities. But for the wisdom and steady moderation of King William and his statesmen, the zealots were likely to have run into the extravagances of 1650. A large proportion of them, and these the most acceptable to the common people, were regarded as hot-headed, morose, narrow-minded men, who had in general a very moderate stock of learning. But fortunately there was all along a set of clergy who, whilst they breathed a more temperate spirit, were as pure in their morals and as sound in their doctrines as the men who wished to carry things to the highest pitch. Few of these respectable ministers prided themselves on their classical compositions. Their attention was chiefly directed to the dead languages, or to studies connected with their own profes-

sion. At the commencement of the eighteenth century they had neither leisure nor inclination to bring down their learning to the level of ordinary men. Most of them wrote more elegantly in Latin than in their own language. In the latter they composed hardly anything but sermons, few of which were fit for publication, being diffuse and inelegant in point of style. They had no notion of writing books to mend the heart and enlighten the understanding, in which sprightliness of fancy and the graces of wit should adorn sound reasoning and sound doctrine.

Although some of the ministers settled soon after the Revolution were weak, half-educated men, their lives were irreproachable, and their manners austere and rustic. Their prejudices coincided perfectly with those of their congregations, who, in respect of their sound fundamentals, made great allowances for their foibles and weaknesses.¹

In this situation matters stood at the accession of the Hanover family. The clergy, who soon after promoted the study of the English classics in verse and prose, and recommended a more liberal course of culture to their young friends, were, from all accounts, warm friends to revealed religion, without imbibing

¹ A clergyman who came to the minister of Whitburn's house the Saturday before the Communion, took occasion to tell the company that he had come from Edinburgh, where he had put his daughter to a boarding-school, and bought the 'Spectator' for her. How much was he astonished next day to hear his reverend host specially denounce all who should put their daughters to boarding-schools, or buy or read the 'Spectator'! I had this anecdote both from Dr Porteous and Mr Somerville, who were both ministers of that parish, and had heard the story from their aged parishioners.

any of those novel opinions which afterwards made such noise in the world. Whilst they revered the piety and blameless exemplary lives of their fathers and brethren, who were in high favour with the body of the people, they were not blind to the littlenesses and foibles which had made them less respected by persons of superior rank and education. "What orthodoxy," said they, "could there be in a slovenly style or in matter ill arranged, which offended every classical ear without informing the understanding? Would the sublime truths which the Almighty has revealed to man be the less welcome and impressive for being clothed in an elegant dress and well assorted? . . . The ablest champions of Christianity of late years were the most polished writers, as well as the deepest thinkers, that England had produced, yet the beauty of their style and the brilliancy of their wit had not weakened their arguments. The peculiar doctrines of Christianity would, they hoped, be more acceptable to the nobility and gentry for being set forth in language worthy of a Tillotson and an Atterbury, whose works were universally admired in those days. . . . As the zeal of the higher classes had of late years waxed cold in proportion as the fear of danger grew weaker, prudence suggested that recourse should now be had to eloquence to rekindle it." Meanwhile the new-fashioned clergy, whose morals were pure and whose sincerity was unquestioned, professed to disclaim bigotry and gloom as bastard virtues not recognised or enjoined in Scripture. Though not

ashamed of preaching a crucified Saviour, they thought it their bounden duty to enforce the practice of morality upon Gospel motives. And they had no objection to works of wit and fancy which had an evident tendency to mend the heart and invigorate the virtue of such as were not over-fond of books of a graver cast.

These literary reformers were also of opinion that a clergyman of a comprehensive mind might be employed to excellent purpose in exploring the mysteries of science. The higher parts of the mathematics and the study of the various departments of philosophy upon an enlarged scale would contribute to strengthen and ennoble the soul, leading it to contemplate and adore the Author of nature in all His works and ways. Nor did they think metaphysical disquisitions useless, since these served to exercise their intellectual powers, and enabled them to foil adversaries at their own weapons. Although, with a few exceptions, the writings of the free-thinkers at that period were dark and dry, as well as exceedingly unpopular, some of them had displayed a boldness and perverse ingenuity which had gained them a number of proselytes in an age of soberness when irreligion was connected with profligate manners.

Whatever unpleasant and unexpected consequences may in process of time have resulted from the progress of polite literature and classical composition, no blame ought to attach to the original promoters of it, who meant excellently well to their Church, and to the

best interests of society. Firmly persuaded of the truth and inestimable advantages of Christianity, they could admire the philanthropic strain and rapturous language of Lord Shaftesbury while they reprobated some of his positions as having a mischievous tendency, and were disgusted with his sarcasms against revealed religion. They could enter deep into abstract speculations, and display a degree of enthusiasm and ingenuity in their researches which did them honour, without losing sight of common-sense, or feeling the smallest inclination to become sceptics or sophists. In a word, it was their great ambition to diffuse useful knowledge, and to inspire all over whom they had any influence with an ardent desire to excel in some branch of literature. Different as they were in other things, they all endeavoured to express themselves in pure and nervous language, whatever might be the subject. If afterwards surpassed in the graces of diction by their own pupils, they had the merit of having shown them the way. Ere long much good was done by this cluster of clerical *literati*, who had difficulties to struggle with from which ordinary men would have shrunk. Yet the few sermons and tracts published by them before the Rebellion of 1745 were well received by the learned world, being considered as the forerunners of better things.

Whilst those gentlemen were thus profitably and honourably employed, the Seession broke out with great violence. As some account will be given in

an after-dissertation of the rise, progress, and spirit of that sect, it is sufficient at present to point out its influence on learning. At the outset, the fashion of the Secession seems to have been unfriendly to everything connected with philosophy or the classics. The Seceders even prided themselves more than was necessary upon the roughness and vulgarity of their language, both in the pulpit and in church courts. Their early publications,¹ though somewhat smoothed by after-editors, remind one of the classics of a barbarous age. It may, however, be true that they were not worse writers than the bulk of their brethren, who had commenced authors at an early period. The Seceders appear to have borrowed not only the politics, but the style of writing, of the Remonstrants of 1649, who were coarse, unpolished men. The roughness and rudeness of their manners and language were by no means unacceptable to the common people, who were by that time exceedingly prepossessed against polite philosophical preachers. On the other hand, the cant and morosity of the seceding ministers, and their bigotry in smaller matters, had an unhappy effect on the Established Church. It made a number of young men of promising parts run into the opposite extreme, when it would have been their truest wisdom to have steered a middle course between the seceding and philosophising clergy, each of whom had their own good qualities. After having premised these general

¹ In proof of this, the critics referred to Gibb's 'Display of the Truth,' in two volumes.

observations, it would be proper to give some account of the ministers who had the most active hand in bringing about the revolution in taste and literature. So far, however, from being able to assign to every man his share of the merit, I must be contented in the first stages of that business with very scanty information, collected at second or third hand. Nay, some of those that took an early and active share in this generous enterprise are likely to be entirely omitted. Those literary worthies who devoted their time and talents to the improvement of their countrymen, would surely have been as good subjects for biography as statesmen or demagogues, who have not always been blessings to the world. The first essays at better composition naturally took place at Edinburgh, or in the universities, there having been all along a number of learned ingenious men who wanted nothing but polish and refinement to make them useful writers. No sooner did those good men perceive their countrymen awakening from their lethargy and endeavouring to excel in composition, than they did everything in their power to foster and bring forward the seeds of genius in their scholars.

Nothing could be more fortunate than the placing of Carstares at the head of the University of Edinburgh, for the same talents which would have made him a great prelate or statesman were not thrown away upon him in that station. If he had lived too long in courts and busy scenes to lay in a great stock of erudition,

he was by no means deficient in classical knowledge.¹ He had, however, qualities which were of the utmost consequence to his Church and College at that interesting period. His manly sense and knowledge of the world, joined to his worth and urbanity, enabled him to fill the Principal's chair with much dignity. He secured the affections, and commanded the veneration of masters and scholars, having it much at heart to direct the attention of the latter to a course of study where usefulness and ornament were happily combined. And he is said to have taken great pains to form the manner and sentiments of young men intended for the ministry, being well aware that the rusticity, petulance, and indiscretion of some old-fashioned brethren had brought much reproach upon their Church. And hence many persons of rank and consideration who knew them but imperfectly, affected to believe that good-breeding and a polished style were incompatible with Presbytery. The world was ere long convinced that there was no foundation for that opinion.² Of his own style of writing there is hardly any specimen in the voluminous publication

¹ Dr Pitcairn (no friend to Presbytery) was always one of Carstare's auditors when he delivered his orations in the common hall. The Doctor said that when that gentleman began to speak, he could not help fancying himself transported to the Roman forum in the time of the Republic.

² The heads of colleges had it in their power in those times to recommend promising young men to be chaplains or tutors in families of distinction, where they continued till a settlement was procured for them. As seriousness and soberness of mind were still the characteristic of the higher classes of people, the conversation at their table was commonly both dignified and decent. There these young men were taught what could not be learned in colleges or from books.

of his letters; but from the company he kept, and a sense of propriety, it is more than probable he wrote English with precision, if not with elegance. However highly he might esteem the works of the great authors that had flourished beyond the Tweed, he could do no more than recommend them to his countrymen. For in the situation of Scotland, and from the temper of its inhabitants, he could hardly be sanguine enough to expect that they would ever endeavour to imitate their old rivals in anything. In fact, the breeding up a learned, conscientious, discreet clergy to be the ornaments and safeguards of his infant Church, was more than sufficient to occupy the attention of him and his colleagues.

If the first Principal Wishart had not the strength of mind or the dignified address of Carstares, he had only to tread in the steps of his predecessor, which was a less arduous task than to strike into a new path.¹ He was, however, a man of some eminence in his day, although I cannot enter into particulars.

Mr William Hamilton, Professor of Divinity in the College of Edinburgh, was a man exceedingly beloved and respected in those times. For a number of years he was supposed to be the chief leader of the General Assembly, where his wisdom and moderation procured him the esteem of contending parties. If the report of the aged may be believed, none was ever better

¹ Two sermons preached by him as Moderator of the General Assembly will give some idea of his abilities; the first, 6th May 1714—and the second, 14th May 1719.

qualified to discharge the important trust of a professor of divinity. There was a sincerity, a kindness, and a vein of liberality in all he did and said, that gained him the hearts of his students, and made them enter with warmth into his views and sentiments. He certainly had the merit of breeding a number of very eminent and amiable ministers who kept equally clear of fanaticism and laxity. All of them professed through life the highest veneration for the memory of this excellent man, whom they took for their model.

Of his genius or talents for composition little is now known. Although soundness of doctrine and proper sentiments were doubtless his principal objects, he could not be totally inattentive to the dress in which they were clothed. When canvassing the discourses delivered in the divinity hall, it was also his duty to make his remarks upon the language, lopping off luxuriances, and reprehending with kind severity everything that savoured of bombast or vulgarity. By that time the works of the great English divines, which were universally read, served as excellent models of composition to young ministers. Whatever might be their opinion of the doctrine preached by some of those celebrated authors, it was impossible not to admire the rich strain of thought and the beautiful manner in which they expressed themselves. It was supposed that a number of Mr Hamilton's scholars adopted the opinions of those illustrious preachers, who were indeed the glory of the Reformed Churches. But as the Standards were still regarded

as sacred, the deviations from them at that period were either inconsiderable or carefully concealed.

I know next to nothing of Dr Smith,¹ the successor of Wishart, or of Mr John Gowdie, who came in place of Mr Hamilton. From all that can be collected, their zeal and learning were greater than their eloquence or ingenuity.² Meanwhile the business of the College went on probably in the course it had held since the Revolution. Under the auspices of these gentlemen were bred a set of ministers who not only made a great figure in the republic of letters, but contributed to give a new cast of manners and character to a great proportion of their brethren. Whatever deviations these gentlemen might make from the Confession of Faith, no part of the merit or demerit of the change is to be ascribed to their professors. Dr William Wishart, eldest son of the Principal, succeeded Dr Smith in that Chair. Both as an eminent divine and a polite scholar he proved a great acquisition to the University. He had been for some years a Dissenting minister in London, which must have improved his language, the rather that he was of a good family, and connected with people of figure and fashion. He was

¹ Mr Dundas of Arniston is said to have been beholden to Dr Smith for the Jewish law which he introduced into his information for Carnegie of Lintrathen.

² In 1735 he published, with a preface, the excellent preface of Erneste of Leipzig, 'On the Importance of the Study of the Classics.' And in 1748 appeared his tract *on*, or as Dr Johnson phrased it *against*, Repentance. Yet that gentleman, who was so indignant at the doctrine, finds no fault with the style. Dr Wishart seems to have had some peculiar notions on that head, for he would not attend criminals about to be executed.

reckoned one of the deepest and most original thinkers of his time, though he never allowed his imagination to mislead his judgment. No man was more zealous at that important crisis to promote classical and liberal knowledge in the most extensive use of the word. And he lived long enough to see every appearance of a plentiful crop of genius and learning. He was perhaps less admired as a preacher than he deserved to be; but though the matter of his sermons was excellent, his delivery was dry and uninteresting compared with that of the preachers then in repute. Though not a voluminous author, his publications did him honour, and made it wished that he had given the world more of his lucubrations. He died in May 1752, at a very critical period for the Church.

Sir John Pringle was for some time Professor of Moral Philosophy in the College of Edinburgh, where he was much thought of; but he afterwards settled in London, where he became a very eminent physician, and President of the Royal Society. His works on medical subjects are considered as standard books. After living a number of years in England, and being in high favour at Court, he retired in disgust from practice, and returned to his native country, where he promised himself much delight in the company of the friends of his youth. In this, however, he found himself disappointed, which made him return to London, where he died soon after.

None did more to improve the taste of their students than two men whose talents were not brilliant—namely, Mr George Stewart, Professor of

Humanity, and Mr Stevenson, Professor of Logic.¹ The former was an excellent scholar and passionately fond of classical learning, and, what was of still greater consequence, he had the art of communicating a portion of his enthusiasm to his students. In those days the humanity class was not filled with mere boys imperfectly taught, but with big lads, most of whom had laid in a good stock of grammatical knowledge. It was the Professor's great object to make them acquainted with the beauties of the writers of the Augustan age. In short, he wished rather to improve their taste than to play the part of a schoolmaster. Nor was that all. Being a great admirer of the best English authors, and a good critic in matters of composition, he was at pains to recommend in conversation the studies of them to his young friends, who were numerous and respectable.² In his house many young people of fashion were boarded, who derived much benefit from his conversation, which was easy and dignified, whilst he endeavoured to direct their attention to the useful and ornamental parts of literature, ancient and modern. He lived a good many years in retirement after resigning his class.³

¹ On the death of Mr Ker there was a keen contest for the Humanity Chair between Sir James Foulis and Mr Stewart. Mr Wallace, of Calmhill, made it the subject of a ballad, in which Lord Minto, Mr Stewart's patron, was styled stately and stanch, epithets which his lordship was much offended at. Though Sir James was the popular candidate, he was not the best qualified for the office.

² Many a pleasant day have I passed with Mr Stewart, first at Mr Barclay's, Dalkeith, afterwards at Edinburgh. Much did I admire his strictures on the English poets.

³ [Professor Stewart was father of the somewhat notorious Dr Gilbert Stewart.]

Mr Stevenson was a man of much learning and good plain understanding, without any pretension to genius. Though regarded as a dull man, he had the merit of converting a class, which had for ages been esteemed a very dry one, into a school of criticism and *belles lettres*, whilst logic and metaphysics were by no means neglected. He was the better entitled to strike into a new course that in those days there was no professor of rhetoric in the University. I need say the less on this subject that Erskine has given a very good account of this gentleman's manner of teaching, and done him more justice than many of his contemporaries were disposed to allow him. He was among the first of his brethren that gave lectures in English, which he found absolutely necessary in pointing out the beauties of the English classics, and comparing them with those of the ancients. Till then Latin was so much the language of colleges, that most of the professors spoke and wrote it with more fluency and elegance than English. And his lectures on logic were still in that language. In a word, if Mr Stevenson's lectures on critical subjects were less elegant and scientific than those of Dr Blair, he was certainly one of the first professors in Scotland who called the attention of their pupils to matters of taste, and connected the compositions of Greece and Rome with those of modern times. Incomplete as his rules might be, he had the good fortune to breed up some of the most eminent orators and authors that Scotland has produced. It was, I remember, alleged, that by

setting young men's heads agog with the lighter parts of literature, he diverted their attention from branches of science which, though seemingly dry and uninteresting in the first stages of them, are indispensable in the learned professions. This was, I confess, too much the case with myself; for no part of his prelections made so deep an impression on my mind as those in which he treated of the *belles lettres*. He was a pleasant, good-humoured man, of much courtesy and good-breeding, rich in literary anecdotes of all kinds, and abundantly communicative when he found young people disposed to listen to him.

The medical Chairs were filled at that period by men of great celebrity, who had the merit of founding one of the greatest schools of medicine in Europe. The history of it and of its founders would deserve a separate work. Besides, I know less of the physicians of those times than of any other class of learned men. There were, however, two of them whom I cannot altogether omit. Dr Andrew St Clair, professor of the theory of medicine, bore a high character for genius and goodness. To this day his old scholars talk with enthusiasm of the man, and of his lectures, which were eloquent and learned. Nothing, they said, could be more pure and beautiful than his Latin. He was likewise in high reputation as a physician, his humanity being equal to his skill. It was therefore a loss to the medical world that a set of cases which had occurred in the course of his long practice, and which were ready for publication, should have

been destroyed by a person who did not know what she did. He married the eldest daughter of James Drummond of Blair Drummond, an accomplished, excellent woman, as long as she was herself.

Dr John Clark was the most celebrated physician that has appeared in Scotland since Dr Pitcairn, whom he is said to have resembled in sagacity and intuition. And hence, though some of his brethren were supposed to have much more learning and science, he seemed to possess resources peculiar to himself. Being often called in dubious or desperate cases where the ordinary means had failed, it behoved him to take every method to save the lives of his patients.¹ Nor did the tenderness of his nature restrain him from having recourse to extraordinary remedies; for to judge of him by his words and behaviour on those occasions, he discovered an apathy and stoical indifference which was exceedingly offensive to sick persons and their friends, at the very time that he was straining every nerve to relieve their distress.² It was alleged

¹ When the late George Drummond of Blair Drummond had a dreadful fever at Edinburgh in 1742, the physicians all agreed that bleeding was the only chance he had for recovery; but as he might probably die under the operation, it was a pity to torment him. "And how long, gentlemen," said Clark, "may the poor man live if he is not bled?" "Perhaps twenty-four hours," said they. "None of your idle pity," said the Doctor, "but stick the lancet into him. I am sure he would be of that opinion were he able to decide upon his case."

² Mrs Abercromby told me that when her husband had a very bad fever at Edinburgh in 1750, she one night earnestly beseeched Dr Clark to stay some hours, as the crisis seemed to be near. "No, no, madam, I must go home to my bread and milk." After his patient had recovered, he came and supped with him repeatedly, without thinking of his bread and milk, to the great indignation of Mrs Abercromby, who yet liked to hear his *cracks*.

Lord Huntington having died on the bench after giving his opinion, the

that he had a spice of the empiric ; but his wonderful success in practice, and his diligent attention to nature in her more minute operations, are the best answers that can be made to that charge. He was likewise an excellent classical scholar and critic, inso-much that preceding 1745 he was one of the club of *literati* who decided without appeal in all matters of taste and literature. Notwithstanding the dryness and coldness of his manner, nothing could be more delightful and instructive than his conversation, in which he displayed an extensive knowledge of men and books, expressed in a most *naïve* natural manner which was exclusively his own. In the year 1755, when in the very zenith of his fame, he died suddenly without a groan, when employed in reading Horace's Odes, of which he was an enthusiastic admirer.

And now of the ministers of Edinburgh preceding the Rebellion of 1745. One would wish for some account of those who were most in request in the first part of the century ; but the history of private life does not go so far back—the memory of the aged seldom going farther than fifty or sixty years. Mr Andrew Hart, one of them, was called by Sir Richard Steele, when in Scotland, about 1717 or 1718, “the hangman of the Gospel,” because he seemed to take pleasure in preaching what he called the *terrors* of the Lord,

Doctor, then in the Parliament Close, was brought in, who, on feeling his pulse, said, “The man is as dead as a ‘herring.’” Turning to Lord Minto, he asked if there were any foreign mails last night ! Everybody was shocked at his *nonchalance*.

which sounded harsh to the Tatlers, &c. Had not Mr Hart been esteemed a man of some parts and eloquence, Sir Richard would hardly have gone to hear him. Mr James Webster, the prosecutor of Simson (of whom afterwards), was a man exceedingly popular, on account of his zeal for orthodoxy and the fervour of his sermons and prayers.¹ From what I have heard from old people well informed, he was a man of parts and knowledge, but withal somewhat coarse and unpolished in his language, in the pulpit and out of it. In this, however, he seems not to have been singular; for in those days few of his brethren thought it worth while to sacrifice to the graces, contenting themselves with essentials. But in the opinion of his contemporaries, Mr Webster's piety and unwearied labour of love more than compensated for his want of polish. Mr John Maclaran, his colleague in the Tolbooth parish, though somewhat comic and indelicate in his talk, was a very worthy, conscientious man—no less zealous for the Standards of the Church than Mr Webster himself. But even they who esteemed the man, and gave him credit for the goodness and purity of his intentions, confessed that, both in public and private, he made use of expressions that savoured too much of levity and vulgarity, to be used by a minister of the Gospel in addressing his people. In my younger days I have

¹ Captain Webster, his grandson, sent, some years ago, two volumes of his sermons to Erskine, who could make nothing of them, they being written in shorthand to which there was no key.

heard as many stories of him as would have made a small pamphlet, most of which said 'more for his wit than for his discretion.'¹ A collection of the prayers and sermons of the two reverend gentlemen last mentioned would sound uncouth and extraordinary to the people of the present age; whilst the homilies of some of our modish preachers would appear to them no better than whipt syllabubs, devoid of substance and unfit for use.

The transitions in national taste from one extreme to another cannot be traced with satisfaction without attending to a set of minute and seemingly unimportant circumstances which influence manner and opinions. There were, however, in those times some of the ministers of Edinburgh of a less rugged cast. Mr Stedman—he was father to the late Dr Stedman, who died in the year 1713, minister of the Tron Church—was much admired as a preacher; but I do not

¹ A specimen of them may not be unacceptable, as illustrative of the manners of the times. Being called to visit a Dr Dundas, a little decrepit old man, he prayed very indecently, "O Lord, have mercy upon this poor crooked worm, Thy servant." The dying man was so much incensed at this strange exordium that he interrupted his ghostly father, and bade him go home and learn better manners. Like most of his brethren, Mr Maclaran was a bitter enemy to plays, and balls, and assemblies, which were then in their infancy. In one of his sermons he took occasion to say, "It is reported I should have said that all who frequent those unhallowed places are going straight to hell; but, my friends, I never said so. I'll tell you my expression. They are driving as hard to the Abbey [at Holyrood, the sanctuary for debtors] as they can; and I trow many of them are more afraid of it than of hell." Spying a set of spruce writer-lads tittering in one of the galleries, he said, towards the conclusion, that whoever fell into the "devil's hands would have their souls torn out as ravenously as a set of hungry writers' lads tear out the hearts of *lawbee* rolls."

even know when he died. Mr Taylor, first minister of Tillicoultry, then of Alloa, and lastly at Edinburgh, was an eloquent preacher. Dr Erskine, who heard him repeatedly while a boy, says he never knew a preacher, Whitfield excepted, who had such power of commanding the attention of his audience. Yet by the time he came to Edinburgh his faculties were beginning to decline.

Dr Robert Wallace was undoubtedly the man of most genius and politeness of the ministers of Edinburgh preceding 1745.¹ He distinguished himself as a literary man before he was of age, having been a member of the Rankenian Club, of which mention has been already made. At that time he had the honour of corresponding with Dr Berkeley, afterwards Bishop of Cloyne. That amiable man was so much pleased with young Wallace and his associates, that he wished to have carried them to Bermuda, where he proposed to found a college for the Americans. But these young men were too much attached to their native country to accept of the Doctor's offer. A young man of such parts and eloquence, and amiable dispositions, could not remain long unprovided for. The Marquis of Annandale gave him the church of Moffat not long after he had been licensed to preach. There,

¹ This parish [Kincardine in Menteith] had the honour of giving birth to Dr Wallace, his father, Mr Matthew Wallace, having been minister of Kincardine from 1694 to 1726. He was extremely respected and beloved by his parishioners, and a leader in his presbytery, without affecting high popularity. He was remarkable for his great appetite, and for being able to drink a great deal without being the worse of it. He used to say a man that could not *hold a pint* must content himself with a chopin.

however, he did not long remain. Having published a sermon preached by him before the Synod of Dumfries, after being moderator, it was presented by Secretary Johnston to Queen Caroline, who was so much delighted with it, that she recommended the author in the warmest terms to the Earl of Ilay, the Scottish Minister. In the year 1733, Dr Wallace was translated from Moffat to Edinburgh. Ere long, however, he was embroiled with his patron, who was a zealous supporter of the Administration. In common with many other virtuous, well-intentioned men, the Doctor entered keenly into the opposition to Sir Robert Walpole, whom the patriots of those times represented as a wicked, corrupt Minister, while, in truth, his great ambition was to preserve his country in peace and prosperity. Though Lord Ilay was all his life the professed Mæcenas of literary men, and an excellent judge of merit in every department, he was so much of a Minister that he expected all his friends to support the measures of Government which he knew to be salutary and expedient. But as the Doctor was of a very different opinion, he scorned to crouch to any Minister when he thought him wrong. His dislike to the English Minister was greatly heightened by the Act against the murderers of Captain Porteous, which was certainly a violent and unpopular measure, dictated rather by passion than sound policy. Upon the great change of Ministry in 1742, Dr Wallace became the ostensible leader of the General Assembly, being the confidential man of the Marquis of Tweeddale, who

succeeded Lord Ilay as Minister for Scotland. The mildness and prudence with which he conducted the affairs of the Church whilst his patron remained in office, did him the highest honour. Although soon divested of power and influence, he continued to support the Moderate party without adopting the crotchets of some of its leaders in things he did not approve.¹ The manliness and independence of his spirit were admired by those who held more lax views of the dignity of the ministerial character. Dr Wallace had a great share in preparing and carrying through the Act for making provision for the widows and children of the clergy. The calculations, which have answered so nearly, were mostly made by him, who was a great master in fluxions and algebra.

In no light did he appear to greater advantage than as a man of letters and science. Though confessedly one of the first mathematicians of the age, he had a more lively imagination than most poets. In his ministerial capacity he was highly esteemed. His prayers breathed a seraphic spirit, without any tincture of weakness or fanaticism,² his animation being the effect of

¹ Though a liberal-minded man, and fond of reading the best dramatic performances, ancient and modern, he reprobated the conduct of the clergy who went openly to the playhouse when 'Douglas' was acted. He therefore concurred with some of the ablest and some of the most respectable members of the Moderate party who thought these gentlemen worthy of censure, and wished the Church to put an effective stop to such practices in future. It exposed them to much unmerited obloquy, which *he* did not regard.

² At the election of peers in 1754, Dr Wallace said prayers as one of the king's chaplains. After he was done, the late Earl of Huntingdon, who had accompanied Lord Stormont to Scotland, said to a nobleman, "The liturgy of the Church of Scotland seems to be very beautiful."

the warmth and goodness of his heart and of the richness of his matter. And in his sermons there was an originality and massiveness of matter, and a glow of sentiment, that one seldom meets with. Though sometimes more philosophical than suited the taste of the bulk of his hearers, it gave the less offence that he was confessedly a Christian philosopher who preached the doctrines of his great Master with energetic eloquence. Perhaps sometimes he was too diffuse, and his Pindaric flights¹ seemed to imply, either that his discourses were not written, or that, when warmed by his subject, he gave way to the impulse of the moment. In some cases he could not be acquitted of eccentricity.² He was, however, prior to the year 1745, looked on as one of the best preachers in Edinburgh, at a time when there was a set of able, worthy ministers. His sermons were remarkable for things that do not often meet together—viz., depth and elevation of thought, and a plainness of language truly classical. It was the ambition of this excellent man to make

¹ In 1753 he preached a funeral sermon for his bosom friend Dr Wishart, Principal of the College, in which he spoke from and to the heart. I remember the ladies stared at hearing him rap out in a kind of ecstasy the beautiful lines of his favourite poet, "Hic manus ob patriam," &c.

² Preaching one day on a text in which the ends of the world are mentioned, he contented himself with proving, in opposition to the Hutchinsonians, that the world had no ends, being a sphere. He, together with the two Wisharts, Dr Cunin, and Webster, preached by turns in the new church at six o'clock at night on the Wednesdays, to as crowded and as genteel audiences as attended the Playhouse or the Assembly. It was for some years in high request, being one of those public places which cost no money, while it afforded rich and wholesome food for the mind. To encourage the people of condition to attend, the church was lighted, and none employed but polite preachers, who vied with one another. It was in high vogue when I was in Edinburgh in 1747-48, but was losing the repute before my return in 1752.

the learned, the rich, and the fashionable part of the community pious and devout without foregoing the pursuits of elegance and eloquence. If he did not succeed as completely as he could have wished, the fault was not his, but that of a giddy epicurean age, spoilt by prosperity and overweening conceit.

At the time when Dr Wallace was brought to Edinburgh, the old clergy were very dexterous at spying heresy where none was meant. He was libelled for affirming that the light of nature gave hints of the divine placability, though no certainty, especially as to its conditions and extent. But he explained himself to the entire satisfaction of his prosecutors and judges; and for many years before his death all suspicions of his being unsound in the faith totally vanished, and that in times when a spice of heresy was regarded by many as the concomitant of genius and spirit.

Though no voluminous author, his performances were exceedingly well received by the public, for he wrote more correctly than he spoke in public. His 'Dissertation on the Numbers of Mankind' was much admired both at home and abroad. Had he written nothing else, it would have been sufficient to justify the opinion generally entertained of his ingenuity and erudition. Though not published till 1753, it had been read a number of years before in the Philosophical Society. It is difficult to say whether he or Mr Hume had the best of the argument, for on both sides there is a want of data; but it was agreed on all sides

that the controversy was conducted with great ability and good temper. His next performance, 'Characteristics of the Present Political State of Great Britain,' printed in 1758, though of a fugitive nature, was well timed as well as ingenious. The purpose was to revive the spirits of the nation, which had been sunk beyond measure by some disastrous events in the beginning of the war. Nor did Dr Brown's celebrated estimate of the manners and principles of the times¹ dispel the gloom by the overcharged picture it exhibited of the state and morals of the country. As Dr Wallace's sanguine temper forbade him to despair of the commonwealth, his statements and predictions were verified by the event; for, if anything, our fleets and army were too successful in the after-period of the war, which led to consequences of no very pleasant nature: but neither nations nor individuals are ever afraid of encountering prosperity. His 'Prospects,' which made their appearance in 1761, was the work he set most value upon. The strain of it indeed does equal honour to the head and heart of the author, as it breathes a vein of unaffected piety and virtue. Nor is it easy to say whether philanthropy or philosophical acumen be most conspicuous in his disquisitions. In some of them it is amusing to see some sparks of those innovating notions which have of late years been carried to extravagance. He advances a set of Utopian notions with regard to government which enabled him

¹ 'Explanatory Defence of the Manners and Principles of the Times.' By John Brown, D.D. London: 1758.

to exercise his ingenuity ; but he was too good a man, and too well satisfied with the constitution of his country, to wish any change. After stating a number of plausible objections to established government, and proposing a more perfect model, he fairly confesses all such schemes to be impracticable and inexpedient in the present state of human nature.

While he was in his prime, philosophy was only in its infancy in Scotland, and hence he only diverted himself with its gambols, which, so far as regarded him, were perfectly innocent. But long before his death he was sensible of the mischievous consequences of scepticism in every form, and ready to combat it without losing his temper or making use of harsh and intemperate language towards his adversaries. It is impossible not to admire his 'Devotional Meditations,' which discover great goodness of heart and a finely regulated fancy. He is said to have left a number of works ready for publication ; but whatever may have been the cause, none of them has hitherto seen the light. In that respect the good man had some advantages ; for his son, with whom he lived upon the happiest terms, was in the prime of life, and perfectly acquainted with his sentiments. It is curious that at the age of seventy-three the Doctor could so far unbend his mind from sublimer speculations as to attempt an essay on the 'Principles and Art of Dancing,' after having read Galleni's book on that subject. I can give no account of his style of speaking in Church courts, for from 1753-60, when I used to attend them, he

was either no member of Assembly or took little or no share in the debates. He was considered as a man who wished to keep aloof from ecclesiastical politics. There cannot, however, be any doubt that during the two years he was in power he must have spoken a great deal, for which he had surely fine talents—his quickness, animation, knowledge, and fluency of language giving him every advantage that an orator could wish.

In private life he made a most respectable figure, no man's company being more courted by young and old; for he had a versatility and courtesy of disposition which, joined to his knowledge and vivacity, rendered his discourse exceedingly entertaining and instructive. No man had a greater number of friends, and perhaps the happiest part of his life was spent in conversation. And for more than fifty years of his life, few places of the same extent could boast of such a number of ingenious and accomplished men as Edinburgh. But for this, perhaps we should have had more of his lucubrations. But as conversation is the greatest of rational luxuries, it is commonly the want of it, or the want of money, that makes men devote much of their time to composition. Dr Wallace was, however, probably of more use to the republic of letters by his discourses, than if he had been a voluminous author. His animation and acuteness, combined with erudition and courtesy, rendered him a delightful companion, from whom much was to be learnt that was not to be had from books. Whether

philosophy or *belles lettres* was the theme, he never failed to throw new light on it; and, what was of the utmost consequence, it helped to abate people's fondness for preconceived opinions, when they found these could not stand the test of examination. The enthusiasm of such a man was catching, and to his exhortations and hints the world owed works which would otherwise never have been attempted. He was during his life exceedingly fond of being the guide and instructor of youth, a task for which he was well qualified, from his philanthropy and zeal to promote the interest of his young friends.¹ He was long regarded by persons intended for the ministry as their Mentor and Mæcenas; nor was he satisfied with directing them in their studies, but was at pains to procure them settlements. No wonder, then, that he should have a considerable sway over his young brethren; for to him a number of eminent men professed the highest obligation. It would have been well for themselves and for the Church had they all trod in his footsteps. As he was one of the first of our philosophical clergy, he was one of the most enlightened and circumspect; nor did his love of abstract speculation, or of elegance of style, make him forget his

¹ He was the avowed patron of everybody from the parish of Kincardine. Often have I regretted that I had not been early introduced to this venerable man, for my grandfather's name would have been a sufficient introduction, and much might I have learned from him. In spring 1769, he sent me a kind invitation to his house by Dr Charters, then our minister. I was delighted with the old man's conversation, which turned much on persons and places connected with the parish. He promised me a visit when he should come to visit the sepulchre of his father.

Bible, or the language of his great Master. Although an enthusiastic admirer of Lord Shaftesbury's manner and philanthropic sentiments, he did not go so far as to retail his errors or to preach his doctrines, which were not suited to the taste or comprehension of any congregation in town or country. When he preached upon moral subjects, he took care to enforce them upon Gospel topics. In a word, Dr Wallace acted nearly the same part among the clergy that Lord Kames did among the laity. And both of them lived long enough to see their meritorious exertions crowned with much success. Whether the former was perfectly satisfied with the conduct of some of his disciples and companions, can only be known to those who lived with him in habits of intimacy. After having enjoyed good health and good spirits for many years, he was at last cut off by an illness occasioned by being exposed in his walks to a storm of snow. He died in the year 1771, in the seventy-fifth year of his age, exceedingly regretted.

Dr George Wishart, second son of the Principal, was for many years one of the most admired preachers in Scotland. At a time when there was a strong prejudice against philosophical homilies, his sermons, though elegant and polished in point of composition, were perfectly intelligible to every hearer of common-sense. He well knew that abstract and metaphysical disquisitions were neither understood nor relished by nineteen out of twenty of the most polite or learned audiences. And as the great body of his brethren, in

those days, paid very little attention to the graces of composition, he struck into paths hitherto unattempted in Scotland. He appears to have formed himself on the model of the more celebrated English divines, whose works were already to be found in the libraries of people of taste and seriousness. To persons enamoured beyond measure of everything from that quarter, the pulpit effusions of the bulk of our clergy in those times sounded harsh and vulgar, compared with the chaste and glowing style of their favourite preachers. But in proposing them as a model, Dr Wishart had too much sense and taste to be a servile imitator of the most admired originals: his thoughts, therefore, were his own, and arrayed in classical energetic language. It was their strain and spirit he wished to copy, not their topics or sentiments. Yet, without pretending to be an orator or deep-thinking philosopher, none of his contemporaries were more followed and admired. Even after there had arisen some preachers who were run after by persons of taste, on account of superior eloquence and pathos, this gentleman continued to be the delight of his own congregation, which was one of the politest and best informed in Edinburgh. If he had less original genius and less classical erudition than his brother the Principal or Dr Wallace, his discourses were perhaps better adapted to the taste and level of ordinary hearers, being less profound and better delivered than those of the former, and more correct and less fanciful than those of the other. Dr Wishart

was, in truth, the Addison of Scottish preachers, their style and spirit being nearly akin.

Though not esteemed a rigid Calvinist, yet, when his subject or the occasion led him to expound and enforce evangelical truths, he did it with a clearness and sincerity, an unctious and power of reasoning, that silenced every cavil, at a time when a few dark ambiguous expressions might have produced a charge of heresy or Deism. He doubtless insisted more upon duties than most of his brethren in the first part of the eighteenth century. But even such as were least fond of that strain of preaching acknowledged that the bulk of his illustrations and motives were taken more from the Holy Scriptures than from ancient or modern systems of ethics. He indeed never thought himself more honourably or usefully employed than in recommending and unfolding the morality of the Gospel. To the very last he continued to make additions to his very great stock of sermons, so that he never disgusted his hearers by repetitions familiar to them. The edification of his beloved flock was indeed the ruling passion of this good man, who found in it sufficient employment for all his time and talents. He was not, like some of his contemporaries, either a philosopher or a politician; and, as the object of his ambition was both innocent and praiseworthy, he attained it without exacting either envy or reproach.

It is difficult to appreciate Dr Wishart's talents for composition, as his discourses were framed rather for

the pulpit than for the press, the latter requiring a greater degree of polish than the other. He published nothing but single sermons preached before Church courts, or in seasons of danger and alarm. But however much homilies composed on the spur of the occasion may please audiences impressed with the preacher's feelings, they seldom prove durable monuments of his fame, for few men are so enlightened or correct as to steer entirely clear of prejudice or passion when their feelings are agitated.

In a Church more splendidly endowed this venerable man would naturally have risen to the highest dignities without his aspiring after them. In 1746, however, his brethren had it in their power to give him a mark of their esteem. Upon Mr Grant's being made Lord Advocate, the principal clerkship of the Assembly was, for the first time since 1638, separated from the procuratorship. However little the lawyers might relish the curtailing of an office which had long been held by a brother, the appointment of Dr Wishart to be clerk gave universal satisfaction, for he had a large family to provide for upon the moderate stipend of a minister of Edinburgh in those days. After living to a great age he breathed his last, regretted and esteemed by men of every description, for none had ever fewer enemies or detractors.

Dr Patrick Cumin was another of the clerical worthies of those times. Both he and the Wisharts were gentlemen by birth,—a circumstance which did not make them worse ministers, or spoil their manners

and principles.¹ He was a man of great learning and ingenuity and worth, much admired for his pulpit talents. Less philosophical and lively than Dr Wallace, and less English in his strain and language than Dr George Wishart, his own rich store of materials enabled him to shine from the outset as an enlightened useful preacher. His divinity coincided with the Standards of the Church, but his style and arrangement were more polished and pleasant than those of the highly popular clergy. But whilst his orthodoxy was unquestioned, he did not think it incumbent on him to dwell principally on certain errors of the system that lead more to strife than to edification. His sermons were pathetic, without any affectation of *sentiment*; dignified and nervous in their strain, without being inflated or cumbered with words. Though he had neither time nor inclination to attend to the minutiae of language, he did not neglect the essentials of composition. He was indeed one of those pious and rational preachers whose discourses are directed more to the heart and understanding than to the fancy or the humours of men. We may regard him as a happy medium between the old and the new fashioned clergy; for he had the zeal and sincerity of the one, and as much of the elegance and refinement of the other as was necessary. Without pretending to speak with the correctness of an Englishman, he had no vulgarity in his vocables or pronunciation, his

¹ Of the family of Relugas in Moray. His uncle William, an eminent scholar, was Professor of Humanity in the College of Edinburgh in the reign of Charles II.

sermons being perfectly intelligible to a man bred in London or Oxford. If his tones and gesture were not perfectly agreeable to rules, they were at least pleasant and simple. In the decline of life, like many others, he fell into a monotony sufficient to disgust a nice ear, even when the understanding was highly gratified. Nor were his sermons the less prized that he was a man of exemplary life, who practised and believed what he preached. Without pretending to pharisaical strictures, he was as zealous in the discharge of his duty, and as pure in his morals, as any of his most popular brethren.

He also held the office of Professor of Church History in the College of Edinburgh. Besides lecturing on Church History in a masterly strain, he gave prelections on the art of preaching, in which he discovered a great deal of judgment and taste, it being his chief ambition to breed up a clergy that should steer equally clear of high-flying rigour and of flimsy polish and innovation—the rocks upon which the students of those times were most apt to split. Perhaps the conversations and counsels of a man who was both an excellent scholar and an excellent critic, were of much greater consequence than his lectures. In fact, the clergy bred up under the auspices of Dr Cumin made in general a very respectable figure, for they hit the happy medium between the opposite extremes of enthusiasm and lukewarmness, with which a number of their brethren were reproached. It was, however, his talents of business that raised him to

power and celebrity. His parts and substantial eloquence, which were always regulated by common-sense, recommended him at an early period to Archibald Earl of Ilay, afterwards Duke of Argyll, who was an excellent judge of men. Upon the death of Principal Smith he was intrusted with the direction of the Assembly, an office which could only be held by a man who had the confidence of the Scottish Minister. He conducted himself in that very arduous and delicate situation with great ability and address, in times when the country was much divided between courtiers and patriots; for however unpopular his patrons might be, he himself lost no reputation, for he was a man of great temper and prudence. During the time that the Marquis of Tweeddale was Minister for Scotland, Dr Cumin was not in power or favour, his place being supplied by Dr Wallace, whose notions of ecclesiastic polity differed little from his own. When the Duke became once more all-powerful in Scotland, the Doctor resumed his influence in Church affairs, which he retained till the death of George II. He was well qualified to shine as the leader of a party; for as he was always courteous and humble when possessed of the confidence of Ministers of State, so his language was temperate and conciliatory, even when duty or the importunity of his adherents made him have recourse to harsh measures. In delivering the sentiments of the Moderate party, he took care not to exasperate his opponents or the Christian people, whom he treated with great professions of respect, at the very time when he found it

expedient to cross their pretensions. If his manner of speaking was neither impassioned nor highly elegant,¹ it nevertheless produced very great effects upon the minds that heard him, for he generally carried his point without producing an irreconcilable breach; and if he ever went too great lengths, it must be imputed more to his young confederates than to himself. At present I shall forbear to inquire whether he did right or wrong in deserting the side with which he had voted for many years; but it may be affirmed that he would have done the Church more effectual service had he in 1735 or 1747, when his friends were all-powerful, held the same language with regard to the settlement of vacant churches which he did in 1766. The recantations of ex-ministers in Church and State are generally regarded with a suspicious eye, as the effusions of spleen and disappointed ambition, rather than of contrition for their past conduct. They, however, who liked Dr Cumin least when in power, revered his abilities and temper, which hardly any provocation could ruffle.²

Dr Alexander Webster was, at the breaking out of the Rebellion of 1745, in the prime of life, and in high reputation. Though much admired as a preacher and an

¹ Though he spoke humbly and dispassionately, he was close and manly in his reasonings. The wags spoke of his speeches as monodies sung to the Assembly.

² It did Dr Cumin honour that, in the plenitude of power and favour, he had the boldness to censure the conduct of the clergy who went openly to the playhouse when 'Douglas' was acted. Nothing but a sense of duty could have made him act in that manner against his own confederates. It was probably one of the causes of the decline of his political influence.

orator, he was rather a man of strong mother-wit and natural eloquence than a deep divine or elegant scholar. He was very handsome, and had a most engaging countenance, in which one might read sagacity, sense, and dignity. In divinity and Church politics he trod in the steps of his father, who was a Presbyterian of the old stamp, and of course one of the most popular ministers of his time. The son was more smooth in his manners and more courtly in his language. In his sermons there was a pathos and reach of thought which made them no less acceptable to the learned and polite than to the vulgar, who almost idolised him. More erudition and more attention to the elegances of style would have made him a first-rate pulpit orator. He trusted, however, almost entirely to his native powers, which were assuredly great; nor was he ambitious of shining as an author, because literary fame could not be attained without a degree of study and abstraction from company which did not suit his plans of life. Of course he published nothing but occasional sermons,¹ from which one may judge of his usual strain if not of his genius. But though somewhat deficient in polish and decoration, such was the goodness of his matter and the gracefulness of his delivery that few men were better heard,

¹ Being a zealous opponent of Sir Robert Walpole, he printed, when party spirit ran high, a sermon replete with patriotism. In 1745, when the Established clergy were unanimous in supporting administration, he published another discourse overflowing with loyalty. Somebody proposed to republish the two sermons together, and to entitle them, "Webster *against* Webster."

even after there had arisen preachers of great celebrity and equal orthodoxy.

He all along professed himself a zealous champion of the rights of the Christian people, believing them to be indefeasible. Nor did he ever exert himself more strenuously than when his friends had fewest grievances, for things were carried on with comparatively a gentle hand till 1750 or 1751. He was long regarded as one of the ablest and most eloquent speakers on that side. His head was clear and comprehensive, his judgment sound, and his imagination lively, without running riot. Even in the heat of debate he displayed an urbanity and candour which, if they added no weight to his arguments, soothed the minds of his opponents. As he seldom lost his temper, he had the faculty of spying the strengths and weaknesses of a cause, of which he failed not to avail himself. And, what was of mighty consequence to a speaker, he had a thorough knowledge of the people with whom and against whom he acted. Yet notwithstanding his brilliant talents and engaging address, he was never regarded as the leader of the strict party. Indeed, for nearly twenty years before his death, he forbore to take any active part in Church politics. Still, however, he adhered to his original principles, and reprobated the measures that were pursued by the leaders of the General Assembly. Whether he foresaw that all attempts to rectify the present system of ecclesiastic polity would fail, or that the leading men in opposition disliked his con-

nections and some things in his conduct, need hardly be inquired at present.

Dr Webster's greatest admirers knew and regretted his fondness for company, which was his great infirmity. It is much more easy to account for it than to offer a full justification of the habit. The drinking a cheerful glass in the tavern was in his younger days so universal that clergymen who went there occasionally in proper company met with no reprehension, unless they were intoxicated. Now it was hardly in the power of liquor to affect Dr Webster's understanding or limbs. And hence he gave no scandal when his parties broke up. Nor was that all. It never was alleged that, amidst those flashes of wit and merriment that used to set the table in a roar, he uttered a single word unbeseeming his character. He had indeed the secret of making all men in his company behave with decency and decorum. Nor did the giddy and the dissipated deny themselves much pleasure by conforming to his rules. There was something so fascinating in his converse, yet withal so innocent, instructive, and befitting his function, that rigour itself could have found no fault, so long as the bulk of the company kept sober. It would have been a proof of wretched taste for any one to speak the language of vice and folly before a man whose company was delightful, and whose spirit was too great to be insulted with impunity. If anybody was indiscreet enough to say things which a clergyman ought not to hear, he retorted upon them in a strain of wit and

irony which turned the laugh against them,¹ and generally produced a submission. Though naturally one of the best-natured men alive, yet, when provoked, he could be very severe. It must also be remembered, that in his time public business was generally done in the tavern; and on all these occasions no man's company was more acceptable, either as an adviser or as a companion. But after every mitigating circumstance is stated, Dr Webster cannot be entirely vindicated for spending so much time in taverns, or in private houses where hard drinking took place. His own mind might not be contaminated with the vices and follies supposed to be connected with a life of dissipation, but assuredly it was not edifying to see a respectable and virtuous clergyman consorting so much with the *ebrii* and the *ebrioli* who were seen reeling home from his parties. However correct and dignified his own converse and manners might be on these occasions, yet towards the end of their potations, when the liquor began to operate, it was impossible for any individual to preserve discretion and decorum. Nor could the tongues of servants and waiters be restrained. It is not sufficient that a good man abstains from vice; for he must also avoid the appearance of evil. It tempted clergymen who had neither his strength of body and mind, nor his worth

¹ One day, in a large company, Thomas, Earl of Dundonald, a coarse, profane man, said to him, "Doctor, may I not ride through hell on a windlestraw, now that I have got a roof put on the Abbey church, and brought water into the Abbey [of Paisley]?" "My lord," answered Webster, "you had better take the well along with you."

and discretion, to copy him in a thing where of all others he deserved least to be imitated. The love of company, or, in other words, the love of wine,¹ is most dangerous in a clergyman, it being a hundred to one that he does not make shipwreck of his character as well as of his health. But, strange to tell, spite of Dr Webster's known fondness for the bottle, and for the company of people who assuredly were not saints, he was able to preserve the love and confidence of the strictest and most serious people in Edinburgh, who in other cases were abundantly prone to believe bad reports of ministers on slight evidence.² He was almost idolised by his own flock, who were not supposed to be very liberal minded. So various and accommodat- ing were the talents of this extraordinary man, that he was as well qualified to shine in a drawing-room of honourable and devout ladies, or in a fellowship-meeting, as in a party of boon companions. In the capacity of a counsellor and comforter, he is said to have displayed astonishing eloquence and knowledge of the human heart; it being difficult to say whether his exhortations or prayers spoke most peace to the sick and afflicted, whilst they commanded the admiration and esteem of all who heard him.

¹ For a number of years he was a constant attendant on the town of Edinburgh's business meetings in the tavern, which were very frequent and jovial. It was alleged, in a political squib, that he had drunk as much claret at the town's expense as would have floated a 74-gun ship.

² Mr John Maclaren, in a sermon against hard-drinking, said very sensibly: "My friends, I know well what you say in your own defence: it is not the liquor that makes you sit so long, but the company. But, I trow, when the liquor is done there is an end to the company."

As Dr Webster was a high Calvinist, his notions coincided nearly with those of the Methodists whom Whitfield headed; and hence the friendship which was formed at an early period between them subsisted during life. The Doctor was delighted with the catholic spirit of men who professed to consider modes of government and forms of worship as no more than secondary objects, compared with what they esteemed evangelical doctrines. Tired as he was with petty broils, and disgusted with the coarseness and bigotry of the Seceders about the appendages of Church polity, he rejoiced to find a minister who wished to direct men's attention to essential truths which imported them much more than what the Seceders called the *defection of the judicatures*. And he fondly trusted that the eloquence of Whitfield, which could touch either the key of tenderness or terror according to circumstances, might prove the happy means of reaching the hearts of obdurate or thoughtless sinners, upon whom the exhortations and reproofs of their parish ministers could make no impression. If that could be accomplished by this eloquent stranger, it mattered little, in his opinion, whether it was by a presbyter of the Church of England or a Presbyterian minister. Whether the Doctor was not over-sanguine in his expectations, is a question too delicate for me to solve. Perhaps he and his Methodistic friends were actuated to a certain degree by enthusiasm. This last charge seems somewhat corroborated by his approving of what was called

the *wark* of Camslang [Cambuslang] in 1742, which was regarded as a delusion by the moderate clergy and the Seceders, upon very different grounds.¹ Nor was he less partial to Whitfield's successors in the tabernacle, who, about the year 1768, made a number of respectable converts in Scotland. Upon their return home, the Doctor acted occasionally as spiritual director to some ladies of rank, who were more or less tinctured with *their peculiar* notions. Nobody ever called in question his or their sincerity or good intentions. The only thing extraordinary was to see a man who confessedly did not live a life of mortification and austerity, so highly prized by persons who pretended to superior sanctity, and who professed to deny themselves the most innocent pleasures. On the whole, Dr Webster was a sort of clerical Aristippus, for he knew how to live "cum tristibus severe, cum remissis jucunde, cum senibus graviter, cum juventute comiter," without letting himself down, or forgetting his duty to God or man. But able and respectable as he was, one would hardly recommend him as a pattern in all things for a clergyman entering upon his ministry with the purest intentions.

¹ [A remarkable revival of religion which took place at Cambuslang on the Clyde, in which Whitfield took a part. "The multitudes who assembled," says Moncrieff in his Life of Dr Erskine, "were perhaps more numerous than any congregation which had ever before been collected in Scotland; the religious impressions made on the people were apparently much greater and more general, and the visible convulsive agitations which accompanied them exceeded anything of the kind which had yet been observed." Ecclesiastical parties were much divided as to whether the "wark" was of God or of the devil—the Established Church, which had been connected with the commencement of the movement, maintaining the former position, while the Seceders denounced it as a "strong delusion" and a "lie."]

Nor was this gentleman insensible to the tender passion. While a young man, and second minister of Culross, he fell deeply in love with Miss Erskine, a lady of family and some fortune, daughter of Colonel William Erskine, and sister to Lord Auchinleck's first lady. It ended in a runaway marriage, which gave great umbrage to the lady's relations, but it soon resulted in a reconciliation, and she and they had no reason to regret the marriage.¹ In his old age he met with a cruel stroke in the death of his second son, the colonel, who was unfortunately killed in America in the calamitous campaign of 1781. He promised to have risen very high in the army, having distinguished himself upon every occasion. Earl Cornwallis, who commanded the army, wrote a short but beautiful letter to the father, in which he expressed in the happiest terms his sympathy on the occasion, whilst he assuaged the old man's grief by lamenting his own loss in the death of one who had for a number of years been exceedingly dear to him.²

Upon the death of a collector of the Widows' Fund, who died insolvent, the Doctor was unanimously appointed his successor. Being an excellent accountant and clear-headed man, he was one of the fittest people that could have been found to put that business on a

¹ Being at that time very handsome and pleasing-mannered, it is not surprising that he should have gained the lady's heart. I have heard some verses of a song by him, which showed that his love was something more than Platonic.

² Their friendship commenced at an early period, while they were both officers in the 33d Regiment.

proper footing. Besides, he was well entitled to the favour of the Church, for the very particular attention he had paid to the scheme from its first embryo to its completion. If not so deep a calculator, he was at least more a man of business and of the world than Dr Wallace.

When very far advanced in life he appeared so stout and hale, that his friends flattered themselves that they should enjoy his society a great while longer. His days, indeed, were shortened by an accident against which it was impossible to guard. In an excessively frosty night of the winter 1783-84, he went from a warm room into a chair that had not been properly seasoned by a chauffer of coals.¹ He was seized with a chillness, succeeded by a feverish disorder, which in a few days put a period to his life.

Contemporary with these gentlemen, there were some other respectable ministers of Edinburgh, of whom one would wish to give an account. But as most of them were very old or infirm before I lived in Edinburgh, I knew very little of their story or character. I shall, however, barely mention them, in order to connect the series of clergymen in that town. Mathieson and Kinloch, ministers of the High Church, were rather good men than either polite or interesting preachers—their strain being esteemed antiquated, and their language unpolished.

¹ It was remarked at the time, that the good Doctor went on to the last in his old habits. The last night but one he had spent in prayer at Lady Maxwell's house [Lady Maxwell of Monreith, mother of Jane, the well-known Duchess of Gordon], with a set of his friends, and he supped in the tavern the night after with some of his old companions who found him very pleasant.

Neither were they fortunate in their delivery, which was not improved by age and infirmities.¹ Ghustart, minister of the Tolbooth Church, an early friend to Thomson the poet, when he had few friends, is said to have been a very amiable and gentlemanly man, rather than a very able one. Bannantyne, of the College Church, published, at a time when very few of the Scottish clergy were authors, a tract entitled ‘Mistakes in Religion,’ which was well thought of. Logan, his colleague, is best known as an antiquary and controversial writer. In his dispute with Mr Thomas Ruddiman, he is allowed to have had the worst of it—having been deficient in temper and accuracy. The triumphant state of the Whig cause made him perhaps careless and over confident; while his antagonist’s modesty and superlative knowledge of antiquities gave him great advantages over a man who, like a true party man, sought to bend facts to his system, of which he was a passionate admirer.² The sons of Bannantyne and Logan were more conspicuous than their fathers. They were, however, little distinguished for that clerical decorum which had been thought indispensable in ministers of their

¹ It is said Mr Mathieson gave the first hint of the Widows’ Fund. His colleague, a blunt, worthy man, said one day, with a little peevishness, that were the Apostle Paul to preach in his church, not more than *five* of the Lords of the Session would attend in the afternoon. In fact, the ordinary quorum for a number of years seldom exceeded *three*. A number of them had seats in the Tron Church or elsewhere.

² Whoever wishes to see Mr Logan and the Whigs of their times placed in a disadvantageous point of view, may consult Mr Chalmers’s ‘Life of Ruddiman,’ which is an eulogium on Jacobitism by one who eats the bread of the reigning family.

Church. George Logan, who died a young man, minister of Ormiston, promised to make a capital figure among that constellation of young clergy who afterwards changed the face of their Church. He is supposed to have been one of the ecclesiastic "Characteristics"—a severe satire on the Moderate party, of which more will be said in its proper place. And now of the other universities.

It may in the outset be observed that, after the Revolution, the former course of teaching the sciences was persevered in [at St Andrews], though great changes had taken place in the politics of the professors. If tradition may be believed, the Presbyterian ones were somewhat inferior to their predecessors, if not in erudition, at least in good breeding and dignity of character. But there arose at length men of talents, who ere long removed the reproach of mediocrity which had been cast upon the successors of the men who had been turned out by the royal visitation appointed by King William.

Dr Tullideph, first Principal of St Leonard's, afterwards of the United College, was in high reputation at the breaking out of the Rebellion in 1745. He was a man of a vigorous mind, improved by study and conversation. Dr Doig, an excellent judge, who heard him for years, said always that he was an excellent preacher, the matter and language being much superior to the ordinary run of those times. His strain was rather of a philosophical than of a pathetic cast, and more addressed to the understanding than

to the imagination. He indeed excelled in close reasoning, and in reconciling dark passages of Scripture; and he was one of the best lecturers of his time. His style was nervous and perspicuous, animated and natural, well suited to his subject in hand. In principle he was a Calvinist, which, joined to his dignified manner of speaking, rendered him highly acceptable to his hearers, high and low.

He was long considered as one of the ablest and most eloquent speakers of the Moderate side. The weight of his arguments, and the spirited, manly way in which he brought them forward, were universally applauded. But the impetuosity of his temper, which could ill brook contradiction or reproof, betrayed him sometimes into fits of passion, which were neither seemly nor wise in one who sought to be at the head of a great party.

With all his parts and accomplishments, he was far from being a very popular Principal; for though a number of young men were warmly attached to him, a great proportion of the students looked on him as proud and selfish, and unlucky in his favourites, who were supposed to have gained his favour by flattery. For a good many years he lived very retired, being very infirm. But both in town and country he continued almost to the last to study hard. At his death he left some valuable manuscripts ready for publication.¹ At length he died at a good old age.

¹ His MSS. are in the hands of Dr Bisset of Logierait, who married one of his daughters. It is a pity they should be lost to the public.

Mr Archibald Campbell, first minister of Larbert, and afterwards Professor of Church History in St Mary's College at St Andrews, succeeded Mr Halyburton, who likewise bore a high character as an ingenious man, and an acute reasoner. But it is too late to institute a comparison betwixt him and Campbell. The latter and the Principal of the United College were unquestionably the two ablest and most eloquent men in the university. Tullideph might be compared to a torrent which carries all before it, and astonishes the imagination, without interesting the affections. Campbell resembled a gentle copious stream of which one never tires, whilst it assumes different forms, all of them engaging and appropriate. If the former was the more masculine and forcible speaker, the other was the more polished and pathetic. He was exceedingly admired as a professor by the students, who regretted that he only lectured once or twice a-week. When in the very height of his reputation as a Christian philosopher, he was prosecuted for making self-love the spring of human actions; but he defended himself with so much eloquence and argument that the process ended in nothing. It made him, however, break off all communication with most of his brethren, who were no match for him, though worthy well-intentioned men. He afterwards lived chiefly at a little distance from St Andrews, from which he came sometimes to do his duty. He was by far the most popular man in the university among the young divines, who looked up to him with an

affection which bordered on enthusiasm. This was the natural consequence of his kindness and condescension to them ; for he constantly befriended and encouraged every student who gave early indications of genius and taste. He was always accounted an able and strenuous advocate for revealed religion.¹ It is a trite observation, that men's theory and practice are sometimes at variance. Spite of his system of selfishness, in private life he was generous and benevolent.

On the whole, this gentleman was doubtless the first who gave a new turn to the taste and studies² of the young men bred at St Andrews. The estimation in which the works of the great English divines was held, joined to the spirit of the times, which was bent on innovation, was not friendly to the system then in use. Whilst some of the best preachers were supposed to be tinged with Arminianism, others, still more newfangled, prided themselves on relating from the pulpit, in a finical or inflated style, the notions of Lord Shaftesbury. However much Mr Campbell might admire the style and manner of that noble

¹ This did not hinder his son Archibald, of whom he entertained sanguine hopes, from becoming a professed infidel. He published some wretched tracts elegantly written ; and, what was at least more venial, he was the author of 'Lexiphanes,' a severe satire upon Dr Johnson's style of sesquipedalian words. His morals were as bad as his principles, so that he died wretched and unlamented.

² When Dr Doig was at that college, the Rectorship of the University was keenly contested between Tullideph and Campbell. Upon the latter's carrying it, the students made a bonfire at St Leonard's gate, into which certain of the spirited divines threw some of the Calvinistic systems which they were enjoined to read.

author, he surely could not be suspected of recommending a system of ethics which was diametrically opposite to his own. If I mistake not, he was for a considerable time disabled by age and infirmities from officiating. He died in 1715.

Upon the death of Haddon, who was an excellent divine but an indifferent preacher, Murison was placed at the head of the Divinity College, otherwise called St Mary's. As the new Principal had been long a minister in the country, his learning, which had never been great, was barely sufficient for the discharge of his duty. The lads, therefore, sometimes made themselves merry with his slips in Latinity. But though he did not superabound in classical lore, he had an ample share of mother-wit and discretion, which made him be respected, if not admired.

Shaw, Professor of Divinity at the time, though not a deep philosopher or original thinker, was a painstaking man, exceedingly well informed, and well-disposed to do good. His manners were courteous and gentlemanly, his head clear, and his taste considerable. No man could be more careful and judicious in scanning the style and sentiments of the divines who delivered discourses in the divinity hall. And his critical lectures proved equally acceptable and beneficial. But to show how logic and moral philosophy were taught sixty years ago at that place (according to Dr Doig's account of him), Mr Henry Rhymer, his professor, had more piety

than parts, and was better acquainted with the Stagyrte than with the philosopher of modern times. At a time when the Aristotelian philosophy was wearing out of fashion, he made conscience of teaching the ethics and logic which had been taught for ages in the schools. Yet highly as he venerated his favourite sage and his commentators, it never entered into his imagination to set up natural religion in opposition to revelation. On the contrary, he contrived to give Aristotle's system of morality a Christian cast. And in lecturing upon pneumatics, he used a treatise written by De Vries, a Dutch professor. "In a word," said the good Doctor, "if our professor's lectures were somewhat cumbered with the rubbish of the schools, we might surely have learned a great deal from them which it imported us to know. If his class was no school of rhetoric and taste, it had the merit of being scientific and orthodox."

Dr John Chalmers, minister of Elie, afterwards of Kilconquhar, was the only eminent clergyman in Fife, contemporary with the gentleman last under consideration, whom I had occasion to know much of. In the year 1745 he was in the prime of life, and a great stickler for the Moderate party when it had very little to say in his Synod. He was confessedly a man of parts and learning; and though no orator, he spoke with great animation in Church courts. Great, however, was the singularity and eccentricity of his speeches, which were commonly interlarded with Greek apologues or epigrammatic

turns, not always very happily introduced.¹ In general it exposed him to ridicule and the imputation of pedantry. Nay, his antagonists, when they found themselves hurt by his classical personalities, were disposed to question the depth and extent of his Greek learning. For many years he was a red-hot zealot for moderation, which he lived to see triumphant, while the claims of the Christian people, under all their several modifications, were totally rejected by our Church rulers. Mr Chalmers was not qualified to be a leader, but as a captain of irregulars he did good service in the war of party. After being translated from Elie to Kileonquhar, he preached for a number of years to a very thin congregation.

Little is now known of the College of Glasgow for more than twenty years after the Revolution. It may be concluded that the new professors were more remarkable for orthodoxy and zeal than for literary accomplishments. From the parochial clergy professors in colleges are usually taken. If tradition, which is at best a sorry guide in matters where party has any share, may be trusted, some of the ministers of Glasgow at that period would be regarded nowadays as weak vulgar men.² But as they were much

¹ At a meeting of the Synod, where he and his friends were greatly outnumbered, he exclaimed, with classical enthusiasm, "Moderator, what would Socrates, what would Plato, what would Xenophon say of our proceedings this day?" "I am not concerned," said an old minister, "to know what heathens would say of us; but, sir, what would Mr Alexander Henderson, what would Mr George Gillespie, what would Mr Samuel Rutherford say of that gentleman and his speeches?"

² One of them, who was much plagued with an idle, dissipated son, prayed

liked by their flocks, so it is hardly fair to estimate the men and manners of simple times by those of a more fastidious age, which judges of everything by the polish of elegance. If that was the case in great towns, it may be presumed that the members of the university were little dignified in those days. Mr John Simson, Professor in that College of Divinity between eighty and ninety years ago, attracted too much of the public attention. He was repeatedly prosecuted for heresy by the presbytery, who charged him with Arianism and other errors in strong and pointed terms. From all that can be collected at this distance of time, he was a quick acute man, of more erudition and ingenuity than most of his clerical contemporaries,¹ who did not pride themselves upon their liberality. Nothing, however, not even the purest intentions, could justify his imprudent boldness when

for him one day in church in these terms: "O Lord, have mercy and compassion on that *flory* silly thing, my son Jamie: there is not the like of him in all Glasgow, save Mathew Glendinning yonder in the foreloft." This was probably in consequence of a sudden impulse. I had the story from Sir Henry Moncreiff, who had it from old people.

¹ Such was the opinion of the celebrated Mr John M'Laren of Edinburgh, one of Mr Simson's keenest antagonists, in a pamphlet entitled, 'The new Scheme of Doctrine contained in the Answer of Mr John Simson to Mr Webster's Libel considered, by Mr John M'Laren, one of the Ministers of Edinburgh, 1717.' In his address to the reader Mr M'Laren says: "I freely own the professor is a man of learning and parts above anything I can pretend to; for they commonly say, *Virtus in hoste laudanda est*. But I am sorry he should have employed his parts to teach and defend such dangerous errors as tend to worm out the vitals of Christianity. It brings to my mind what I have read of an honest and acute Christian, who at some of the old councils (when a man of parts and acuteness was defending errors), said to him, *Diabolus cupit se ornare—i.e.*, 'Satan covets to dress himself or his ill cause with your learning.'" Mr M'Laren, conscious of his own defects, adds, "Perhaps the style is not so polite as to please the palates of some."

under prosecution, for it neither suited the times nor the place he held. Instead of soothing his co-presbyters and trying to give them satisfaction, he treated them and his prosecutors with studied contempt, endeavouring to turn them into ridicule. After a great flame had been kindled, he was not more supple or discreet at the bar of the General Assembly, where he defended himself with great spirit and pertinacity, conscious of the extent of his intellectual powers. The process lasted for years, and ended in a sentence suspending the professor from the functions of his office during the pleasure of the Assembly. Although he lived a number of years, he was never suffered to teach, which was done by the Principal. Still, however, he had a number of friends, who admired his spirit and ingenuity, whilst they disclaimed his sentiments. The sentence gave no satisfaction to either party. Whilst nothing short of deposition and excommunication would have contented his adversaries, his friends alleged that it was done merely to save the honour of the Presbytery of Glasgow, his original prosecutors. It was alleged that nothing had incensed that reverend body so much as his inculcating, in the strongest terms, the necessity of moral virtue, without which there could be no real Christianity. It is, therefore, not surprising that the Antinomians, who were equally numerous and popular, should have been his bitter enemies. The leaders of the General Assembly at that period, who were not temperate men, had it principally in view to make public teachers more

cautious in broaching novel theories, which do infinite prejudice without rendering any service to religion. To show their impartiality and attention to the Standards, they soon after passed a very severe censure on the Antinomians, who then went by the name of Marrow¹ men. It is now generally known that the prosecution hurt the cause it was intended to serve, for it taught innovators to be more guarded or more pliable.² From this time forth may be dated a memorable yet almost imperceptible change in the views and sentiments of young men intended for the ministry. Although few of them adopted the principles attributed to Simson, a number of them endeavoured to make themselves conspicuous by being a few points above or below the Standards; for it was soon seen that some credit and applause might be had by striking with caution into new and untried paths, no matter whether they took the one side or the other. He lived to a great age.

Some years after this process was brought to a conclusion, the celebrated Dr Hutchison was made Professor of Moral Philosophy in the College of Glasgow. His genius and eloquence were more than sufficient to

¹ From the 'Marrow of Modern Divinity,' which embodied the principles of the party.

² Mr James Ramsay of Kelso, a man of strong mother-wit but little learning, no innovator or metaphysician, knowing he should be called on by the moderator to give his opinion, applied to some young ministers for help. The rogues made a speech for him, which he had no sooner pronounced than the cry of "Heresy, heresy," resounded from all parts of the house; upon which Ramsay, who was not ambitious of the crown of martyrdom, said very coolly, "If that be heresy, I renounce it!"

give a new cast of character to that learned body. Nay, his opinions spread all over Europe, and led, perhaps, to the formation of systems which he himself would have reprobated in some things. The strict men in those times were far from being satisfied with his tenets or their tendency; but he was more on his guard, and less within their reach, than a professor of divinity. If not the father, he was a zealous propagator of those ethics which are supposed to have evidences and sanctions independent of revelation, and which ascribe to human wisdom, under the name of natural religion, all those scattered and disguised shreds of moral and religious truths which are to be found in heathen authors. These things may be ascribed either mediately or immediately to revelation. Yet the patrons of this system ascribe to it all the discoveries in theology that human reason can comprehend when propounded to it. From this, it was no very violent transition to reject or explain away everything which this universal standard of reason did not understand, or wished to get rid of. Those pretended discoveries, in conjunction with the spirit of the times, undoubtedly led a number of indiscreet young men into Deism. They, forsooth, fancied their professor meant a great deal more than he cared to express. But as Dr Hutchison all along professed the highest veneration for Christianity, it would be uncandid to make him responsible for unauthorised conclusions drawn by some of his giddy pragmatistical disciples. By that time there had come forth books,

speciously and elegantly written, which went as far as they could wish. The works of Lord Shaftesbury, in particular, were in those days extravagantly admired by some of the clergy who wished to be thought polite philosophers. Although Dr Hutchison's opinions were comparatively orthodox, they were nevertheless sufficiently flattering to human pride. If his lectures were less elegant and correct than those of his successors, they displayed a charming glow of sentiment that deeply impressed every mind of sensibility which fondly cherished the idea of pure benevolence, and of a virtue so exalted and disinterested, that it did good without the hope of recompense. He seems, however, to have rated the powers of the human mind in the light of nature sufficiently high. He was without doubt a very able and a very amiable man. Long after his death, I have heard orthodox useful ministers who spoke of their old professor with enthusiastic veneration. Besides being an eminent philosopher, he was also an excellent classical scholar, and at great pains to recommend the study of the *belles lettres* to his young friends. He died in middle age, much regretted.

And now of those other professors who, though eminent in their own line, do not appear to have taken much share in the revolution in literature that was then in agitation. Dunlop, the Professor of Greek in Hutchison's time, was a very meritorious character. His abilities were great, and he was not only a good linguist, but thoroughly acquainted with

the beauties of the ancient classics, which he recommended to the students as the finest models of composition the world had ever seen. But what endeared him to his class was the unwearied pains he took to foster the blossoms of genius, of which he was a good judge. He was universally beloved and respected for his worth and humanity, as well as for his blameless dignified manners. He was the author of a Greek Grammar, which was highly thought of, being a useful compend of the celebrated Dr Bushby's great one.¹

Dr Johnston, Professor of Medicine, was a man of a very different cast of character. Regarded by his friends as the Piteairn of Glasgow, he was (what that great man is said to have been) a free liver, and, what was in those days still more rare, a free thinker, at least in his talk.² He is supposed to have been *Crab* in 'Roderick Random,' which was degrading him exceedingly; for instead of drinking *pop in*, he considered elaret as a panacea, and recommended it as

¹ I was told by Mr Frame of Alloa, who was his scholar, that every Sunday evening it was his practice to convene his class, and to examine the young men not only on the sermons they had heard that day, but likewise on their religious principles. They were probably as much indebted to the good professor's affectionate admonitions as to what they had heard in church. The same thing was done by Dr Hutchison, and probably by the other professors. The custom was certainly a very laudable one. In tracing the history of private life, it would be curious to discover when and by whom it was first given up. It certainly bespoke a change of manner, if not a change of opinions.

² It being necessary for professors to sign the Confession of Faith at their admission, the Moderator of the Presbytery said to him, on tendering the book: "Dr Johnston, this contains the sum and substance of your faith." "Yes, Moderator," replied he with a sneer, "and a great deal more."

such to patients, whilst a rival of his prescribed rum punch as a cordial. Though regarded by good people as a sort of heathen, they were glad to have recourse to him in dangerous cases, he being most sagacious and successful in his practice. And as he was a joyous, manly, honourable man, he was a most delightful companion over a bottle—he having a fund of wit and humour, and even of profanity, peculiar to himself. I regret I did not set down a number of anecdotes of him, which I have heard from Lord Kames, who was exceedingly fond of him.

Mr Robert Simson, many years Professor of Mathematics in that university, was unquestionably one of the greatest geometricians Scotland ever produced. In the *Encyclopædia* will be found an account of his works and modes of life, from which it appears he was a great humourist. If his peculiarities did not trench on his worth and learning, they unavoidably lowered him a little in the eyes of his brethren and scholars. His curiosity, which was insatiable, betrayed him sometimes into laughable mistakes.¹ It was no-

¹ One day that Archibald, Duke of Argyll, had come to Glasgow, Mr Simson, who in all College politics had been hostile to the Squadrone, went to the inn to pay his compliments to the great man. But he gave so many private audiences, that the professor began to tire; and spying a well-looking man, very plainly dressed, on the staircase, whom he took for one seeking a post, asked him to drink a bottle of wine till the Duke should be at leisure. The stranger cheerfully agreed, and they adjourned to a room. His conversation became soon so interesting, and so superior to his appearance, that Mr Simson was most anxious to know what he was, supposing him to be something more than he seemed. After several ineffectual attempts to draw the secret from himself, he at last started up and said, "Sir, forgive me for a minute or two; I have forgot something." The stranger, catching him by the hand, said, "Honest Robin, I know your errand very well; you wish to discover who I

wise necessary to be a learned man to have access to his symposia, which were held a little way out of town, in a public-house.

Dr William Leishman was made Professor of Divinity in the room of Mr Michael Potter, the immediate successor of Simson, who enjoyed it but a very short time. The chair was keenly contested with him by Mr John Maclaurin and Mr William Craig, both ministers of Glasgow. This event, which happened in the year 1742, brought a great accession to the college, and was productive of important consequences. Great things were expected from the new professor's piety and taste, which were heightened, upon a closer acquaintance, by the modesty and candour of his deportment. He had doubtless a great share in the memorable revolution which had already begun to take place in the sentiments and manners of the Scottish clergy. None ever disputed that he meant excellently well to society and the Church, though perhaps in some things he may have gone too far, or entertained hopes that were frustrated. He evidently entered warmly into the views of good Dr Wallace and his literary confederates, who wished earnestly for a polite and pious, a philosophical and useful clergy, who, without neglecting the common people, should strain every nerve to make the higher classes of men devout and exemplary. Could the latter be brought to be as

am. My name is Loudon, at your service. Pray sit down, and let us have another bottle of wine till the great man be ready to receive us. .

much enamoured of religion as their ancestors or their tenants, it would be a great matter gained. If this laudable plan was not completely put in execution, the original promoters of it deserved the highest applause.

Though Dr Leishman was not accounted a high Calvinist, or very partial to Confessions, it is allowed that in his lectures he paid due respect to the Standards of his Church. But after propounding them fairly and perspicuously, he likewise stated the opinions of the most eminent Protestant divines upon dark and controverted points, without deciding magisterially upon them. What effects this apparent *indecision* on the part of the professor might have on the minds of rash lads, cannot well be known at this distance of time. Some of them were more intent upon novelty than truth, and fond beyond measure of natural religion, as taught by their favourite, the professor of moral philosophy. And as Leishman was an acute, warm man, he may sometimes have philosophised more than was proper for the conceited part of his auditory. But for a number of years after being placed in that chair, anything which could be construed into an attack on the Confession of Faith would have raised a storm which could not easily be weathered by an individual. Spite of all his prudence, some of his notions gave great offence, and exposed him to a charge of heresy.¹ The story

¹ He was charged with having, in his sermon on prayer, disparaged the doctrine of a particular providence and interposition. It was alleged that

of Simson had taught him to make explanations and concessions, and the times were beginning to be more temperate. And therefore the General Assembly either was or appeared to be satisfied with his defence.

But let this gentleman's merit as a professor of divinity have been as great as his warmest panegyrists would have it, there is no denying that out of his school came a number of ministers whose strain of preaching and praying, as well as their modes and manners, were no less new than disagreeable to their congregations, who had been accustomed to teachers of a very different species. It would, however, be very unjust to make a professor responsible for all the errors and vagaries of his disciples. By that time a number of young men were become so presumptuous and unteachable, that they would have lent a deaf ear to the most orthodox lectures, where these clashed with their unauthorised opinions. It is not difficult to account for this part of their conduct. The changes of sentiment that took place among the young clergy in Dr Leishman's time were, in truth, much owing to the predilection which the more accomplished students had to the works of certain foreign and English divines. As some of the former taught a very different divinity from that of the Westminster Confession, so the latter differed from it considerably in some important points that are deeply involved in the mazes of metaphysics. And as the

his notions were sophistical and unscriptural, tending to bring prayer into disrepute.

style of these last was truly classical, our aspiring divines entered warmly into their views, without concerning themselves whether these coincided with the Standards, or were likely to give offence to their well-meaning parishioners, whose notions they regarded as vulgar and antiquated. For a considerable while after the doctor sat in the divinity chair, most of these modish preachers were considered as Arminians in point of doctrine—though, to say the truth, the sermons of some of them were so richly sprinkled with ethics and metaphysical lore, that one was at a loss to know what were their precise notions in theology. Such of them as formed themselves upon the model of Tillotson and Atterbury, and avoided touching upon the acute angles of the system, were regarded as excellent preachers, and, in general, it was their own fault if they were not received. Things, however, did not long remain stationary; for when once the broaching of new opinions becomes fashionable, there is no saying where the spirit of innovation will stop. Long before this gentleman ceased to be a public teacher, Socinianism had taken deep root, particularly in the west of Scotland, of old the favourite seat of the more rigid Covenanters. It is confessed on all hands that this heresy received no encouragement from his public lectures.¹ And if I may believe a learned friend, who was intimately

¹ The most zealous and most successful propagator of the new opinions in the west was Mr Ferguson of Kilwinning, a man much older than Leishman, of whom something will be said in a subsequent dissertation.

acquainted with the Doctor in the latter part of his life, he was no Socinian, but a zealous Christian, after the old form. And his character for piety and truth forbid us to think he held two languages on that subject. The fact is, the ministers that were more or less tinged with Socinianism appear to have taken their creed from Taylor of Norwich, and his fellow-labourers in that vineyard, who were not more at one than the Calvinists or Arminians. As, however, most of them had been Leishman's scholars, and all of them were his professed admirers, they were not sorry to have it thought that he leaned to their opinions. Perhaps he has not been more than fortunate in some of his biographers.

Whatever people might think of the spirit and effects of his public lectures and private conversation, there were other points of his duty upon which there was one opinion. No professor in his time was more attentive to the style and matter of his students' discourses—a task for which he was excellently qualified by his taste and acquaintance with the most approved models, ancient and modern. It is allowed that the clergy bred under his auspices were inferior to none in the kingdom in elegant accomplishments. A number of them would have done honour to any Church in the purest times. If others of them who had shining talents took a worse turn and were little useful, the fault did not lie in their professor, but in the fulness and restlessness of the times, which affected all sorts and conditions of men, and

perhaps none were more spoiled by them than the modish ministers.

In private life, Dr Leishman was no less amiable than exemplary. His manners were sweet and unaffected, and the richness and variety of his conversation enabled him to shine in a small company upon literary or philosophical subjects. Such was his philanthropy and desire to do good, that many of his *élèves* looked upon him with the veneration that was due to a parent or benefactor, and that long after they had left college. And as he led a life of beneficence, his morals were pure, without austerity or ostentation. He was never reproached in the prime of life with any of those levities and indulgences which were considered by many of his brethren as venial; nor had he much friendship with that small band of philosophers who, though considered as hostile to revealed religion, were supposed to give the law in matters of taste and literature. In the beginning of the reign of George III. he was made Principal, a promotion which was the more applauded that he was getting fast into years. And as he was well entitled to enjoy *otium cum dignitate* in the decline of life, he ceased not to be useful by being placed at the head of the university; for he continued to pay great attention to the students, particularly to such as were designed for the ministry, the most promising of whom had free access to him. It was much to be regretted that the evening of this excellent man's life should have been sadly clouded with academical broils, in which his brethren

were sometimes almost equally divided ; nor was it easy to say which of them was most in the wrong. “*Tantæne animis cœlestibus iræ.*” Dr Leishman, though of a feeble frame, lived to a good old age.

There will be some propriety in speaking of Messrs Maclaurin and Craig, the two gentlemen who were competitors with Leishman for the divinity chair. Maclaurin had the greatest number of votes, but the other two having joined interests, he lost it, to the great indignation of the popular party, which entertained sanguine hopes that if the choice had fallen on him, a man of his learning and orthodoxy would, in conjunction with his prudence and mildness, have been able to stop the progress of error and laxity in that university. Although a man of a vigorous mind and much perspicacity, it would appear that, both in preaching and writing, he paid more attention to good and excellent matter than to the dress in which they were arrayed. He perhaps undervalued decoration too much in an age when many serious persons regarded beautiful language as a luxury nowise inconsistent with truth and piety. If fine writing had been of late used as a vehicle for disseminating sceptical or heretical notions, it only showed that the best things may be abused. It was the more to be regretted, that he had a vein of native eloquence which, with very moderate cultivation, would have rendered him an elegant preacher and writer.¹ Be

¹ His sermon on the Cross of Christ, composed probably before he was translated from Luss, is a proof of his oratorical powers, being addressed at

that as it may, few men of that time were more highly respected and followed after as a faithful, affectionate, enlightened pastor. His works had the disadvantage of being published after his death ; but though coldly received by the Edinburgh reviewers, who were clergymen of the Moderate party, they were, and are still, exceedingly admired by people who believe as their fathers did. Some of them are more abstract than practical, intended as an illustration of particular doctrines. They are no mean proof of his reasoning and intellectual powers. His sermons, when alive, received no addition from the manner in which they were delivered ; for his appearance was not prepossessing, and he had a Highland accent, which disgusted a nice ear.¹

Dr William Craig, though of a very different kidney from Maclaurin, was likewise a meritorious and amiable character. He was a man of parts and elegant taste, and, what was still more honourable, of much piety, and of an unstained life. His style of preaching differed, no doubt, widely from that of the gentleman last under consideration ; yet a candid hearer who wanted instruction might have received great benefit from the one or the other. Dr Craig

once to the understanding and feelings of his audience. Every unprejudiced person must confess it to be a piece of no mean eloquence. It has neither *heads* nor *uses*, things esteemed indispensable in those times by most preachers. And it was composed at a period when polishing of sentences and new modes of arrangement were very little studied by ministers in town or country.

¹ A sketch of this gentleman's life and character may be found prefixed to his works, written by Dr Gillies of Glasgow, his son-in-law and bosom friend.

was long considered as the George Wishart of Glasgow, and of course his church was the politest congregation in that place.¹ Elegant and toothsome sermons were most in request with that class of hearers whose taste was formed by reading the best English sermons. Both his *Life of Christ* and his *Sermons* are elegantly and ingeniously written. It was indeed alleged that some passages in the former seemed to savour of Socinianism.

When the civil wars broke out in Charles I.'s time, the Doctors of Aberdeen—or, in other words, the clerical professors—were esteemed the most elegant and eminent scholars in the kingdom. But as they were Royalists and Episcopalians, neither their merit nor their rational piety could secure them from being treated with extreme rigour by the Covenanters, who were of a harsh and intolerant spirit in matters which appeared to trench upon their favourite system of ecclesiastical polity and doctrines. As violence is not the surest or nearest way of establishing a new hierarchy, so it seldom fails in a course of years to meet with its proper punishment, from persons of the same spirit, but of opposite principles. After various vicissitudes, a set of Remonstrant professors, most of whom owed their promotion to Cromwell or his generals, were turned out at the Restoration with

¹ A Saltmarket elder said one day, on the subject of polite preaching, that to be sure the religion of the *gentles* was only half religion; but as it was much better than none at all, he was clear that the magistrates ought to give them one or two churches purposely to bring them together on the Lord's-Day.

little ceremony. Nor did they meet with half the sympathy which was shown to the doctors in the last reign. Their place was filled by Episcopalians, some of whom are known to have been very able and very learned. Yet so perturbed and unsteady were these times, that in less than thirty years Episcopacy was again pulled down, and Presbytery re-established in triumph. The academical men then in possession saw themselves threatened with expulsion and poverty by their rulers, without any fault on their part except attachment to the deposed monarch. They had little favour to expect from the new Church judicature. Yet such was the mildness and magnanimity of King William's administration, that none of them but the professor of divinity¹ was deprived in that reign for not taking the oaths and submitting to Presbytery. In the reign of Queen Anne, they met with the same favourable treatment from her Scottish Ministers, Whig and Tory; but towards the end of his life, they seemed disposed to try how far the gentleness

¹ Dr James Gordon. He was the immediate successor of the amiable and eloquent Mr Henry Scougal, son to the Bishop of Aberdeen. The Doctor was a member of the Royal Society at London, an honour conferred in those days on few Scotsmen resident in their own country. He published a small tract entitled 'Comparative Theology on the Sure and Solid Grounds of Pure and Peaceable Theology.' As it breathed much good sense and a liberal spirit, it has undergone several editions in Latin and English, the last of them printed in 1756 at Bristol. It was one of his preliminary prelections. Prefixed to that edition there is an account of the author's life. After being deprived, he turned farmer; but in 1713, when another revolution seemed not to be distant, he attempted to resume his office without taking the oaths. Having lost his cause, he appealed to the House of Lords; but the Queen's death put a stop to the decision.

of Government might be insulted.¹ In all probability they would have been allowed to die out, had they not, in an evil hour, addressed King James in a body upon his landing in the North, when it was notorious his affairs were in a ruinous state. In consequence of this gross insult to Government, a royal visitation was appointed, which proceeded to turn out Principal Middleton and most of the professors of King's College. The sentence was put into execution with a rigour that excited general indignation. No wonder that Chalmers, the new Principal, and the other Presbyterian professors, should meet with a very bad reception from all classes of people. They were regarded as intruders on the rights of virtuous, useful men, whose exemplary conduct had procured for them the esteem of people whose political creed was very different from theirs. Whatever might be the merit and assiduity of the new men, it required years to soften the prejudices against them. It is not surprising that the Marischal College should have been treated in the same harsh manner, for the professors,

¹ A little before the accession of George I., the masters of King's College presented Mr Shaw, an Episcopal minister, to the church of Old Machar, or Old Aberdeen; and though the Presbytery opposed it, and put in it a minister of its own, Mr Shaw was put in possession of the church, and the Presbyterian minister was obliged to preach in a barn. Mr Thomas Gordon (of whom afterwards) used to tell that his father, being one of the very few Presbyterians in the College, he himself had been christened in a conventicle during that dispute. In 1716, the gentlemen who had signed the presentation to Mr Shaw were tried before the Court of Justiciary, and subjected to fine and imprisonment. One of them, Mr Black, died in the tolbooth. He was an excellent mathematician, and a man of dignified, pleasing manners, greatly beloved, and greatly lamented.

being under the immediate patronage of the Marischal family, were exceedingly disaffected.¹

Although, for a while, the new professors might be ungracious to their neighbours, and to many of the students, there is no reason to doubt of their capacity or zeal. All the revolutions in civil and ecclesiastical affairs had not impaired the credit of the Aristotelian philosophy, or the old manner of teaching the sciences. But at length a taste for polite literature, and for treading in the steps of the Edinburgh literary reformers reached Aberdeen, and produced, in the course of not many years, great changes of sentiments

¹ Mr John Skinner, Episcopal minister at Linshart, was informed by his father, who finished his studies at the Marischal College in the year 1716, that the regents or professors turned out immediately after were good men, and very attentive to their duty, with little pretension to taste or deep erudition. His father was exceedingly fond of Mr Meston, who was an admirable Greek and Latin scholar, and a good, though unequal, Latin and English poet, chiefly on satirical and political themes. He indeed fell, in some measure, a martyr to politics. Having been preceptor to Earl Marischal, he was made a regent in that college in 1714; but, after delivering his first course, engaged in the Rebellion, and was for some time governor of Dunottar Castle. He lived and died in straits and poverty, having breathed his last at Peterhead, a little before the Rebellion of 1745 broke out. He had fine convivial talents, and told a story admirably well. A man ruined by politics was excusable for venting his spleen on the dominant party in Church and State. He was a very successful imitator of Hudibras. "Mother Grim's Tales" are various and unequal, yet sprightly, easy, and flowing in their versification. There were likewise a Mr More and a Mr Smith, worthy, painstaking men, but of no figure; a Mr Venner, who conformed, lived till 1734, and was a drunken, contemptible creature, but a ready speaker of Latin. Mr Skinner could not tell me what sort of men the immediate successors of the ousted professors were. But when he himself went to that college in 1734, the professors in general were not bright men, though successful teachers. When he attended the Greek class, Blackwell, the ablest of them, was at London preparing to publish his essay on the life of Homer. Though Chalmers, Professor of Divinity, was much and justly beloved, he was not remarkable for parts or erudition, and still less for eloquence and taste.

and manners, both among professors and the rising generation. It would appear that the first essays were made in the Marischal College by a man of very singular character. Dr Thomas Blackwell, first Professor of Greek, and afterwards Principal of that College, was an elegant and enthusiastic classical scholar, and withal a man of a vigorous mind, improved by erudition. Where he first formed his views and manners cannot now be known; but in many things he differed widely from most of his predecessors, Episcopal and Presbyterian. Strongly inclined to the philosophy which was then coming fast into vogue, he seemed to disclaim that seriousness and decorum which had been deemed essential to the character of professors, lay or clerical. Nor was he fortunate in his manners, which were affected and pedantic, while there was an elaboration and splendour in his talk which disgusted most people. And hence, with all his genius and acquirements, he was all along an unpopular character, particularly among his brethren, who could not abide what they called his Bentleian arrogance, which was equally conspicuous in great or small matters—in the College hall or in a drawing-room. In short, he was regarded by many as a learned coxcomb of some genius and much application.

Yet a man whose manners may not be edifying or amiable, may be a promoter of polite and useful learning, and sow seeds which will ere long produce a plentiful harvest. Even such as were most prejudiced

against him, confessed him to have a happy, efficacious way of interesting his scholars in all he taught or said to them. He wished to make them believe that even the least remark or criticism of his was known only to himself, and only to be learnt from him. And what showed his powers, they valued his dicta accordingly; and some of them (adds my informer) continued as long as they lived to believe that he had fed them with hidden manna.

Granting that the dislike to this gentleman was carried too far, yet one who had such a fascinating manner in his class was likely to retain some of that influence over his young friends when entered into the world. As he was a passionate admirer of the *belles lettres*, ancient and modern, he was exceedingly fond of the English classics in verse and prose, which he liked not one whit the worse, that he knew well the stores from which the authors derived their most valuable hints. A very moderate share of his enthusiasm was sufficient to convince young men of genius and enterprise that the surest and most compendious way of making a figure in the republic of letters was to write a pure and elegant English style. And he himself showed them the example, he being one of the first of our *litterati* that attracted the notice of the public by his productions. His style, however, was not faultless, but it was somewhat akin to his conversation, in which there was much more art than nature. Besides, there was a great deal of affectation in his manner of writing, which he had copied from

Lord Shaftesbury, his favourite philosopher, whom it was at the time the fashion to admire extravagantly. It is much easier, surely, to copy the defects and blemishes of one's model than its beauties. If his lordship expresses nothing with simplicity, but is ever in buskins, and dressed out with magnificent elegance, Blackwell disgusts us by his extravagant love of an artificial style and the parade of his language, without its being rich and musical like that of the noble lord. Yet the originality of his way of thinking, joined to his erudition and ingenuity,¹ made all his imperfections be overlooked. His principles were not supposed to be very correct, any more than his life and conversation. In a word, he was not a popular character. Yet, spite of all his faults and foibles, he had unquestionably great merit in lending a helping hand to raise a poor neglected college to high repute. Before he closed his course, he had some coadjutors who were much superior to him in elegance, discretion, and intellectual powers.

Mr David Fordyce, Professor of Moral Philosophy and Logic, was the only one of them that was admitted

¹ His first and best performance, 'An Essay on the Life and Writings of Homer,' discovers his thorough knowledge of a very difficult and interesting subject. It was published in 1737, and is said to have met with a better reception at London and Oxford than at Aberdeen. To it he owed the Principal's chair, which had till then been filled by clergymen. His 'Memoirs of the Court of Augustus' added little to his fame, being written in such a fantastic way that one cannot say whether levity or pomposity predominates most. His high republician notions exposed him to Dr Johnson's lash, which drew blood at every stroke. Yet after great acrimony, he confesses it "to be the work of a man of letters; that it is full of events displayed with accuracy and related with vivacity."

before the Rebellion. From all that I can learn, he was the most eloquent and accomplished man of a very eloquent and accomplished family. Blackwell was his near relation, and had probably been his master, and afterwards the guide of his studies. The scholar, however, far excelled his master in the elegant chastity of his language, and correctness of his taste in matters of literature. Nothing, therefore, could be more admired than his lectures upon logic, which were in a very different strain from those that had been delivered by his predecessor, who spake the language of the Stagyrte and his commentators without attempting any improvements or additions. If not the first who converted the logic class into a school of taste, he was unquestionably the second; and in point of acumen and refinement there was no comparison between him and Mr John Stevenson, who chiefly availed himself of other men's labours and observations; whereas Mr Fordyce drew his lucubrations from his own rich store. He was considered as the most eloquent and impassioned lecturer in Scotland of his time.¹ To the unspeakable loss of his college, and the great grief of his friends, he was lost on the coast of Scotland in 1752, when returning from a trip to the Continent, fraught with much important information which he had picked up in foreign countries. It is needless to

¹ Dr Reid, who used, while librarian of the Marischall College, to attend Mr Fordyce's Sunday night lectures, spoke in the highest terms of his eloquence, which was sometimes so pathetic as to melt his audience into tears.

enlarge upon this gentleman's story, as there is a life of him in the 'Encyclopedia.' Though too short-lived to be a voluminous author, his writings bespeak him to have been an elegant-minded, most ingenious man, without the smallest tinge of scepticism or singularity. If he superabound in what is called *sentiment*, he appears to say no more but what he really felt. He had, however, a number of bad copies, whose parade of *sentiment* was little better than hypocrisy in religion.¹

I have not materials to give a proper account of the professors of King's College before 1745. It is the less essential, that none of them pretended to be adepts in modern philosophy, or to rival the English writers in prose or verse. At the same time they are said to have been learned, virtuous men, diligent and successful teachers. They lectured mostly in Latin, and drew their stock of knowledge from the ancient fountains of Greece and Rome, availing themselves also of modern discoveries in the arts and sciences. Instead of attempting to write books which might vie with those of their southern neighbours, they contented themselves with the humble task of storing the minds of their scholars with useful and ornamental learning, which could not well be acquired

¹ Soon after his death, his brother James published a tract of the professor's, entitled 'Theodorus; or, the Art of Preaching,' which was dedicated to Herring, Archbishop of Canterbury. That excellent prelate was so fond of the spirit and strain of that performance, that he procured Mr Fordyce the church of Alloa. In it the professor pointed out a new style of preaching, which required *his* genius and delicate sensibility to succeed in. He was also a writer in the 'Preceptor,' a work much admired in those times.

without the aid of a master. He left it to younger and idler men to write ornate English. One perfectly acquainted with the ancient classics might, after leaving college, turn his thoughts to the study of his own language, since it now imported every literary man to write it with force and elegance.

Nor is this only matter of conjecture and probability. In the years 1792 and 1795, I had the good fortune to fall in at Aberdeen with an excellent sample of old-fashioned regents or professors—namely, Mr Thomas Gordon, who, though born in the end of Queen Anne's reign, continued to teach his class with great applause. When I saw him last his body was much enfeebled by age and infirmities, but his mind was still cheerful and entire. As Swift said of Dr Arbuthnot, he could do everything but *walk*. He had been nearly sixty years a professor, first of Humanity, and afterwards of Philosophy. "His abilities," says a learned ingenious friend of his, "were of the sound, solid, and wearing kind—far more useful than flashing genius, with its usual concomitants, pride, haughtiness, conceit, and sometimes open or ill-disguised impiety. His inquisitiveness after all knowledge was great and general, and his industry perfectly indefatigable; so that he knew much on almost every subject; could produce much knowledge, ready and current, and was never at a loss for an authority from his books and papers. He was a first-rate classical scholar, having taught the Humanity for a number of years with great success." In his time it

was the practice for every professor of philosophy to carry his students through the whole circle of the sciences.¹ And it is allowed that, in discharging that very difficult task, this good man displayed much ability, while he gained the hearts of the scholars. However exceptionable this method of teaching the whole circle may be, it gives an able and painstaking professor many advantages, and makes him thoroughly acquainted with the capacity and bent of every lad. In private life he was no less amiable—being a worthy, respectable, popular man, revered even by his opponents in the midst of academical broils. In point of religion he was an old-fashioned man; but it was cheerful, rational, and benevolent, like the general strain of his conduct. In Church politics he was warmly attached to the moderate party; and as long as he was able, a regular attendant on the General Assembly, where he consoorted with the *litterati*, by whom, though not of their corporation, he was very much esteemed. Nothing, therefore, could be a greater intellectual feast to me than the conversation of this academical Nestor, who considered himself as one of the antiquities of his college.² As it was replete with rich information relative to books and men, it breathed the love of virtue

¹ It was Mr Gordon's practice to teach logic *last*, as being one of the abstrusest of the sciences. The tutors at Oxford and Cambridge teach their pupils everything.

² At the inauguration of a young colleague, who was made a professor when barely of age, Mr Gordon begged leave after dinner to propose a toast: "A health from the oldest professor in Europe to the youngest."

and the love of humankind. He had likewise a vein of humour and pleasantry peculiarly his own, in which there was not a spark of spleen or malignity.¹ It must not be omitted that he spoke very broad Scotch, without the Aberdeenshire twang, such as was spoken by people of education in his youth. In a word, a man more useful, and more honoured in his day, and seemingly more ripe for heaven, is seldom to be found. What a rich treasure of anecdote relative to men and books perished with him! He died in the year 1797.²

I shall now make a few observations on the clergy bred at Aberdeen, who, at the period under consideration, resembled in general the old Episcopal ones more than their brethren in the south and west of Scotland. This phenomenon in manners may easily be accounted for. The clergy before the Revolution are said to have differed less from the Presbyterians in point of doctrine, than in manners and notions of ecclesiastic polity. But as the people of that country had a

¹ He was one of the *seven sure* masters who warmly opposed the union of the two colleges on strong grounds. With a good-natured spleen, natural enough for a King's College man, he maintained that the Marischall was not a university, and had no more title to confer degrees than the sutors [shoemakers] of Aberdeen.

² At the time I am writing this, there still exists a literary Nestor in King's College, Dr Roderick Macleod—lately elected Principal in place of Chalmers, who had filled that chair upwards of half a century—who has taught there since 1748. It was observed by one who knew the three intimately, that if Macleod had less erudition than Gordon, and was not so profound a thinker as Reid, he made fully better scholars. For as he was a strict disciplinarian, he had the art of making the lads teach themselves. Of him and Gordon it may be said, "*Facies non omnibus una, nec diversa tamen.*" They were great friends.

rooted aversion to the Covenanters, so they were never fond of their puritanical opinions and appearances, which before and after the Revolution had served to endear the greater part of the south-country clergy to their flocks. The Presbyterian professors of divinity settled after the Revolution, wearied of striving against the stream, were forced to yield in lesser things to the prevailing bent of the country, which is sometimes too powerful for its laws. Knowing the partiality of its inhabitants to a great proportion of their former parochial ministers, they contented themselves with instructing their students in essentials, leaving them to themselves in point of manners and behaviour. From every account that can be collected at this distance of time, the ministers bred up by them were no losers by copying the ousted Episcopalians in their external appearance, as well as in their better qualities; for by the testimony of friends and foes, those of the north were men of sanctity and worth, faithful in the discharge of their duty, dignified and correct in their manners, having a nearer affinity to the disciples of the Forbeses¹ than to those of Mr Samuel Rutherford or Mr Gilbert Rule.

I know nothing of the first professors of divinity at Aberdeen after the Revolution. If they seriously thought of bringing their students to the standard of

¹ There were some eminently learned and excellent bishops and professors of divinity of the name of Forbes in the reign of Charles I., of whom some account is given by Bishops Keith and Skinner.

manners and notions established in the southern parts of the kingdom, not even all the power and influence of Government, seconded by zeal, was likely to effect it. And they were sure to be counteracted by the influence and converse of Principal Middleton and his brethren, who held their places till the year 1716. Mr John Lumsden, elected professor of divinity in 1735, was eminently distinguished for ability, discretion, and the purest, most amiable virtue. A scholar of his, who highly reveres his memory, characterises him to me as "a man that read, and remembered, and knew everything. He was a thorough controversial divine. Perhaps he was the only man of our day that spoke (not sputtered) Latin with oratorical fluency and Roman purity. And he was likewise a master in the Fathers—a rare accomplishment in Presbyterian Scotland. As his students revered him as a parent, so when he came to the General Assembly, he was looked up to as an oracle in matters of learning and Church history: and he had the looks and manners of an ancient patriarch."¹ This venerable man lived long enough to breed up a very great proportion of the clergy of the north. He died in 1770, deeply lamented by young and old.

If I may believe the testimony of some excellent friends well acquainted with the state of the north half a century ago and more, the clergy were in general respectable men, inferior in essentials to none

¹ Professor Lumsden wrote likewise pure nervous English, much admired.

in the kingdom. And in good breeding and knowledge of the world, they are said to have had the advantage of many of their brethren of the south and west, who conversed mostly with the lower classes of people. The northern ministers were not only respected by the nobility and gentry of these parts, but the country folks regarded them as their best friends and safest counsellors in the great concerns of life. As they conversed much with persons of rank and education, they caught the best parts of their manners, whilst they acted up to the dignity and purity of the ministerial character. It was no doubt exceedingly in their favour, that the people of the north had none of those crotchets with regard to patronage and the divine right of the Christian people to choose their pastors, which rendered those of the south so fussy and unmanageable. Yet, though they depended not on them, the clergy knew well of what infinite importance it was to be well with their parishioners. Without inquiring whether Professor Lumsden was a high or a low Calvinist, the same causes which induced young men in other universities to depart more or less from the Standards, were likely to produce the same effects at Aberdeen, where there was still a great hankering after the leaven of Episcopacy. Everybody knows that some very eminent divines of that persuasion, both in Scotland and England, had given a lax and liberal interpretation to the Thirty-nine Articles, which in doctrinal points differed little from the Westminster Confession. No

wonder, then, that aspiring young men of parts and eloquence should imitate Tillotson, Burnet, Atterbury, and other bright luminaries of the English Church, in preference to more orthodox but less elegant writers. By all I have heard, a great majority of the clergy bred at Aberdeen at this period, preached and prayed in a strain which neither moderate Calvinists nor moderate Arminians could have found fault with. But be their doctrines and metaphysics what they might, these were more acceptable to the bulk of their hearers than they would have been in Lothian and Fife, where the common people considered themselves as judges of divinity, and reprobated whatever appeared to them to trench on their system. In a word, the taste of the south and north of Scotland with regard to sermons, and the manners of clergymen, differed as much as their dialect. It must not be omitted, that a very great majority of the northern ministers were the earliest and steadiest supporters of the moderate party in its lowest ebb, and that from principle, without any regard to the opinions of statesmen. There is, however, no general rule without exceptions. If the clergy of the north were in general more temperate in Church politics, less rigid in their notions, and better bred than many of their brethren of the south, there were, however, a few of the former who superabounded so much in zeal and coarseness, that they seemed to have formed themselves upon the model of the more flaming Remonstrants of the preceding century. Though greatly

outnumbered in synods and presbyteries, yet for more than forty years after the Revolution, it was dangerous to contest any point with them, since they were almost sure to prevail by appealing to the General Assembly, which in their days was nearly of the same sentiments.

Of the more early men of this description it is now too late to inquire; but Mr Bisset, senior minister of Aberdeen, may serve as a specimen of them. No man disputed the sincerity of his intentions, or presumed to call in question his piety or his morals. Had he been anyhow faulty, he had many enemies who would have been glad to proclaim it. He was a keen party man, and declaimed with equal heat and asperity against Popery and Prelacy, Whitfieldites and the Jacobites, condemning them all by the lump.¹ A very

¹ A few anecdotes of Mr Bisset will give a better idea of him than the most finished portrait. In the spring of 1746, upon the Duke of Cumberland's arrival at Aberdeen, the ministers and professors of that place waited upon him in a body—the professors in their gowns, and the ministers in bands. Mr Bisset would not accompany them; but went afterwards to the levee by himself, and in his own name, which was not unknown to the Duke. He had put a little powder into his great black wig, and dressed himself in his best coat. His awkward bulky figure struck the general, officers, and attendants, being stared at by some, and tittered at by others; while General Hawley said, loud enough to be heard, "Smoke the parson." Mr Bisset proceeded unembarrassed till he came close to the Duke, when he made his clumsy reverence, and a truly energetic speech. "He congratulated his Royal Highness on his safe arrival; and blessed God to see a son of his illustrious house come to deliver the nation once more from Popery, slavery, and arbitrary powers. He deplored the trouble and fatigue to which his Royal Highness had been exposed at that inclement season, and the great expense and loss the nation had sustained by the cowardice and misconduct of the persons to whom the public affairs had been lately committed. Had Hawley and Cope done their duty, things would not have been in their present state." "Smoke the parson now, Hawley," said some of his brethren. After praying for health and safety

competent judge, who had free access to this gentleman while at college, informed me that, either from nature or imitation, he bore the nearest resemblance to John Knox of any man in his time. He had the same blunt, bold, unrestrained manner and diction in his public exhibitions; always speaking his mind, without fearing the face of man. Though of a Church which prided itself upon *parity*, he would fain have had everything in his own way. But from the year 1737 to his death, he forbore to attend Church courts. Whether this was owing to

and success to the Duke, Bisset made his second reverence, and walked off as stately as Achilles's spectre, stared at by all, by none tittered at. In the autumn of 1751, the players made the first assault on Aberdeen, and fitted up, at a considerable expense, a large barn or granary, between the two towns, into a theatre. Mr Bisset blew the loud trumpet, nor was the blast in vain. Among other arguments, he announced that none who either went themselves or allowed their families to go to that house of Baal, should be permitted to profane the tabernacle at the ensuing Communion; and no one doubted that he would have kept his word. The good ladies of Aberdeen kept themselves, their daughters, and inmates at home; and many of their husbands were under due discipline. The players never had the face of a house, but were obliged to decamp, nor did they ever return till after his death. Not long after, Professor Reid of King's College and Dr Skene of the Marischall, made a party to go and hear a new and celebrated preacher that exhibited at St Paul's [Episcopal] Chapel. This made much noise; and a number of King's College students, hearing that Mr Bisset was to call the delinquent professors to account next Sunday, stole away from behind their masters in the procession, and made the best of their way to the new town, where their gowns procured them admission among the Marischall lads. Their curiosity was fully gratified. Bisset gave out a text, and after saying a little on it, left it to shift for itself. "He then deplored the iniquity and apostasy of the age in which such wickedness was daringly committed in the face of the then two men to whom the education of youth was intrusted, forgetting their duty to God, and betraying the trust reposed in them by their country; in place of going with their scholars on the Lord's Day to church, to go openly to the house of Satan (his ordinary appellation for St Paul's Chapel), and desert their sacred charge."

the Act against the murderers of Porteous, or to his being of the same sentiments with the fathers of the Secession, is to me unknown. Certain it is, his brethren did not think it expedient or prudent to compel the attendance of a man of whom the boldest of them stood in awe. In a word, Mr Bisset was like John Knox, generally revered by the devout, respected by the most respectable, and feared by all. "I have known," says my learned informer, "many who have spoke of both with disapprobation, but no sensible man who ever spoke of either with contempt. I cannot (adds he) describe John Bisset's eloquence, unless I were John Bisset myself. Yet, strange to tell, this man so plain, so stern, and truly terrible in public, especially on his own theatre—the pulpit—was smooth and pleasant in private conversation. I visited him: he was easy and conversible, and ever giving me good advice, not sternly and imperiously, but in little stories and apologues, of which the moral was equally plain and pious."¹

With all his roughness and peculiarities, this gentleman had a great sway over the people of Aberdeen, and powers of persuasion which orators possessed of seemingly greater abilities cannot attain, with all their pomp and eloquence of speech. The Whigs, high and low of the place, were chiefly directed by him; and though not the most numerous or opulent part of the society in those times, their zeal and

¹ He said one day to a gentleman: "Young man, beware of unsanctified learning. It is, and will be found to be, the curse of the age."

union rendered them considerable, while their principles gave them all power in the magistracy. Mr Bisset died in the year 1756, aged sixty-five.

And now of the Episcopal clergy, who, though not recognised by law, were at that period a very numerous, respectable body. Yet, though very learned and assiduous in their studies, it does not appear that in those days any of them had made much proficiency in polite literature, or pretended to write elegant English. Some of them had written books, more or less voluminous; but as the object of these was to establish some point in controversy, they paid much more attention to their facts and arguments than to the graces and purity of their style, which they regarded as a secondary matter. The same observations will apply to their sermons, in which it was the great object of the preachers to set forth wholesome pure doctrine, not to tickle the ears of their hearers. Perhaps they were the less ambitious of this species of literary fame, that very few¹ of their prelates or doctors before the Revolution, to whom they looked back as to patterns, had aspired to the prize of pulpit eloquence. Perhaps national pride and dislike to the Church of England, which they considered as schismatical, ever since the deprivation of Sancroft and his brethren, made them less desirous of rivalling its divines in their applauded compositions.² But few of them

¹ Leighton was an Englishman.

² Mr Skinner of Linshart, the oldest, and by much the ablest among them, seems, in a letter to me, to undervalue elegance of style too much. "Elo-

made a great figure in the republic of letters ; and to the new philosophy, which, being then in its infancy, was beginning to play its gambols, they were happily strangers, their time and their attention being directed to matters of greater magnitude and utility. Their inattention to the graces of diction did not render them less acceptable or useful to their flocks, who were tinctured with their prejudices and prepossessions.¹

quence," says he, "is a word I hear much of, but do not understand. Moses was not eloquent, and I think St Paul disclaims it."

¹ The best account of the Scottish Nonjuring Church is to be had in Skinner's history. One cannot forbear a wish that he had been more particular with regard to its ministers. The most eminent and learned of them between 1720 and 1745 were Bishops Rattray, Keith, and Alexander. The last was no author, but a man of great erudition and greater modesty. Rattray was the translator of the ancient Liturgies, and author of some controversial tracts ; for even those good men were divided among themselves. Keith is the most bulky author among them ; but his works are more esteemed for the accuracy of the facts and the author's diligence than for the composition. He never finished his 'History of Scotland.' His most curious work is his 'Catalogue of our Bishops.' Mr Harper of Edinburgh was esteemed their most eloquent preacher.

CHAPTER V.

MEN OF GENIUS AND TASTE FROM 1745 TO 1763.

IN this situation matters stood. Although when the Rebellion of 1745 broke out, and convulsed Scotland, none was constrained by either side to take an active part in it, what wonder that it should give a deep wound to the arts of peace? Even the speculative and recluse, who lived mostly in their libraries, seemed for a while fully more intent on the event of the bloody contest for the crown than upon the completion of their literary plans. Every one was obliged in self-defence to avow and support his political principles, speculations which seldom mend the heart or improve the understanding, while they spoil the temper. Though of short continuance, the civil war left behind it a set of bitter dregs, which poisoned the peace of society for some years, making persons of great worth and knowledge think more unfavourably of one another than they would otherwise have done.

From the re-establishment of peace and order Scotland began to make a reputable figure in literature and science, as well as in those arts of peace which

enrich and adorn nations. Our countrymen seemed to be at last ashamed of that listlessness and indifference which had made them no less famous in the republic of letters than in husbandry, commerce, and manufactures. Who that had witnessed the miseries of civil war, and the rancorous spirit which appeared after its suppression, could foresee that something like a complete conquest of Scotland would ere long produce a close and propitious intercourse between the sister nations? Although subject to the same King and Parliament for nearly forty years, both professing the Protestant religion, and speaking dialects of the same tongue, it is astonishing how little intercourse had subsisted between them previous to this era. It was chiefly from books, or the Englishmen who held offices in Scotland, that we formed an estimate of our great and enlightened neighbours. If the Scots were overrun with national or local prejudices, the English, with all their boasted advantages, were not one whit more liberal-minded or better informed with regard to North Britain or its inhabitants. There being from this time forth a constant intercourse between the two countries, people from the opposite quarters of the kingdom, who in former times had little chance of meeting, now began to discover in each other valuable qualities which their prejudices forbade them to expect. Of course, intimacies were formed which proved salutary to both, particularly to the Scots, who, being the poorer, were reputed the more acute and accommodating. As this was ex-

perienced by mercantile men and artisans¹ who went to push their fortune among that wealthy generous people, so our literary men had no reason to complain of want of kindness from that quarter, their first publications having been very acceptable to the English. It was now apparent that the great object which our first literary reformers had at heart was by this time fully attained. Nobody now doubted the possibility of a Scotsman writing pure, nay, even elegant, English, whilst he spoke his native dialect a little diversified.

I now proceed to the pleasing task of tracing the progress of genius and taste in Scotland from 1745 to the Peace of Paris in 1763, when a new, and perhaps a more productive period commences. If the one now under consideration be not the Augustan age of Scottish literature, it was assuredly the prelude to it; and it was then that our first-rate men of letters were in their prime, and busied about those works which afterwards immortalised their names, though they were not published till after the year 1763. The poets of the present period may be more properly considered in connection with their profession, poetry being only a secondary object to most of them. It was, in truth, the department in literature in which our ingenious countrymen made the least brilliant figure. If a few rose above mediocrity, none of them

¹ A Scotch gardener, who had got an excellent place in England, wrote to his friends that "though God had not given the English over-much wit or sense, yet they were braw bodies to live with."

attained to excellence, or could be compared with Thomson in sublimity, pathos, and originality, or with Allan Ramsay, in drawing with a hasty but exquisite hand landscapes of rural life. That, however, is no imputation on their authors. The Augustan age of poetry was already over in England. The successors of Pope and Swift were no more to be compared with them, than the poetical men of this period with the two gentlemen before mentioned, who had formed themselves by a model of their own making. Although Young, one of the last bright constellation of wits who adorned the reign of Queen Anne, was still alive, his great age taught him at length to cease from his labours.

The only men of wit and genius of this period that do not fall under some other description are Dr Armstrong and Dr Smollett.¹ They are, however, rather to be regarded as naturalised Englishmen than Scotsmen, for they left their native country early in life, and did not revisit it but for a short time. If indebted to our schools and colleges for classical knowledge and the elements of science, it was in England that they laid in their most valuable stores of knowledge both of men and books. At London, or in the neighbourhood, they formed their taste and style: there they contracted their friendships and views of

¹ [The first four lines of the Latin inscription on the monumental obelisk to Smollett, near his birthplace, were written by Mr Ramsay at the request of Lord Kames, who was dissatisfied with the inscription as it was originally penned by Professor George Stewart.]

life, and there they planned and executed their capital performances. In short, like Bishop Burnet and Dr Arbuthnot, their ideas were in a great measure English, though they retained their partialities for the country that gave them birth, and for the friends and companions of their "cheerful morn of youth."

After the troubles had subsided, our men of law continued to take the lead in matters of literature and taste, to which they were entitled by their birth, education, and pursuits. If they and the great lawyers portrayed by the elegant pencil of Sir George Mackenzie could have met, how much would they have wondered at each other! Each of them had points of learning and accomplishments which the other either wanted or disregarded. And both the one and the other had crotchets which added nothing to their fame and usefulness. If the manly sense and profound erudition of the lawyers of the last age had been obscured by the rough embarrassed manner in which their thoughts were expressed, perhaps the papers and speeches of their successors derived little additional strength or precision from appearing in a smoother and more polished form. Nor need it be decided whether the Aristotelian philosophy and polemical divinity of the one, or the *belles lettres* and new-fashioned metaphysical theories of the other, made the best lawyers or the best members of society.

Never was the Bench and the Bar stronger or more respectable than after the Rebellion of 1745. Besides a large proportion of the judges and advocates spoken

of before, there had arisen a new set of eminent men, who differed in a few lesser particulars from their elder brethren. In one thing, however, seniors and juniors agreed—namely, in wishing to write perspicuous or accurate English. None but antiquated obstinate men thought now of giving in slovenly perplexed papers, such as were common forty or fifty years before. There was, however, then (what has always been, and must ever be) a few superior men, who displayed an elegance and reach of thought in their pleadings and writings which the bulk of their brethren were not able to attain.

Before proceeding to the judges and other men of law of this period, it is proper to observe that Mr Home, soon after Lord Kames, was one of the first of our learned countrymen who appeared in the character of an author after the troubles. The impression which his first philosophical work made upon the public mind deserves to be recorded, because it was connected with a memorable change in the opinions of the people of Edinburgh. His essays on British Antiquities, written at Kames in winter of 1745-46, to amuse him amidst the miseries of a civil war, and published two years after, were exceedingly well received both in Scotland and England. They discovered a richer vein of thought and less narrow-mindedness than the speculations of our former antiquarians. The applause they brought him, and the pleasure he began to take in composition, made him turn his attention to philosophical subjects. It did not damp his ardour

that these disquisitions were far more abstruse and unpopular than law and antiquities, which had hitherto been the objects of his lucubrations. Nor was he deterred by the consideration that, by encroaching upon the province of the divine, he might probably involve himself in disagreeable controversies which would create much prejudice against him.

In 1751 came forth, without his name, *Essays on the Principles of Morality and Natural Religion*. And in 1754, his well-known tract on *Motion* appeared in the *Essays of the Edinburgh Philosophical Society*. It is not my intention to criticise these performances, since I cannot throw any additional light upon them. Suffice it to say, that whilst the philosophers of those days praised the author to the skies, a loud clamour was raised against him on account of some of his positions, which sounded harsh to pious ears, jealous of metaphysical innovations. No wonder then that, in an age of soberness and seriousness, it should be made an objection to him when proposed to be raised to the Bench. It is said that his friend Archibald, Duke of Argyll, found it no easy matter to satisfy Lord Chancellor Hardwicke on that head. Divines and philosophers, however, agreed in setting down the author of those essays as a sceptic—to what extent none could tell. Whilst such as disliked most his theories and their tendency, admired his style and ingenuity, his friends lamented that, with talent for better things, he should have plunged into the thorny

and barren mazes of metaphysics, and revived controversies which, under various names and forms, had baffled the wit and ingenuity of divines and philosophers in ancient as well as in modern times.

The well-meant efforts of a private man to draw down the vengeance of the Church on Lord Kames and Mr David Hume, served chiefly to make their books more read and longer talked of than they would otherwise have been. At the same time, no two theologians could differ more essentially than the two philosophers. But their writings had excited the indignation of Mr Anderson, who had been chaplain to the garrison of Fort William, and was at that time governor or chaplain to Watson's Hospital. Though far advanced in life, he was a man of a vigorous, comprehensive mind, and an acute metaphysician. Seeing the principal clergy either standing aloof, or partial to those gentlemen, he published a book in which he attacked them with great acrimony and force; and though his style was coarse, it was thought he had generally the best of the argument. He affected to consider them both as infidels, though, according to him, they took different roads to the same object. And he was almost as severe on deism or natural religion as upon atheism. Not contented with exerting his powers of ratiocination, he endeavoured to turn the two authors into ridicule and contempt; but though, in compliance with one of Lord Shaftesbury's favourite precepts, he wished to make ridicule the test of truth, he did not succeed better than most

of that noble lord's imitators. Indeed, Mr Anderson's wit and humour were too coarse and indelicate to produce the desired effect on the minds of those that ran the greatest risk of making shipwreck of their faith.¹

Not contented with having entered the lists with writers who had got a great name in the literary world, Mr Anderson afterwards raised a prosecution against Fleming, Lord Kames's printer, concluding for the highest censures against him, unless he should discover the author. And though excommunication could not place Mr Hume in a worse situation than he was, he took that opportunity of assailing his essays, which he considered as the very quintessence of infidelity. However much Mr Hume might disregard the censures of the Presbytery of Edinburgh, it imported Mr Fleming, who, if I mistake not, was an elder, to get rid of this process. Much pains were taken with Mr Anderson to soothe him, but he was not a man to be either cajoled or intimidated. Neither party in the Presbytery cared to proceed to a sentence—it being difficult to say how far their powers extended, and this was not the time to overstretch them. After both parties had been fully heard, the matter was referred to the General Assembly, when it was by consent of all parties

¹ He called Lord Kames Sopho, and Mr Hume the Esquire. Never was a judge treated with less respect. "Though," said he, "an ass may be arrayed in senatorial robes, he will not cease to be an ass." Ribaldry like that was injurious to the cause of truth and virtue.

smothered.¹ But an Act was passed testifying the Church's abhorrence at infidelity in every form, and exhorting the clergy to use their utmost efforts to stem its progress. Like most other processes against heresy, this attempt did no good to the cause of religion. On the contrary, the two culprits were more caressed and admired than ever, and by none more than by the moderate clergy, who took care to disclaim the principles of the one, and to apologise for those of the other. It was even pretended that Lord Kames was chiefly reprehensible for pushing the doctrine of Calvin too far.² In a word, this rash and feeble attempt to check the progress of freethinking, convinced the philosophers of Edinburgh that they had no longer anything to dread from the Church courts.

¹ Dr Blair of Edinburgh wrote observations on Anderson's analysis of the books of the two philosophers, which had been circulated with great industry among the ministers of Assembly. The Doctor pled guilty so far as related to Mr Hume; but complained of the bad spirit of the prosecutor, who, he alleged, had not quoted Lord Kames's essay justly, or had drawn conclusions from them that were not justified by the premisses.

² A number of years after, a Mr Pirie, an anti-Burgher professor, whom the Burghers had excommunicated for heresy, recommended Lord Kames's essays to his students, as containing the best solution of the doctrines of predestination and free-will. He was prosecuted for recommending the works of an atheist. Pirie made a strong defence. Whatever, he said, might be his lordship's sentiments with regard to revealed religion, no man who dwelt so much upon *final* causes could be an atheist; and he contended that in certain points he was perfectly orthodox. The poor man was, however, deposed, and once more excommunicated. He printed a very ludicrous account of his co-presbyters, who, he alleged, had condemned a book which few of them had ever read, and fewer understood. Lord Kames told me he wished to have done something for Pirie; but though he sent him repeated messages, he would not come, having joined the Presbytery of Relief, who would not have relished any connection with his lordship.

Patrick Lord Elibank, though older than some of the literary men spoken of in the last section, was, however, little known in his own country till after the Rebellion (1745). He was bred to the law, but after continuing a few years at the bar, he exchanged his gown for the sword. At a time when military promotion was exceedingly slow, he served long enough to be a field-officer, in which capacity he served at the siege of Carthagera. After the failure of that expedition, he returned to Europe, and having married a lady with a great fortune, quitted the army in disgust. Being now in affluent circumstances, he returned to his native country, where he naturally associated with the men of law who had been the friends and companions of his youth. As some of them were beginning to make a figure in the learned world, it proved an additional bond of union; for though too lazy to be an author, few men were better qualified to co-operate with them in their pursuits. His lordship had more learning than most men of quality, and an original way of thinking which scorned all control. Such was the exuberance of his wit and fancy, that he seldom failed to throw additional light upon every subject.¹ And what served

¹ He appears to have derived his mercurial turn, which sometimes bordered on insanity, from his mother, whose father, George Stirling, was born at Park of Keir, and was afterwards an eminent surgeon at Edinburgh. It is said she outdid his daughter, Lady Johnston, in her eccentricities. While a young woman, a person who was deeply in love with her told her one day that he was ready to lay down his life for her sake. "Oh," said she, "I do not believe you would part with a lith [joint] of your little finger for my whole body." Next day the gentleman returned, and presented her triumphantly with the

to endear him to them, his views and sentiments coincided exactly with the spirit of the times. Far from being wedded to established systems, he was as fond as any philosopher of the age of striking into unexplored paths which had nothing to recommend them but novelty and fashion. Indeed, such was his eloquence and ingenuity in conversation over a bottle, that one would have concluded truth to be the paradox, and a paradox the truth. If he had too much genius and too much pride to assent implicitly to the propositions of his learned associates, that was no cause of quarrel among men who looked upon difference of sentiment in speculative opinions to be a matter of little moment, further than as it afforded them scope for friendly argumentation. So fascinating and lively was his discourse, that he shone as much in a drawing-room of ladies as in a society of *literati*.

For a number of years Lord Elibank, Lord Kames, and Mr David Hume were considered as a literary triumvirate, from whose judgment, in matters of taste and composition, there lay no appeal.

joint of one of his little fingers. How was he confounded when she gave him a peremptory refusal! "for," said she, "the man who has no merey on his own flesh will not spare mine!" In his younger days it was the custom for young ladies to be examined in church upon the Assembly's Catechism. She was called up by the minister, under the name of Betty Stirling, and answered the questions put to her with some commotion. She immediately went home to her father's house, where the minister had been invited to dine, and ordered the maid to take the roast from the fire. "Filthy fellow!" said she; "he might have called me Mrs Betty, or Miss Betty; but to be called *bare* Betty is insufferable." She was, however, called *bare* Betty as long as she lived. I had these anecdotes from Mrs Abercromby of Tullibody.

None was more desirous than the first of these of bringing forward young men of genius and spirit. He was the Mæcenas of some of the young clergy who afterwards figured very high as authors and orators.¹ At his house they saw the best company in the kingdom, and drank deep draughts of liberality of sentiment. At his table they learned not to boggle at things which would have startled their fathers. What was most extraordinary, they persevered in their intimacy with his lordship after they became eminent and independent. Whilst they professed to venerate him as their friend and patron, he used to preside with no less glee at their *docta symposia*, where, by all accounts, he outshone them all in point of wit and information, and over his cups he sometimes threw out hints at random, which his philosophical friends picked up and made their own without acknowledgment. As he was no professed author, and accounted an excellent critic, the wits of those times submitted their works to his judgment, knowing he would spare no pains, and suggest topics which it behoved them to attend to. What a pity that so much genius and knowledge should have evaporated chiefly in talk! His letters, and a few slight tracts, showed that nothing was wanting to make him an admired writer but application and an ambition to excel. Spite of his shrill squeaking voice, he had fine talents for public speaking. As his rank precluded him from practising at the bar, and he

¹ When well advanced in life, he used to say with exultation—perhaps with a little spleen—“It was I that first brought forward those *lads*.”

was never one of the sixteen peers, he had few opportunities of displaying his eloquence unless in the *Select Society*,¹ of which he was one of the original promoters, as well as an active member. Though not a frequent speaker, such was the boldness of his topics, and such the brilliancy of his caustic wit, that he was listened to with as much attention and applause as Mr Wedderburn, now Lord Loughborough, and Principal Robertson, two of the greatest orators of the age.² Towards the end of his life, he used to take a considerable share in the debates at the India House, where he was well heard. During the reign of George II. Lord Elibank kept aloof, being a professed Tory, if not a Jacobite, in his talk. In that situation he had frequent opportunities of displaying his talents for raillery, at the expense of princes and statesmen. It did not interfere with the comforts of

¹ This Society, first formed in summer of 1754, consisted at first of thirty members—lawyers, clergymen, and scholars eminent for abilities. It had no affinity to the clubs that are composed principally of raw half-thinking lads; for, beside a happy mixture of youth and age, it could at its institution boast of having for its members a set of the ablest men Scotland ever produced. It proved, therefore, an excellent school for eloquence. So long as the Society continued *select*, it flourished; but its celebrity proved its ruin, a seat in it being courted like a place or pension. Its numbers were overaugmented.

² He sometimes spoke in a very animated manner in county meetings. His neighbour, Lord Prestongrange, claimed an exemption from turnpike, which his lordship strenuously opposed. Some of his own party having asked what funds they had to carry on a lawsuit—"Why, gentlemen," said he, with more wit than decency, "have we not the rogue-money?" When the cause came to be determined, Lord Prestongrange very unadvisedly used some liberties with the noble lord, who slipped into court from among the crowd, and in an unpremeditated speech refuted the charges against himself, and retorted upon his antagonist in a vein of irony which made a much deeper impression than the solid sense of the other.

society; for there were in those days many amiable, able people of the same sentiments in politics. Nay, the friends of Government were sometimes much entertained with his lordship's lively eccentric sallies on that subject. Never was more liberty of speech allowed to the depressed party,—actions, not words, being the object to which the ministers of State in those times directed their attention. Upon the accession of George III., this noble lord, with many of his brethren the Tories, professed much loyalty and affection for the young monarch. In the beginning of Lord Bute's Ministry, it was resolved to bring Lord Elibank into the House of Peers. Although he was likely to have done honour to his country as a forcible and pleasant speaker,¹ the design was relinquished in consequence of the remonstrances of some noble lords—to say nothing of a very severe well-founded sarcasm on his lordship's principles in one of the 'North Britons.' To conclude, Lord Elibank had an abundant share of those graces and infirmities which accompany original genius and exuberant wit. He was, it must be confessed, somewhat of an epicurean in principle and practice, but he deserves to be recorded as a zealous promoter of polite literature among his countrymen. He lived to a good old age.

Andrew Pringle, Lord Alemoor, was one of the most respectable men of law in his time, it being

¹ It was said at the time, with what truth I know not, that it originated from Mr John Home, then in high favour with Lord Bute.

difficult to say whether his head or his heart was sounder. I regret my being very imperfectly acquainted with the story of this good man, whom I know chiefly from his appearances at the bar and on the bench. He was the son of Lord Haining,¹ who, with a very slight knowledge of law, had been made a judge by the interest of potent friends. His affairs having gone into great confusion, his son, with more piety than prudence, became bound for a great part of his debts when little more than of age. If it made him apply closely to business, it involved him in difficulties from which he could not extricate himself till late in life. I cannot tell whether he studied at home or abroad, but he proved an excellent civilian. The first thing which produced him to notice was his being counsel for the Crown in the claims upon the forfeited estates, which were many and complicated. This he owes to the friendship of Mr Grant, the Lord Advocate, who entertained a very high and just opinion of this gentleman's parts and discretion. In that department he got a great name and much money. What was of no less importance, it recommended him to the practitioners of the law as an able and assiduous lawyer. His pleadings were elegant, nervous, and impressive, though his manner was cold and unanimated, and he seldom raised his eyes from the ground.

¹ Though no scientific man, he had plain sense, and was neither timid nor indolent in doing his Outer House duty. He would sometimes tell the lawyers—"Gentlemen, I will give the cause a *rackless chap*; but if you do not like my interlocutor, go to the Inner House."

No man seemed to depend less on flowers of rhetoric or powers of imagination ; for his language was chaste and unembellished, yet energetic, from the weight of his matter. So happy was he in his topics, and so fair and honourable were his views, that he became one of the ablest and most successful lawyers at the bar. Never did he appear to such advantage as when striving to regain a cause in the Court of Session, which had been carried against him, in the first instance, by declamation and rash assertions. Though his eloquence was less calculated to carry a jury by surprise, no man was better heard in the Court of Justiciary. His speeches to juries when Solicitor-General, breathed more the sentiments of a judge than of a public prosecutor impelled by his passions ; and hence he was likely to carry his point whenever he himself appeared to desire it. And he wrote and spoke with equal grace and force.

He even rose in reputation after being raised to the bench. In dignity of manners, and propriety of speech, he maintained a decided superiority over his brethren. His opinions were expressed in classical, unostentatious language — every word he uttered making a deep impression upon all that heard him ; so well were they weighed and digested, that the adding or taking away a sentence would have spoiled them. He was one of the few eloquent judges who appeared not to contend for victory but for justice. Indeed, keenness and copious argumentation savour more of the barrister than of the judge. In

no capacity did he shine more than as a Lord of Justice. In discharging that important branch of duty, he behaved with tenderness to unhappy prisoners, and with good manners to their counsel, without forgetting what was due to the majesty of the law. This was most conspicuous on the eircuit, where he was often called to preside. In entertaining the gentlemen who came to wait upon him, he behaved in a most gracious manner, without forgetting what was due to his place and character. There was hardly a gentleman of consideration in his county to whom he had not something appropriate and pleasing to say. Yet, with all his mildness and courtesy on and off the bench, when lawyers or agents failed in respect to the Court, or in point of morals, he reprov'd them with a spirit and force which cut the deeper that he never made use of passionate, intemperate language. On these occasions he made full use of his large black eyes, darting an indignant look at the culprits, who felt more abashed at his elegant reprehensions than they would have done had he dealt more in the asperity of invective.

A man so honourably and usefully employed had no leisure and little inducement to write books, though nobody doubted that he might have figured in various departments of literature had that been the object of his ambition; for his law papers, though hastily written, bore marks of elegance and energy. With the leading *literati* of the times he lived upon a friendly footing, without appearing to take any share in the

religious or philosophical controversies which attracted the attention of the learned world. I cannot even pretend to say what his sentiments were upon these subjects. It is sufficient to say he was no broacher of novel opinions.

How he came to miss the highest office of the law, may be more easily accounted for, than excused in the statesmen of the last and present reigns. It was the general wish that he should have been placed at the head of one of our supreme courts of justice. Setting aside the authority of such a President, his manners would have had the happiest influence on the Bar and Bench. If ever a Scotsman seemed born with talents to be Lord Chancellor of England, it was Lord Ale-moor. His wisdom and integrity, his rich and comprehensive mind, superior to passion and prejudice, would have enabled him to discharge with dignified integrity the arduous and delicate task of softening the rigour of the law upon considerations of equity, on which one enlightened upright man can judge more soundly than a number.

In the year 1769 he resigned his Justiciary gown upon a pension, which nobody grudged him, further than that it served as a precedent.¹ Though he had too much spirit and sense to make any complaint, it

¹ He made a beautiful villa at Hawhill, near Edinburgh, in which he took much delight, and where he appeared to great advantage as a host in the company of a few easy friends. Everything bespoke elegance and propriety. It must not be omitted, that the first grape-house in Scotland was erected by him at this place. Nor have any of the after ones been more productive, none more admired.

was believed he was much hurt at not being made Lord Justice-Clerk on the death of Lord Tinwald or Lord Minto. Indeed his health was then so bad and precarious, that he was frequently unable to do his duty as a judge. From an early period of life he had been generally affected with a hereditary gout, which broke his constitution and enfeebled his limbs at the very season when other men are most vigorous and entire. Nor was he inclined to alleviate the pains and effects of that dreadful disease by temperate and steady regimen ; for in his intervals of health he was too much addicted to the pleasures of the table, being fond of dressed dishes and generous wines, which only added fuel to the flame. It often happens, indeed, that men who abound in intellectual taste and acumen are too much disposed to indulge their palate without attending to consequences. The fits became, of course, more frequent and acute as well as more debilitating. Nature being exhausted, he breathed his last in the year 1774, exceedingly lamented by his countrymen, who considered his death, which occurred some years short of threescore, as premature.

Robert Dundas, the second Lord President of that name, filled the office of Solicitor-General when the Young Chevalier landed in the Highlands. The outlines of his life may be seen in the Transactions of the Edinburgh Royal Society. Yet, by way of connecting the thread of eminent lawyers, I shall make some observations on the general strain of his character and conduct as a public man. He is one of the very few

who have succeeded at the bar when born to a good estate. In that, however, he was actuated rather by ambition than the hope of lucre.¹ But be its motive what it would, it was no less meritorious than uncommon to see a young man of spirit, passionately fond of company and pleasure, applying closely for years to the dry and toilsome study of the law. His father gave him an excellent education, which would have suited a statesman or senator fully as well as a barrister. After attending the College of Edinburgh, he was sent first to Utrecht and then to Frankfort, to study civil law under very eminent masters. He was afterwards directed to travel through France, and made a considerable stay at Paris, that he might study men and manners as well as books. If he did not pass lawyer till five-and-twenty, it was on the whole no disadvantage to him, as it allowed his faculties time to expand and ripen. From the very outset he was set down as a man who bade fair to be an honour both to his family and to his country.² So well did he acquit himself at the bar, that, upon the fall of Sir Robert Walpole, he was pitched upon to be Solicitor-General. Though his father stood high in the esteem of the new Ministry, he would hardly have ventured to promote his son at so early a period had

¹ One day, while yet a student, the late Mr Abercromby, who was often at Arniston, proposed to Mr Dundas to take another day's hunting before they should return to Edinburgh. "No, George," answered he, "that would interfere with my plans : I must go and study hard, else I shall never be Lord Advocate, which is the great object of my ambition."

² According to Dr Finlayson's information.

not the young man been distinguished not only for parts, but also for an application to business very rare at his time of life. Nor could a young King's Counsel have had a better instructor than Mr Craigie, the new Lord Advocate, who was a learned, candid, wise man, and entitled, from his long experience and success in business, to temper the fire of youth, and to point out a happy mixture of temperance and steadiness in doing the business of their royal master. And from what I have heard from his contemporaries, he did not disappoint the sanguine expectations formed of him by his friends; for at a time when party ran high, his conduct in office gave much satisfaction.¹

In December 1745, upon the removal of the Marquis of Tweeddale, Mr Dundas was deprived of his office, which was bestowed on Messrs Haldane and Hume, neither of whom was equal to him in parts or eloquence.² The change of Ministry was generally applauded, for though well-intentioned men, they were not considered as great or provident statesmen.³ If

¹ Nor was this the only part of Mr Dundas's good fortune; for about the time he was made Solicitor, he married Miss Baillie of Lamington, a lady of amiable manners, and heiress to a very good estate. Whether he owed this match to his friends or himself is not material, for he was at that time a very handsome accomplished man, much respected. An aunt of his mother's always called him that *high-sprung aiver* [horse] the Solicitor.

² In a debate in the General Assembly some time after, Mr Dundas called Mr Hume, who had spoken a little before, his *half* successor. "Ay," said the other, who was a dull, hot man, "and your better half, too, sir." "Why," replied Dundas, "I leave you to settle that point with Mr Haldane."

³ Mr Mitchell, afterwards Sir Andrew, on being appointed under secretary to the Marquis of Tweeddale, begged a literary club to excuse him if he should be less punctual in attending. "Gentlemen," said Quin, one of the members, "that reminds me of what once passed aboard a man-of-war. The

that event abridged Mr Dundas's income and dignity, it taught him to trust henceforth more to himself than to the friendship of ministers of State. In fact, as he did not relax his industry, or discover any bad humour on being turned out, his practice continued to increase every year. If neither a philosophical lawyer, nor so great a feudist as his father, he had enough of science to make him a useful and accomplished pleader. "His eloquence," says his biographer, "was copious and animated. In argument he displayed a wonderful fertility of invention, tempered by a discriminating judgment, which gave, even to his unpremeditated harangues, a methodical arrangement. In consultation he possessed a quickness of apprehension beyond all example; and his memory, which was most singularly tenacious, enabled him to treasure up and to produce instantaneously every case and precedent which was applicable to the case before him." He shone particularly in pleading upon the import of proofs where it was necessary to appeal to the feelings of the judges and the audience; and he seldom failed to excite sentiments of pity or indignation, according to the circumstances of the case. The impassioned strain of his speeches gave additional force to his arguments. And as he bore a high character for honour and probity, and was believed incapable of doing anything mean or unbecoming, he had the good fortune to be thought

captain asked a sailor what he was doing. 'Why, nothing, please your honour.' 'And what may you be about?' said he to another. 'Helping John, sir.'"

sincere in what he said. At this period he led a very rational life. His own practice and his lady's fortune enabled him to live more fully and splendidly than most men at the bar, in or out of office. His company was numerous and respectable, and none drank a greater quantity of genuine claret. This, joined to the ease and kindness and affability of his manners, gave him a great sway in the Faculty of Advocates. In 1746, when only a young lawyer, he was elected Dean of Faculty in place of Mr Graham of Airth. Though not an office of profit, it placed him next to the Lord Advocate in rank. He continued to hold it till his elevation to the bench.

When, in 1754, Mr Grant accepted of a double gown in reward of his faithful services, he was succeeded in the office of Lord Advocate by Dundas, who a little before had been elected member of Parliament for Mid-Lothian—an honour he might have had much earlier, had it suited his plans, which were all directed to the higher offices of the law. Though it was an arduous task to come after a man of first-rate abilities, matured by experience, his successor lost no reputation in that important station. It was perhaps fortunate for him that he was not called to it sooner; for perturbed factious times might have inflamed his warm impetuous temper, and led him to be over-stern and severe. But by the time he came into office, party rancour was fast abating, and the disaffected began to lose all hope of a revolution in their favour. Although the new Advocate had no call to carry on those prosecutions

against the Jacobites—which revolt the nature of a generous - minded man, and render him somewhat unpopular, be he never so guarded—yet both he and the Jacobites spoke their accustomed language. While they vilified and reproached a set of the ablest and best-intentioned Ministers their country had ever seen, he and the officers of State never missed an opportunity of expressing their contempt and detestation for the principles and politics of the disaffected, who wished to subvert both Church and State. Yet as those harsh words were not accompanied by deeds, the party against whom they were directed came at length to consider them as *bruta fulmina*, the language of office. Meanwhile, from the dread of a repetition of the calamities inseparable from civil war, the reins of Government were kept at full stretch, when its enemies were least disposed to give it any disturbance and opposition. In a word, the period when Mr Dundas was Lord Advocate was, upon the whole, a most auspicious one, there being no call for severity or vindictive measures, which often defeat their own purpose. As at home all was peace and prosperity, not too dazzling, so, before the conclusion of it, the nation unexpectedly rose to a pitch of glory and greatness—perhaps too great for human virtue. It delighted people of all parties, and contributed to reconcile the disaffected to their rulers. At no period perhaps since the union of the Crowns was the political horizon of Scotland more calm and unclouded than from 1754 to 1760.

Yet even in that prosperous season, when party seemed almost extinguished, both in Parliament and out of it, the Lord Advocate met with much obloquy for opposing the establishment of a militia in Scotland. The failure of Thurot's expedition,¹ which was supposed to have been intended against Scotland, was the ostensible cause of bringing in a bill for that purpose. It was conducted by Messrs Oswald and Elliot, and supported by a great part of the Scottish members, who did not care to give offence to their constituents towards the end of a Parliament. In the House of Commons, the Tories and the Prince of Wales's friends, who were beginning to look forward to a new reign and new measures, promoted it with great zeal. And what was still more extraordinary, the Scottish philosophers and Jacobites were exceedingly keen for that measure. Though the most sensible part of the gentry did by no means approve of bringing a burden on their country, which the English felt very severely, they were in general passive; while the friends of the bill, who were active bustling men, were indefatigable in procuring instructions to members of Parliament. These meetings were attended by a number of Non-jurors, who for many years had made no public appearance. A combination so motley and unexpected, to promote a very questionable measure, was not likely to meet with the countenance of the Lord Advocate,

¹ [Thurot's (O'Farrell's) little armament, after plundering Carrickfergus, made an attempt on the Isle of Man, where he was killed, and his squadron captured by three frigates under Captain Elliot, Feb. 28, 1760.]

who was not more fond of the Edinburgh philosophers than of the English Tories and Scottish Jacobites, whose conjunction with the Leicester House *junto* he considered as ominous. When the bill was read in the House of Commons, it gave occasion to a very spirited debate, in which Oswald and Elliot on the one side, and Mr Dundas on the other, distinguished themselves. But as the old Whig families, or the Newcastle party, were hostile to any measure which the Tories befriended, it was thrown out by a great majority. The weight of the odium fell principally on the Lord Advocate, who, among his other topics, deprecated the policy of putting arms into the hands of the disaffected, who might make a bad use of them in case of insurrection or invasion. If his lordship made use of too strong language upon that occasion, he said no more than had been said by all the servants of the Crown ever since the Rebellion. He did not know that by this time the Jacobites had resolved to abandon the abdicated family; but as he did not fear their resentment when united, so he was not disposed to court a reconciliation with them. The shafts of art and irony, which the literary *junto* directed against him,¹ did not make a strong impression upon his manly mind. People wondered that a bill, seemingly so popular and acceptable, should not have been brought in when the Earl of Bute and the Tories became all-

¹ In the history of 'Margaret or Sister Peg,' the Lord Advocate was satirised by the name of *Rumbo*. Though written by Dr Ferguson, it was supposed he got many hints from Lord Elibank and his set.

powerful with their young sovereign, who made great change among his grandfather's old servants. But I remember it was alleged that Oswald and Elliot, the original promoters of the measures, had totally changed their opinion of it, and dissuaded their friends in Scotland from thinking any more of a plan which the English began to regard as a very heavy one. It required very little acquaintance with the common Scots not to be persuaded that, at whatever time a militia should be established among them, it would be attended with mobbing and ferments which no wise Administration should ever provoke. The same purpose may always be served by fencible regiments, levied chiefly among the Highlanders—a people fond of arms, and less likely to be spoilt by a military life than Lowland ploughmen and weavers.¹

A few months after he was made President of the Session, in the room of Mr Craigie. To that office, when vacant, it is understood that the Lord Advocate for the time has right. Lord Alemoor was the only person who could have disputed it with him; but as he had very little connection or interest with the Scottish or English Ministers at that period, he had too much sense and spirit to solicit an office which he was morally certain would be refused him. In truth, a better choice could not have been made. Mr Dundas even outdid the most sanguine expectations of his friends and admirers; for they were afraid his

¹ [For an interesting account of the militia agitation, see Carlyle's *Autobiography*.]

love of society might prevent him from giving that intense and continued application which the state of the Court at that juncture rendered indispensable. But from the moment he took the chair, the public felt agreeably surprised to see a high-spirited, lively man bending his whole attention to the discharge of his duty. By adhering to a few plain rules, which had the hearty approbation of his ablest colleagues, he not only restored the dignity of the Court, but went through business with an ease, and spirit, and acuteness which gave satisfaction to men of all parties. The oldest practitioners hardly believed it possible for his father, in his most vigorous days, to have discussed the long roll in double the time he took. At his admittance it was more than two years behind, owing to the enormous number of petitions against the interlocutors of the Lords Ordinary which had been ordered to be answered. The slow pace with which the late President had proceeded had given general offence, and was one of the few grievances of a happy period. To the astonishment of everybody, his successor got rid of this prodigious arrear in little more than three sederunt months, whilst none had reason to complain of the judgments being precipitated by the President's zeal to get forward. This herculean task could not have been achieved had not a very strict discipline been observed. Counsel and judges were kept strictly to the point, and everything which had the semblance of bad humour checked in the bud. Yet he behaved with good-breeding to the

Bar, and with dignified courtesy to his brethren, whilst he made every one sensible of the respect that was due to the chair. As much speaking had been the chief infirmity of Mr Craigie, who was otherwise an able, well-intentioned man, the new President was at great pains to procure a reformation in that point, without giving offence to such of his brethren as were fondest of hearing themselves speak. He soon persuaded them that the prolixity with which some of them had been accustomed to deliver their opinions in matters great and small had been one of the principal causes of throwing the ordinary business so far back; and therefore he suggested that, besides brevity, not more than two or three should speak unless there was something dark and perplexing. By that means they should get through double the business as much to the satisfaction of parties as if every judge had spoken *seriatim*. This answered so well that, as soon as he saw the sense of his brethren, he either put the question, or sanctioned their opinion by a few remarks, which discovered much shrewdness and a thorough knowledge of the matter at issue. To accomplish his favourite object he often kept the Court sitting till three or four in the afternoon,¹ which was two hours more than common. Everybody submitted cheerfully to the inconvenience, in respect of the good it was to do. Nor was despatch confined to

¹ Before his promotion the dinner-hour of people of fashion was three o'clock, and that of writers, shopkeepers, &c., two, when the bell rung; but his late and irregular hours made the ladies agree to postpone their meal till four.

the Inner House, where his precepts and example operated powerfully, for a number of the Ordinaries seemed to vie which of them should be most painstaking and prompt in their decisions. As three-fourths of the business of Scotland is done in the Outer House by single judges, this was of infinite service to the lieges. It was, I well remember, the opinion of professional men, in the years 1761 and 1762, that if this gentleman was not the most profound or scientific lawyer of the age, he was the most efficient and useful President that had appeared since the Revolution. Less disposed to play the orator than Forbes, less warped by blood and friendship than Dalrymple was reputed to be, not so captious, and much better bred than his father, more dignified and decisive than Craigie, he did more business in the same space of time than any of them, without laying an intolerable burden either on his brethren or the men of business, who contended who should praise him most. He assuredly was not the worse judge, that he trusted much more to common-sense than to metaphysical subtleties, which he held in great contempt.

Perhaps the character of the Court of Session, in point of ability, integrity, and despatch, never stood higher in the opinion of all ranks of people than it did for some years after Mr Dundas was made President. As all men were of the same opinion with regard to him, so a great proportion of the other judges bore a high character for virtue and talents. However much they might differ in lesser matters, it appeared to be

the ambition of one and all of them to do their duty conscientiously. As the voice of party was no longer heard, and all men seemed to have the same views then, there was no reason to expect a repetition of those party broils which had convulsed the kingdom, and extended their baneful influence to the courts of justice. But ere long these flattering prospects were clouded, first by the Douglas Cause, and afterwards by the fabrication of nominal and fictitious votes. Both the one and the other did unspeakable mischief, and made great liberties be taken with the character and conduct of particular judges. The Court was so much split into parties in the first, that every one could judge with tolerable exactness how each of them would vote. Through the whole of that tedious process, which was carried on with unprecedented virulence, the President behaved with great impartiality, voting sometimes with the one side and sometimes with the other, according to the circumstances of the case. It was by his casting vote that Mr Douglas was put in possession of that princely estate, without which he could not have carried on that expensive litigation. When the cause was ripe for decision, it was well known how every judge would vote, except the President and Lord Kennet. And therefore, when the former gave his opinion against Mr Douglas, and afterwards his casting vote, the Court being equally divided, it is inconceivable how much he was reviled in every company by the friends and partisans of that gentleman, who were a great majority of the people

of Scotland.¹ But surely a large proportion of them were very incompetent to decide upon a matter so dark and involved that judges of the best sense and purest intentions might see things in a very different light.² Nor was the malice of that party confined to words, for during the rejoicings and illuminations, occasioned by the reversal of the Court of Session judgment, a lawless mob was set on to assault the Lord President's house in a most disgraceful manner. This treatment to a judge, whose conduct merited the gratitude and veneration of his countrymen, was not more unaccountable than the strong interest which the great body of the people took in Mr Douglas's success. It was at least more harmless and less mischievous in its consequences than the convulsions which at that time agitated England respecting witches, who were generally detested and despised in Scotland.

The fabrication of *Parchment Barons*, as the new-fashioned voters were called, cut exceedingly deep indeed, being of a more permanent and inflammable nature than any private cause. In many countries elections did more to poison the peace of society than the dregs of a civil war. And as it neither sweetened the temper nor improved the morals of country gentle-

¹ Somebody asked Boswell why all the people of *extraordinary* sense were Hamiltonians? "I cannot tell," answered he; "but I am sure all persons of *common* sense are Douglassians."

² A set of boys having hooted at the President when going in his chair to the Court, the last day of the Session, the Judges, the Provost, the Lord Advocate, and the Commander-in-Chief walked home with him. The procession was much laughed at, as implying want of nerves in a strong-minded man.

men, its vile effects extended to the Court of Session, where the judges were much divided on the subject. In the first stages of the business, the Lord President and a majority of the judges were decidedly hostile to these votes, which they regarded as palpable evasions of a plain and well-drawn statute. Had not their repeated decisions been constantly reversed by the House of Lords, the evil would soon have been nipped in the bud. What a pity that so exalted and amiable a character as Lord Mansfield should have all along supported those shameful fabrications, which were a great temptation to perjury! It was evidently his purpose in those decisions to extend the right of suffrage to persons who derived their sham titles from peers or great commoners. But as the first could not vote either by themselves or their delegates, so the constitution confined the latter to a single suffrage, be their property never so great. In consequence of consecutive decisions in the House of Peers, the President was forced to give the *Parchment Barons* more quarter, it being apparent that they would prevail in the *dernier ressort*, be the decision of the Court of Session what it would. That, however, did not hinder others of the judges¹ from opposing these votes on every occasion. It is more difficult to vindicate the Lord President for taking a very keen part in some contested elections in which he had no natural interest. It would be indelicate to enlarge on this

¹ Lords Kames and Auchinleck persevered to the last in reprobating those votes.

topic, but the thing was notorious. The brighter any character is, the more perceptible are the little specks that bedim its lustre occasionally. And with the exception of a very few, his brethren¹ were more or less infected with this mania. It was indeed the sin which most easily beset the people of those happy times; and was the more absurd and inexcusable that people quarrelled with their neighbours, and often incurred a heavy expense, when neither the one side nor the other had, or pretended to have, any great or good object in view, like the Whigs and Tories of the former age. All of them professed much loyalty to their sovereign and *entire* satisfaction with the Ministers, at the time when the pretended patriots of England were moving heaven and earth to clog the wheels of government. The gratification of family pride or of upstart wealth were the ostensible causes of those hot contests, though the real purpose of the political bustlers was to obtain a large share of the loaves and fishes. Meanwhile it seemed to be the general wish that the judges of our supreme courts should be excluded by statute, or exclude themselves, from voting or intermeddling in elections; for let them act as cautiously as possible, they will give offence. Nor will the public be convinced that a spice of party does not follow them to the seat of judgment. I have lived to see this mania defeat itself, all men seeming to be ashamed of it.

Sir Thomas Miller, who succeeded that gentleman

¹ Lord Kames was the chastest and most correct of the whole.

as Lord Advocate and President of the Session, was a young lawyer of great expectation when the rebellion broke out. He was one of the first in our time who rose to the highest dignities by professional merit, without parliamentary interest, or being pushed on by some ruling statesman. And it is no less to his honour that he passed through life with an unsullied reputation, almost without having an enemy.

In 1753, when I first knew the Court of Session, Mr Miller had good practice for his standing, being esteemed a rising man. As he had confessedly fine talents for business, the candour and courtesy of his deportment rendered him very popular. If somewhat awkward in his address, his mind was so rich that his pleadings were listened to with the highest satisfaction by all that heard them, in respect of the clearness and ingenuity of his reasoning, combined with a masculine eloquence, which stood in no need of flowers of rhetoric. He soon approved himself an excellent civilian and feudalist, avoiding that subtlety and those rash crotchets which people either spied, or affected to spy, in some of the great lawyers of those times. He never shone with more lustre than in causes where the law and the fact were so interwoven that it was necessary they should mutually support each other. In summing up evidence in a civil cause, or addressing juries in matters of life and death, he never failed to bring forward, with great skill and judgment, a train of circumstances which made a deep impression, as they appeared to bear the

stamp of truth and honour. At the same time, he was more remarkable for his insight into human nature, and the springs that actuated the heart, than for his knowledge of the world, which was very limited.

No wonder, then, that he should be made Solicitor-General in the room of Lord Alemoor; and in less than a year he succeeded Mr Dundas as Lord Advocate, there being no Ministerial lawyer entitled to compete with him. He was then little more than forty-three—a speedy rise, everything considered. It was the more to be prized, that it was one of those periods in which wise and good men would wish to have lived and enjoyed the favour of their sovereign. There was, indeed, nothing to ensnare the virtue or inflame the passions of an officer of State. The office of Lord Advocate was at that time more easy and acceptable to a humane generous man than it had been for a hundred years back. There were no conspiracies to be unravelled, no religionists to be controlled; Whigs and Jacobites, Episcopalians and Presbyterians, professing high reverence, if not loyalty, to their young monarch, though not entirely pleased with his favourites. Of course, the Scottish officers of State were relieved of a heavy load of business and responsibility, which had fallen to the share of their predecessors. Government seldom intermeddled in elections, leaving the great families to settle those matters. The new Lord Advocate had, therefore, little to do but to prosecute criminals and defaulters

of the revenue, which he did with a fairness and moderation which raised his character and served the Crown more effectually than if he had been more rigorous and overbearing. It was likewise his province to attend to the interests of Scotland in Parliament, a trust which he faithfully discharged; but though a good and weighty speaker, he had little share in the acrimonious debates which took place for years respecting Wilkes. Whilst every considerate man that wished well to his country reprobated the conduct of that unprincipled incendiary and his supporters, from many of whom better things might have been expected, Mr Miller, who had been bred a Whig, was probably not courtier enough to relish the triumph of the Tories. He must have seen that that was the real cause of all the bad humour which appeared in and out of Parliament, the consequences of which the wisest man could not foresee or calculate. When a bill was brought in to repeal the Stamp Act, he opposed it with great force and maintenance, although it was supported by his Majesty's confidential Ministers. To judge from the effects they produced, it is difficult to say whether the passing of the Act, or the repealing it, was most unwise and mischievous. It was, however, unexampled and portentous to a Ministry to see a Lord Advocate for Scotland and the members of the Cabinet on opposite sides in a great question. In reigns of greater vigour and steadiness, this step would have been highly resented, and punished with dismissal and disgrace. Instead

of that, a few months after, he was made Lord Justice-Clerk, on the death of Lord Minto, by an Administration whom he had thwarted in its favourite measure. It says a great deal for the magnanimity of its head—the Marquis of Rockingham—who could forgive a step which the most temperate of his predecessors would have considered as an overt act of defiance. It was said at the time that Mr Miller owed his promotion in some measure to the Duke of Queensberry,¹ who, having much of the king's ear, was at that time consulted in Scottish affairs. Nothing, however, can be a stronger proof of the high opinion entertained of that gentleman by those who then swayed the Court and Cabinet.

It was alleged that, as he advanced in years, he became somewhat indolent.² Whether that was owing to want of health, or other avocations, I cannot tell. But in the year 1781, being threatened with a consumption, he obtained the king's leave to go abroad, to try the effects of a warmer climate. The tour of France and Italy must have been a high intellectual feast to one who was an excellent scholar. What was of more consequence, he returned completely cured of his complaints, seeming to have got a new lease of life.³

¹ This was not the first instance of the Duke's friendship. By his interest Mr Miller had been elected member for the Dumfries district of burghs without trouble or expense.

² It was remarked that when the President was seriously ill, the Justice-Clerk, who commonly supplied his place, exerted himself with great industry, and delivered opinions worthy of his best days.

³ At Paris he met with great civilities from Mr Lumsden, a man of parts and letters, who had long been Prince Charles's secretary. Who would have

When presiding in the Court of Justiciary the Justice-Clerk appeared to be in his proper element. He had none of that curtness and earnestness to get fast on which are excusable, if not meritorious, in the president of a civil court, whose sentences are subjected to review and appeal. Without appearing to anticipate the facts of the culprit, he listened with deep attention to every argument which ingenuity could urge in their favour. He examined witnesses with acuteness and circumspection, never suffering leading questions to be put. Though well aware that offended justice required satisfaction, he knew that the vilest criminal was entitled to a fair and dispassionate trial. Nothing, therefore, pleased him more than to see full evidence of a prisoner's innocence; for in him it would have been a crime to connive at the escape of the guilty. Yet in the discharge of this unpleasant duty, he never uttered a harsh or taunting word, an indecency which some of his brethren were apt to fall into. By that time, however, a new style of defending prisoners was coming in, which in times of greater strictness would not have been tolerated.¹ Besides

believed, thirty years before, that this gentleman should have acted as cicerone to the Lord Justice-Clerk, dressed in a bag-wig and sword! His lordship used to tell, that when they first came in sight of Rome the coachman was so much struck, that he involuntarily stopped his horses, and for a moment or two nobody spoke. "Annie," said he, "saw you ever anything like this before?" "I think," answered she, "it has a look of Aberdeen."

¹ It began in the trial of the Ogilvies, in 1765, when Mr Miller was Lord Advocate. A pointed attack was made on one of the judges, and the rest were implicated in the censure in very exceptionable terms. An act of adjournment was made to repress such practices in the future, when fine or imprisonment would have been more to the purpose. The delinquents felt

using great freedoms with law and fact (a practice very ancient among lawyers), they were sometimes deficient in respect to the Court. As the law then stood, the prisoner's counsel spoke immediately before the jury was enclosed, nor were the judges understood to have title to interfere. What wonder, then, that bold asseverations and perverse ingenuity should sometimes induce half-learned, pragmatical jurymen to acquit culprits of whose guilt nobody entertained any doubt?¹ Nor was the benefit of this abuse of eloquence confined, as formerly, to the rich and well connected, for these gentlemen went sometimes most improper lengths for murderers and sheep-stealers, who had neither money nor friends. The Justice-Clerk, with all his gentleness and command of temper, felt often indignant at the bad spirit that began to appear among the lawyers. The more concern was felt that in a free country, where discipline of every kind was already much relaxed, it should be difficult to find a proper remedy; for reproofs and the sharpest remonstrances seemed to render them more uncandid and audacious. He found it, however, more easy to support the dig-

the elegant reproof of Lord Alemoor more than the invectives of the rest. He told them as wisdom ought to accompany old age, modesty and truth are the best ornaments of youth. It surely made no lasting impression on poor Crosbie, who was fast supplanting Lockhart in that branch of business.

¹ One day at Airthrey, soon after a fellow at Carron, who had barbarously murdered a young horse, was acquitted, the late Mrs Haldane said to Crosbie—"I do not think I ought to speak to you; but if you will say upon your honour that you believe the man innocent, I will forgive you." "Then, madam," said he, laying his hand on his heart, "upon my honour, I believe him to be guilty." The lady frowned, and was silent.

nity of the Court than to prevent juries from being misled by declamation. Before quitting that Court he promoted considerable changes both in eriminal law and in forms of proeedure.

In entertaining guests at the eircuit, he seemed to have hit the happy medium ; for he kept a handsome, plentiful table, and gave good wine, without running into excess or indeeorum. Having spent the best part of his youth at Glasgow, where he afterwards formed a very interesting conneetion,¹ he had insensibly aequired a considerable east of the manners of a plaee where he eonversed chiefly with mereantile and aeademical men, whose manners are not supposed to be of the most polished east. Of these he could not get quit when advanced to the highest honours of the law. To his praise, however, be it told, that if sometimes deemed *under bred*, he never was *ill bred*, or disposed to say a word to offend the meanest person in eompany ; nor did anything drop from him unbecoming his years and station.

Upon the death of Mr Dundas, he was, without the smallest hesitation, made Lord President, which is the summit of every lawyer's ambition. Though rich in abilities and virtue, he was then too old and too little active to discharge that very laborious office in the way he could have done twenty years before. At no period of life had he that quickness and peremptori-

¹ By the interest of Provost Cochrane, his first lady's grandfather, one of the ablest men Glasgow ever produced, Mr Miller was made Town-Clerk of that city, a lucrative office, which he held till appointed Justice-Clerk.

ness which had enabled his predecessor to despatch business with such rapidity and effect. He was too fond of speaking his sentiments at full length to think of enforcing brevity on his brethren. But he made a most respectable figure during the two years that he sat on that chair, being revered by both Bench and Bar.¹

At length, in the 72d year of his age, this good man was seized with a distemper which baffled all medicine, and carried him off in two days. He died at a very critical period, about six months after the king's recovery, whilst his country, which he passionately loved, was peaceable and prosperous, and when there seemed to be little risk of its being involved in the consequences of the French Revolution. As he had seen many happy years, it was not his fate to witness that train of evils and misfortunes which ere long blasted our fairest prospects.

James Burnet, afterwards Lord Monboddo, was at that period a young lawyer, better known from his singularities than from his practice. His father was a gentleman of moderate estate in the Mearns, where

¹ Trifling anecdotes sometimes give a better view of manner than finished artificial portraiture. A celebrated man of those times, who caught sentiments, as well as tones and gestures, not always in the most pleasing manner gave a ludicrous account of a conversation betwixt the two Presidents soon after Mr Miller took possession of his house in Brown's Square. On coming to drink tea in the dining-room after their bottle, Mr Dundas, looking at the paintings, said, "Eh, *Tom*, what is this? Green cow, red sheep, blue goats! D—m—d ridiculous!" The other, who was then Lord Advocate or Justice-Clerk, answered with great humility, "*My lord*, not understanding these things myself, I left it to Mr De la Cour who, I thought, was a man of taste and knowledge in the fine arts."

the family had been seated for ages.¹ The son was bred at Aberdeen, probably under Blackwell, from whom he seemed to have taken his passion for Greek, as well as his elaboration of talk. After attending a writer's chambers at Edinburgh, he was sent to Holland to study Civil Law and see the world. He valued himself not a little upon his education abroad, finding great, and perhaps just, fault with the modern style of breeding Scottish lawyers at home, where they consorted chiefly together, and had no opportunity of rubbing off their rough corners by conversing with strangers of figure and fashion.²

When I first knew the Court of Session, he was principally distinguished for his excessive admiration of the ancients, a passion for theatrical entertainments, and for his love of hunting and other manly exercises.³

¹ I have heard my uncle Manor, who was rich in anecdote, tell of a ridiculous adventure that befell Monboddo's father at the battle of Sheriffmuir. An English officer who had been stunned by a fall from his horse, perceiving, on his recovery, a gentleman on horseback near him, said, "Sir, I am your prisoner." "No," answered the other (who perceived the king's troops coming fast upon them), "I am your prisoner." "If that be the case," said the officer, "dismount, and I will protect you." Monboddo walked, while the other rode his horse, and carried him a prisoner to Stirling Castle.

² One day, expatiating on that topic in Court, and pointing out its bad consequences, several of his brethren claimed the honour of a Dutch education; but Lord Braxfield cut the matter short, by saying his son, Dundas, had studied law in Holland. When a young lawyer, he used sometimes to wear a hanger under his gown, which made John Campbell of Succoth—a man of great wit—say, "That of all arguments which could be used, the one Monboddo had under his gown was the most cogent."

³ When Digges and Mrs Ward—supported very ably—rendered in the Edinburgh Theatre a very interesting entertainment, Mr Burnet was a constant attendant, making it a rule to hand the ladies to their boxes as they came in. An eminent writer, who wished him well, put a letter into his hand from

His dress and discourse were in those days so much out of the common road, that it would have been surprising if he had been much in favour with the practitioners of the law. But though not much employed for a number of years, his pleadings and law papers, in a style perfectly his own, were allowed to be close, manly, and persuasive, taking a clear and comprehensive view of the matter in debate.¹

His oddities did not hinder him from being an acute, learned lawyer, ingenious and indefatigable in his researches. The more judicious men of business, whilst they denied not his talents, accused him of being sometimes whimsical, if not paradoxical. He was never disposed to give up any point of consequence because other people esteemed it untenable.² The Douglas Cause gave him an opportunity of displaying his parts both at home and abroad, and

a county client, saying he wished to retain Monboddo as his counsel in a case, till he heard he was become a master of ceremonies to the playhouse. To his intimacy with the players Maclaurin alluded when he reminded him of the laws against *ward-holding*. Considering he was short-sighted, it was wonderful how he escaped breaking his neck. His favourite horse was called Alburac. At a hunters' meeting at Perth, somebody compared him, with his stern visage, to one of the Prussian regiments of death, who, like him, were clad in black and mounted on white horses.

¹ I heard Lord Pitfour tell that in a cause keenly litigated—Cruives on the River Esk—Monboddo, then a young lawyer, happened, in examining the matter in dispute, to miss a foot and to fall into a deep and dangerous pool. While great exertions were making to save him, Scott of Brotherton, one of the parties, said, "Let him alone; the young man wants to go to the *bottom* of the cause."

² Everybody knows that when the other lawyers were staggered with the Hamilton proof, he continued steady and inflexible: and the event justified his opinion. In France he assuredly did not drop his singularities either in point of manners or sentiments.

was the chief cause of his being raised to the bench in spite of very powerful opposition.¹

Unfortunately for his fame and utility as a public man, he commenced author soon after he was made a Lord of Session. Book-making became his ruling passion, without a rival, almost to the day of his death; and, of course, his professional duty was only a secondary object, sometimes better and sometimes worse performed. It was observed that he paid more attention to the Inner House business than to that of the Outer House, where he tried various methods of shortening business,² which did not meet with approbation.

His private life bore some similitude to his public one, both bearing the stamp of honour and probity, yet accompanied with flaws and foibles which made him laughed at by people who had neither his knowledge nor his rectitude. His dress was as particular as his sentiments.³ He was a good husband and father, a good master and landlord; yet his love of manly exercise and detestation of effeminacy made him impose tasks of exercise on his children which,

¹ The Duke of Queensberry was his zealous friend, and the Hamiltonians his bitter enemies; but he refuted all their charges. Neither was the President much his friend.

² To save him reading long papers in Outer House causes, he did all by hearings; but a judge who has but one, or at most two hours a-week, and many causes, could do little in that way.

³ After returning from France he appeared in the assembly in a suit of white velvet, of which he was very vain, saying it would become the Chancellor of France. To the great entertainment of the company, he danced a minuet truly Dutch.

being beyond their strength, were supposed to have shortened their days.¹ There was nothing to hinder him to “throw up the sash in the morning,” to let the north wind play upon his “naked body,” or to anoint his body with oil, after the manner of the ancients. But there was no occasion to proclaim it to the world, when there was little hope of his making proselytes. Considering how much he read, and wrote, and rode, it is marvellous how he could be so much in company. Both in town and country, before and after being a judge, he lived fully and hospitably, grudging neither his meat nor wine where there was a prospect of pleasant discourse. Like many other judges and lawyers of that period, he launched out largely in improving his paternal inheritance; but though to him a source of much delight, it did not prove a profitable adventure. In company he was entertaining and interesting, often original, always well informed, and disposed to communicate what he knew. His observations on men and things were shrewd and pertinent, frequently eccentric, rarely malevolent, unless where particular characters were endeavoured to be supported. His favourite crotchets about the savage state, and the alarming diminution of the human race,² afforded at once room for ingen-

¹ His only son was much hurt by riding. In the terrible frost and snow of January 1784, he made Miss Burnet ride about the country. In a dreary day, coming from Dalhousie Castle, I heard him say they met but one traveller, who rode with his face to the tail to avoid the blast.

² Talking one day of diminution of stature in families, he said: “There is one of my brethren (naming him), who was a handsome stately man; but see

uity and mirth. Even in his highest glee, when most disposed to elevate and surprise (to borrow a phrase from Bayes), he never discomposed a muscle of his face, whilst his epigrammatic extemporaneous sallies of wit set the table in a roar.¹ A collection of his good sayings, after the manner of the *ana* of the *litterati* of France, would be an interesting monument of his wit and fancy. In a word, he was a character rarely to be met with in common life; being fitter for a comedy or novel than anything else.

With the wits and philosophers of those times he lived on rather civil than friendly terms.² The truth

how poor a creature the son is! Yet, strange to tell, the latter has contrived to beget something more puny and insignificant than himself!"

¹ The season before the Douglas Cause was decided, the Duchess sent him a fine haunch of venison, to eat which he invited a number of the judges and other friends; but when set on the table, it stank so much that it was instantly removed. Some days after, Mr Davidson, meeting him in the Parliament House, said: "Monboddo, this is a pretty use to make of the Duchess's venison and your wine. It is flat bribery and corruption." "*Master Davidson.*" answered he, "I confess much corruption, but no bribery." One night, in a large company, provoked to see the conversation engrossed by a silly lawyer, he looked him sternly in the face, and said, "More matter, fewer words, Master C."

² He had a very idle quarrel with David Hume, in his own house, because he thought young Mr Ferguson of Pitfour might be much better employed than in reading Eustathius's Commentary on Homer. As he had been exceedingly intemperate in his language to a man universally beloved, it was greatly resented by Mr Hume's numerous friends. He and Lord Kames had a sovereign contempt for each other's studies and works, when, in truth, they both deserved well of the learned world. They were so very dissimilar, that there ought to have been neither rivalry nor dislike. Not long before Lord Kames's death, the two met at Gordon Castle, both of them being in high favour with the Duchess. Sitting with her on a sofa in the drawing-room, Lord Monboddo roundly asserted that few of the moderns who had attained to celebrity could write with elegance and energy. Somebody reminded him of Lord Kames; but he replied that he did not think his brother any exception to the rule. The latter, seemingly much out of humour, made

is, he was as fond of novelty and paradox as any one of them, though their systems were very different.

If his whims afforded them abundant scope for railery, he never failed to retaliate in his own pointed way.¹ Whilst they undervalued him and his productions fully more than was proper, he spoke with equal irreverence of them and their effusions.² Instead of confessing their genius and powers, he affected to regard some of our fashionable writers either as sophists or men who had a very scanty knowledge of that ancient lore which, in his opinion, was indispensable to make one a scholar or an enlightened writer. These petty broils and jealousies show that philosophers and *belles lettres* men are not more sweet-blooded or liberal-minded than polemical divines. It will not be easy to vindicate his lordship from the charge of pedantry grafted on bigotry; but it must be allowed that his ingenuity was not inferior to his erudition.

Lord Monboddo's first publication would have been exceedingly well received, had it not been for the story of the men with tails, which was too gross for

a motion to get up, when the Duchess, to prevent a *bellum plusquam civile* between the authors, proposed they should dance a reel with her, which restored tranquillity to the company.

¹ One night, at the Select Society, the present Lord Chancellor [Wederburn, Lord Loughborough, afterwards Earl of Rosslyn], then a young advocate, having turned a theory of Lord Monboddo's into complete ridicule, the latter said: "Preses, the ancients roasted *above* the fire; the moderns roast *before* the fire; but, methinks, that young gentleman would fain roast without any fire at all."

² Soon after the 'Elements of Criticism' were published, Lord Kames met Monboddo, then at the Bar, on the street. "Well," said he, "have you read my book?" "I have not, my lord. You write a great deal faster than I am able to read."

monkish credulity to swallow.¹ It was truly mortifying to see a man of sense and knowledge persist long and strenuously in that absurd chimera. "Most men," said Dr Johnson, "endeavour to hide their tails; but Lord Monboddo is as vain of his as a squirrel." His ancient metaphysics, drawn from sources seldom explored by learned moderns, are a proof of his industry and deep erudition. The speculative man who is too lazy to go to the bottom of the subject, is gratified by being told what ancient Greek sages and sophists, whose very names are now wellnigh forgotten, thought and wrote upon subjects which have engaged the attention of philosophers in every age and country, without mending the heart or improving the understanding, in proportion to the trouble they cost. In the last volumes published by him, he has contrived to introduce things relative to himself, his estate, and matters merely modern, which a fastidious critic might think out of place. But one is pleased with the *egotism* of a philanthropic old man, who ceased not to labour when upwards of fourscore.² In a word, his works were perhaps too much cried up by

¹ Lord Kames said he wondered that Monboddo had not more pride than to swallow a Frenchman's spittle. In the infancy of the new philosophy, Maillet, consul in Egypt for the French king, and author of a very pleasing account of that country, wrote a sceptical book entitled 'Telliam' (the letters of his name reversed), in which he asserted that man was originally a *fish*, which, in process of time, first dropped his fins, and then his tail. "But," adds he, "I am well assured that in the Highlands of Scotland there are men who have some remains of the tail to this day."

² In his last years he would say, "I have forgot a great deal more than most other men know."

his friends and admirers, while they were no less unjustly depreciated by others who were not very competent judges of their merit, and prejudiced against their author. Most people were agreed in one thing—namely, that he was one of the best Greek scholars of a private gentleman that Scotland had produced for a great while. Had he said less of his own attainments, the world would have allowed him more credit.¹

For a number of years he spent his vacations pleasantly as well as rationally. No sooner was the session over in March, than he generally set out for London, where he lived with the *literati*, and with people of figure and fashion, who were much entertained with his conversation, and diverted with his oddities.² He performed all his long journeys on horseback, even when past fourscore, accounting it effeminate and unhealthy to travel in a post-chaise, which he stigmatised by the name of a *box*.³

¹ One day in the Outer House, when expatiating on the minute beauties of the Greek language, Lord Alemoor, then a lawyer, said to him: "Monboddo, that may be; but there was not an herb-woman in Athens who did not know more of the matter than you."

² It was alleged that he paid his addresses to a lady of great fortune and learning. Somebody observed that he was one of the first who thought of turning fortune-hunter when past seventy.

³ One day when his lordship was walking on the terrace at Windsor, the king, who knew him well by character, spying him, desired him to be called. "My lord," said he, with great affability, "how did you travel from Scotland?" "On horseback, please your Majesty." "That was too much at your time of life, and in the late bad weather, when even my dragoon officers took chaises; but, tell me, does your lordship call a wheel-carriage a *box*?" "Sire," replied Monboddo, "I am afraid I gave it a worse name; for I called it a *close box*."

Though that seemed too much fatiguing for one of his years, his vigorous constitution enabled him to bear it with cheerfulness and even elation of spirit. In autumn he went with his family to Monboddo, where he passed his time very comfortably, either in study or in consorting with his friends and neighbours, of whom he had seen some generations pass in review before him. There he took much pleasure in beholding the operations of husbandry which remained to shut up the year; for if he did not witness the seed-time, he saw the crop ingathered with as much solicitude as if he had had rent to pay.¹

The death of his amiable daughter, Miss Burnet, the darling and pride of his declining years, gave a dreadful shock to his mind. Being one of the most popular young women about Edinburgh, everybody appeared to take a deep interest in her recovery. Though very like her father, whose features were by no means prepossessing, the beauty of her countenance could only be equalled by the sweetness and gentleness of her disposition. Yet so capriciously systematic was his lordship, that he would not allow her to take a chair, or *box*, as he called it, when she was out at supper. Everything was done² that the art of

¹ It may administer matter for serious reflection, that Lord Nesbit should have succeeded to his wish in improving his estate, when Lords Kames and Monboddo were cruelly disappointed. The first of them was a man of common-sense, without the crotchets of genius.

² One day during Miss Burnet's illness, her father left the bench without saying a word, and did not return for an hour. The President said to him in an authoritative tone, "Lord Monboddo, where have you been?" "Attend-

man could desire to alleviate her distress and prolong life ; but all in vain.

Never did Lord Monboddo appear in a more advantageous light. After paying the tribute of sorrow that was due to her memory, he bore his loss like a hero and a Christian, returning to his studies and duties seemingly with increased ardour.

For some years before his death, his body was much emaciated and enfeebled ; but although he wished it to be believed that his mind was as vigorous as ever, his friends and companions perceived a mortifying change. His appetite, however, still continued good, so that he was fonder of the pleasures of the table than his medical friends approved.¹ In 1796 and 1797 he attempted to ride to London to take leave of his English friends, but after proceeding as far as Dunbar the first time, and Haddington the second, he was forced to relinquish his purpose. For months before his dissolution he suffered much distress, for though worn to a shadow, his stamina was still strong. In these circumstances, his best friends could not have wished for a prolongation of his life.² He at

ing, my lord, a consultation of physicians for my daughter." Every one felt for her aged parent, and no more was said.

¹ He was often seized with a bleeding at the nose, occasioned, as his physicians said, by eating and drinking too much at supper. Instead of retrenching, he used to tie a piece of pack-thread about one of his fingers, which, he imagined, stopped the bleeding.

² When exceedingly distressed one night, he said to Dr Gregory, " I know it is not in the power of art to cure me ; all I wish is euthanasia—*i.e.*, a happy death." Having taken some medicine that gave him a good night, he said in the morning, " Dr Gregory, you have given me more than I asked—a happy life."

length expired in the spring of 1799, when he had attained to the great age of eighty-seven.¹

Sir James Stewart, grandson to him who was long Lord Advocate to King William and Queen Anne, was bred to the law, but soon after putting on the gown, he went over to the Continent, where he spent more time in travelling than most of his countrymen. While abroad, he adopted principles and formed friendships which contributed to mar his future fortune. Like Mr Hamilton, the poet, he became a proselyte to Jacobitism when seemingly at the lowest ebb. It was, however, no easy matter for a young, inexperienced man to withstand the arguments and blandishments of the Earl Mariseshall and his associates, who, with the credulity of oracles, seemed confident that a revolution was at hand. Upon returning to his native country, he was regarded as a man of parts and spirit, who would assuredly make a figure in the world. Nor were the sanguine expectations of his friends and family diminished by his appearance at an election for the county of Mid-Lothian. He ventured to contest the palm of eloquence with Lord Arniston, who was a very formidable antagonist. And although his claim was confessed a quibble,² he displayed an oratory and

¹ Not long before his death he corresponded with Thurlow on the Greek accents. That great man had taken keenly to Greek literature.

² He contended that Lord Arniston, as Preses, should, contrary to all rule, call his father's name, which was the same with his own. In virtue of that, he claimed to vote for Preses and Clerk, which was absurd, as well as unprecedented.

ingenuity that did him honour. It occasioned a breach between the two families, which would have been soon forgot had it not been for Sir James's after-conduct.

When the Rebellion broke out, he did not act with the same generosity and manliness that were displayed by the other partisans of the Stuart family. Instead of openly venturing his life and fortune to procure its restoration, he was contented with being the Prince's confidential man, and drawing up his manifestoes and other public papers. Though he had been exceedingly cautious, the Government was well apprised of the part he had acted by means of Secretary Murray, who discovered all the secrets of his party. Covert treason is always the least entitled to mercy; and therefore Sir James was excepted out of the Act of Indemnity. It was much cried out against at the time, and imputed to the malice of the Arniston family, when, in truth, it originated from the Ministers of State, who were much incensed against him.

In consequence of a bill being found against him, he lived in exile for a number of years in different parts of Europe. There, however, by means of literary pursuits, he contrived to pass his time to very good purpose. Being heartily tired of living in banishment, he was permitted to return home soon after the accession of his present Majesty, for whom he professed much reverence and duty. Not long after he received a pardon, and retired to his country seat, where he passed the remainder of his life, very much

liked and respected by his neighbours. Whatever had been the flaws of his political conduct, he was considered as an excellent model for a country gentleman. He conducted the county business with dignity and care that gave great satisfaction. Nowhere did he appear to more advantage than in his own house, people being delighted with the conversation of a man who knew the world as well as books, and had learned many good lessons in the school of adversity. Some years after his return to Scotland, he published his great work upon Political Economy, which he dedicated to the king. Great things were expected from a work which had cost its author so much time and thought; but although it contained a great deal of interesting information and ingenious theories, it was too abstracted and metaphysical to please the bulk of readers. Nor do we find it quoted by Ministers of State or their opponents in matters of finance.

James Oswald of Dunnikier was bred to the law, though he never practised at the Scottish Bar. He is a proof of what great things may be done by good talents, improved by education and well directed. There was no young man at the bar of whom at his outset more sanguine expectations were entertained. But on getting a seat in Parliament at an early period of life, his whole time and thought were devoted to public business. Though not an eloquent speaker, he was a weighty and useful one, seldom troubling the House unless he could say something that it wished to hear. By his virtue and application, he

rose high in office, without being the object of envy ; for he was always thought worthy of something higher and more lucrative. He was one of the most meritorious and unblemished of our Scottish members ; for though always a servant of the Crown, he never forgot the interest of his country. It is true he lived in happy times, when Government was strong and the people obedient and well satisfied with their rulers. He did not live to see the political party convulsed, which distracted and weakened the State. His time was too much filled up by his official duty to afford him leisure for writing books. As he had had an excellent education at Edinburgh, it raised the reputation of that college in the opinion of the English, who were all along very partial to Mr Oswald. Like many other good and great men, he unfortunately fell into a sort of second childhood before his death.

Sir Gilbert Elliot was a young lawyer at the commencement of the Rebellion. His father, Lord Minto, had been at uncommon pains to give him an excellent education. Among his other accomplishments, he not only wrote but *spoke* English, both in public and in private, with as much grace and propriety as if he had been bred at Court. Hitherto his literary countrymen had contented themselves with endeavouring to copy the style and diction of the most elegant English writers. Of his abode in England and travels abroad I can give no account ; but at his return to his native country,

he was regarded as a fine gentleman and a polite scholar, fit to shine either in a drawing-room or in a company of learned men. And though his poetical vein seldom went beyond a song or a copy of verses,¹ it gave an additional *éclat* to his character. Nor did his first appearances at the bar diminish the opinion that had been formed of him.² It was, however, soon apparent that he was rather a *belles lettres* man than a scientific lawyer. The easiness of his fortune and his prospects made it unnecessary for him to labour hard or to aspire in due time to the head of his profession. He seems to have considered the Scottish Bar only as a temporary establishment, and a school of eloquence to prepare him for speaking in Parliament, which was the great object of his ambition. Although he might have had a great deal of practice, in proportion to his standing, he all along declined appearing in causes which did not allow of an appeal to the passions. So classical was his language, and so well chosen and forcible his topics, that the House was always crowded when he pled. His detractors said that he could neither speak extempore nor make a reply; but he afterwards, when called to act in a higher sphere, completely refuted that charge: for there he fought

¹ While upon his travels, Miss Katherine Forbes of Newhall, a woman universally admired, was married to Mr Ronald Crawford, which was a great mortification to Mr Elliot, who was deeply in love with her. On his return he wrote admired words, worthy of Allan Ramsay himself, to the tune of "My Apron Deary."

² His first memorable appearance was in the trial of his uncle, Provost Stewart, in 1747, whom he defended in an elegant and impressive speech.

for power and emolument, while at our bar he had no object to make him exert himself to the utmost. Like the other young lawyers of those times, he was a constant member of the General Assembly, in which there was for a number of years a succession of animated important debates, which afforded ample room for eloquence and ingenuity. In them Mr Elliot made a distinguished figure. If he had not as much compass of thought and argumentative power as some of the leading clergy, the elegance of his matter and manner made him exceedingly well heard and respected. Had he continued longer in Scotland he would have had a strong party, both among the clergy and the ruling elders.¹ It is almost needless to say that he was one of the champions of the Moderate party, which was hard pressed till the year 1752.

In the year 1754 he was elected member of Parliament for the shire of Selkirk, a situation in which he acquired great fame, and rose to high offices. What is very much to his honour, his eloquence was fully more admired in the House of Commons than it had been in the courts of justice and in the General Assembly. Such was his industry and acuteness that he soon made himself complete master of parlia-

¹ In the Assembly of 1755, the last he ever attended, he had a very warm contest with Mr Dundas, lately appointed Lord Advocate, respecting the settlement of South Leith. He supported Mr Alexander Stewart, brother to the Professor of Humanity at Edinburgh, to whom he owed great obligations. With such modesty and discretion, and seemingly with such deference to his antagonist, did he behave, that he prevailed against the Lord Advocate, whose overbearing manner disgusted the House.

mentary business. This rather surprised his old acquaintance, who did not rate his parts very high, attributing the good reception his speeches met with to the gracefulness of his manner and the polish of his diction. They forgot that in Scotland he had no object to rouse his ambition; whereas now it was necessary to strain every nerve to make a figure in Parliament. Nor was he disappointed. By the coalition which took place in 1757 between the Duke of Newcastle and Mr Pitt, he was promoted to offices of trust and emolument. It may well be imagined that upon the demise of George II. he lost no ground with the Bute Administration. And what was more extraordinary, amidst all the changes that took place in the first twelve years of the present reign, he never was entirely set aside; and in the North Administration he stood very high both at Court and Parliament. This affords a strong presumption that, besides his oratory and talents for business, he was likewise a skilful courtier, who knew well what were the proper strings to be touched before his object could be attained. Indeed he was, of all men, the least likely to offend in speech; for as his manners were soft and insinuating, his speeches, and even his ordinary talk, were well calculated to persuade and conciliate. It is needless, in a sketch of this kind, to enumerate the various offices he held for more than twenty years.¹ I forbear to enlarge upon the part he acted in Eng-

¹ It must have been very gratifying to good Lord Minto to see his son take his seat within the bar of the Court of Session as a Privy Councillor.

land, having had no occasion to mark his conduct, or to hear what the world said of him, either in public or private. It may not, however, be improper to remind ambitious young men that, spite of his having had for a number of years a very great income, he did not enrich his family by being a Minister of State; and yet few men had ever less reason to complain of the fickleness and ingratitude of Courts. To assign the causes of a man's growing poorer when riches most abound is, at the best, an ungracious and unpleasant task. Whatever might be thought of him by the English in and out of power, the higher he rose the less was he liked by his countrymen, who thought him proud and selfish. This was the more unexpected, that in the earlier part of his life he had been a very popular character, the qualities of his heart being fully as much thought of as his head. From all I have been able to collect, the happiest, and perhaps the most respectable, part of Sir Gilbert Elliot's life was the twelve years he lived at Edinburgh. After passing lawyer, as there was no office in the law in his own country to which in due time he might not aspire, so he was fortunate in his family and friends. If during his travels he lost a very amiable mistress, he married a beautiful and exemplary woman, who brought him a handsome fortune, without any turn to extravagance. As he had troops of friends, so he could number among them a set of men of genius, some of whom stood high in the republic of letters. His house was long the favourite rendezvous of

the gay, the learned, and the ingenious, who all considered their host as an elegant, as well as a very rising man. Although no author himself, he was esteemed a very good critic, with an uncommon share of taste. No wonder, then, that his literary friends should communicate to him their plans and productions. Nor, perhaps, did they like him one whit the less that he was too indolent and too easy to think of rivalling them in their compositions. Of his religious principles I can give no account; but from the spirit of the times,¹ and the philosophers with whom he associated, he was not likely to be a bigot. He died when some years short of threescore.

Francis Garden, afterwards Lord Gardenstone, was admitted a lawyer in the year 1743. Though indebted to nature for a double portion of his choicest gifts, it was long before he thought of cultivating them, being more remarkable for his propensity to pleasure than for application to study or regard to appearances. He had a native eloquence and manly sense which enabled him to clothe his thoughts in a pleasant appropriate dress. If never a hard student, he contrived, nevertheless, to lay in a stock of learn-

¹ In recording the progress of manners, it must be observed that this gentleman was one of the first who sent his sons to be educated at Paris in preference to our own schools. As the young men turned out exceedingly well, other people followed his example, but not with the same success. To think that lads flushed with money, and accustomed betimes to the manners of a profligate overgrown metropolis, will acquire either virtue or useful knowledge, is surely expecting a great deal too much. Most of them returned complete coxcombs, without any principle or learning, and with a smattering of the graces.

ing sufficient for his purpose. As he knew how to make the most of his knowledge, he excelled in intuition into character, and valued himself not a little on his knowledge of the world. Even in his wildest times he could render himself exceedingly acceptable to the grave and the aged, whilst the young and the frolicsome delighted in his society. There was a sprightliness and urbanity in his discourse, a candour and generosity in his sentiments, that pleased people of the most discordant taste. Even such as were most dissatisfied with his conduct, were disposed to make great allowances for the slips and infirmities of a young man of strong passions, who seemed to act on the impulse of the moment. Time, they hoped, would cure him of his turn for dissipation and gaming, which are too often the concomitants of genius and exuberant fancy. Being only a second brother, not very amply provided, he found it necessary to apply to business, for which he had excellent talents. And as the practice of the most promising young lawyers is seldom sufficient to fill up their time, he made pleasure and professional duty go hand in hand, without making any great sacrifice. His early appearances at the bar made his friends entertain sanguine expectations of his future eminence when years should have cooled his passions. If his pleadings and law papers were somewhat too gorgeous and splendid in their language, they were evidently the effusions of a sound understanding, enlightened by a lively fancy, which some-

times broke through every rule. Nothing, therefore, seemed to be wanting but a degree of pruning to produce a plentiful crop of fruit from a mind so rich and versatile. In his speeches and writings there was no bombast or amplification; on the contrary, they had often the force and poignancy of poetry, without the circumlocution. Notwithstanding the awkwardness of his person, the harshness of his features, and tremulous voice, he spoke with a grace and fire which made every word tell. When his subject required it, no man could make use of the shafts of wit and irony more successfully, without moving a feature or seeming conscious of the effects he produced. As he excelled no less in judgment and penetration than in vivacity of apprehension, he loved to dive into the recesses of the human heart, and to point out men's motives for departing from the paths of rectitude and truth. And though, confessedly, a loose liver, he was in those days considered as a man of honour and probity, incapable of doing anything mean or immoral to carry his point. No wonder, then, that for a number of years Mr Garden should have been a very popular and well-respected barrister. In consequence of the Jurisdiction Act, he was appointed the first Sheriff-Depute of the shire of Kincardine in 1748. And at a time when his brethren seemed to exert themselves who should do their duty best, he was distinguished for activity and impartiality. He kept that office sixteen years, when he resigned it on being

appointed joint Solicitor with Mr Montgomery. He was now in great practice and high reputation, and it depended only on himself whether he should make a handsome fortune at the bar. But he was ere long called to the bench, not liking the drudgery of great practice. For a number of years after being a judge he made a great figure both in the Inner and Outer House. He was justly much admired for the elegance, clearness, and force of his opinions, which never exceeded in point of length or digressed from the subject. Strangers were particularly struck to see a man, whose heart tottered with early infirmities, speak with a happy mixture of the fire of youth and the dignity of age. In 1776 he was made a Lord of Justiciary upon the resignation of Lord Pitfour—a situation in which he was well qualified to shine. But from whatever cause it proceeded, his character as a judge did not rise in the last ten years of his life.¹ Reports were circulated of his being sometimes warped in his judgment by political or personal considerations—a charge more easily made than refuted. He was likewise accused of being indolent and remiss in the discharge of his duty, which he seemed to regard as a burden. Still, however, there was no failure in point of dignity

¹ I cannot speak from my own observation as having been little in Edinburgh during the period in question. I never chanced to fall in with him at Stirling on the circuit, he having taken great umbrage at the verdict of a jury which paid more regard to the prisoner's counsel than to him. When upon a Perth jury, I supped with him the first evening, and found him joyous and communicative beyond measure, but he was too ill to appear in Court, and we were next day discharged.

and propriety of speech when he had occasion to deliver his opinion. It is foreign to my plan to enter deeply into these points, or to inquire how such excellent parts turned to so little account in the evening of a life which began so auspiciously. There was a striking family likeness between him and his uncle, Lord Prestongrange. The former had, perhaps, the most brilliant talents; but the other turned his, which were more solid than strong, to excellent account. The virtue of the uncle and the genius of the nephew combined together would have made a great and meritorious character.

Of his private life it is equally difficult and irksome to speak with delicacy and truth. He was at the best a mixed character; but his good and bad habits appeared to grow stronger the more he advanced in years. His talents for convivial intercourse were confessed on all hands to be truly fascinating; for whatever turn the conversation took—whether grave or gay, serious or frolicsome—he displayed the same strength, openness, and ardour of mind which distinguished him as a pleader. Yet, whilst it was impossible not to admire his sallies of wit and humour, there was often too much reason to regret the abuse of these talents in a man who ought to have been mindful of what was due to his age and station, while sitting at the head of his own table, or a guest at those of his friends. He surely could not be reproached with hypocrisy; for from his outset to the close of his course, he did not pretend much zeal

for revealed religion. How far he carried his philosophical notions before and after his travels to France, can only be known to those that were honoured with his confidence; but whatever might be his tenets, he was in practice an epicurean. He never valued himself much upon the extent of his erudition, which was in a great measure confined to the authors which treated of law. Even then he trusted fully more to the fertility of his own genius than to authorities. He was, however, all his life passionately fond of the lighter parts of polite literature, particularly poetry and plays. Few men ever studied Shakespeare more than his lordship, insomuch that a great deal of this inimitable poet's phrases and idioms entered into his discourse and writings. It was not, however, very edifying to see a judge turned of threescore commenting upon plays and farces with his usual gravity and force. His publications were such as might have been expected from his habits, which forbade much application or pruning. His Letter to the People of Laurencekirk contains many excellent and generous sentiments, which were not the less valuable that they were considered as visionary or impracticable by the bulk of landlords, whilst his lordship preached nothing which he himself did not practise. His travelling memorandums are a faithful transcript of his feelings and opinions at the time, set down as they rose in his mind, with his usual force and felicity of expression, whilst they cannot always be regarded as the effusions of prudence and wisdom. In his de-

clining years, when greatly changed from what he had once been, he was at the expense of printing two volumes of miscellanies in prose and verse. A number of them were supposed to be written by his lordship; but it is difficult to distinguish them from those which were written by his myrmidons,¹ who wrote under his eye. Whatever might be his share in that performance, it is not likely to be a durable or honourable monument of his literary fame; for it neither befitted his time of life nor the character of a judge.

And now of Lord Gardenstone as a country gentleman, a character of which he was much fonder than of being a great lawyer or judge. Having purchased in 1762 the estate of Johnston in the Mearns, he set about improving it with all the ardour of his own character, inflamed by the spirit of the times. The enclosing and dressing of his grounds, though a source of much delight to him, was no more than a secondary object—his great ambition being to found a large village at Laurencekirk, which he hoped to make a manufacturing town, spite of every obstacle. To accomplish this very laudable purpose he contracted great debts, which in process of time involved him in inexplicable difficulties, soured his temper, and was probably the thing which first gave his mind a wrong bias. As his friends would not interfere with their credit, he was at last forced to give up keeping

¹ Great part of them were written by a Callander Thomson, one of the *friends of the people*, and a great companion of his lordship at that time. Being outlawed on a charge of sedition, he fled to America.

house at Edinburgh, and to live in a style unsuitable to the station of a judge. Even his books were sold, and the more readily purchased for his MS. annotations, jotted down in the course of reading. These things, so degrading to a man who was naturally of a high spirit, made him, it is imagined, first take up with a secondary sort of company, whom he could mould as he pleased. Nothing, however, could persuade him to sell his estate or to relinquish his beloved village, to which every shilling he could muster up in his greatest straits was devoted.

Upon the death of his elder brother, Mr Garden of Troup, a most amiable and respected country gentleman, Lord Gardenstone succeeded to a handsome property, and what was no less agreeable to him, a large sum of ready money. This gave him an opportunity of executing his old schemes and forming new ones. As they were seldom thoroughly digested, so he was much too sanguine in his expectations, and apt to place confidence in men whose chief merit was a degree of plausibility. What wonder if, in that temper of mind, he sometimes gave rash credits to adventurers who abused his bounty, and ran off with his money? For when they got a cash account with some neighbouring bank, they seldom made more than one operation. Nor could repeated disappointments teach his lordship a little worldly wisdom. If, however, he did not do all the good he wished to have done, he surely succeeded in converting a paltry kirk town into a neat and flourishing village, which he

perhaps hurt by over-indulgence and liberality. It is a herculean task to think of establishing manufactures in a country ill provided with fuel, and at some distance from the sea. But when left in some measure to themselves, the inhabitants have betaken themselves to trades and fabrics, for which there is a ready demand; and though perhaps his operations in husbandry yielded himself little profit at the time, his trees and hedges have enlivened the face of a country which he found open and uncultivated. In process of time his fields and enclosures yielded him, or his heir, a good rent, whilst they added greatly to the comfort of the villagers. The public, too, was much indebted to his lordship for an excellent inn, and for the pains he took to amuse travellers.¹ Nor were his philanthropy and zeal to make his people happy confined to the inhabitants of Laurencekirk; for he acted with the same liberality and self-denial towards his tenants, both before and after his brother's death. Besides giving them of set purpose good bargains, he built them good strong houses, and laid out large sums in enclosing their fields. He carried this so far that a person travelling through Aberdeenshire

¹ It is needless to insist on things so generally known as the accommodation provided for the convenience of travellers. Many a one has been agreeably amused in a bad day or long night with the library, which is well chosen for desultory reading. But one is chiefly struck with the portraits of the principal villagers, which, compared with the originals whom one sees on the street, have very considerable merit. Few people before his lordship ever thought of making dependants and humble friends sit for their pictures; yet every one would wish to have such memorials of the honest rustics who were his associates in the journey of life.

in 1792 and 1795 (when I was in that country), might distinguish Lord Gardenstone's property from that of other men by the goodness of the buildings and fences, as well as by the superior cultivation of his tenants. His beneficence towards the labourers of the ground does him the highest honour, and ought, like charity, to cover a multitude of sins. Nor was his generosity confined to them; for he seemed to take pleasure in serving his friends whose circumstances were embarrassed. Everybody has heard of his liberality towards his venerable neighbour Lord Monboddo, whom he made easy by a considerable loan, without demanding punctual payment of the interest.¹ What a pity, however, that, to his benevolence and desire to do good, he had not added the virtue of economy and foresight which would have enabled him to apportion his expenditure to his income!

As his love of pleasure had not improved his health, so the great accession to his fortune did not make him apply with more alacrity or assiduity to the duties of a judge. And therefore, with a view to repair his shattered condition and raise his spirits, he was advised by his physicians to travel. Having obtained the king's leave, he spent nearly three years in France, Germany, and Italy, very much to his own satisfac-

¹ Besides St Bernard's Well [Edinburgh], which cost him a large sum of money, he built a handsome chapel for the Nonjuring Episcopalians of Laurencekirk, and, if I mistake not, mortified a sum for the maintenance of the minister. This was an act of generosity hardly to be expected from one of his lordship's temper of mind, who, whilst sheriff of the county, had been obliged to execute the severe laws which had been enacted in 1748 against the Nonjuring clergy.

tion, as we learn from his travelling memorandums. He returned much improved in his health, but with increased aversion to his professional duty, which he endeavoured to make as light as possible, to the great indignation of his brethren, whose admonitions and remonstrances he did not regard. For the last two or three years of his life his health was very much impaired by his modes of life, which would in time have ruined the best constitution. He is said to have divided his time between the pleasures of the table and bed, generally taking to the latter when his jovial friends were gone. He gradually estranged himself from the company of the friends and companions of his youth, and associated with a set of people, some of whom were unworthy of him, and not sound in their principles. At what time he first became a malcontent and patriot cannot be easily known; but no man surely had less title to complain of neglect from Government. But he easily became a great promoter of reform in the burghs, in which there were certainly a number of abuses to be corrected.¹ At length it was apparent that the great champions for that species of reform had deeper designs, which they dared not for a great while avow. But after the French Revolution they became bolder; and such was the weakness of Government in the years 1791 and 1792, that they

¹ Sir John Shaw Stewart being requested by the late [Grahame of] Gartmore, one of the great pillars of Reform, to support that measure in Parliament, answered—"You deserve great credit for the attempt; but, believe me, you may as well think of reforming hell."

began to act as if a revolution were at hand. As some of them were Lord Gardenstone's constant companions, it was supposed he had adopted the French theories, and wished to see them realised in this country. Whether that was true or not I cannot say, but there was a strong prejudice against him for six months before his death. By that time his mind is said to have been as much weakened as his body. In those circumstances his best friends could not wish a continuance of his life. As was predicted, his brother's lying money was already all spent, and a great debt contracted, to pay which a considerable part of his landed property was sold after his death. His dissolution took place in July 1793.

Robert Macqueen of Braxfield, afterwards Lord Justice-Clerk, had put on the gown a little before the Rebellion of 1745 broke out. He was one of those who are entirely indebted to themselves for their elevation, being a man of no family and very small estate. His father was a writer in Lanark, who had purchased the lands of Braxfield, near that town,¹ a property more romantically situated than considerable. Though he meant his son to succeed him in his own business, he had the good sense to educate him at the College of Edinburgh, where he studied civil law,²

¹ His grandfather was gardener to Charles, Earl of Selkirk, at Crawford. The son was bred a writer to qualify him to be baron-bailie to the Earl.

² Dr Erskine, who was at the civil law class with him, says, "They would have fought for Robbie Macqueen, whose honesty and good-nature made him a general favourite."

which was at that time an uncommon piece of education for a country writer. When the second President Dundas lived much at Bonnytown, his first lady's estate, he found young Maequeen a writer in Lanark, and soon grew exceedingly fond of his company and conversation. Finding him a lad of strong natural parts, with a fine genius for the law, he thought it a pity that his talents should be buried in a country town; and therefore he urged him to pass as a lawyer. The advice of such a man was equal to a command. He had the ordinary fate of young lawyers, in being for a number of years rather a spectator than an actor at the bar, there being at that period a group of very eminent lawyers in their prime. By degrees, however, people began to discover Mr Maequeen's merit, which was not inaptly compared to a rough diamond. When his friend Mr Dundas became Lord Advocate, he was appointed one of his deputes, an office neither permanent nor lucrative, but one admirably calculated to unfold shining or useful talents, obscured either by modesty or awkwardness. In the criminal court particularly it requires extraordinary exertions of genius and ingenuity, which show what a man can do upon an occasion, while they raise his character in every part of the kingdom. No wonder, then, that his practice should increase at first slowly, and afterwards with great rapidity. And as the best lawyers were fond of having Mr Maequeen for an adjunct in business, his frankness and honesty, which scorned artifice or

duplicity, joined to better qualities, recommended him strongly to the more sensible practitioners, who prefer substance to show. Whilst they admired with reason an uncommon mixture of shrewdness and application, his social hour delighted them beyond measure; for he could be serious or frolicsome as occasion required, talking to every one in his own way, without fastidiousness or forbidding pride. Nor was the want of the *graces* much against him in the eyes of those gentlemen. And what was of the greatest consequence to a practising lawyer, he became as great a favourite of the judges as of the agents. It was obvious to everybody that his papers and pleadings made a deep impression on the Court, from his keeping close to the matter at issue, without any rhetorical flourishes or digressions. He was esteemed one of the best feudists and civilians that had appeared since the days of the first President Arniston and Pitfour. In knowing which parts to drive and which to forbear, he resembled the former, as well as in strength of mind and roughness of diction. His sound sense and sound law, urged with a boldness and an energy peculiar to himself, more than compensated for his want of the eloquence of the schools. His acknowledged merit and the promptitude and versatility of his parts, made both Bench and Bar overlook a degree of vulgarism and awkwardness which would have depressed other men. The lively strain of his talk, the *queerishness* of his countenance, and his over-strained tones and gestures in pleading,

did not prepossess strangers in his favour, while they were considered as trifling by those who were apprised of his better qualities.

In one thing he was to blame. Instead of studying to frame an impressive, pathetic narrative, or to rouse the indignation of the Court by setting the misdeeds of his opponents in an odious light, he commonly took the facts as stated by the agents without attempting to put them into a more engaging form. There are surely many cases where it is the privilege and duty of a barrister to speak home to the feelings, as well as to the understanding of judges. The truth was, Mr Macqueen undervalued rhetoric too much, trusting chiefly to the strength of his intellect and skill in supporting unadorned facts by principles. This was probably the reason why he was so little employed for the subject in the Courts of Justiciary and Exchequer. On Pitfour being made a judge, he was succeeded by this gentleman as the chamber counsel, to be consulted in all knotty points. Although acknowledged to be an admirable barrister, it was alleged that now and then his opinions savoured of rashness. The impetuosity of his temper, and the liveliness of his fancy, might doubtless have warped his sound judgment, and hindered him from weighing deliberately all that can be said on both sides of the question. In giving his response, a chamber counsel is bound to proceed with the cautious yet comprehensive views of a Lord Chancellor of England—the great purpose of such consultations being to prevent or foreclose litiga-

tion. This was, however, a random charge, easier made than proved. When called to the bench, he was one of the most popular characters at the bar; and, what was rare, indeed, seemed to have no enemies. Being in the receipt of prodigious fees, his promotion prevented him from making a very large fortune. It was said to be contrary to his own inclination. He could not, however, resist the importunities of the Ministers of State of those times, who professed their intention of making no judges but such as were at the head of their profession—an excellent rule, had it been strictly adhered to.

Of his conduct as a judge I cannot speak from my own observation, having been little in Edinburgh after he took his seat; and there was hardly a Lord of Justiciary whom I saw seldomer at the circuit: I must therefore take my information from second hand. In the Court of Session he fully justified the sanguine expectations of his friends and admirers. His ambition to excel was happily seconded by great learning, quick apprehension, and a perfect knowledge of business. What wonder, then, that in all nice questions of feudal law, and in perplexed causes, he should, after the death of some great judges, be listened to as an oracle, who often struck light out of darkness. He was not only acute and expeditious in giving judgment, but candid to a great degree; for if he had laboured under any misapprehension, he would, upon reconsidering the case, all at once give up his former judgment, and assign good reasons for it. In

short, he was devoid of that obstinacy which is often the concomitant of great talents. In delivering his opinion, he set out and rested the cause on a fair principle of law, which he demonstrated in the clearest manner, to the great edification of his hearers. There, however, the infirmities of his temper easily manifested themselves. Conscious of his superiority, he sometimes fell into unseemly altercations with some of his brethren, who were as hot and tenacious as himself. There being nothing in their speculative points to interest their passions, it was evidently a contest for fame and victory. In reply, he was sometimes coarse and contemptuous.¹ In a few years after being raised to the bench, he was made a Lord of Justiciary in the room of Lord Auchinleck; and upon Sir Thomas Miller being called to the President's chair, was made Lord Justice-Clerk.

Although his abilities and integrity in discharging the duties of office were unquestioned, he gave less satisfaction in the criminal department than any other. After having surveyed the bright side of the character of this great lawyer and judge, the irksome task remains of pointing out the faults and infirmities which at times cast a shade over it. These being well known, could not, consistent with candour, be entirely omitted in a biographical sketch of his life; but on that head I shall not enlarge.

¹ One of his brethren, much under par, having concluded a poor speech with saying, "This is my opinion." "Your opinion!" said Braxfield, with a contemptuous sneer.

With regard to Braxfield, I must repeat what was said in the life of President Craigie—namely, that no man who wants dignified manners should ever be placed at the head of a supreme court of justice, be his parts and worth what they may. The liveliness, the coarseness, the harshness, of his lordship's expression in trials of life and death, lowered him in the opinion of the bystanders. The quickness of his apprehension, and his sanguine temper, made him sometimes run too fast in a Court which could not review its own judgment.¹ And in the most solemn parts of his duty he did not display that decorum or tenderness of nature which becomes the minister of justice. His taking the side of the Crown in most trials was nothing new. Perhaps it was the less censurable that the guilt of the culprits was not heinous, and they were sometimes defended by counsel who exerted themselves to save their clients without regard to law and evidence. But the advocates who thus overstepped the bounds of duty were not to be abashed or counteracted by rude, passionate reprimands from the bench, expressed in vulgar language, and delivered in an overstrained tone, which did not suit the majesty of justice. In fact, his want of dignity and propriety did more mis-

¹ A criminal at Perth, who well deserved the gallows, being set to the bar, threw a roll, which nearly hit his lordship. Without remanding him to prison, or making any inquiry, he ordered him to be set at liberty. That very night he stole a horse or cow, and was soon after tried again at that place for various acts of theft. On pretending to be insane, a jury was impannelled, who had full evidence of its being fictitious.

chief than any liberties which could be taken by the boldest, least scrupulous barrister. It was fortunate for him that the practice of publishing trials taken in shorthand was little common in this country. In England the *ipsissima verba* spoken by witnesses, counsel, or judges, are recorded for the information of posterity. It was well for him to live at a period when nothing could provoke the Crown lawyers to overstretch the law, the executive power being in general too weak. If, for the last eight or nine years of his life, there was a formidable rancorous conspiracy to subvert the Throne and the Constitution, only one trial for high treason occurred, and in it he did not preside. In the trials for sedition in 1794, he is said to have behaved with more coolness than could have been expected from one of his hot temper. But the personal attack on him by Margarot taught him prudence, it being the object of that incendiary to render the judges contemptible. It is said that he profited from the admonitions of his younger brethren, who, to courage and decision, added dignity and meekness. On that subject the printed trials may be consulted.

Had it been foretold in the reign of George II. that this gentleman would one day be Lord Justice-Clerk, it is believed the men who were then at the head of the law would have entered a strong dissent, whilst they allowed him to be a sound and able lawyer. In those days the Justice-Clerk

was not only a judge, but an officer of State whom the king's confidential servants consulted relative to North Britain. Without the name or emoluments, Lord Milton and Lord Tinwald had officiated as Secretaries of State while in that office. In the course of my other observations, I have once and again had occasion to remark the wonderful change of policy which took place after the accession of George III. As there were then no plots to unravel, or insurrections to be dreaded, the great officers of the law were henceforth relieved from a heavy load of business and responsibility. Everything of consequence regarding this country fell under the direction of the English Premier, who did not always deign to consult our official men, but sometimes took his information from other quarters. No wonder then, that when the political horizon threatened a hurricane in the winter of 1792-93, the Scottish officers of State should find themselves at a loss how to act in matters of which they had not any experience, though not long before it had fallen within their department. Nature surely did not intend the Justice-Clerk to be a statesman in perilous distracted times. He wanted those accommodating manners and that insinuating address which seem to wish for conciliation when harsh measures are necessary. Neither had he a sufficient stock of patience and perseverance to unfathom dark designs, nor those powers of persuasion which might undeceive the enemies of Government and confirm such as were

wavering. Being a stranger to the political world, he was utterly unfit to manage contending factions, or to trace the springs by which their leaders were actuated. The impetuosity of his temper—which scorned all disguise—and his hatred for the democrats, rendered him no safe counsellor; for in all probability he would have suggested violent or untried measures, which would only have added fuel to the flame. In fact, the great load of business at that critical juncture lay on the shoulders of the Lord Advocate, then a young man, whose spirit and abilities, tempered by prudence and urbanity, surprised both friends and foes.

I forbear, for obvious reasons, to enter deep into this gentleman's private life. My acquaintance with him was slight and transient; and as I was a stranger to the country where he spent the great part of his time, I shall content myself with a few strictures on the strain of his *talk*. A man of his vigorous comprehensive mind, warm affections, and communicative disposition, could not fail to be a pleasing and interesting companion when the conversation took a proper turn. If his wit and humour would have revolted Lord Chesterfield as coarse and at times unseemly for his station, yet in his highest glee he was always pleasant and good-natured, most desirous to oblige and inform. As a proof of his social powers, there was a number of people warmly attached to his person, who praised the qualities of his heart no less than those of his head. Nothing, indeed, could

exceed his zeal or industry to serve the interest of his friends and allies. And he had reason to plume himself on his success.

It must, however, be confessed that his faults and foibles bore some proportion to his bright and useful endowments. From youth to age he was passionately fond of pleasure, and not very delicate or guarded in the pursuit. When in very high spirits, and with people he liked, he would exclaim, "What a glorious thing is it to speak nonsense!"—a free translation of *Dulce est desipere in loco*. If on the bench he sometimes failed in dignity and decorum, that was more conspicuous in mixed companies when off his guard. Though he had associated for a great part of his life with people of first-rate parts and breeding, he never could shake off his original manners or smooth his rough corners. And if his friends regretted it, they imputed it to his education and early habits, which were become constitutional, at least indelible. To say the truth, his conversation was often of a nature for which charity and goodwill could find no excuse. It was mortifying to hear an aged judge, revered for talents and usefulness, swearing without provocation, like an ensign of the last age in his teens. Nowadays that unmeaning vice is relinquished by the gentleman of the sword to sergeants and boat-swains. What was no less indecent, he took pleasure in relating obscene or profane stories in a way that scandalised persons the least strict in their notions or practice. But he was long very fond of his bottle

and of cards, which, doubtless, betrayed him sometimes into reprehensible ebullitions of speech; and he was one of those that give vent to his present emotions. Yet of wine no man stood less in need; for so exuberant were his spirits, that even in his sober hours he might be said to be in a state little short of inebriety. And his love of play made him irascible beyond measure; and in his impatience for victory and indignation at losing, he sometimes expressed himself in gross terms. Yet, when in company with persons of a sedate serious turn, he could, when very merry, refrain from those topics which he knew were offensive to their ears.

All this was the more strange and the less to be accounted for, that his lordship was in his judgment a sincere Christian, his father having been at very great pains to give him in his youth strong impressions of religion. Of this he retained all along a due sense, being thoroughly persuaded of its truth, though it did not always produce suitable fruits or make him set a watch on his lips; and therefore, when he transgressed its precepts, he sinned against conviction. There was, indeed, some resemblance between him and Burns the poet. Both of them had been strictly educated, and both had their serious moments, but their unruly passions and appetites proved too strong for their judgment. With the *tonish* philosophers and *literati* of Edinburgh, he had little connection or correspondence. Certain it is, he disliked their principles, and was aware of

their consequences. Nor was he a metaphysician or *belles lettres* scholar. Craig and the Dutch civilians were in more request with him than the classics; and Lord Stair and other writers on our municipal law were the books he studied most. Nor was he disgusted with the rough style of that noble lawyer,¹ because he was rich in principles and erudition. But at the time of life when men form their tastes and habits, it was his ambition to lay in a stock of legal knowledge, which, to a man fond of society, was an arduous undertaking. At an after period it behoved him to labour so hard as a lawyer and judge, that he preferred the conversation of his friends and companions to literary gewgaws, which would profit him nothing.

In his prime and decline he spent every hour he could command at his country seat, which he loved the more that he had gathered birds' nests there in his boyish years, and made a great addition to and decorations upon it. He took much delight in farming upon a great scale, without embarrassing his affairs, like many of his contemporaries. But in nothing was he more successful than in his purchasing several valuable estates, at a time when land was comparatively cheap. I wish it were in my power to give a sketch of his domestic life, and of the manner in which he consorted with his neighbours in the country.

¹ In a nice question, one of the judges having advanced strange and novel doctrines, his lordship asked him where he had got that law? "From Lord Stair," answered he. "No, no," replied Braxfield, "that cannot be, for there is no nonsense to be found in Lord Stair."

Being a strongly marked character, who acted and thought for himself, one would like to trace him in those situations where men act without disguise. That, however, must be left to people who knew him intimately. Though I could have entered much more deeply into his public life, some may think I have said fully enough. He is one of the law worthies of the last generation, in whom there was a great deal to admire and imitate, and somewhat to reprehend and avoid. For more than a year before his death his lordship was not able to attend the Parliament House, owing to a complication of diseases, from which he suffered very severely. At length, at a very advanced age, he breathed his last in June 1800, having previously taken care to secure a Justiciary gown for his son-in-law. One of his brethren, who had long been one of his ablest rivals in professional matters, said upon that occasion—"He has carried more sound law with him than he has left upon the bench." A high eulogy to him that was gone.

Sir David Dalrymple, afterwards Lord Hailes, was only a lad when the Rebellion broke out. He was bred at Eton school, where he was equally distinguished for diligence and sobriety, being considered as an excellent classical scholar in a place where every man's talents are easily appreciated. It is not easy to say whether he was most liked by the masters or by his companions. To the latter he recommended himself by his worth and humanity;¹ and some of the

¹ Dr Macleod, of Glasgow, told me lately a pleasing anecdote of him, which

friendships contracted at that place subsisted through life, and were kept up by letters after they were separated. It was in those days a rare thing for a Scotsman to be educated at a great English school. Perhaps his father intended him for the English Bar, or expected to get him a seat in the House of Commons, where his being master of the language would be of great advantage to him. At all events, his education at that celebrated seminary rendered him a greater proficient in classical learning than most of his countrymen, and gave him that predilection for English modes and manners which marked his conduct and conversation in the after-part of life. After passing some years at the College of Edinburgh, he was sent to Utrecht to study civil law. Upon returning home, so promising were his parts, such his application and sober-mindedness, that very sanguine expectations were formed of him. They, however, that

he had from Dr Roberts, Provost of Eton. A Mr Hallam, an awkward country lad, came there at the proper season to *show for college*—*i.e.*, to stand for a scholarship on the foundation. As he came without letters of introduction, his good stars led him to the same boarding-house with Dalrymple, then an upper boy, who took a liking to the little, black-looking stranger. After having been examined on the Greek and Latin classics, he was found entitled to be placed high in the fourth form if he could make a copy of Latin verses in a given time. As he knew nothing of that matter, his friend bade him throw the theme or exercise assigned him over the window in a quill, and he should convey him the verses ere they were wanted. He told the doorkeeper to carry a pen-case to the lad under examination, who exhibited the theme, and was elected. For some months Dalrymple continued to lend him his aid in versifying. Dr Hallam, now Dean of Bristol, and Canon of Windsor, confessed many years after, with tears in his eyes, that next to the providence of God he owed all that he had to the philanthropy of Sir David Dalrymple. The Dean was tutor to the present Duke of Buccleuch [Henry, third Duke] while a scholar at Eton, and his wife was sister to Dr Roberts.

knew him best were of opinion that if he had been left to himself he would have devoted the best part of his time to the *belles lettres* and antiquities, of which he was exceedingly fond. But the very encumbered state of the family fortune at the death of his father, made him resolve upon adhering to the law, in which some of his ancestors had made a great figure. The hope of preserving his family inheritance, and of providing for his brothers and sisters, surmounted all obstacles and objections to that line of life.

Yet with all his learning and accomplishments, Sir David did not make that brilliant figure at the bar which his friends expected. This was not owing either to want of parts or want of industry, but to certain peculiarities inherent in his nature. Though his weak ill-tuned voice and ungraceful elocution were bars to his shining as an orator, he might have been an eminently useful barrister could he have brought himself to take a comprehensive view of a cause. Instead of that he was generally satisfied with attacking or defending some of the outworks, which he did with great precision and acuteness. It was, however, alleged that he did not sufficiently concentrate his ideas or direct his arguments to the essential points at issue. Far from seeking to copy the embroidered diction of some of his brethren, he had a contempt and antipathy for full energetic periods, and for everything that had the semblance of declamation or the rhetoric of the schools. The

unadorned simplicity of his style, so unlike that of the old or new fashioned men, bore some affinity to the dress of a quaker, *simplex munditiis* being the characteristic of both. In this perhaps he misjudged; for his pleadings were ill calculated to work upon the affections, or to counteract the eloquence of his opponents, who spoke strong and plain, whilst he contented himself with strokes of irony too fine for the great run of mankind. Though his law papers were written with classical purity, and replete with information, they did not always please the agents, who wished him more argumentative and more forcible in his narrations. They did not approve of his quoting with inverted commas the weak parts of his antagonist's arguments and statements, as containing their own answers, when he might have borne them down with great advantage.¹ Yet in points which touched his own feelings, or the interests of truth and virtue, his language was animated and pointed, befitting a dignified mind.² In acting as a depute-advocate (the only office held by him when at the bar) he displayed that candour, rectitude, and tenderness which ought ever to mark the conduct of a public prosecutor.³

¹ All his law papers were first written with his own hand, and afterwards transcribed by his clerk, who understood his abbreviations. An amanuensis would have saved him much labour.

² His defence of himself and the other guardians of the Countess of Sutherland against some malicious insinuations thrown out against them by a lawyer of the same name, was exceedingly admired at the time. It served to render an unpopular man and an unpopular cause still more unpopular.

³ One day at Stirling the late James Erskine, a very eccentric character, said to him the first day of the circuit, "Why have we not had a trial to-day? it would be getting on." "As there are some unhappy culprits to stand

Whatever might be his singularities and shortcomings, let it be remembered, to his honour, that his admirers and detractors concurred in believing him incapable of misleading the judges by false statements, or his clients by holding out fallacious grounds of hope.

Being called to the bench when under forty, and in full vigour of mind and body, sanguine hopes were entertained of his proving an acquisition and ornament to the Court. His honour and integrity were unquestioned, and his skill and assiduity in sifting dark matters to the bottom were well known. His concise, elegant, perspicuous style of speaking was much better suited to a judge than to a barrister. Yet, though his opinions were in general applauded, both for their matter and their manner, he was neither so useful nor popular as might have been expected.¹ The same attention to minutiae which had kept him back at the bar followed this good man to the bench. His plaguing the lawyers and agents with needless scru-

trial for capital crimes, it is proper to give them time to prepare their defence." "That," replied Erskine, "is of little consequence. T'other year I came to pay my respects to Lord Kames, and he appointed me counsel for a man that was accused of a rape. I had very little time to prepare; yet I contrived to make a decent speech." "Pray, sir," said Sir David, "was your client acquitted or condemned?" "Oh," said the other, "most unjustly condemned!" "That was nowise wonderful, and is to me an additional reason for not hurrying on trials."

¹ When somebody spoke of him as a good judge, Lord Braxfield said, in his vulgar way, "*Him!* he knows nothing but the nooks of a cause." To his fondness for verbal criticism, Boswell alluded, in a characteristic ballad on the Court of Session, when Lord Hailes says:—

"To judge of this matter I cannot pretend,
For justice, my lord, wants an *E* at the end."

ples and inquiries made them sometimes regard him as a trifler, when he deserved praise for his wishing to ripen the cause for judgment. Be that as it may, such was the opinion entertained of his accuracy, diligence, and dignified manners, that, in the absence of the Lord President, who was much affected with the gout, his brethren generally put him in the chair.

Nowhere did he appear to greater advantage than in the Court of Justiciary, whereof he was appointed a judge in the year 1776. Impressed with a proper sense of the dignity and importance of his office, he seemed *there* to divest himself of all his peculiarities. Instead of throwing his whole weight into the scale of the Crown, he seemed to imitate the English judges, who profess to be counsel for the prisoners, a thing very necessary in that country, where by far the greatest part of the culprits have no lawyers. But wherever Lord Hailes saw the Crown lawyers too strong for those of the prisoners, he strove to keep the balance even. His charges to juries were dispassionate and impartial, and of course had more weight with intelligent, independent men than artful, eloquent ones. Whilst he inclined to the side of mercy in doubtful cases, he never forgot that the interests of society required the punishment of crime. When called to pass sentence of death—a thing very unpleasant to a man of his disposition—he addressed the unfortunate convicts in a pathetic, dignified strain of piety and commiseration, that did honour to the head

and heart of the speaker, whilst it made a deep impression on the audience.

In entertaining company at the circuit table he gave great satisfaction, avoiding the opposite extremes of lavishness and sordidness. Dry and distant as his manners were at other times, he considered it to be his duty as a Lord of Justiciary to maintain that mutual confidence and connection between the judges and the country gentlemen, which was founded on the soundest policy. His equipage and table were handsome, and such as befitted his place; and if no drinker himself, he did not grudge his wine when the conversation took an interesting turn, as it frequently did. They who have seen this excellent man at the head of his circuit table, as I often did, will long remember with pleasure, mingled with regret, the pleasant dignified manner in which he entertained his guests, to whose characters he was no stranger. He was rich in information and anecdote, which he retailed in few words, with great felicity and force.

But to consider Lord Hailes only as a lawyer and a judge would be taking him by halves. Let us now view him in the character of an author and a scholar. His merit in both capacities was confessedly very great; yet the same fastidiousness, the same microscopic attention to little matters which distinguished him as a professional man, prevented him from holding that rank in the republic of letters which his genius and learning deserved. Few men passed more time in study, or was more constantly engaged in

some kind of composition than he. Many of his lucubrations were never printed; and so numerous and fugitive were his publications, which for a long while did not exceed the size of pamphlets, that it is almost impossible to make a complete collection of them.¹ All that is meant at present is a few remarks on his manner of writing, and on such of his works as I am acquainted with, for a number of them I never saw. He is allowed to have had a happy talent for periodical essays, a species of composition which few of his countrymen had tried when he made his attempt in the 'World.' It was a bold undertaking in a young man to write in a work supported by the first-rate wits of England. Yet his papers will stand a comparison with those of his admired associates. His papers in the 'Mirror' bear likewise marks of excellence and originality, and one cannot help regretting that he was so sparing of his communications. In them we see much of that caustic irony which distinguished his maturer years. In his essays, his style is more elevated and ornamental than in his other performances, where it is sometimes simple in the extreme. In that line, however, he had great advantage. There are geniuses so configured that they seldom shine beyond the limits of a sheet or two. If he did not love to consort with the frivolous, the dissipated, or the unprincipled, he knew enough of their ways to draw a lively picture of their faults and foibles with-

¹ There is an interesting list of them in the supplement to the 'Edinburgh Encyclopedia,' and also in the 'Edinburgh Magazine,' soon after his death.

out assuming the harsh and indignant tone of divines and rigid moralists. Whilst silent and reserved in mixed companies, he was no inattentive spectator. He discovered with a glance of his eye coxcombs of every denomination, together with the absurdities of the half-learned and half-thinking, which he treasured up in his mind. His wit and humour are perhaps less fine and delicate than those of Addison; but assuredly the times in which the former lived required a Juvenal rather than a Horace. In one point the two agreed—namely, in ardent zeal to serve the cause of virtue and religion, seeking to render men wiser and better by laughing them out of their follies. As an antiquary, Lord Hailes far outshone all his contemporaries, and, it may be added, all his predecessors, who treated of national antiquities. The extent, accuracy, and liberality of his researches gave him, doubtless, a manifest superiority over men whose minds were warped by party or prejudices, to say nothing of the love of paradox, for which he had a perfect abhorrence. Yet nothing is more innocent than a hypothesis in matters where, from the remoteness of the event, and the loss of records, full light cannot be had. When brought forward to serve the purposes of faction or national pride, they are justly suspicious. So great, however, was Lord Hailes's love of truth, that it made him sometimes sceptical with regard to matters which would not have stumbled another man. At the distance of six or seven centuries, he required evidence which could not be produced in a country whose

records and libraries had suffered irrecoverably either in the thirteenth or sixteenth century. He scanned the facts and reasonings of monkish writers, not the most accurate or enlightened of men, with too severe an eye. And whilst he reprobated our metrical historians as credulous and romantic, he should have remembered that they lived near the times of which they wrote. They surely had as good opportunities of knowing what was passing in Scotland as the English monks whom he takes for his guides. Neither of them, probably, are perfectly correct in their representations, or free from national prejudices. With more reason was he suspicious of our eloquent historians who wrote after the revival of letters, whose chief ambition it was to tell a classical tale which might flatter the vanity and confirm the prepossessions and aversions of their countrymen, without producing any documents, or indeed consulting books and manuscripts which existed in the first part of the sixteenth century. Nothing delighted his lordship more than to demolish some historical fabric which length of time had rendered venerable.¹ This he effected by means of a series of observations which, though close and acute, were sometimes so minute as to fix upon him the imputation of trifling.

Be these things as they may, every Scotsman was

¹ A good old lady having applied to me for a romance, I sent her the first volume of Hailes's Annals, lately published, which would probably entertain her little less. When I saw her next, she was so ill pleased with the rejection of some popular stories of Wallace, that she said she would drive the powder out of his lordship's wig if she were by him.

much indebted to Lord Hailes for clearing away the rubbish and superinductions which had hitherto cumbered and darkened the history and antiquities of his country. It is much to be lamented that he did not finish his original plan of continuing his Annals to the death of James I.; for he would have done it with equal ability and fidelity. Though not calculated to please the common herd of readers, the two first volumes display great research and ingenuity. If the style be, in general, simple in the extreme, it is upon a proper occasion animated, and always chaste and perspicuous. What a contrast between these Annals and the histories of his eloquent and philosophical contemporaries, which charm the imagination almost as much as a romance or an epic poem! But there is nothing to hinder a modest mansion from being elegant and useful, though it wants the splendour and ornaments of a palace.

One can hardly forbear a wish that this ingenious indefatigable man, who had access to books and manuscripts little known to other people, had taken a wider scope. He might have thrown great light upon the memorable changes in language, government, law, religion, and the useful arts, which appear to have taken place in Scotland in the course of the eleventh and twelfth centuries, in consequence of the separation between the Highland and Lowland Scots. But his genius did not lead him to take great and comprehensive views of any subject,¹ being fonder of con-

¹ One day I took the liberty of saying I wondered his lordship had not

sidering some detached corner of it. The labour it had cost him to arrange and dress up a set of meagre facts deterred him from undertaking a still more arduous task, for which it was exceedingly difficult for one so scrupulous as him to find materials. The cool reception his *Annals*, and indeed the greater part of his tracts upon antiquities, had met with from the public, is said to have hurt his feelings, and made him resolve to stop short. And he was perhaps indignant to see the decided preference given to what he was wont to call the *rhetorical* philosophers and historians.

I shall not attempt to give any account of his other works, as the reader will find a succinct one in the supplement to the 'Edinburgh Encyclopedia.' It is to be regretted that he did not proceed to complete his observations on the Acts of Parliament, which, from a man so accurate and acute, would have been both useful and entertaining. A number of things in our statute-book are almost unintelligible, even to lawyers. His specimens of Scottish biography are no less curious than characteristic, and show that he loved to fish in muddy streams little resorted to. The most interesting one is that of John Hamilton, the celebrated incendiary in the time of the League in France; and the most *outré* that of George Leslie,

taken these things under his consideration. His answer was that he should leave them to people who had more leisure and more industry. It led me to turn my attention to that untrodden field of inquiry. I have collected a great mass of materials—*exoriatur ad ligner*—who may improve on what I have done!

whose Italian biographer seems to have known no more of the geography of Scotland, or of the character of its inhabitants, than of *terra australis incognita*.

After he gave up his historical researches, his chief attention appears to have been directed to the remains of Christian antiquity, which he explored with a zeal and knowledge that do honour to his memory. His strictures on Gibbon's History are able and judicious, the words of soberness and truth, to which too little attention was paid by his countrymen, who were fascinated by the meretricious style of an historian who, among his shining qualities, could not reckon accuracy or candour; for it was his avowed design to ridicule and vilify religion. Lord Hailes's attack upon him reminds us of David's combat with the gigantic Goliath, arrayed in complete armour, whom he felled to the ground with a pebble, because he had defied the armies of the living God. In attacking Gibbon, his lordship, after analysing his gorgeous sentences and specious proportions, points out, with great simplicity and force, the futility and malice of his conclusions. His dedications to English prelates—some of them probably his schoolfellows or the friends of his schoolfellows—evinced his partiality for the country where he received his education, and the high opinion he entertained of its spiritual heads.

He might surely have said a great deal more upon the antiquities of the Scottish Church without renewing the threadbare controversies which had been agitated between the Episcopalians and Presbyterians

of the last age to very little purpose. By consulting the writers who have treated of the Celtic churches, he would have discovered that they had all, sooner or later, the same angry broils with the Romanists about rituals and the keeping of festivals; though they agreed in essentials. But instead of finding fault with this excellent man for doing too little, let us do him honour for what he did.

Upon the whole, if Lord Hailes was not one of the first literary characters of the age, he was one of the most amiable and well-intentioned. If his lucubrations were not always profound, or directed to some great purpose, they were innocent and ingenious, often original. And what crowns the whole, few men have written less which, dying, they would wish to blot. Like a man who made conscience of his duty, he never suffered his passion for composition to interfere with the business of the Court; for he read his papers as faithfully as if he had had no other avocation. This was resisting a temptation which men whose ruling passion is literary fame seldom withstand.

In private life he was respectable and irreproachable,—a dutiful son, a kind brother, an affectionate husband, and a tender parent. His social talents were great; his foibles few and venial. In an age when infidelity was in high fashion, he avowed himself to be a Christian; nor did his life and conversation discredit his profession. This exposed him when a young man to the ridicule and obliquy of the *tonish*

philosophers who depreciated his parts and exaggerated his failings. They would have been glad to spy something which might have been branded as hypocritical and unseemly. But it was labour lost. His morals were pure, his piety rational and unostentatious, equally remote from bigotry and gloom. What he thought upon controverted points, I cannot tell,¹ but it may be presumed that his divinity had a strong tinge of that of his right reverend English friends. In the country he regularly attended divine worship in his parish church. He took no concern in Church politics, and kept in a great measure aloof from the ruling clergy,² who were not in all things to his taste. Though a Presbyterian, and an old-fashioned Whig, zealous for the consideration established at the Revolution, he observed a strict neutrality between the two great parties in the Church that contended for the mastery; and he seemed to take no deep share in the election squabbles, in which a number of his brethren were warmly engaged for the first twenty-five years of the reign of his present Majesty. The *first* he probably considered as frivolous, and the *second* as mischievous and incompatible with the character of a judge.

¹ He was not without his crotchets. One day when he sat as President, he reprimanded a lawyer very sharply for making a ludicrous application of some text in the Gospels or Epistles. "Sir," said he, "you may take liberties with the Old Testament, but I will not suffer you to meddle with the New." Somebody observed that there his lordship was wrong, for the Old and New Testament must stand or fall together.

² Dr Carlyle [minister of Inveresk] generally dined at New Hailes *once* a-year; and said that nowhere did he get more good wine or more good *cracks* than from Lord Hailes.

In his riper years he had occasionally much conversation with the leading *literati*; but little intimacy and less friendship could subsist between men who thought so differently. Yet he carefully avoided any open breach, knowing that this might do hurt, and could not promote the cause he had espoused. Whilst, in his riper years, they professed much respect for his character, they regarded him as a narrow-minded man, wedded to old-fashioned prejudices. On the other hand, he predicted, without the gift of prophecy, the miserable consequences that would ensue to society from the progress of irreligion, which is always attended with corruption of morals and the spirit of selfishness.

For a number of years after passing as a lawyer, Lord Hailes had lived very privately and frugally with his mother, who had a large family to bring up. The style of living at Edinburgh, even among people of birth and condition, was not showy or expensive in those sober-minded times; yet at no period was society more joyous and rational. Being related to, or connected with, the first people in the country in point of birth and parts, he was easily accustomed to the best company. But though much esteemed by people that knew his worth and attainments, his saturnine appearance, which bespoke little wit and humour, joined to the awkwardness of his figure and address, did not qualify him to shine in balls and assemblies, where a cornet of dragoons would have been thought the prettiest fellow. The strictness of his principles—which made

him shun even the appearance of evil—made him keep aloof from the dissipated who delighted in a tavern life and denied themselves no pleasure their hearts led them to. These things gave him an early relish for retirement, and promoted his propensity to study, which he considered as one of the cheapest and highest luxuries which a wise man could pursue. Though he could not afford to live in style at New Hailes, he resided there occasionally in vacation time from 1759. There perfectly in character, his first care was to fit up the library—a magnificent room, which, he told me, was finished the day his father died. The furnishing of it with an ample store of rare and costly books, was, from that time forth, the great object of his ambition, and one of his principal expenses. Even when more easy in point of fortune, he did not choose to enlarge his circle, or to make his house in town and country the rendezvous of people of figure and fashion. And when a man approaches to forty, his habits and plans of life are, or ought to be, formed. Upon being advanced to the bench, his inclinations went hand in hand with a sense of duty. Taking the English judges for his models in manners and decorum, he considered abstraction from the bustle of life as highly becoming in one whose time for the greatest part of the year was no longer his own. This made him decline the giving or receiving ceremonious dinners and suppers—the darling luxury of the times—as great waste of what he considered as most precious.

Yet in spite of his dislike to formal ponderous meals (which somebody not inaptly compared to meetings of creditors), no man relished society more in a certain style. The literary friends whom he admitted to his sympathy were less remarkable for brilliant talents and the gloss of fashion than for their worth, good-humour, and the soundness of their principles. He had a numerous train of relations—male and female—whom he loved to see upon an easy footing. When a judge he kept a plentiful, if not an elegant table, which was generally filled. Nor had he any objection to good eating, or to a bottle of good wine,¹ though he was more temperate in the latter than the former. In a small company of easy friends whom he liked, nothing could be more instructive or delightful than this good man's social hour. While giving loose to wit and humour in a style peculiarly his own, he never uttered a word which a wise and virtuous man would have wished unsaid. In speaking of his circuit conversation, I mentioned his inexhaustible fund of anecdote which enlivened and adorned the discourse, without fixing upon him the imputation of a story-teller. There could be no greater difference in that respect than between Lord Kames or Lord Auchinleck and himself. Those of the first were short, *naïve*, characteristic, arrayed in broad Scots; and those of the second were excellent and humorous, but latterly too long and too frequent; whereas Lord Hailes's were *ex re fabellas*, elegantly expressed

¹ Sweetmeats and sweet wines were exceedingly liked by him.

and so nicely filed, that a word more or less would have spoilt them. With all his worth and kindness he could say sarcastic things, which cut the deeper that there was generally some foundation for them. Sometimes in a playful humour he touched the peculiarities of deserving characters, which they had better have wanted;¹ but more commonly he had recourse to keen irony, when another man would have fallen into a passion² and made use of harsh expressions. It may be thought that this faculty did not augment the number of his friends and admirers, whilst they were treasured up as *bon mots* by the bystanders.

He passed in his latter years every hour he could command at New Hailes,³ where he led a very pleasant and rational life. Till his daughter's education made it necessary to reside occasionally in Edinburgh, he lived constantly there in summer and winter, driving in every morning in session time before breakfast, and returning before dinner. These short journeys enabled him to take that air and exer-

¹ He would say to a lawyer, who wrote with great elegance and force, but never spoke but a few sentences at the side bar, where it could not be avoided, "Sir, that cause is somewhat out of my head; will you be pleased to recapitulate it?" Not a word was said, but the sarcasm was felt.

² He felt very indignant at seeing the root of a noble plane that had been cut down by the magistrates of Stirling. Upon the provost telling him they meant to remove the Popish carvings in the east end of the church to give more light,—“Sir,” said the judge, “since you have cut the tree you may also take away the trumpery.”

³ He told me the place was first made by a Mr Smith, a Popish architect, employed in fitting up King James's chapel at the Abbey, who planted the oldest trees. It was acquired by his grandfather, the Lord Advocate, who gave it its present name.

cise which his health required, after being stewed some hours in a court of justice. To that matter he was sufficiently attentive; but his method of preserving it was perfectly the reverse of his brother, Lord Monboddo,¹ for perhaps he was over careful and delicate. Nor was the time spent in going and coming entirely lost; for he either read himself, or made his clerk read in the carriage. Ceremonious visits being out of the question, he had the whole evening to read his papers and prepare for the business of the ensuing day. Nor was his vacation time a season of indolence, for it is believed he wrought as hard then as in session time. It was then he collected materials for his books and tracts, which he digested into form with his own hand, which was a very laborious, but to him a pleasant task. That he might perform it with more alacrity, he had his stated hours of exercise² and study, besides

¹ One day, in excessive hard frost, while Lord Hailes was warming himself at the Parliament House fire, he was joined by Monboddo. "What! my lord," said he sarcastically, "do you require artificial heat like us mere moderns?" The other looked very grim, but made no answer. On Hailes's returning to his seat, Monboddo exclaimed, "Well said of him that leads the life of a bug!"

² I passed a very happy day with him at New Hailes in May 1784, when I went to visit him at his own request, and to show him some curious excerpts from the rental-book of Paisley, lately discovered. On offering to take my leave, he very kindly asked me to stay and take share of the family dinner, and said he should pass the forenoon, as he usually did, in walking. We strolled through his fields more than two hours. The only operation going on was the levelling and smoothing some ground, which he saw he could not afford to do so fast as he could wish. I asked him if he was a farmer? He said no; but he once had a plough for six weeks, and was heartily tired of it. From his keeping aloof from the garden, I suspected it was not in high order. Having finished a very pleasant walk, he took me to his magnificent library, where he showed me some rare books, and commented upon them. In a corner

the time allotted for meals and conversation with his guests and family. Though he loved retirement, and was passionately fond of his country-seat, he had not the smallest turn for husbandry, and not much for gardening; so that straying through his fields, feasting his eyes with prospects which never palled on his imagination, and exhaling fresh air, constituted the sum total of his rural pleasures.

In speaking of him as a country gentleman, it must not be omitted that he was accounted one of the best landlords in East Lothian, where the bulk of his estate lay. His gentleness towards the labourers of the ground did not proceed from simplicity or ignorance, for he was perfectly aware that he might have had much higher rents from strangers, or even from the present possessors, if he had been disposed to imitate the policy of some of his neighbours. But as he was partial to his tenants, he did not wish for an income which should depend upon contingencies—*possibilities* rather than probabilities seeming to be the foundation of some people's letting land. Knowing the difficulty of hitting the golden mean, he observed the golden rule of doing by others as he wished to be done by. It is as difficult to regulate the conduct of landlords to the labourers of the ground, as charity, mercy, or the other duties of imperfect obligation, where every man must be a

of it stood a very small plain table, where this excellent man sat and wrote. It was covered with papers, which he told me were his specimens of Scottish biography—*et hunc olem meminisse juvabit.*

law to himself. A set of hereditary, well-pleased, industrious tenants is one of those luxuries with which virtue herself can find no fault. At the same time, there is an attention to self-interest which a man owes to himself and his family. That Lord Hailes did not foresee the wonderful rise of rents that has taken place, contrary to all likelihood, may be confessed ; but if he erred it was on the safe side. It is to be regretted that since his death his heirs have experienced much ingratitude from some of those favoured tenants ; but with that a man who acts generously may always lay his account. Though he kept comparatively little company, and was expensive in nothing but books, he did not die so rich as might have been expected. Many years had intervened since his father's death ; and a small sinking fund, when steadily applied, may do great things. His income after being made a judge was considerable, but from that time he had lived fully, if not splendidly. And he took pleasure in seeing his servants and carriages appear to advantage, particularly on the circuit, where everything was of a piece and befitting his station.¹ In all probability he paid less attention to economy and the keeping of accounts than was proper. But these are objects which seldom occupy the thoughts of men

¹ One day when he and Lord Braxfield were making their entrance into some circuit town, the lady of the latter said : " It is a shame for us not to have our equipage as handsome as Lord Hailes's ; it is a shame to have horses of different colours." " Never mind that, my dear ; have we not a dog that he wants ? "

whose time is devoted to study and the writing of books.

His health, which had long been good upon the whole, began to break apace in the two last years of this good man's life, insomuch that he once resolved, from conscientious motives, to have resigned his Justiciary gown. But after having recovered considerably, his demise was sudden and unexpected, having been in Court two days before. His loss was the more severely felt that the times, which threatened a hurricane, required such judges as him. Some of his contemporaries could doubtless boast of brighter talents and stronger minds ; but few of them equalled him in that innocence of life and dignified integrity which ennoble a public character, and render it a blessing as well as a pattern. I have perhaps been too full with regard to some parts of the story of this valuable man, whose littlenesses serve as foils to set off his virtues ; but in times more gloomy than those in which he paid the debt to nature, it is pleasant and becoming to pay tribute to departed worth.¹

Robert Macintosh, advocate, is one of those extraordinary characters in the law that occur but once or twice in an age, without benefiting themselves or society. As he is still alive, it may be thought prem-

¹ The coincidence between some parts of this sketch and the life of Lord Hailes, in the supplement to the 'Edinburgh Encyclopedia,' is owing to Dr Gleig [Bishop of Brechin, father of the Rev. G. R. Gleig, ex-Chaplain-General] having had the loan of part of the first draft of this dissertation, from which he took largely. With that gentleman's peculiarities as a lawyer and a judge the doctor was unacquainted.

ature, as well as indelicate, to attempt a sketch of his life at present. But he is now an old man, and has withdrawn himself entirely from the business and bustle of life. There is, therefore, little chance of any memorable change in his character and circumstances, now that he leads the life of a hermit in the heart of a great town. His father was minister of Erroll, a man of parts, who made no inconsiderable figure in Church courts in the first part of the eighteenth century. In 1740, when fifteen or sixteen years of age, the son was bound apprentice to Mr James Richardson, who then acted as Sheriff-Clerk of Perthshire. He had not been a month in the chamber before he began to read lectures on law to his companions with a fluency and confidence which would have better become a man in his prime. Being accounted a lad of pregnant parts, his friends were anxious that he should pass as a lawyer, which would afford ample scope for his talents. After studying very hard, he put on the gown in 1748. His sober, serious turn, and the scantiness of his finances, prevented his plunging into dissipation, or spending that time at public places, among the gay and the fair, that should have been devoted to his books. From his very outset it seemed to be the ruling passion of the young barrister to be eminent and useful in his profession, and that when his coevals were either silent spectators at the bar or following their pleasures. Giving Mr Macintosh all credit for his sobriety of manner and ambition to excel, it was a great loss to him that in

his earlier years he had not kept company with males and females superior to himself, both in rank and in parts. By conversing chiefly with secondary men, who regarded him as a genius, he was filled with self-conceit and an overweening fondness for his own opinions, which did not make him more amiable or instructive in the commerce of life. His overbearing turn in conversation as well as in business, created an unspeakable prejudice to him, and proved a great obstruction to his success. Be that as it may, he came early into good practice, which was owing to his being patronised by a set of writers in town and country, who did everything to bring him forward. And his first appearances did him much credit. To a goodly share of knowledge in jurisprudence for one of his age, he added an acuteness and boldness of speech which made him lose no advantage. So great were his zeal and pertinacity, that he was sometimes charged with pushing arguments and evidence too far. As a pleader, he was more copious than eloquent, more perplexing than perspicuous or convincing; which last was imputed to a superabundance of matter, which he had no time to polish or arrange: and there are causes which a lawyer, exceedingly desirous to carry his point, would wish to darken. The asperities of his language, in some cases, neither got him friends nor added weight to his arguments. There is, perhaps, no figure in rhetoric that stands a barrister in less stead than the *argumentum ad hominem*, when too often or injudiciously applied. He wrote

just as he spoke ; his law papers, though replete with information, were often prolix and dry, without elegance or pathos. Indeed somebody remarked that they were as slovenly as his dress, which was much below the standard of his brethren. This was the more reprehensible, as he had assuredly a great turn for business. At an early period, he acquitted himself to such good purpose in some nice questions of feudal law, as to merit the approbation of Pitfour, when taken into the cause. When only four or five years at the bar, he is said to have made £400 a-year—a large sum for a man who was in few great causes, and had no powerful protectors. Whatever was the cause, he never was a favourite, either of the judges or the first men at the bar. The former were sometimes offended at the pertness of his expressions, which were barely reverent—and at the unnecessary length of his harangues, which made them sit on fidgets.¹ From the polite circles of his brethren he was either excluded or kept aloof. They regarded him as an underbred, forward, pragmatistical man, who was not likely to do honour to the Faculty. And he was no *belles lettres* man or philosopher, which was in those days the best

¹ One day, when pleading on the import of a proof of marches, he was sharply reprimanded by President Craige—first, for mistaking circumstances ; and second, for taking up so much of the Court's time. He claimed the privilege of pleading the cause in his own way ; but in the course of the altercation he twisted his mouth, which made the other say with great heat, "What, sir! do you *girn* at me?" Nor were his pleadings better liked in the House of Peers. In spring of 1758, he spoke nearly four hours in an appeal. Towards the end, I saw Earl Hardwicke, the most patient of hearers, take up his hat before it was ended and walk out of the House, which he was never known to have done to any other pleader.

recommendations to the *tonish* men. His friends gave out that they disliked him chiefly because he was a sincere Christian ; but there was then a number of worthy, able lawyers, who loved religion as much as he did, without undervaluing the graces. In fact, this Mr Macintosh associated with secondary people, most of them minor agents, to whom he paid great court, while they were very fond of him. The few judges¹ or advocates with whom he lived in habits of intimacy were not first-rate men. Yet when it came in his way, he loved to consort occasionally with the great, knowing that, without patronage, he could expect no promotion. Though not considered by his Edinburgh acquaintances as a man of fascinating manners, he found means to insinuate himself into the good graces of some men of very high rank, who invited him to their country-seats.² He must have been at some pains to bring himself to their standard, which, considering his ordinary habits, was a great exertion. In this way he spent his leisure time much more cheaply, as well as more pleasantly, than with his ordinary society.

¹ With Lord Shewalton [David Boyle], a good, not a deep man, he lived in such habits, both in session and vacation time, as to be regarded as his *Pate*, or a household man, who was welcome at all hours.

² He was at one time in much favour with the late Duke of Queensberry [Charles, third Duke], who had a great regard for Lord Shewalton. Macintosh was at Drumlanrig Castle when the news of George II.'s death arrived. On the arrival of an express in the middle of the night, the Duke got up, and taking a candle came to his guest's bedside and told him what had happened, and pressed him to accompany him to London. The hopes of profiting from that event probably determined this gentleman to quit the Scottish bar, at least for a season.

But it must have been exceedingly mortifying to a man of an ardent and aspiring mind, to find that his business did not increase as he grew older. In an evil hour he resolved to quit the Scottish bar, at a time when it was evidently his interest to have persevered. Though there was little chance of his rising to the head of the bar, he might have made a handsome income by his profession, could he have dropped some of his crotchets; for it was his manners, not any suspicion of his integrity, which had rendered him unpopular. By the death or promotion of the more eminent lawyers, he would have come in for a good share of the business; and amidst the vicissitudes of a new reign, which was fast approaching, he might in time have obtained a seat on the bench, which was in those days, probably, the great object of his desires.

Whether disgust, ambition, or caprice, made him give up his profession and enter upon a new and untried way of life, must be left to those who were acquainted with all his secrets. If he looked for riches and preferment from his oratorical and reasoning powers, he surely over-rated and mistook his abilities, which were better adapted to a court of justice than to popular assemblies. Of the after-part of his life it is difficult to give a proper account, seeing he sometimes figured in the political or busy world, and sometimes lived in obscurity, wellnigh forgotten by his countrymen. Memoirs of his life from youth to age would be an interesting and not an uninteresting work, were he to give an account of

his views at different periods, and describe the scenes he had passed through for the last forty years, provided it were written in his own style, which is abundantly characteristic. I can only mention a few facts generally known.

It is believed he accompanied the Duke of Queensberry to London when that amiable nobleman went to congratulate his young sovereign, after having been many years absent from Court. So good an opinion had he of Mr Macintosh, that he seriously meant to have brought him in for the Dumfries burghs at the general election in 1761; but his Grace found it necessary to accommodate the Ministry, by making Mr Miller, the Lord Advocate, member. Whether Macintosh gave up the Duke, or the Duke Macintosh, is not material; suffice it to say, he could not have had a more powerful protector, for at that time his Grace had the ear both of the King and of Lord Bute. Instead of that, Mr Macintosh formed soon after a close connection with the late Earl Temple, whose politics were diametrically opposite to the Duke's, and likely to obstruct the promotion of his known friends. With that noble lord did he live for some years in town and country, whether as a secretary or a companion is not known. It was said that Lord Temple recommended him strongly to the Rockingham Ministry to be a Scottish judge; but being keenly opposed as an improper man by the President and Lord Advocate, Sir David Dalrymple was preferred. The next memorable event in

this gentleman's history was his intimate connection with the first Lord Clive. By whom he was introduced is uncertain ; but his appearances in the meetings of the proprietors of East India stock, probably laid the foundation of their friendship. In those days, every man who was not in Parliament had it in his power to display his eloquence and parts in Leadenhall Street. Besides drawing his pen with great keenness against his lordship's antagonist, Mr Sullivan, who strongly opposed his being sent in the year 1764 to Bengal with discretionary powers, Mr Macintosh is said to have distinguished himself in the very tempestuous debates which took place on that occasion. If his harangues rather excited the indignation of the other party than convinced it, the length of them and their acrimony are said sometimes to have put some of his opponents to flight. Be that as it may, they served to endear him to the noble nabob, who was then wallowing in wealth. In 1765 or 1766, Mr Macintosh purchased the estate of Auchintully in Atholl, and not long after appeared as a candidate for the burgh of Perth. As Mr Dempster, the sitting member, had been a zealous champion for Mr Sullivan, and, in conjunction with his friend the celebrated George Johnston, done everything in his power to obstruct his lordship's mission to Bengal, this attack upon him was considered as a piece of revenge. Had Mr Macintosh not been a little enigmatical on that occasion, it is said he would have carried the town of Perth, where he had a number of

personal friends.¹ It was generally thought Lord Clive had furnished the money both to purchase the estate and to carry the burghs. The contest was carried on for two years with great rancour, and at an enormous expense both to lawyers and voters. But all the wealth of the Indies could not give Mr Macintosh that flexibility of temper and milkiness of nature which make a man behave with courtesy and forbearance towards those that are not of his sentiments. His talking the language of purity and patriotism availed him the less that it was well known on what foundation he stood candidate; and at that happy, *too happy* period, there were no grievances to complain of. On the other hand, Mr Dempster was exceedingly beloved by high and low, being accounted a man of honour and probity. He was therefore warmly supported by the most considerable families in the county and by the leading people in the towns, while Mr Macintosh rested principally upon the councillors and deacons, who, if pure in that district of burghs, are considered as *inter venalia* everywhere else. No wonder, then, that the sitting member should prevail in the contest.

¹ When Mr Mackintosh applied to the late Lord Kinnoull for his interest in Perth, he received this answer: "What, sir! would you have me who once played at chess, play at *push-pin*, now that I am old?" His lordship was not fond of that gentleman. In one of the burgh causes, Maclaurin, who was counsel for Dempster, applied to Macintosh these lines of Virgil—

"Nam quis te, juvenum confidentissime, nostras
Jussit adire domos? quidve hinc petis? inquit."

Somebody asked Lord Kinnoull how he liked the paper. "Why," said he, "but for the name subjoined to it, I should have thought it Mr Macintosh's composition."

When almost certain of being foiled, Mr Macintosh raised a prosecution before the Court of Justiciary against Mr Dempster for bribery and corruption, in his own name and that of a Bailie Geddes of Cupar, not at the instance of the King's Advocate. It gave occasion to long and spirited debates in that Court. Both the candidates spoke, but the favour of the public was decidedly on the side of Dempster; and what was more, his arguments prevailed with the judges. After putting off the trial for six or eight months, on account of privilege, the libel was at last dismissed as not relevant. In the preliminary debates the parties had spoken strong language. Mr Dempster signified his intention to bring the matter before the House of Commons, by a complaint of breach of privilege. On the other hand, his antagonist threatened to apply to that House, complaining of delay of justice under pretence of privilege. Neither of them, however, presented any complaint. This, joined to the fate of the election, must have been a dreadful mortification to a man of Mr Macintosh's sanguine temper, which flattered him with the hopes of carrying everything in his own way. If it did not give *him* a better opinion of the judges, let it be remembered that a set of abler, purer, more disinterested men than those who were then Lords of Justiciary never sat upon that bench.

Though a severe trial of his temper and patience, he might ere long, by the help of his powerful and opulent patron, have got a seat in England, had not a violent rupture taken place between them. The

causes of it are less known than the consequences. No accounts are less pleasant to settle than those between election-mongers and their employers. And Mr Macintosh wanted not enemies who may have misrepresented him to his lordship. Be that as it may, a demand for a very large sum of money was made upon the former in a very harsh manner, which, being unable to pay, necessitated him to sell the greatest part of his property in Scotland. And if it did not reduce him to a state of bankruptcy, it surely put his affairs into great disorder, which must unavoidably have made a deep impression on a mind sufficiently irritable. In that situation, which would have broken most men's spirit, his fortitude did not forsake him, pointing out to his ardent imagination resources which promised to compensate for all his disappointments in life. During his long residence in London, he became acquainted with a set of people who were much connected with the York Building Company, which had, in the hour of exuberant speculation, purchased a number of Scottish estates, which had been forfeited in consequence of the Rebellion of 1715. It proved, however, a most ruinous speculation to the Company, which had been bankrupt for more than forty years preceding this period. From what he learnt from these gentlemen, and what he himself knew of the business while at our bar, he thought a purchase of the Company's stock, which was then very low, might prove a most profitable speculation. Although irreparable

injury had been done to the Company, both in the way of sales and leases, there still remained a number of valuable estates to be disposed of which promised to retrieve its affairs, and to ensure opulence to the holders of its stock. Accordingly, he purchased such a share of it as gave him the lead in its business. After having been for some time the counsel for, and confidential man of, its managers, he was at length elected governor. In that office he had full exercise for all his energy. He represented with truth the gross fraud and breaches of duty which had been all along committed by the Company's agents and managers, who had found means to make great fortunes, while their masters were not drawing a shilling. He laid down plans, which he assured them would extricate their affairs whilst it brought defaulters to justice. And that, he imagined, would not be a work of much time or much expense, the thing being in his opinion self-evident. But "let not him that putteth on his armour be as he that pulleth it off." It involved him and the Company in an endless labyrinth of litigation and waste of time and money.

The better to prosecute his favourite scheme, he resolved to return to the Scottish bar, after an absence of nearly twenty-two years. Self-love flattered him with the hopes of making a handsome income by his professional talents, which were now matured by age and experience. His friends flattered themselves that his long residence in England would have removed those peculiarities which had formerly

created a prejudice to him. Accordingly, his first appearances at the bar were abundantly flattering—it being allowed that he displayed much science and ingenuity. In exterior he was much improved; and his language and elocution approached nearer to the English standard than in his younger years. But though he volunteered his services in some remarkable causes, his practice was never great, and soon declined. This was nowise extraordinary. To the lawyers and men of business then in the highest repute, he was utterly unknown but from character, which was, at the best, a mixed and unpopular one. The former, therefore, were not disposed to have much intercourse with him; while the latter were not fond of employing him in preference to their old acquaintances; and what was more against him, the judges of 1783 (most of whom were his coevals or juniors) were as little partial to him as their predecessors in 1759 had been. And to say the truth, he was at little pains to conciliate the favour of any of these classes of people,—the harshness of his spirit, and attachment to his own views and opinions, seeming to have gained additional strength from age and disappointments. No wonder, then, that, as formerly, he should consort mostly with people who were by no means at the head of their profession. Being himself dissatisfied with those that took the lead in this country, his company was relished by those who thought in the same manner.

But as practice was to him a secondary object, the

affairs of the York Building Company, which were at that time in a most perplexed, unpromising state, were sufficient to employ the whole time and attention of the most indefatigable man. And it must be confessed, the Company had reason to make loud complaints. It was observed that hardly any person who had had a deep share in their business, retired from it without losing character. The questions between the Company and its agents and managers, as well as between it and the several classes of creditors, gave occasion to much angry litigation, in which each party reproached its adversary in its turn with crooked or fraudulent conduct. It is foreign to our subject to enter into particulars; suffice it to say that for several years Mr Macintosh made a conspicuous figure in every department of that complicated business, in which he displayed very considerable powers and astonishing perseverance, mingled with great infirmities. In his attack upon Mr Mackenzie, purchaser of part of the estate of Seaton, he was for once on the popular side, and what was less expected, his exertions were ultimately crowned with success.¹ Emboldened by this, he proceeded to carry the other questions before the Court with a high hand, pleading in a dictatorial, authori-

¹ Upon a question so well known it is needless to give any opinion—*Vicitrix causa placuit Diis sed victa Catoni*. Mr Mackenzie was by no means a popular character; but the summons executed against him in 1784 is an indelible monument of Mr Macintosh's spirit. Nothing can exceed the roughness of the style but the boldness of his asseverations, which were not verified by evidence. It shows that a man actuated by passion can make himself believe whatever he sets his mind upon.

tative manner in matters of doubtful disputation. Passion and violence never fail on those occasions to beget passion and violence; and perhaps an unprejudiced spectator would have pronounced all parties to have been more or less to blame in their turn. And as the business of that ill-fated Company engrossed the attention of this gentleman, it threatened at one period to leave the Court no time for other business. And what was worse, it was conducted with a turbulence and rancour that ill befitted a civil court whose decrees were liable to review. In matters of life and death, it is less extraordinary to see the Crown lawyers or the prisoners' counsel addressing themselves to the passions and prejudices of juries, because their verdict is final. At length, in the very midst of these disputes, "ruling the whirlwind and directing the storm" of litigation, Mr Macintosh thought proper to address the Court in a valedictory philippic, in which, with more than wonted asperity, he lashed his adversaries, and did not spare persons high in office. He was heard with such attention that one might have heard a pin drop. As he had spoken *evil of dignities* (whether justly or unjustly matters little), he ought to have been taken into custody. Instead of that he was suffered to retire, after some unmeaning remarks. Next day, when the matter had been better thought of, the judges seemed resolved to handle him hotly; but by that time he was not within their jurisdiction. Mr Erskine, then Dean of Faculty, whose office led him

to protect his absent brethren, pled that the words complained of were merely *verba jactantia*, which ought to have been instantly noticed, and that not being matter of record, it was too late to investigate them. From that time forth this gentleman has ceased to appear in courts of justice, either as a lawyer or a suitor. As he decamped very suddenly, at the time when it was supposed he was meditating another attack upon one of the Company's agents, stories were circulated little more to his honour than the charges he endeavoured to bring home to other people. And as none had been more foul-mouthed than himself, the ill-natured world was disposed to believe the reports, the rather that his friends and connections did not pretend to unravel the mystery.

In a year or two after his disappearance, however, the business of the Company was put upon a better footing. The disputes between it and its creditors, which had occasioned so much indecent heat, were settled by arbiters, to the satisfaction of all parties. If the three arbiters¹ received £1000 apiece (the highest fee ever paid in Scotland to men of law), it probably was the means of saving all concerned a much greater sum in litigation, to say nothing of the law's delay and uncertainty. It is asserted that, before and after coming to Scotland, this gentleman was offered £10,000 sterling if he would consent to withdraw the business from the Court of Session, and allow it to be settled by arbitra-

¹ Mr Rolland, Mr Blair, and Mr Macconachie.

tion ; but he is said to have rejected that offer with scorn, being as little fond of a reference as Mrs Blackberry in the play. He was, in truth, considered as almost impracticable in business, even with his very friends.¹ His obstinacy and violence cost the Company and himself more than £30,000. And after being tossed for a number of years in the sea of litigation, it is impossible to say what reversion there shall be at the last. There is, however, little chance of its being ascertained in his own time, as new embarrassments are continually occurring.

In a word, Mr Macintosh, with talents to have been useful and respectable in life, seems to have fallen a victim to ambition and litigiousness. In whatever light his connection with Lord Clive is considered, it turned out ruinous and humiliating to him, since it broke his peace and embarrassed his circumstances. His speculating so deeply in the stock of the York Building Company reminds one of the practice of buying pleas after the Restoration, which spoilt the character of the College of Justice for more than half a century.² If that adventure did not fall directly within the *letter* of the Act of Sederunt, it was certainly against the *spirit* of it. His knowledge of the law of Scotland, and of the Company's estates

¹ An intimate acquaintance of his told me that, having a piece of business of a common friend to settle with him, it took a full hour before he could be brought to a point, or to give a direct answer to a plain question.

² I had from Lord Kames a very interesting account of that vile traffic, in which, in an age of great lawyers, who were remarkable for seriousness and soberness of mind, almost every man, from the judge to the lowest practitioner, was engaged.

in that country, gave him a decided advantage over Londoners, who knew no more of that country or its business than of Poland. The spirit, too, with which he conducted the law pleas of the Company cannot be commended, though it may be accounted for in a man who was playing his last and greatest stake. One would be disposed, in the spirit of charity, to allow him, in the first stages of that business, the merit of good intentions. But when a lawyer is rather too keen on behalf of his clients, and comes to be stimulated by selfish and angry passions united, he is likely to forsake the paths of moderation, and at times to proceed in a manner which bids fair to defeat its own purpose. He sees, or fancies he sees, partiality in the judges—a species of jealousy that is most pernicious, because the charge is generally groundless. And parties who have wound up their imagination to a high pitch, are most incompetent to decide upon that matter. Meanwhile, he who betrays a petulant, acrimonious spirit, has no title to expect a courteous reception from the Court, which is only bound to do him justice. His violence and pushing everything to extremes proves likewise infectious, making his adversaries endeavour to turn his own artillery against him. He that keeps his mind intensely fixed on any subject for a tract of time, and meets in the prosecution of his favourite plans with unforeseen, vexatious disappointments, may bring himself at length into the predicament of those Athenian judges who held for honourable that which pleased, and for just that

which profiteth. The suitor who will have everything in his own way, and makes no allowance for the sentiments of other men whose reputation is as fair as his own, had need to have the soundest heart as well as the soundest head. I am far from saying that Mr Macintosh's antagonists were free from blame; but the facility with which a very complicated branch of that business was settled, after he ceased to have a share in the management, affords a strong presumption that the tempestuous manner in which it was carried on while before the Court of Session, was in part owing to his pride and obstinacy, which would not be regulated by prudential rules.

With this gentleman's private life I am unacquainted, having never been in his company, and not seen him for forty years. But he was always regarded as a man of good morals and a sincere Christian. And both before and after his residence in England he had a set of friends much attached to him at the very time he was most unpopular. To reason from analogy, one would suppose him in the company of his intimate acquaintance to be a pleasant instructive companion; but where there was a mixture of people whose opinions did not accord with his, it may well be thought he was no granter of propositions or sweetener of discourse.¹

¹ As a proof of the asperity of his temper and his doing things like no other man, it is proper to mention his memorable appearance in 1791 as a member of Assembly. When all parties were agreed what judgment should be pronounced in the case of Dr M'Gill, he stood up and made up a very tragical speech, in which he told the House "that that gentleman had crucified the Saviour

Since he ceased to attend the courts of justice, his common residence has been in a house in Argyle Square, which he seldom or never quits. There he sits in his bedroom, which is filled with law papers, having seldom any clothes on him but his breeches and night-gown. And as the great arm-chair in which he sits is within five feet of his bed, his perambulations are confined to a very narrow space. His meals are only taken when he feels hungry, so that he may be seen sometimes breakfasting on tea at three in the afternoon. Had our lawyers of the seventeenth century, who amassed great fortunes by plunging into the abyss of litigation, been as little successful as this gentleman, there would have been a speedy end to the abominable traffic of buying pleas. Meanwhile, *requiescat in pace!*

Walter Stewart of Stewarthall, admitted advocate in 1751, though short-lived, is well entitled to be commemorated among the worthies of his time. His parts and probity, which were very considerable, appeared to the more advantage from his having a fine person and a prepossessing countenance. Nor did he lose upon a closer acquaintance—his manner being courteous and kind, and his conversation natural and full of good matter. His eloquence was not the less powerful, that in his pleadings he had the

of the world anew, and made His wounds stream afresh. Were the watchmen of the Church asleep or treacherous, that they allowed such things to pass with impunity?" Had he acted in concert with the heads of the popular party, he would have learned that the Doctor had made such concessions, that the most sanguinary inquisitor could only have enjoined penance.

happy talent of making law and common-sense go hand in hand; and he wrote with elegance and perspicuity. Being neither a philosopher nor passionately fond of *belles lettres* studies, he had nothing to divert him from the duties and pursuits of his profession. And it was greatly in his favour that he was believed to be incapable of doing anything mean or unfair to compass his end. No man stood higher in the estimation of the Court and of the Bar, as well as of men of business, than this gentleman, when, to the unspeakable grief of his family and friends, he was cut off by a fever, brought on by his own imprudence. For though a man of excellent understanding, he had one foible—namely, a solieitude to be thought a man of spirit and fashion. Before his fatal journey to London, he lived very hard with the hunters, who were, no doubt, the first men in the country in point of rank and fortune; yet from their company and conversation, an accomplished man, past the fervours of youth, could profit nothing.¹ Having been feverish when he set out, he sickened upon his arrival at London, and died in a few days in the spring of 1764. Had this amiable, able man been spared, he bade fair in time to have been called to fill the first offices in the law, which was the summit of his ambition.

¹ While drinking one night very hard, a ridiculous bet was laid that Mr Stewart should run 100 yards on Shawfield's back against Lord Aberdour, who was to run 200. To this race—which was won by the latter before thousands of witnesses—Dr Fordyce alluded afterwards in a synod at Stirling. "Was it not better," said he, speaking of a minister, "to run his race of popularity on his own legs, than on another man's back?" Mr Stewart was present and was displeas'd at this liberty.

Hugh Dalrymple, the son of a Writer to the Signet, was a law adventurer, who, but for his unruly passions, might have proved in time an eminent barrister. He was first an officer in the army; but having been reduced after the Peace of Aix-la-Chapelle, he found a lieutenant's half-pay a sorry provision for a man who had a wife and family. Being a man of quick parts and a good scholar, he was advised to study law, which was a great effort in one of his years, who was both volatile and fond of pleasure. He had the merit of making the trial, and after having studied hard the ordinary time, put on the gown amidst the sanguine expectations of his friends. Out of compassion, he met with much encouragement at his outset. It was astonishing with what readiness, and even eloquence, he spoke upon every subject. Nor had he less facility in writing. Yet if interrupted in the middle of a speech,¹ he lost all recollection, and

¹ His first appearance was in May 1753, at the bar of the Synod of Lothian and Tweeddale. He went on with great spirit and humour till Mr John Home called him to order for charging Dr Blair with endeavouring to bribe a fiddler to vote for Mr Warden to be minister of the Canongate. It struck him into a heap, and though repeatedly desired to proceed, he seemed to have lost every idea. Upon hearing that he had a wife and family to maintain by his profession, Mr Home is said to have melted into tears. Dalrymple wrote a parody on a poem on Inverary by the former. To avenge his friend's quarrel, Dr Carlyle wrote bitter verses against Dalrymple, whom he treated with scorn and contempt. A friend of the latter's having put those verses into his hands in the Outer House, just as he was reading them with great indignation, who should appear but the Doctor. Seeing a circle of young lawyers, he made up to them when Dalrymple was reading the verses in an ironical tone. It was with difficulty a quarrel was prevented. I remember only two lines:—

“ Yet ages' Author—

Thy story told him, shed a generous tear,
The witling scorned, but held the father dear.”

was unable to resume the thread of his discourse. Although by no means a deep lawyer, none knew better how to turn his small stock of learning to excellent account, and where to find authorities to support his arguments. He soon became a great favourite with such agents as liked a lawyer who would undertake any cause, no matter how little tenable, and make use of topics which other men would not venture to urge. After having been a few years in business, he used to boast among his companions that he had already written much more upon the subject of law than ever he had read. Though all along considered as a suspicious character, some eminent lawyers liked his conversation, which was spirited and lively; and he had much the manners¹ of a gentleman. And he took care to command respect by his abilities and his sword.²

About the year 1760 or 1761, this gentleman's character became notorious in the way of seduction, insomuch that he found it necessary to elope from Edinburgh with a young lady, leaving his wife and

¹ The Court of Session having made an Act of Sederunt respecting the removal of tenants, in one of his desperate causes, Dalrymple took occasion to impugn its authority as an assumption of legislative power. He requested the same indulgence from the Court which Cicero had met with from Cæsar when arraigning his proceedings. "Mr Dalrymple," said President Craigie, "though you are a clever man, you must not think yourself a Cicero." "And I am sure," said the other, loud enough to be heard at the bar, "you are no Cæsar."

² In May 1758, he quarrelled with the present Sir John Dalrymple about pleading an appeal. Having met by accident in the British Coffee-House, when the room was empty, they had an encounter, which had like to have proved fatal to the latter; for when some gentlemen came in, his antagonist had got him down in the struggle, and was shortening his sword to stab him.

children in a destitute situation. After living for some time in London, in great infamy and indigence, he wrote a burlesque political poem entitled, "Rondondo; or, the State Jugglers," in which he lashed Mr Pitt and Lord Temple with great severity and some humour. It was well received by the public; and, what was of more consequence, he was made not long after Attorney-General of Grenada, in which island he died after a short residence—a melancholy proof of the perversion of excellent talents.

Alexander Wedderburn, afterwards Lord Loughborough and Lord Chancellor of England, was not only educated at Edinburgh, but also practised for some time at our bar. I mean only a few strictures on his early life, leaving to historians and biographers to appreciate him as an English counsel, a member of Parliament, and a statesman. He was bred at the High School and College of Edinburgh, and as he had a strong partiality for these seminaries, so his masters were amazed at the quickness and solidity of his parts while yet a youth. But much as he owed to nature and to them, he was exceedingly indebted to his excellent father, whom he wished to make happy by conforming to his precepts and admonitions. After passing with *éclat* his civil law trials, he was sent a winter to the Temple to study English law and to acquire a thorough knowledge of the English pronunciation, which his father considered as a matter of great consequence to a public speaker. He had, with that view, taught his children

from their early years to avoid Scotticisms in phraseology and elocution. At the age of twenty, nature and art had done mighty things for him. To manliness and maturity of thought, he added the graces and sprightliness of youth. Qualified to shine in a drawing-room or an assembly, his company and conversation were sought for by the philosophers and scholars of those days, who wished to initiate him into their mysteries without loss of time.¹

Upon coming to the bar, he far exceeded the expectations formed of him, both as a speaker and a writer.² His language and tones, though correct and harmonious, were withal so natural as to give additional weight to his well-chosen and impressive arguments. It was allowed on all hands that as he surpassed Sir Gilbert Elliot in elegance and force, so if he went on, he would in time be as great a lawyer as the late Robert Dundas of Arniston. Every new appearance added to his fame; and he assuredly would have been at the head of our bar had it not been for his rash quarrel with Mr Lockhart.³ This,

¹ In October 1752, soon after his return from the Temple, I met with him at Blair-Drummond. Nothing could be more interesting and entertaining than the strain of his conversation, which was much above his years and opportunities.

² His first paper was for the creditors on the estate of Struan, whose case was singular and hard. Though they had no legal claim, Mr Wedderburn appealed with great strength and pathos to the feelings of the judges and the Crown lawyers, showing their peculiar hardships. It was regarded as a masterpiece.

³ A complaint, drawn by Mr Wedderburn, was given into the Court of Session in June 1757, against Captain Ferguson, regulating captain at Leith, a very unpopular man, charging him in very pointed language with having pressed a number of landsmen at a review at Perth. In the course of that

joined to the death of Lord Chesterhall,¹ which happened immediately after, made him resolve to try the English bar, which would afford a much more splendid field for his ambition. It was, I remember, considered as a very hazardous step in a man who had no fortune to support him till he should come into practice. But the death of the king, and his sister's marriage to Sir Henry Erskine, gave him a great game to play, which he wanted not skill to make the most of. Brilliant parts, however, do not always make a man courteous and popular. Much as he might be liked by his own circle, he was considered in those days, by such as were not much acquainted with him, as proud, supercilious, and satirical—the very reverse of his good father in point of manners. And it was suspected even then that he had not much heart. It is surely a strong presumption in his favour that all his great preferments did not make him forget his father's friends and dependants,² whose promotion could neither advance his

cause, Mr Lockhart, the captain's lawyer, threw out strong insinuations that this inflammatory complaint had been given in at the instigation of people behind the curtain, who did not mean well to Government. At this charge, though levelled chiefly at his friend, Sir Gilbert Elliot, who was then in opposition, our young orator took fire, and delivered one of the most spirited speeches that had ever been made in that House. After avouching the loyalty of his family to the house of Hanover, he retorted with keenness the charge against Lockhart. I came in when the latter was making his reply, and saying something that sounded very like a challenge. There was not much courage in attacking Lockhart. President Craigie said the young gentleman's speech made all his *flesh creep*.

¹ [Wedderburn's father.]

² Mr Alexander Robertson, Writer to the Signet, his early friend; Mr John Flockhart, his father's clerk; and Mr Walter Cossar, who was much about the family, a very worthy man.

interest nor flatter his vanity. And it did him honour that he patronised Mr Lockhart's son, who was bred to the English bar. It was returning good for evil with great magnanimity. Whether he might not have been as happy in his own country as in England is a question which cannot easily be solved till he shall have finished his course. Who that saw him, as I did in April 1758, at his apartments in the Middle Temple, would have imagined that he should one day be Lord Chancellor of England?

John Maclaurin, afterwards Lord Dreghorn, was the son of that eminent and amiable mathematician, Mr Colin Maclaurin. With this gentleman I spent many a pleasant hour in the days of my youth—though our connection ceased, in a great measure, after I retired to the country. Of course my observations will be principally confined to the earlier part of his life, when he was comparatively obscure. He was past nineteen when we became acquainted at the house of a common friend.¹ A more singular young man, or one less prepossessing in his appearance to a stranger, could hardly be seen. The affected gravity of his dress and demeanour formed a strange contrast to the brilliant sallies of wit, with which he never failed to enliven his discourse, in season and out of season. His mother, a very good but capricious woman, had given him a very defective education. She seemed to think that the way to keep her son virtuous and well-principled was to keep him aloof

¹ Mr William Cochrane, Judge-Advocate for Scotland, then a young man.

from the company of men and woman of fashion, who would have polished his manners, and given a cast of elegance to his conversation without spoiling his morals or his principles; whereas, when just about to enter into public life, he was perfectly ignorant of the ways of the world, awkward and ungainly in his address. This was owing to his having conversed chiefly with persons advanced in years of a grave and serious turn of mind. As he had a most lively imagination, and a levity which spurned all rules, he could not preserve the mask of gravity for any length of time among people of his own years. Though regarded as a pleasant good-natured fellow, the exuberance of his fancy, which was ever too strong to be controlled by discretion, made him perpetually deal in poetical squibs or burlesque pieces on some of his companions, who were seldom offended at them, because they knew them to be the ebullitions of a playful humour which meant no harm. Notwithstanding his vivacity, he was a good scholar and a hard student. But he did not inherit his excellent father's genius for the mathematics—being indifferent about them, or disposed to turn geometrical studies into ridicule. Next to the law, he paid most attention to polite literature, particularly to light poetry and works of wit and humour, which coincided with his own genius.

His early appearances at the bar did not recommend him to people of business—his speeches and

papers being for some time strings of epigrams, more calculated to entertain than to inform the judges. The oddity of his figure, and a grotesque mixture of solemnity and pleasantry in his expressions, made him be considered as a singular man, whose real character it was difficult to fathom. Meanwhile they that knew him best believed that years and experience would in time make him drop most of his erotehets, which neither impaired his knowledge nor trenched upon his good qualities. By degrees he became more sparing of his wit and humour, giving close attention to business, in which he displayed much acuteness and ingenuity, which by degrees reconeiled the agents of a graver east to him. But when five-and-twenty years of age, or a little more, it was matter of merriment to his companions to see him assume the state of a barrister of sixty, arrayed in stiff clothes and stiffer wigs, parading the streets, with a servant carrying a lantern before him, before supper, more for form than use. His companions tried sometimes to run away first with the lantern and then with the cloak from his old domestic, and then get him to adjourn with them to the tavern, which he did not bear with his usual good-humour. He was, however, one of those who were more the worse of wine than the better for it, for it rather damped than exhilarated his spirits.

The first thing that brought him into the mouths of the world was the play of "Douglas," which was

first acted at Edinburgh in the winter of 1756-57. Entertaining a hearty detestation and contempt for the reverend author, with whom he was perfectly unacquainted, he joined the popular clergy in the cry against that piece, the rather that it was highly applauded by the Moderate side and its philosophic friends. In attempting to depreciate one of our best modern tragedies, Mr Maclaurin and his friends did not show themselves to be candid or judicious critics. Whether Mr Home was not reprehensible in some parts of his conduct may admit of some doubt, but assuredly he might be allowed to be a good poet. Be that as it may, many were the ballads and other squibs in verse and prose which the lively but indiscreet muse of this gentleman produced in the course of a few months. In them he strained every nerve to vilify and expose the author and his associates, clerical and lay, who, to say the truth, laid themselves sufficiently open to censure at this time; and the world was not sorry to see them chastised. Ill-natured and imprudent as these fugitive productions were, one could not help being diverted with them—it being apparent that their author had no mean talent for satire, which needed only to be directed to some great and good purpose.

Yet, granting the poet and his friends, the ruling *literati*, to have been fair game for ridicule and invective, what could be more imprudent in a lawyer beginning his career than his stirring most unnecessarily a nest of literary hornets, who, as they were all-

powerful in matters of taste and composition, might by their influence check his progress at the bar, if not crush him entirely? The friends of the three Homes, whom he had lashed severely with great indiscretion, were a mighty body at that time in this country, whom no wise man would have provoked. But if worldly wisdom never entered deeply into Maclaurin's consideration, from this time forth he began to devote the greatest part of his time and attention to his proper business. Though much looked down upon for a great while by the *tonish* men in the Faculty, he wanted not friends and protectors among the lawyers and writers, that gave him credit for exposing a set of people who were not generally graceful. And they were in hopes this check might do him good. One thing is certain, he became very chary of his wit and humour in his pleadings and law papers, which tended to increase his practice. And, what was no less expedient, he gave up, in a great measure, treading the thorny paths of satire and invectives.¹ Nay, unless upon great occasions or in select parties of very friends, a stranger would never have found out that he had

¹ The last of his satirical performances was a ludicrous attack upon Mr Forrester, an eminent English counsel, whom Archibald Duke of Argyll wished to have member for the city of Edinburgh at the election of 1761. In one of his philippics, intended to serve his friend, John Fordyce, the popular candidate, he represents Forrester bringing in a bill to destroy the harbour of Leith, and to make the river Tumblet—d navigable for a vessel of 500 tons as far up as a place called Babylon. Here Maclaurin had the voice of the public with him; while the good Duke, who died a fortnight after, had the mortification to see his candidate set aside very idly by the worshippers of the rising sun.

been a man of luxuriant fancy, whose epigrammatical sallies used to set the table in a roar. Whilst he was admired both as a speaker and a writer, especially in causes where it was necessary to touch the passions, the old practitioners complained that with all his gravity and solemnity, his fancy was still too strong for his judgment, which was occasionally warped by whim or caprice. And it was likewise alleged that his law papers in common cases were slight and superficial, which might proceed from spleen or distaste, to which he was much too prone in his riper years. But when engaged in a cause which attracted the attention of the public, or was connected with liberty, he displayed great eloquence and compass of thought, both in his speeches and papers.¹ It is needless to add that he shone as a criminal lawyer. In that hopeful state, which promised him ere long eminence and preferment, did Mr Maclaurin stand when I ceased to be much in Edinburgh in session time.

It was no bad proof, both of parts and address, that he was able to get the better by degrees of that prejudice against him which would have sunk another man of less firm nerves. Having fought a stout battle almost unsupported against a formidable body of people, he wanted not wit and spirit to retort any attack that might be made upon him. The persons whom he had lampooned very wisely let

¹ His information for Mungo Campbell [an exciseman who had murdered the Earl of Eglington] is an able but indiscreet performance.

him alone, knowing they should gain nothing by the contest. His younger brethren soon discovered that he was not the gloomy, scrupulous man they took him to be, being, in the cant of the time, as *liberal-minded* in his sentiments as laxity itself could desire, unless in the single article of ecclesiastic polity and the leaders of the Moderate party. There likewise arose, in the beginning of the present reign, a set of young men of much promise who ere long made a great figure in the Faculty of Advocates. The most remarkable of this group was Mr Henry Dundas, who, from the very first, bade fair to equal his father and uncle in eloquence and manly sense, and to surpass them in popularity, for in a few years he took a decided lead in the Faculty. None of the friends and companions of his youth stood closer by him than Mr Maclaurin, who, in that part of his conduct, showed himself to be a good courtier. Though some of these gentlemen were *belles lettres* men, Mr Dundas was not; and, what was of more consequence to the former, he had little reverence for the author of "Douglas" or his associates. Their being of different sides in the General Assembly made no breach between two friends who were not supposed to be very strict in their religious notions. Mr Dundas connected Church politics with the interest of his royal master and the dignity of his servants; whilst the other considered them as the only subject on which a man in his situation could display his eloquence in behalf of liberty against a set of men

whom he had been easily taught to consider as the oppressors of the people. None, therefore, was more welcome to Mr Dundas's symposia, which, before his getting into Parliament, were frequented by first-rate people in point of talents, rank, and fashion; none contributed more to enliven the "Feast of Tabernacles"¹ by his wit and fancy, to which, I have been told by members, he there gave free scope, whilst he bridled them elsewhere.

The friendship between Dundas and Maclaurin did not cease when the former was called to play a much more brilliant part in Parliament and in office. Though not always pleased with the politics and conduct of his right honourable friend, he professed the highest veneration for his person and talents. To him, indeed, though nine years younger, did Mr Maclaurin look for a seat on the bench, which was to him a matter of mighty consequence. He might unquestionably have had first-rate practice, both from his parts and knowledge, had he been less singular and capricious; for he was not always disposed to take pains upon common causes, much less to plead them as the agents wished him, whilst he strained every nerve to establish some popular claim, or to effectuate some petty innovation in judicial

¹ It was a club composed of lawyers and literary men, whose bond of union was their friendship for Mr Dundas, and who met at Purves's tavern in Parliament Square. The "Mirror" Club was a step from it. There was another club in the same house of secondary men, some of whom have since risen to celebrity. Having assumed no name, Bob Sinclair styled them the "Sons of Solomon." Who would have thought that Henry Erskine, then a very young man, should have been a member!

matters, which sometimes did more harm than good. This made him be regarded by the ablest practitioners as a superficial, flighty man, whose judgment was not to be relied on. Be the cause what it would, at the time of his leaving the bar he was said to make no more than £200 a-year, which, to a man with an expensive family who was not rich, would not go far. His repeated disappointments soured his temper, and made him vent his indignation in very imprudent language. After various heats and colds, nowise owing to Mr Dundas, Maclaurin was made a judge. In that capacity his learning, ingenuity, and eloquence enabled him to have made a very respectable figure, had they not been counteracted by his foibles, which seemed to gather strength from age.

Andrew Crosbie¹ is the last of the lawyers of the reign of George II. that falls within my present plan. Of him it may be said with truth and deep regret, "Great were his faults, but glorious was his flame." I was intimately acquainted with him from the age of seventeen, when we were both at the College of Edinburgh. He was all along considered by his professors and companions as a lad of genius, whose knowledge was much above his years and opportunities. His heavy look and clumsy figure, which seemed to bespeak a degree of clownishness, did not promise that compass and energy of thought for which he was distinguished in the after-part of life. Although he had a great deal of wit, and a very lively and vivid imagina-

¹ [The prototype of "Counsellor Pleydell" in 'Guy Mannering.']

tion, he never allowed them to run riot in company or business, like the gentleman last under consideration. Abundantly fond in youth and age of maintaining paradoxes, or, in other words, of deviating without necessity from opinions generally received, he supported his positions with a force and plausibility which, if they did not give entire satisfaction, impressed all that heard him with a higher opinion of his parts than of his prudence and reverence for established systems. As no man had a more generous, manly way of thinking, or a heart more capable of friendship, he was exceedingly liked by his companions, who knew they should learn from his conversation things which it imported them to know. Of one thing they were assured—namely, that they should never meet him with a new face. Even at that early period he had a number of singularities which he had better have wanted; but they did not affect his better qualities, or make him appear mean or ridiculous. It was a great misfortune to him that he did not, when approaching to manhood, find admittance into the circles of the gay and polite of both sexes, from whom he would have learned their graces of behaviour and that knowledge of the *petites morales* of life which adorn and heighten genius. The want of these external accomplishments made him sheepish and uneasy in the company of ladies of rank and fashion. He had, indeed, neither that ease nor small-talk which enables every flippant coxcomb to make a figure in

their company. Being very fond of the sex, it made him associate with a set of inferior females who were most unworthy of his favour.

Though well connected both in town and country,¹ his narrow education prevented him from being acquainted with the young lawyers who then took the lead among their coevals in law and literature. Presuming too much upon his physiognomy and inattention to exteriors, they prophesied that he would never rise very high.

He soon commanded the attention of both Bench and Bar by a display of talents uncommonly brilliant and solid in so young a man. The intrepidity and firmness with which he urged questionable topics carried sometimes his audience along with him, spite of their inclination, whilst his learning supplied him with authorities at will. His original genius, which delighted in striking into untrodden paths, made him devise arguments that either did not occur to other barristers, or were considered as untenable. The last circumstance only disposed him to press them with redoubled ardour, regardless of censure or of prudential considerations. It is, however, proper to observe, that he was more remarkable for the massiness and novelty of his sentiments, than for elegance of expression or the graces of elocution. Yet, contrary to all rule, his speeches were delivered with such boldness

¹ His mother was sister to the first lady of the Lord Justice-Clerk Tinwald, and related to a number of respectable families.

and appearance of self-conviction, that they made a deep impression even on those who did not always approve of their strain or tendency.

And now of him as a criminal lawyer, a situation for which he was admirably qualified, if he had kept within proper bounds. It was to his early appearances in the Court of Justiciary that he owed a great part of his practice in civil causes, when only a young lawyer. His manly sense and knowledge of the springs that actuate the human heart, expressed in bold nervous language, made a deep impression upon the half-learned pragmatists of whom juries are sometimes composed. What wonder, then, that in some cases he should have procured the acquittal of certain culprits, of whose guilt he was himself thoroughly convinced! It unavoidably involved him in disputes with the judges, who in some cases accused him, not without reason, of stepping beyond the bounds of duty on behalf of clients who had no money to fee him. Without pretending to justify the keenness of the judges on some occasions, it may be affirmed there never was an age or country when innocence or human frailty had less to dread from prosecutors and the Bench, than the one in which Mr Crosbie figured most. On the contrary, there never had been a time when guilt had more reason to look for impunity from the abilities of their counsel. This was unquestionably such an abuse of parts and eloquence as could not be justified. But he always took care not to go so far as to subject himself to punish-

ment ; and as the Court venerated his abilities, there never was a very serious quarrel between them. Meanwhile his boldness and inflexibility recommended him to the agents, whilst his appearances in the Circuit Courts spread his fame all over Scotland.

In seven or eight years after his admission his practice in the Court of Session was much greater than is usual in lawyers of that standing. There he was distinguished for being equally acute and indefatigable in business, which last was the more extraordinary that he was even then thought a dissipated man. And there he was more in favour with the judges than in the Court of Justiciary ; for he had sense enough to see that a lawyer who wages war with the judges is not more likely to carry his point before them, or to make much money. Yet he displayed the same energy and zeal for his clients in that Court which were so conspicuous in his conduct in trials of life and death. In his pleadings there was perhaps more strength than elegance ; but his impassioned elocution gave additional weight to his matter. Although all along a great favourite of the agents, some of the more sagacious ones looked on him rather as a fanciful lawyer rather than a sound or safe one. In this there might be a degree of truth. The fearlessness of his nature, and his fondness for treading new and unexplored grounds, were not unlikely on some occasions to warp his excellent judgment. Yet even in cases where he endeavoured to lay down new law, he never failed to speak and write the language of com-

mon-sense, which was always more apparent in his words than in his actions. But in all likelihood age and experience would have cured him of all these crotchets, and made him as cautious as he was able and ingenious. However that might have been, he was for a number of years likely to have attained to wealth and eminence in his profession, and in a competent time to the higher offices of the law. And if not a faultless, he was then a very popular character.

As the personal friend of Mr Henry Dundas, he was all along a member of the "Feast of Tabernacles"; and from every account he was one of the great ornaments of that society, both in its frolicsome and serious moments, when any point of taste and literature was to be canvassed. When a little warmed by liquor, nothing could be more joyous and interesting than his discourse, there being a happy mixture of wit and humour and information. But though occasionally one of that gentleman's parties at his own house, Mr Crosbie had too independent a spirit to attach himself to any man, how powerful soever he might be. In those days preferment was entirely out of his view, and it depended only on himself to be rich and independent.

His learning was by no means confined to professional subjects, he being an excellent classical scholar, and a connoisseur in sundry branches of polite literature. Though too much a man of business and pleasure to aim at the honour of authorship, he was a very

competent judge of other men's compositions. With the ruling literary men of those days he lived upon a friendly footing, and it was his own fault that he was not oftener in their company; for they bore all ample testimony to his genius, though they did not always approve of the application of it. This was not a compliment which they were disposed to pay to some of his coadjutors. While in great practice he found leisure to study chemistry, which was then studied by few but medical people. He is said to have taken great delight in it, as it enlarged his sphere of knowledge, and was connected with mineralogy, of which, to his cost, he was passionately fond. The time was not yet come to make chemistry one of the vehicles of impiety, by making second causes work independently of their almighty Creator.

Let me now, with truth and delicacy, speak of the faults and misfortunes of a man whom, in the morn and noon of life, I loved and respected. Little did his friends think in those days that his bright talents would ere long prove useless to himself and to society. He had early an unhappy genius for speculating on things that lay very much out of his way, and of which he had little knowledge or experience. To these adventures he was stimulated both by his own over-sanguine turn of mind, and by the temper of the times, which set no bounds to hope, and regarded prudence as the virtue of little minds incapable of enlarging their sphere. His mining adventures would only have picked his pocket of considerable sums of

money, had he not, in an evil hour, embarked on a magnificent scheme of banking. He was not only a partner in the Douglas and Heron Bank, but supposed to have a principal hand in its most secret and important transactions. If the story generally believed at the time was true, the projectors of that company aimed at power as well as exorbitant profits. By directing all the money transactions in the kingdom, and by granting credits, a few great families, in conjunction with a set of bold, ambitious young men, were to influence elections and to govern Scotland. If such were the views of those that were in the secret, it is hard to say whether they were most guilty or most chimerical. It is needless to enter further into a matter so generally known; only for the two years it lasted, a general intoxication seemed to prevail among the partners, who little knew they were sporting upon the brink of a precipice, over which many a worthy family was ere long to be precipitated. Among the rest, Crosbie was by no means idle. It was then he set about his magnificent house in St Andrew Square,¹ which, had he prospered to his wish, was greatly above his scale. This very expensive and whimsical edifice was little more than roofed in when the company stopped

¹ He said on that subject, "Other men in that Square have built bachelor houses, but I will show them one which will accommodate a married man." Principal Robertson said one day at a dinner, "Crosbie, were your town and country houses to meet, how would they stare at each other!" His house at Holm, a sweet spot near Dumfries, was only thatched and one storey high. Nor would his house in the middle of the Bow have been less astonished. There he lived in 1770. He was probably the last lawyer that lived in the heart of the coppersmiths of the Bow.

payment, which, in conjunction with other failures, seemed to threaten a general bankruptcy.

It must have been a dreadful shock to a man of poor Crosbie's ardent spirit. His pride was exceedingly hurt at seeing a scheme blasted upon which he had risked his fortune and his fame. He must have felt the more anguish that he and the other directors were assailed on all hands with the bitterest reproaches. However culpable this gentleman might be in forming this grand project, one would fain hope that in the execution he and some of his brethren meant nothing fraudulent or dishonourable ; but when men who are novices in banking are involved in inexplicable embarrassments, recourse is naturally had to dubious or desperate measures. Be that as it may, if in the secret, he proved a dupe and a martyr to speculation. If his father did not leave him rich, he was considered as independent, and his practice, which was already considerable, bade fair to make him opulent. But it not only ruined his fortune, but destroyed his peace of mind and respectability. For a while he bore this sad reverse apparently with Roman fortitude, applying himself closer than ever to business. But ere long pressing demands were made upon him for money, which could not be paid by the sale of his estate, of which he was passionately fond. These things, and the being continually exposed to duns, soured his temper and made him seek relief from the bottle, to which he had always been sufficiently addicted. In his happier

days wine was excellently bestowed upon him, as it raised his spirits, which were naturally phlegmatic when not aroused by pleasure or business, which gave fresh energy to his mind. By degrees he estranged himself from most of his old friends, who were by no means disposed to give him up on his reverse of fortune ; but he was too proud and of too independent a spirit to court sympathy. In these circumstances he associated principally with a few persons in similar circumstances, who wished to forget all care over a full flowing bowl. It surprised people that he did not sell his house in St Andrew Square ; but with his usual pertinacity, he fitted it up and dwelt in it, when it was neither in his power to furnish it nor to live in style. And from what I have heard from people who went to consult him, a stranger set of domestics, or a more singular style of economies, were seldom to be seen. These things, joined to his allowing a woman of more than dubious character to assume his name and sit at the head of his table, made the latter part of this poor gentleman's life less pleasant and respectable.¹ Meanwhile his body was gradually enfeebled by the gout and other diseases. It is doubtful whether the body affected the mind, or the mind the body ; but for two or three of the last years of his

¹ He lived to be the object of popular odium as much as his old antagonist Principal Robertson. Having drawn the famous Popish bill, he was set down as one of these victims of mob-justice. With his usual boldness and eccentricity, he prepared to give them a warm reception, by boiling kettles of pitch and tar and pouring them from the leads on the assailants. Fortunately it proved a false alarm.

life his faculties were visibly impaired, which lost him his practice, now the only thing he had to depend on. In 1784, while struggling with poverty and disease, death overtook him in a premature old age, the consequences of his irregular life. They that wished him best could not wish for a continuance of the poor man's life in such circumstances.

CHAPTER VI.

PROFESSORS AND CLERGYMEN, 1745-1760.

No college in Scotland was in higher repute than that of Glasgow from 1745 to the commencement of the present reign—the period now under consideration. It had doubtless sundry advantages. It was attended by a great number of Scottish students whose fathers had received their education there. And it had, ever since the Revolution, been in much request among the Dissenters of the north of Ireland, being the nearest Presbyterian university. The increase of trade in Glasgow made many thriving citizens resolve to give their sons a more liberal education than had fallen to their own share. And, what was of the utmost consequence, the professors were in general eminent and successful in their several departments. There is, however, no history of that College, nor do professors that did not rise above mediocrity fall within the present sketch, unless there was something marked in their character or conduct.

Dr Adam Smith proved a great acquisition to the College, for his renown extended far and near. His story is generally known; but the group of literary characters which I have attempted to exhibit would be incomplete were this gentleman to be omitted. Having been trained at the College of Glasgow, the professors gave him one of their exhibitions at Balliol College, where he did not spend his time in sloth or frivolity. He resided there for a number of years, and laid in a great stock of useful and ornamental learning. There, besides forming connections with ingenious men, he made himself master of the niceties of the English language, which he wrote and spoke with great purity. As he did not follow any of the learned professions, when his time was out he returned to Scotland unprovided for. He met with a welcome reception from the men who at that time took a lead in taste and literature. Upon the death of Craigie, the immediate successor of Dr Hutcheson, he was elected Professor of Moral Philosophy. As great things were expected from Smith, he did not disappoint the opinion his friends had formed of him. Ere long it became a question whether he or his predecessor was greater in the science of ethics. As the latter had long been regarded almost as a legislator in that department, the new professor paid the highest respect to his memory, though he had too much genius to tread servilely in his steps. He therefore commenced building a set of theories of his own, which were exceedingly admired by the most

competent judges of these matters. If he did not speak with the grace and energy of Hutcheson, it is confessed that he wrote with more purity and elegance. No wonder, then, that his lectures should be regarded as models of composition. If not a juster thinker than Hutcheson, he was a bolder one, and capable of taking views which had all the charms of novelty and ingenuity. At the same time, he is rather to be considered as the improver than the founder of a new school. As pure benevolence had been the keystone of his predecessor's system, sympathy was the basis upon which, with great ingenuity, he reared a fair superstructure. In his lectures he delivered a great part of what was afterwards published in his great work upon the Wealth of Nations. His speculations upon natural religion, though not extended to a great length, were no less flattering to human pride than those of Hutcheson. From both the one and the other presumptuous striplings took upon them to draw an unwarranted conclusion—namely, that the great truths of theology, together with the duties which man owes to God and his neighbours, may be discovered by the light of nature without any special revelation. Whatever doubt Dr Smith might entertain in those days with regard to the latter, nothing of that kind appeared in his lectures, where, indeed, it was not his province to discuss national confessions. Even then, however, from the company he kept and other circumstances, suspicion was entertained that his prin-

principles were not sound, though he was very guarded in conversation.¹

He was long regarded as one of the great honours and ornaments of the University. To him, therefore, young men of great hope, designed for the Church, were disposed to look up as an oracle in matters of philosophy and polite literature. In this they were surely the more justifiable that it was universally agreed that the Doctor led a blameless, beneficent life, which was both a commentary and recommendation of the doctrines laid down in his prelections. He was at great pains to discover and cherish the seeds of genius; and therefore, when he met with acute studious young men, he invited them to his house, that from the turn of their conversation he might discover the bents and extent of their faculties. He took great pleasure in directing their studies and solving their doubts, adapting his hints to their plans of life. The private admonitions of such a man were likely to make a deeper impression on the mind of an ingenious youth than the most able and eloquent lectures.

Through the interest of the celebrated Charles Townshend,² who was much taken with him while

¹ It being, it seems, very disagreeable to him to pray in public [in opening his class], he applied to be excused from it, but his request was refused. His prayer savoured strongly of natural religion. He discontinued Hutcheson's practice of convening his class on Sundays, and giving his students a discourse suited to that day.

² [The Right Honourable Charles Townshend's connection with Scotland arose from his marriage with the Countess-Dowager of Dalkeith, which gave him the guardianship of her son, the young Duke of Buccleuch.]

in Scotland in 1759, Dr Smith was appointed travelling governor to the Duke of Buccleuch. Having resigned his professorship in the beginning of the year 1764, he entered upon his charge, which was a very weighty one. Though doubtless well qualified to direct the studies and superintend the conduct of a young nobleman at a very critical period of life, he wanted that knowledge of the world and those graces upon which Lord Chesterfield lays so much stress. However fascinating his conversation might be among learned men, there was an awkwardness in his manner that savoured of the cloisters of Balliol College rather than of courts or drawing-rooms. Yet by keeping the best company, male and female, abroad, he acquired a degree of polish and address which was hardly to be expected at his time of life. In the discharge of that very delicate office, the Doctor acquitted himself not only to the satisfaction of the Duke, but also of his guardians and friends.

In the course of his travels he became acquainted with Voltaire and the other French philosophers who were then labouring with unhallowed industry in the vineyard of infidelity. He was not the less welcome to them that he was the intimate friend of Mr David Hume, who was then in high vogue at home and abroad. What impression their arguments and enthusiastic eloquence made upon the mind of Dr Smith cannot be precisely known, because neither before nor after this period was his religious creed ever properly ascertained. If they found means to

initiate him in their lesser mysteries, they surely concealed from him their danger of turning the world upside down in civil as well as religious matters. These he would have reprobated with the utmost horror, as a friend of virtue and order. But he assuredly made great additions while abroad to his stock of knowledge, more particularly in politics and economics.

Between 1766 and 1778 he resided mostly at Kirkealdy, which was the more acceptable that it was the place of his nativity, where a number of the companions of his youth had their residence. As his literary friends sometimes found the way to his retreat, so when he wished for their society, Edinburgh was at a moderate distance. But, what he prized above all earthly comforts, he enjoyed then the company of his mother, who was most deserving of his filial duty. As she was an excellent, well-disposed woman, she had impressed his mind in early youth, when deprived of his father, with the most exalted and correct principles of conduct. How gratifying must it have been to her feelings to see her son in high reputation, and possessed of what he esteemed—independence!

Before leaving Kirkealdy, Dr Smith met with a very severe shock from the death of Mr David Hume, after a tedious illness, which he bore with a fortitude and cheerfulness which would not have misbecome Epicurus himself. His love and veneration for that gentleman exceeded all bounds. He was so enthusi-

astically fond of all that Mr Hume said or wrote, that it was commonly said if the one had stood forth as the champion of Christianity, the other would have seconded him with all his might. That perhaps might savour of exaggeration; but unquestionably men's principles and practice are often influenced by their friendships. However that might be, while his heart was still sore he wrote his letter to Strachan, the printer, giving an account of Mr Hume's illness and last moments in terms which sufficiently evinced the warmth of his affection for his departed friend.¹ As it was soon after printed, it gave very great offence, and made him henceforth be regarded as an avowed sceptic, to the no small regret of many who revered his character and admired his writings. That his friend was an amiable philosopher of great parts and greater eloquence was not disputed. But when Dr Smith declared without any qualification that "he had always considered Mr Hume, both in his lifetime and since his death, as approaching as nearly to the idea of a perfectly wise and virtuous man as perhaps the nature of human frailty would permit," everybody was astonished that a man who had once been a professor should have expressed himself in these terms. It went so far as to affirm that it mattered not what speculative opinions men might entertain—a proposition which

¹ That letter was criticised in a fine strain of irony by Dr Horne, afterwards Bishop of Norwich, under the signature of "One of the people called Christians."

shocked every sober Christian. Though the Edinburgh philosophers affected to despise the censures cast upon the Doctor for this indiscreet epistle, it was alleged they gave himself very great pain. It was possibly the reason why he was so shy of publishing any more of his lucubrations in his own time.

In the year 1778, by the interest of the Duke of Buccleuch, he was made one of the Commissioners of the Customs. Besides giving him an income adequate to his wants and wishes, the office accorded with his train of thinking, that had of late been directed to commercial subjects, and it left full time for study or conversation. In the last, which is one of the choicest luxuries old age can have, he was singularly fortunate. At that time few provincial towns in Europe could boast of so many learned and ingenious men as Edinburgh. And however much they might disagree on other points, they all loved Dr Smith's company. He was, indeed, one of the most popular and pleasing of the whole group. Whatever might be his religious opinions, he troubled nobody with discussing them; and none disputed that his morals were pure, and his manners equally philanthropic and unassuming. If he wanted not some of those drawbacks that obscure genius, ill-breeding and conceit were none of them. He was fond of communicating to his friends what he knew, which he did in the happiest manner, and ready to hear the sentiments of people that were much inferior to himself. Could genuine specimens be had, like

those of Selden, of his table-talk, they would be most precious relics of him and his literary friends. But the scraps of it published in the 'Bee' do no honour either to his memory or the discretion of his friends. Though none was more pleasant in a small select company, he was subject to fits of absence which seemed to make him forget time and place.¹ That, however, is the common infirmity of men accustomed to deep and abstracted thinking.

The loss of his venerable mother and of a female relation that had lived many years in family with her, gave a dreadful shock to his spirits, and made him fancy himself a helpless forlorn being. Much less philosophy and good sense than fell to the Doctor's share might have taught him, after giving vent to the first emotions of a sorrow, to bear up with dignified resignation under evils with which persons advanced in life must lay their account sooner or later. But as nothing can differ more than theory and practice, so it is labour lost to reason with people of excessive sensibility. In truth, the poor man seemed to sorrow as those without hope. Ere long the disease in his mind affected his body, producing complaints which baffled the power of medicine. A short while before his death he is said to have destroyed the greatest part of his manuscripts. Of that, however, and his

¹ When a professor at Glasgow, he sometimes offended serious people by laughing or smiling in the time of divine worship. They did not know that he was so much absorbed in thought, that he knew nothing of what was going on. He was also not an eligible partner at whist, for if a new idea struck him, he either renounced or neglected to call.

posthumous publications, I am not prepared to speak. Whether the burning a great proportion of his writings was owing to the enfeebled state of his mind, or to prudential considerations, is best known to his confidential friends.

Nowhere in Scotland did science and the *belles lettres* flourish more during this period than in the two colleges of Aberdeen, particularly in the Marischall, where the good seed sown first by Blackwell and afterwards by David Fordyce produced ere long an abundant crop. I know none of the new professors in either except Dr Reid; but though I can only speak from second-hand of the rest, I have reason to think my information with regard to them is tolerably correct.

Dr Pollock, Professor of Divinity in the Marischall College, was rather a man of sound and useful than of showy parts. He was a Christian minister in the proper sense of the word, holding a middle course between the old and new fashioned preachers of his time, having the sincerity of the one and as much of the polish of the other as was sufficient. He was accounted a respectable scholar, and a man of dignified, prepossessing manners.¹ Hebrew literature was said to be his *forte*; he recommended to the students of divinity to draw their information with regard to the Scriptures from the originals, not from translations.

¹ About 1753 or 1754, I used to admire Dr Pollock's figure in the Assembly, which was graceful and pleasant. He had been governor to the late [Callander of] Craigforth, who spoke of him with much reverence.

In those days Aberdeen was an admirable school of theology, taught by two able and amiable-spirited masters, each of whom took different provinces. Lumsden (of whom honourable mention was made in the preceding section) had the controversial part, together with Christian antiquities ; while Dr Pollock took the art of preaching and practical divinity. From the conversation of the latter the students had it in their power to learn a great deal which could not be had from books, for in it they might see the gentleman and scholar happily united. He succeeded Blackwell as Principal of that College, but lived to enjoy it but for a short time. Though not so rich in classical lore as his predecessor, he was assuredly a more dignified and unexceptionable head of a college. I regret much that my information with regard to this excellent man is so scanty.

Dr Thomas Reid was made one of the regents of King's College about 1750. Having had the good fortune to meet this excellent man often at Blair-Drummond and other places, I can speak more of him from my own knowledge than of the other academical worthies of Aberdeen. His father was a clergyman in Aberdeenshire, much respected in his day, and connected with the Gregorys,¹ who

¹ Lord Kames having asserted in a very wet harvest that the barometer was a lying prophet, Dr Reid said, " My lord, I will give an instance when it proved a true one. My father was among the first in the north of Scotland that had a barometer, which was sent him by his friend Gregory of Oxford. Near the conclusion of a very fine harvest, he perceived the mercury falling very slowly for some days, without any other indication of a change than slight showers

made a distinguished figure in science in the seventeenth and eighteenth centuries. The son was regarded as a lad of genius from his very outset—remarkable even then for the strength of his intellect, and the clearness and quickness of his apprehension. After passing as a preacher, he was made librarian of the Marischall College—an office at that time of some trust, but little emolument, valuable chiefly as a mark of the esteem of a learned body that had very little in its gift.

In that humble sphere young Reid continued till the masters of King's College presented him to the church of New Machar, which was then in their gift; but, strange to tell, considering the man, and the pacific spirit of the people of that country in these matters, he proved very obnoxious to the congregation. When he came to preach at that place, in obedience to the appointment of Presbytery, he was reviled by the populace, some of whom pulled off his hat and wig in the fray. Meanwhile the precentor gathered up his things; and the din being somewhat assuaged, he mounted the pulpit, when he prayed and preached with an unruffled countenance, and in

upon the hills. Being apprehensive of a sudden break of weather, he sent to all his neighbours on the banks of the river begging of them forthwith to remove their corn from the low grounds. Among those who lost their crops by not taking his advice were two old ministers. At the next privy censures they craved that their brother, Mr Reid, might satisfy the Presbytery how he was able to foretell a great and sudden flood when there was no appearance of a change. 'Moderator,' said my father, 'I confess I have a familiar; and if the Presbytery will appoint a committee, of which I hope the reverend fathers will be members, I will introduce him to them, who will be sensible there is no necromancy in him.'"

a strain particularly and uniquely his own, not very much adapted to the taste of plain countrymen. From all I can collect, his style of preaching was far from being popular or alluring, being clear, plain, mathematical reasoning, little indebted to voice or action. The private history of that opposition is now probably forgotten; but after being settled, his good sense and good conduct, to say nothing of his good-nature and goodwill to men, soon healed the breach, making him revered by all ranks of his parishioners. So well was he reconciled to that station, that when a deputation from King's College announced the intention of the masters to make him one of the regents, he declined the offer. After thanking them for the honour they intended him, he said it was his intention to live retired in the country till he should complete some literary plans which then occupied his thoughts. Meanwhile Mrs Reid, guessing there was more in hand than an ordinary visit, asked her husband what was the matter. Upon being told their errand, she wished him to accept their offer, being less fond of study and retirement than he was, and having no objection to a better income and better society. And therefore, when her learned guests repeated their proposition after dinner, she seconded them with such cogent arguments that Mr Reid was beat out of all his objections. Though he was pressed for time, his lectures delivered in the course of the ensuing winter were exceedingly admired. Indeed, such was the ver-

satility of his genius and the extent of his learning, that few men were better qualified to carry young men through the whole circle of science and literature. In our other universities that is done by different professors, who take each a different department; yet the old way of King's College continues still at Oxford and Cambridge, where the tutors teach their pupils everything—little regard being paid there to the lectures of professors.

Such was Dr Reid's reputation for ability and worth, that upon Smith's resignation he was chosen by the College of Glasgow to fill that gentleman's chair. It was both more lucrative and more in the world than his former situation; nor was the public disappointed in its expectations. The new professor acquitted himself to such excellent purpose at Glasgow, that it became matter of doubt whether he or his two illustrious predecessors deserved the pre-eminence. Each of them, perhaps, had the advantage of certain points, and each of the three had genius to strike into interesting paths that had all the graces of novelty. Guarded and judicious in his speculations, Dr Reid never uttered a sentiment which could be construed to set natural religion at variance with revelation. Neither did he in his lectures or discourses seem to set the heathen philosophers on a footing with the prophets and evangelists. If the modern school of ethics had any advantages over the ancient ones, it was owing to the Scriptures, from which the former drew their proofs and illustrations without acknow-

ledgment. In all his philosophical disquisitions, there was a happy mixture of common-sense and knowledge of the human heart, which made people that were not partial to metaphysics admire them exceedingly. It is needless to say more upon that head, as the substance of his lectures may be found in his printed works. His being one of the first philosophers of the age is but a secondary praise compared with the use he made of metaphysics. Far from attempting mischievous, or, at best, visionary theories, compared with which those of the schoolmen were innocent and rational, his great purpose was to promote the cause of truth and virtue. This was the more meritorious, that in those days some men who had a high name in the literary world were busily engaged in undermining or subverting the religion of their country. Although no man saw sooner or more clearly the insidious designs of the Freethinkers, he kept clear of passion and personalities, being satisfied with refuting their arguments and exposing their sophisms. Meanwhile the cause of revelation suffered no injury from the mildness of his style, or the dispassionate strain of his arguments; for he was confessed by the sceptics themselves to be one of the ablest and most formidable of their opponents. For more than fifteen years he spent great part of the college vacation with Lord Kames at Blair-Drummond, much to the satisfaction of both. Among all his lordship's literary friends, none were more upright and praiseworthy than this good man. Instead

of paying him court, and assenting to his propositions, after a little hesitation the Doctor spoke what he thought on every subject with a pleasantness approaching to bluntness, which would have been ill taken in almost any other man. Though his lordship wished his friends to start doubts which he might obviate and explain away, few men brook a direct contradiction with regard to his favourite theories worse. But being apprised of the entire affection of his learned friend, whose zeal to promote his interest and reputation dictated his objections, he listened with patience, if not pleasure, to the Doctor's remonstrances. If not always convinced by his arguments, it led him to retouch his speculations, knowing it would make them less exceptionable.¹ On the other hand, Dr Reid took care to submit his own books to the judge, whom he knew to be an acute critic, and capable of throwing out excellent hints upon every subject. After his lordship's death, he was consulted by Mr Drummond Home with regard to the expediency of publishing his father's manuscript tracts. But with all his partiality for the memory of his departed friend, he thought it best not to publish what was left in some measure unfinished by the author.

¹ Young, Lord Kames's clerk, gave a ludicrous account of what passed in these conferences. The Doctor would sometimes say, in his gentle, modest way, "My lord, had you not better change or soften that passage?" The other, after looking at the paper for some time, would look his learned friend full in the face, and say with pertinacity and good-humoured peevishness, "Deil ae bit, Doctor."

Yet mild as Dr Reid was in the ordinary commerce of life, he was no granter of propositions to his brethren when he thought them wrong.¹ Indeed, both at Aberdeen and at Glasgow, he entered deeply into their academical broils, which are so little edifying or becoming. It matters little *now* which of the sides was in the right, or whether the good man could, consistent with the calls of duty, keep clear of them. In one point, however, he had great advantages; for while some of his adversaries were apt to lose their temper and to use harsh unguarded language, he remained cool and collected, ready to answer their arguments and to avail himself of their steps. Dr Reid wanted not a taste of those afflictions which they that live to see many days must lay their account with. He lost some very promising sons, one after another, and at last his wife, with whom he had long lived happily. Yet he bore those heavy strokes with fortitude and resignation, displaying ere long his wonted cheerfulness and serenity of mind. Like a Christian philosopher, he submitted without repining to the will of his heavenly Father, who, as He had been gracious to him through a great part of his life, would, he trusted, make every event—prosperous or adverse—turn to his benefit here or hereafter. In his latter years he enjoyed

¹ Once, it is alleged, the good Doctor gave offence by being too learned. There is a dial at Trinity College, Cambridge, constructed by Sir Isaac Newton, on which there are some mathematical signs not generally understood. These Reid, then a young man, explained off-hand, little to the satisfaction of some members of the University to whom he had been introduced.

upon the whole tolerable health and spirits, deafness being his chief infirmity—and a very heavy one it was to a man that loved conversation. Thinking himself no longer fit for active life, he procured Mr Arthur, one of his favourite disciples, to be elected his assistant and successor. At length, in the year 1796, death overtook him, full of years, and full of hopes of a blessed immortality.

Dr John Gregory, afterwards an eminent professor in the University of Edinburgh, was during this period one of the worthies of King's College, Aberdeen. Though I only knew this gentleman by sight, it would be unpardonable to omit him in a work of this kind, and my deficiencies can be supplied by his other biographers. He was for some time a physician in London, where he lived upon an intimate footing with Lord Lyttleton, Mrs Montagu, and other eminent literary characters. In 1755, upon the death of his brother James, he was made Professor of Medicine in King's College, and succeeded him likewise in his extensive practice, the professorship being almost a sinecure. So high was his reputation, that upon the death of Dr Rutherford of Edinburgh, he was made Professor of the Practice of Physic in his room. In that important station he acquitted himself with equal ability and dignity. Though more reserved in his temper and less conversant in his eloquence than Cullen, he was much beloved by the students, who were all apprised of his learning, ingenuity, and zeal to promote their well-

being. Without straining to be popular, he had a great sway over their affection, taking every opportunity of directing their studies while at college, and of befriending them afterwards when beginning to practise.

In one thing those eminent men seemed to resemble each other—namely, in lecturing *extempore*. But that must be taken with great allowances. Though, perhaps, their prelections were never completely written, the matter was completely digested, and nothing wanting but to clothe their thoughts in an appropriate dress, which both of them could do with great facility. Cullen had a flow of natural eloquence, impelled by an imagination too ardent and lively to submit to rule or to pay attention to polish. On the other hand, Gregory addressed himself more to the understanding and feelings of the students than their imagination. He had every advantage which eloquence and purity of style could give his lectures. Yet, whilst he did not neglect exteriors, his chief aim was to instruct and enlighten his disciples, not to bring forward theories which had not had the test of experience. Since Latin lectures had by that time been exploded as monkish and antiquated, few of his countrymen were better qualified to reconcile people to the change than Dr Gregory, who both wrote and spoke English with peculiar grace, whilst the enthusiasm and originality of Dr Cullen made all his peculiarities be overlooked.

Another circumstance in the conduct of these celebrated professors said much for their good sense and

good temper—nineteen out of twenty in their situation would have been rivals, if not enemies. So far from that, they lived all along upon a cordial footing, which was doubtless their wisest as well as most honourable course. With a liberality of which there are few examples, they agreed to exchange classes year about, which, besides evincing the versatility of their genius, extended their fame, being no less acceptable than beneficial to young men that did not care to hurry on their studies. By staying a winter extraordinary at Edinburgh, they had it in their power to hear two sets of lectures on the same subjects from two first-rate men, who, though good friends in other respects, were far from thinking precisely in the same way in matters of science.

Whether Dr Gregory acquired his style from books or conversation is of little consequence; but it is generally agreed that he was one of the most pleasing writers of English that the country has produced. His 'Comparative View of Men with the other Animals' met with a very flattering reception from philosophers and ladies, who vied who should praise it most. Like Addison, he knew how to adapt his speculations to the taste of the fair and the half-learned, who would have turned with disgust from anything abstract or cumbered with erudition. If the Doctor wanted the delicate irony of that admired writer, he resembled him not only in the sweetness and simplicity of his diction, but also in possessing the highest regard for Christianity at a time when it

was too much the fashion to vilify or neglect it. Meanwhile, amidst all his zeal, he took care not to provoke the wrath of the Freethinkers, whom he knew to be a set of literary hornets. Whilst he reprobated their principles, and pointed out the bad consequences that would follow from their becoming general, he spoke with reverence of their persons, and assigned causes for their taking an irreligious turn, which neither hurt their own feelings nor those of their friends and admirers. In fact, no man lived on better terms with the philosophers of Edinburgh. The chief fault found with the popular tract was an apparent want of relation between its title and contents. That, however, was occasioned by the additions that were made to it at different times, which looked like superinductions.

His after-publications would probably have been more applauded had the public been less sanguine in its expectations. Excellence in composition is by no means progressive, men's first essays being sometimes the best. An account of the Doctor's after-publications is given by one of his biographers in a well-known work. Here it is sufficient to say that there is a strong family likeness between them and the "Comparative View." If they had not those flights of fancy or that ingenuity of thought which distinguished the writings of some of his contemporaries, they breathed in every page a philanthropy and rectitude which prepossessed readers of sensibility in favour of the author. They were not the less relished by many that they

did not over-abound in metaphysics ; but to compensate that, they displayed an intimate acquaintance with the philosophy of common-sense arrayed in an elegant, engaging dress. Indeed his counsels and admonitions make a not less forcible impression on the heart that he recommended nothing to others but he himself practised by those he loved.

Had his days been prolonged, he bade fair to have had first-rate practice. Besides great learning and long experience, he was esteemed a man of too much principle and discretion to play the empiric in order to establish his theories and preconceived opinions of the efficacy of medicines. The sweetness and complacency of his temper, and the strain of his conversation, which was both sentimental and sensible without affectation or fastidiousness, rendered him very acceptable to the ladies, who, in every age and country, have much to say in the choice of physicians. In a word, he was qualified to shine either in a drawing-room or in a convention of philosophers. But, to the unspeakable grief of his family and connections, he was, without any warning, cut off in the prime of life and in the meridian of his reputation. After supping cheerfully with his family, he retired to his own apartment, where next morning he was found dead in bed. From there being no contortion in his limbs or features, it was concluded the gout had flown to his head or heart, and made him sleep the sleep of death without perceiving its approach. To a man of piety and virtue, habitually prepared for his

great change, sudden death is perhaps devoutly to be wished for by himself.

Dr George Campbell and Dr Alexander Gerard, the successors of Pollock and Lumsden, made a distinguished figure for a number of years as Professors of Divinity at Aberdeen. I regret that I cannot speak so fully and correctly of them as one would wish. Being alike a stranger to their persons and connections, I cannot exhibit their characteristic anecdotes, which constitute the most precious part of biography. That, however, is no reason why some observations should not be made upon their character and conduct, both as professional men and as authors. To do it with more precision, I shall consider them in conjunction. For a number of circumstances relative to them their biographers may be consulted.

It was extraordinary that a man of such parts and popular talents as Dr Campbell should not have got a church till towards thirty. Be the cause what it would, it was probably no loss to him upon the whole, as it enabled him to lay in a more abundant stock of knowledge, which he could bring forward on a proper occasion. From the commencement of his ministerial course he was famed for pulpit eloquence, which paved the way to his academical promotions. He had great advantages as a preacher from his original way of thinking, and the purity and pathos of his language, which were happily set off by a fine voice and graceful manner. It was alleged, however, that after having been some time Principal of the Marischall

Collège, he took less pains on his sermons than formerly, reserving his highly finished ones for extraordinary occasions. It is not unlikely that, in the ordinary course of duty, he might trust more than enough to the copiousness of his intellectual and literary stores. And what was barely mediocrity in him, would, aided by his animated manner, have pleased almost any audience. Indeed, from the time he became Professor of Divinity, preaching was only a secondary object, his studies being now directed to things which called more immediately for his attention. When we consider how much he read and thought and wrote upon theology, he must be acquitted both of indolence and misapplication of talents.

Dr Gerard was the son of a minister in Aberdeenshire, and bred at Marischall College. There he became so great a favourite of Mr David Fordyce, that when that gentleman set out upon his travels, he left the charge of his class to his young friend. So well did he acquit himself in that charge, that, on the professor being drowned on his voyage from Holland, he was, at the age of twenty-four, made Professor of Logic and Moral Philosophy in his room. It was surely an arduous task to succeed a man of so much genius and elegance as Fordyce. But the conduct of the new professor justified the choice. So well was Gerard thought of by the members of the two colleges, that when a new arrangement in the method of teaching was resolved on, they had recourse to the pen of their young brother. He accordingly wrote a

small pamphlet, in which he assigned the reasons for those changes, which entirely satisfied the public:

Though licensed to preach before being elected a professor, he was not ordained a minister till called to the Divinity Chair upon Pollock's preferment. From his youth he was very ambitious to shine as a preacher. He seems to have formed himself upon the model of Fordyce, who, in his celebrated tract entitled 'Theodorus,' had laid down rules, or more properly hints, for a species of oratory in the pulpit that was at that time perfectly new in Scotland, and not very common anywhere. To act up to the precepts of his amiable and refined master required a delicacy of sentiment and tenderness of heart, and a knowledge of the springs that actuate the affections, which fall to the share of very few preachers, ancient or modern. Yet difficult as the model was which he laid down to himself, he had no reason to complain of want of success. If he wanted the masculine eloquence of Campbell, his discourses were confessedly more smooth and correct. It gave much pleasure to hearers of taste and sensibility to see religion stripped of gloom, and arrayed in an elegant, engaging dress.¹ If his tones and gestures added little grace to his matter, his articulation was soft and pleasing, though perhaps not altogether free from over-refinement. If Campbell was the deeper

¹ I once heard Dr Gerard preach in the High Church of Edinburgh. It was both a philosophical and a Christian sermon, *ipsa mollities*, replete with sentiment.

thinker and acuter reasoner, Gerard turned the talents committed to him to the best account. In a word, each of those gentlemen had his own set of admirers.

It was greatly to be regretted that men of so much intrinsic merit did not live upon a more friendly footing while colleagues in the Marischall College. Their being rivals in pulpit eloquence was no cause of quarrel, but rather of exertion—there being ample scope for their talents, which were very different. Were it in my power to give a detail of the rise and progress of their unseemly differences, good-nature and veneration for their honoured names would make me keep silence. As nothing is more unedifying than such squabbles, what pity is it that they should be so frequent and rancorous!

Upon the death of Lumsden in 1771, Dr Gerard being elected Professor of Divinity in King's College, Campbell succeeded him in that office in the Marischall. Owing probably to their former misunderstanding, the two professors did not, like their predecessors, teach in concert, which would have been easier for themselves and better for the students. In that case each of them would have taken the departments best suited to his genius. Yet their want of concert led them surely to redouble their diligence and zeal.

Dr Campbell was long reputed the most eloquent, if not the most learned, professor of divinity in his time. In ingenuity and critical acumen, he was

superior to most of his contemporaries. The splendour of his talents was not diminished by his discretion and the candour of his disposition, which gained him the hearts of his students. I am assured by a very competent judge who attended his lectures that he was perfectly orthodox—if Burnet, Bull, and other illustrious divines of the end of the seventeenth century deserved that appellation; and in some knotty points he was decidedly Calvinistic. There is in the ‘Edinburgh Encyclopedia,’ under the article “Theology,” a very good account of his manner of teaching divinity; and in the dissertations prefixed to his translation of the Gospels, he has given the substance of his lectures on Biblical Criticism.

In consequence of his leaning to the great English divines before-mentioned, it would appear that Dr Campbell allowed more latitude of inquiry than would have been admitted in stricter times. He advised his pupils to sit down to the study of divinity as to that of any other science. In judging of controverted points, they were to admit of no authority but fair reasoning, and the infallible oracles of God. Nor would they, he told them, become accomplished divines by listening to lectures, the chief benefit of which was to point out the road by which they might soonest and most directly arrive at the genuine sense of the sacred oracles. He directed them to read the Bible in the order in which the books were written—only as a history of ancient facts and opinions—in order to discover what it treated of, without giving

themselves the trouble to ascertain its truth or falsehood, or even its precise meaning; after which he recommended a second reading, with a view to appreciate its doctrines: and in both readings he dissuaded them from relying on the opinion of commentators—the greatest part of whose works he considered as no better than useless lumber.

In making the Bible the standard of faith in opposition to human authority, Dr Campbell spoke the language of common-sense. Such, indeed, have been the sentiments of the ablest Protestant divines. If they were wedded to their national confessions, it was because they believed them to be founded on Scripture. Even they that were more or less dissatisfied with established creeds, grounded their objections upon certain passages of Holy Writ, or else were able by some means to reconcile their consciences to their interests by conforming to the legal standard. Yet whatever liberties of interpretation might be claimed by ministers of riper years, it was never imagined by the most liberal-minded that a power of affixing their own sense to certain parts of the Bible should be extended to raw conceited striplings entering upon a course of divinity. Persons of that description are apt to give way to the impulses of their own fancy, or to listen to the suggestions of pragmatistical companions, who are in truth more unsound guides than the ordinary commentators.

Allowing the Doctor the merit of good intentions

in these instructions, they were capable of being misunderstood or misapplied. The latitude allowed was doubtless a very acceptable bait to lads that had a smattering of philosophy and polite literature, together with an overweening opinion of their own abilities and discernment. Every word uttered by a revered professor that seems to imply either doubt or censure of the national standards, operates most forcibly upon the minds of students, who are naturally averse to shackles of any kind. But the power of discrimination allowed them was more specious than solid. Not one of a hundred of them, at their time of life, was capable of forming a creed for himself from repeated perusals of the Scriptures, supposing him to have all the steadiness and phlegm of a Dutchman. Nor was he more likely to find no difficulties, that he was taught to pay no regard to the opinion of former commentators—the most eminent for parts, and piety, and judgment. The allowing them to grope their own way in those bewildered paths, was the less expedient in times that were exceedingly prone to scepticism or heresy, inso-much that it was sometimes no easy matter to say where the one began and the other ended. It was doubtless proper to warn them against those prejudices and prepossessions which narrow and darken the soul while they warp the judgment. But it would have been equally kind to warn them against those of modern growth, which have nothing to recommend them but novelty and boldness. It is not

wise to teach lads to think meanly of the wisdom and attainments of the former luminaries of the Reformed Churches. To encourage them to make innovations in divinity or Church polity, upon a great or a small scale, is like removing wantonly a set of venerable landmarks. One pragmatistical fellow would have them placed a little farther on, while another, more heady and vociferous, will not be satisfied unless they be advanced a great way; but when bodies upon a declivity are once set in motion, they defy all control, and often crush in pieces the people that rashly tampered with them. In such cases both moderate and violent innovators often share the same fate, when the one wishes to retard and the other to accelerate the progress of great bodies. If national confessions require correction, let it be the work of national synods or councils, not of professors or students of divinity.

But if Dr Campbell was culpable in holding such language to young inexperienced men, it had been well that none of them had gone further than he himself went, or wished them to go. That the bulk of them made a temperate, discreet use of his counsels, would require more intimacy with his disciples than I can pretend to. It would, however, be unjust to charge him with the slips and shortcomings of the persons who successively attended his lectures for a number of years. Everybody knows that in those times a number of modish-spirited students of divinity were too wise in their own conceit to submit implicitly

to the dictates of the ablest preacher. Certain heterodox divines or philosophers were in much more esteem with them than the standards or fathers of any of the Reformed Churches.

No man, however, was better qualified to direct his students in matters which they had chiefly at heart—namely, the formation of their style and taste. His own compositions showed that a man who had been little out of Scotland could write as pure and ornate English as if he had been a native of London or Oxford. It being his duty to scan the discourses that were delivered in the Divinity Hall, it may be presumed that he missed no opportunity of lopping off luxuriances, whilst he reprehended with wholesome severity everything that seemed too *high* or too *low* for the pulpit. The conversation of such a man must have been of unspeakable advantage to ingenious young men capable of appreciating their professor's mind. Upon the whole, Dr Campbell appears to have been a liberal-minded man in the proper sense of that word, it being his ambition to breed up a learned, accomplished, faithful clergy, who should steer equally clear of enthusiasm and lukewarmness.

I cannot pretend to point out the difference between Campbell's and Gerard's manner of teaching divinity. Yet from all that can be collected, the observations made upon their style of preaching will in some measure apply to their lectures. It is allowed by Campbell's greatest admirers, that the latter made a

very respectable figure as a professor of divinity, being a man of sound understanding and great research. What he chiefly valued himself upon was the elegance and correctness of his taste and his prescience, or what is called *sentiment*. Upon the latter some fanciful and ingenious writers of those times had reared a fabric too broad and splendid for the foundation. To consider feeling or sensibility as a spring of moral or religious conduct was by no means safe and expedient; for "sentiment or feeling is nothing but the operation of passion, and the impulse of passion can never be deemed a safe principle of conduct." Exquisite sensibility may sometimes be considered rather as a disease of the mind than a source of virtue, when accompanied with selfishness and squeamishness disguised by smiles of benevolence. What was perfectly natural in Mr David Fordyce might sit easy and graceful on Dr Gerard; but in nine out of ten of his imitators it would be nauseous and offensive, bearing the same relation to native goodness and tenderness of heart, as hypocrisy does to genuine devotion. As everything may be carried too far, Dr Gerard's excessive attention to polish and decoration of language was by some condemned as bordering on fantastic nicety, and leading his students to prefer these things to weightier and more sublime objects. In point of *liberality*, this gentleman was supposed to go beyond Campbell. Yet, like a prudent man, he trod in the trammels of the system. In theological questions he

stated the arguments *pro* and *con* with great precision ; but, while he spoke the language of orthodoxy, it was impossible (said a very competent judge that had attended his lectures) not to fancy that the strength of his arguments lay sometimes on the other side. But this, perhaps, is only a specimen of the rash conclusions which young men are apt to draw from the lectures of a professor that is supposed not to be over-fond of the opinions of his predecessors. Be these suspicions true or false, these were feverish giddy times when the students were abundantly disposed to abandon the good old way, and to strike into untrodden paths, where many bewildered themselves without adding to their respectability or usefulness.

Under these celebrated professors a great part of the present northern and Highland clergy studied divinity, and upon one or other of them did the bulk of these endeavour to form their style and strain. It would be presumptuous to say whether the ministers bred under the auspices of Campbell or Gerard were superior or inferior to those who studied under Lumsden and Pollock. If a number of the present incumbents be less acceptable and assiduous than those that went before them, it may with more justice be imputed to the spirit of the times and the strain of their studies than to their professors, whose language was guarded and unexceptionable. It is well known that not long after these two gentlemen were called to fill the divinity chairs, a tide of national and

provincial prosperity set in very strong. This produced ere long a wonderful and unexpected revolution in the views and sentiments of all ranks and conditions of men, not always for the better. But whatever may be the faults and shortcomings of the present clergy, it must be considered that, in general, they are better versed in polite literature and the niceties of composition than those of the last age.

Although the two gentlemen under consideration voted with the Moderate party, they did not enter very deeply or warmly into the many memorable debates that took place in their time. In their own presbytery and synod there was little scope for eloquence or ingenuity in those courts. Dr Campbell very seldom spoke in the General Assembly; and if his views of Church polity were such as they are represented in a posthumous publication (of which more hereafter), he ought either not to have been a Presbyterian minister, or to have been the champion of the Christian people. No part of his public or political conduct, however, seemed to savour of independent principles. Dr Gerard was no orator, though he expressed himself in the General Assembly with his usual elegance and correctness; but the few speeches of his that I had occasion to hear, seemed rather repetitions of Dr Robertson's topics, than the effusions of a rich mind which could strike out new matter whilst it took hold of men's affections.

Dr Campbell's works being generally known, a very

short account of them may here suffice. His 'Dissertation on Miracles,' one of his early publications, is esteemed by many the most finished and faultless of his productions. The candour and urbanity with which he treated an arch-sceptic was no less admired than the cogency of his reasonings and the acuteness of his observations. Knowing that he fought for truth, he refuted his antagonist without passion, and the respect and tenderness which were due to a man of great though misapplied talents. From this time forth Dr Campbell was regarded as one of the first metaphysicians of the age. And, what seems strange, his book gave little offence to Mr Hume and his partisans. If not convinced by the Doctor's reasons, they confessed the dissertation to be very ingenious, and written in a gentlemanlike manner. 'The Philosophy of Rhetoric' is likewise a performance of uncommon merit, which contains a great deal of sound criticism and many excellent observations expressed happily and perspicuously. If less of a *belles lettres* book than others on rhetoric, it was exceedingly prized by scientific men who wished to go deep into the subject. Yet some of his positions were rash. In classing one of the noblest passages in Dryden's noblest ode among the figures of rhetoric that fall under the name of *nonsense*, he committed himself unnecessarily on the subject of music, which, it would appear, he did not understand.

The translation of the Gospels is his most volu-

minous work, and must have cost him infinite labour and thought. It contained, doubtless, a great fund of valuable information, yet it did not answer the very sanguine expectations that had been formed of it. Although his disputations were upon the whole very much admired, as displaying equal erudition and judgment, many of his verbal criticisms upon the original were severely censured by the English *literati* who had made the Greek language their particular study. They therefore imputed the Doctor's mistakes, not to want of ingenuity, which they confessed, but to his being a superficial Greek scholar, which did not entitle him, it was said, to dogmatise upon the niceties of that tongue. Nor was his translation universally admired, the preference being given to the common one. It was alleged that if he had corrected a number of errors and cleared up some obscurities, it was more than compensated by the mistakes he had committed. Nor was his language so simple and dignified as that of King James's Bible, which, taken altogether, is perhaps the best and the most beautiful the Christian world has ever seen. That Dr Campbell should have failed in an attempt wherein Bishop Louth, with fine poetical talents and a perfect knowledge both of the original and of the English language, has not succeeded, need not surprise us. Setting aside the learning and genius of the illustrious group of scholars to whom that version was intrusted, the language of the first part of the seventeenth century had a majesty and

classical simplicity well calculated to express the sacred oracles in the happiest manner. Nor were the critics disposed to be more gentle in censuring the flaws of the performance, that its author had treated a numerous and respectable band of translators and commentators with little respect or delicacy.

The few sermons published by Dr Campbell, being composed on the spur of particular occasions, were little more thought of when they were forgotten. One would have wished for a volume of his sermons upon subjects that would have suited all times and all sober and enlightened Christians, to whom he could have addressed himself with equal force and elegance. A sermon preached by him before the Synod of Aberdeen was, upon its publication, severely attacked both by Bishop Abernethy Drummond and by a Popish priest, who were very much offended at the Doctor making light of the uninterrupted succession of bishops since the apostolic times. Though roughly handled, the latter made no reply. He published other two sermons—the first at the commencement of the American troubles, the other upon the clamours against the Popish Bill. Aply written and well intended as they were, the minds of the Americans were by that time too much inflamed to pay regard to political homilies; nor were Campbell's arguments calculated to make a deep impression on the minds of the Scottish populace, which required coarser aliment. In fact, sermons of that kind, written in the language of sobriety and truth, seldom make

many proselytes in giddy distracted times, when violence and prejudice sway men's minds.

I am now to speak of a posthumous work of this gentleman, which has of late made great noise and given much offence. It is entitled, 'Lectures on Ecclesiastical History,' and was published by his executors some years after he died, with a life of the author by Mr Skene Keith, who has been nowise sparing of his praises. It would have been better had those lectures made their appearance in Campbell's lifetime, after having received his finishing hand, and having been submitted to the inspection of some faithful, judicious friends. So exceptionable did some parts of them appear, that some people shrewdly suspected the manuscript had been interpolated or altered at London to serve the purposes of party. Their publication lost the Doctor the esteem of very numerous and respectable bodies of men, who venerated him as one of the ablest and most eloquent champions of revealed religion that Scotland had produced. The asperity of his raillery, and the attempt to throw ridicule and contempt upon what some enlightened Protestant Churches in their purest state had considered as sacred and indispensable, were not likely to add stability and strength to the Church of which he was a member. Nor were a great proportion of his own brethren better satisfied with certain propositions which, taken in a literal sense, savoured strongly of that sour leaven which about a century

and a half ago had convulsed both Church and State. That a Presbyterian professor of divinity should acknowledge the divine right of Episcopacy, in direct opposition to the standards of his own Church, was not to be expected; but the giving any countenance to the fancy of the apostolic and primitive Churches being formed on a *congregational* and *democratical* model, appears to be as great a paradox as any he attempts to demolish. As his statements upon these points are not very different from those of Lord King, why did not the Principal imitate him in his style and strain, which are both elegant and temperate? It was perfectly unnecessary, in the end of the eighteenth century, to revive controversies which had been in a great measure laid aside as not tending either to edification or to make proselytes. Why, in lectures calculated for the meridian of Aberdeen, disparage the Church of England, which, though not without its faults, has all along been regarded as the bulwark and glory of the Reformation?

But his attack upon the constitution of that Church may be regarded as a *brutum fulmen* in comparison with the one he makes on the Scottish Episcopalians. At a period when, from well-known causes, the zeal of their flocks for religion, as well as confidence in their spiritual guides, had been greatly diminished, it was at once cruel and impolitic to attempt to degrade their bishops, and to annul upon very slight grounds their title to dispense the ordinances of religion to the people under their charge.

It was breaking, as far as in him lay, the creed and usefulness of a set of virtuous, diligent men, whose great ambition had been to promote the best interests of religion. If, upon some memorable occasions, they had not approved themselves to be wise politicians, none denied them the praise of being conscientious, successful pastors. Why assail them with the war of words at a time when they had ceased to be formidable to Government, and were fast dwindling away in point of numbers and consequence? If any of them have advanced claims that savoured of bigotry, that was no reason for retaliation on the part of the Established Church, which had no fears or grievances to sour or pet its temper. Now that epicurean principles and lax morals were making rapid strides, it behoved Churchmen and sectaries to combine against their common enemies, who were to be the only gainers by their mutual quarrels. For at whatever time the Episcopalians of rank and figure shall renounce the religion of their fathers, very few of them will turn Presbyterians. In styling the ordination of the non-juring bishops after the Revolution *a farcical ceremony*, the learned lecturer loses sight of the language of charity, as well as of that gravity which becomes an instructor of youth. All Protestants—the Independents excepted—regard the ordination of ministers by imposition of hands as necessary to give validity to sacraments. No doubt very much difference takes place in their ceremonies, but all of them, whether countenanced by their rules

or not, consider a standing ministry as indispensable. If it be allowable for Seceders and the Presbytery of Relief to ordain ministers without the concurrence of Church or State, what should hinder the deprived bishops to consecrate successors to themselves, in order to prevent the extinction of their order at a time when they were despoiled of their sees? Dr Campbell's greatest admirers must confess it would have been better to have treated the members of a fallen Church with the same urbanity and moderation which he displayed in his controversy with Mr David Hume, whose opinions cut much deeper than the claims of the non-juring bishops; and though no man was less satisfied with the principles or practices of the Roman Catholics, he was decidedly against persecuting them on account of religion, though they carried the claims of their hierarchy much farther than the Scottish or English Episcopalians. Perhaps the Doctor's temper became more irritable as he advanced in years, and he was more fretted at the conduct of the non-jurors than of any other religionists. It remains to be ascertained by the evidence of his students whether the exceptionable parts of these lectures were actually delivered to his class during the last ten years of his life. However that may be, it would have done no dishonour to the memory of this good man had some of his positions been either softened or suppressed. It may teach literary men to be cautious and discreet in the choice of the persons to whom they commit the

charge of their manuscripts after death. In a word, the admirers of Dr Campbell's first great work would wish it could be proved that some of the Independents who labour in the literary mill at London, under the auspices of certain booksellers, had taken undue liberties with these lectures.

Dr Gerard's publications are more numerous than voluminous. Though not equal to Reid or Campbell, he was assuredly no mean metaphysician. A strain of pleasing philosophy ran through his lectures and sermons, which served to embellish and enliven them. Even such as were inclined to question the originality and compass of his genius, confessed him to be an elegant, ingenuous, and useful writer, possessed of no ordinary measure of intellectual powers, cultivated to the best advantage. And what was esteemed great merit, his language was pure and classical, well suited to the subject. His first publication was an essay on Taste, which gained the gold medal given by the Select Society of Edinburgh in the year 1755. Though things of that kind are commonly fugitive, it is still admired and quoted as a book of authority. It was indeed one of the first attempts in that way made by the Scottish *literati*. Gerard's next production was a set of dissertations on subjects relative to the genius and evidences of Christianity. His arguments are arranged with much skill and accuracy; but it was thought by some that admired this performance on the whole, that it would have been

better had he kept the defences of Christianity more simple and distinct. The branching them out into a variety of ramifications, and introducing doubtful disputations concerning collaterals, tend, in some cases rather to suggest doubts than to remove them.

Pulpit eloquence having been the great object of his ambition, he was at great pains to prepare his sermons for the press, knowing that to be the test of their merit. The two volumes of them that he published, are esteemed by good judges nowise inferior to any that Scotland had produced. They contain much sound reasoning upon Scripture foundations, set off to advantage by pathetic strokes and ingenious observations happily introduced. And what added to their value, his arrangement was luminous, and his topics excellent. If the author was what is called a *moral* preacher, he must be allowed to have been a Christian moralist whose motives and arguments are drawn from the Holy Scriptures. And if his strain of preaching seemed better suited to the learned and ingenious than to persons in the vale of life, who have little relish for philosophy or *sentiment*, we must remember that the bulk of these discourses were composed for audiences more polite and better informed than ordinary ones. Sermons preached at Boyle's lectures, or before societies of learned divines or lawyers, would be thrown away upon farmers or mechanics, who require plain and simple spiritual food. It is surely expedient, in

fastidious times like the present, to have preachers who can adapt themselves to the taste and comprehension of persons of rank and learning, who must be fascinated by the charms of style and composition. Whether spiritual instruction, conveyed in this alluring form, has produced the desired effect of making men wiser and better than their fathers, may be questioned; but surely it would be hard to deny the persons who preached what is called *wild* religion the merit of good intentions.

After the death of Dr Gerard, a treatise of his upon the Pastoral Care was published by his son, who succeeded him in the divinity chair. It was exceedingly well received by the public, as doing equal honour to the head and heart of the author. It affords convincing proof that he earnestly wished to establish his Church on the sure basis of learning, piety, and spotless virtue. Far from teaching candidates for the ministry to undervalue the people, he recommends unwearied zeal and activity in discharging the duties of their office as the best means of promoting their own happiness and importance, and of soothing or extinguishing popular prejudice. It formed part of his lectures, which, if equal to this specimen of them, must have been excellent.

In the present sketch the two doctors have been considered only as public men and authors. Of their private and domestic life I am not prepared to give any account. One would have wished to mark the lights and shades in the characters of those learned

rivals, who assuredly differed from each other in small as well as great matters. It is sufficient to say here, that as they were great ornaments to their colleges, their company was much liked by those that had access to see them in their social hour.

Dr James Beattie is the last of the Aberdeen professors that falls within the present plan. If this gentleman be still alive, he is, in a great measure, lost to the world, and there is no likelihood of any material change in his character. Like many other ingenious men who have figured in the republic of letters, he began his literary career without money and without friends. If these inauspicious circumstances either nip the buds of genius or leave them to expand their blossoms in a wilderness, in a number of well-known cases they have produced the most salutary effects. Good talents, seconded by unwearied application and attention to circumstances, sharpen the wit and invigorate the mind, paving the way to fame and independence not to have been expected by literary adventurers.

After Beattie had completed his studies at college, he found it necessary to accept of the parochial school of Fordoun, in the Mearns. In that obscure, ill-provided station he appears not to have misimproved his time. While there he published a small volume of juvenile poems, for which he procured subscriptions from a number of farmers, who were surely no competent judges of the merit of translations from Horace and the other classics. After having been some years

at that place, the post of an under-master in the grammar school of Aberdeen fell vacant. As it was to be given upon a comparative trial to the best scholar, Beattie appeared as a candidate, along with some other young men of parts. The examination was conducted with great impartiality by the judges, who were literary men ; but the magistrates of Aberdeen, who are the patrons, paid little regard to their opinion, preferring the person whom they thought most likely to keep a reputable boarding-house to the best scholar. Soon after another vacancy happened in that school, when this gentleman was chosen without any application on his part. In this new situation he conducted himself with such ability and discretion, that he found means to form friendships and connections which influenced his future fortune. Having been introduced to the late Earl of Erroll, who not long before had succeeded the Countess in his honours and estate, that benevolent nobleman took a liking to him, and resolved to bring him forward in the world. His lordship's solicitations had the more weight that the young man stood high in the opinion of the Aberdeen *literati*. And therefore, upon Gerard's being promoted to the divinity chair, Beattie succeeded him as Professor of Logic and Moral Philosophy in the Marischall College. Though it was no easy task to fill the room of two such eminent men as Fordyce and Gerard, the new professor did not disappoint the sanguine expectations entertained of him by his noble patron and his other friends.

Had he confined himself to the duties of office, he might have been an honour to his college, but his fame would not have extended beyond the neighbouring counties. To his works was he indebted for his after-celebrity, few authors of those times having been more censured or more applauded by the critics. His 'Essay on the Nature and Immutability of Truth,' in opposition "to sophism and scepticism," had a greater run than such books usually have, it being read by all the pretenders to knowledge of the *belles lettres*, philosophers and ladies, divines and freethinkers. It was exceedingly admired in England by the dignified clergy and the members of the Universities of Oxford and Cambridge, who thought it would do great good. They had long lamented the invidious machinations of wit and genius to subvert philosophy by sapping or overturning its formed foundations, and by endeavouring to annihilate the materials upon which any other structure could be reared. What a sad depravity of character and dissolution of morals must ensue should this pseudo-philosophy take deep root in people's minds! Who could imagine that when human nature, stripped of all principle, is left to the uncertain direction of every impulse or sentiment that rises in the mind, or to the dictates of interest and expedience, public or private happiness would be greatly improved? It was, they said, highly honourable in a layman to stand forth as the champion of revealed religion in opposition to an eloquent and able apostle of infidelity. Nor was it the less meri-

torious in Beattie that many of his learned and ingenious countrymen either courted the friendship of that gentleman, or crouched before him as a demigod in philosophy.

The opinion of the English *literati* with regard to this work cannot be better expressed than in the words of the 'Annual Register,' which were supposed to have been written by the celebrated Mr Edmund Burke :—

“ Dangerous and groundless as this system [scepticism] is in the hands of ingenious men, it is capable of confounding (it cannot consistently aim at convincing) minds that are not habituated to deep and close researches. It is particularly suited to the temper of this age—impatient of thought and labour. Many are very ready to believe that everything which is troublesome is vain, and are pleased to embrace a cheap and easy scepticism, which at once frees them from all study and emancipates them from all duty. The author of the work before us has great merit in attacking this pernicious sophistry. He has gone to the bottom of his subject, and vindicated the rights of the human understanding with such precision and sagacity, with such powers of reason and investigation, as will do him honour when the systems exposed will be remembered only in his refutation. His method is extremely natural and clear, his style lively and ardent. He is no cold, uninterested, and uninteresting advocate for the side he espouses. If he may sometimes be thought too warm, it may easily be forgiven when his warmth neither hinders him from doing justice to the merits of his adversaries, when they have real merit, nor leads him to any intemperance of language unworthy of himself or of his subject.”

This performance was doubtless greatly admired

by many eminent Scotsmen. Yet it was, we all remember, exceedingly ill received by the junto at Edinburgh that decided authoritatively upon matters of taste and philosophy. They thought it presumptuous in an obscure man like Beattie, a smatterer in philosophy (as they were pleased to call him), to attack Mr Hume with such petulance and asperity of language. They foretold that their amiable friend would hold a distinguished place in the republic of letters when the passionate effusions of bigots would be entirely forgotten. While such of them as were clergymen reprobated with becoming severity Mr Hume's paradoxical notions, they did not think them likely to do much injury to Christianity or morals. Be that as it might, they were confident that a man of his known philanthropy, who led a blameless life, could mean no harm to the best interests of society. Why then, they asked, hold up a person of genius and worth as a butt for malice and ridicule because he had maintained a few abstract propositions upon subjects which fell only under the cognisance of metaphysicians—a set of men that delighted in being paradoxical and abstruse? They complained loudly of Beattie's want of candour in directing his attacks against Mr Hume's first work, the 'Treatise on Human Nature,' that had fallen still-born from the press, and was read by nobody. The author of the essay might have replied to these critics, that, so far from disclaiming the positions in that book which had given offence, Mr Hume gloried in them, and had

transferred them, with some slight variations, into his after-publications.

The *liberality* of the Edinburgh junto with respect to the innocence of Mr Hume's views and designs was perhaps in the spirit of that charity which thinketh no evil and is not easily provoked. But it was new to see men who either were or had been professed admirers of Lord Shaftesbury, finding so much fault with Beattie for attempting to make ridicule the test of truth. They had not been alarmed or incensed when their friend had directed his Attic irony to persons and subjects that had till then been held sacred and invulnerable. The ridicule of which they complained so tragically did not affect their favourite author's person or morals, being confined to his tenets, and the consequences they were likely to produce.

No answer was made to the 'Essay on Truth,' either by the gentleman attacked or by his partisans. They contented themselves with reviling its author in all companies, and sneering with great indelicacy at his wit and foibles. To lower his vanity, and sink him in the public opinion, they ran invidious comparisons between him and Reid and Campbell. These gentlemen, it was said, were the greatest metaphysicians of the age, and the most formidable antagonists Mr Hume had met with; yet the force of their topics and arguments were nowise weakened by their writing, like scholars and Christians, in the spirit of meekness. It is perhaps true that if the

two doctors had not published their books, the 'Essay on Truth' would not have been what it was. Admitting, however, Beattie to be inferior in philosophical acumen, he had nevertheless great merit. The popular and pleasing way in which he treated his subject made his Essay be read by many who never thought of looking into Campbell's or Reid's elaborate performances. He had as much metaphysics, and no more, as suited the taste and calibre of those who were most likely to be entangled in the cobweb-snares of scepticism. The elegance, the perspicuity, the animation of his language and strain, arrested the attention and captivated the fancy of the half-learned and inconsiderate, who occasionally dipped into sceptical books because they were classically written and the fashion of the day. It was, therefore, highly meritorious to have written a book which might serve as an antidote against infidelity and sciolists in the new philosophy. In pointing out the nothingness, and worse than nothingness, of the metaphysics in vogue, he spoke the sense of many first-rate men, who regarded them as empty, gaudy baubles, even when not employed as vehicles for poison. He was much blamed by some for including Bishop Berkeley's celebrated theories in his censures. Yet the warmest admirers of that amiable and enlightened prelate must confess that, with the purest intentions, he furnished Mr Hume and his associates with artillery which they turned against revelation.

Upon hearing of this clamour, Dr Beattie wrote a postscript subjoined to the second edition, called by the conductor of the 'Annual Register' "a piece of fine writing." With great spirit, and that confidence which truth inspires, he vindicated himself from the charges brought against him. In exposing the sophistry of his opponents' arguments, and setting them in a ludicrous light, he contended that he had done no more than was done by the bright geniuses that appeared in the reign of Queen Anne. Not contented with combating the freethinkers of the day with their own weapons, these good men had likewise assailed them with the keenest shafts of raillery and satire, that they might appear ridiculous as well as odious. No man ever supposed Mr Addison to be as profound and original a thinker as Locke or Clarke; but for all that, he had done infinite service to the cause of religion. The elegance and sprightliness of his essays had gained the hearts of the gay and the fair, and enabled him to set their prepossessions on the side of truth. This was the more meritorious that a great proportion of them would have lent a deaf ear to admonitions of a graver and more abstruse cast. As he brought down philosophy to the level of ordinary readers, who would deny that great part of his success was owing to the delicacy and poignancy of his wit and irony, which last was particularly his own?

It may well be thought this vindication was considered as an aggravation of the offence by Mr Hume

and his followers, who were exceedingly hurt at his being classed with Hobbes, Tindal, and Collins.¹

But ere long Beattie was handsomely rewarded for the obloquy which this performance had brought upon him. The king, on the suggestion of his bishops and statesmen, granted him a pension of £300 a-year, with expressions that enhanced the favour, and must have been very grating to his detractors. When Lord North was installed Chancellor of the University of Oxford, he had the honour of the degree of Doctor conferred on him in full convocation by that learned body. The notice taken of him in England by persons of the highest rank and the brightest talents was more flattering than any degree, being a sort of literary triumph. If the Edinburgh *literati* who then bore sway in matters of taste looked cold upon him, that was amply compensated by the kindness of strangers who figured high in the republic of letters; for peers and prelates seemed to vie with each other which of them should get the Doctor to sojourn with them in the summer. Nor was this a temporary ebullition of fashion and fondness, for he was feasted and flattered by the English as long as his health and spirits enabled him to visit them.

Whilst the 'Essay on Truth' was in high reputation, Dr Beattie published his capital poem, 'The Minstrel.' It was, as might have been expected, variously spoken

¹ On reading Beattie's juvenile poems, Hume is said to have called him a milk-and-water poet. Hence, say the friends of the latter, the malice of the other. The cause, however, is much too small for the effect.

of, according as people liked or disliked the author. The first book was published in 1771, the second in 1774. Had the Doctor written a 'Paradise Lost' or 'The Rape of the Lock,' the Edinburgh junto would either have carped at it, or damned it with faint invidious praise. On the other hand, it was exceedingly admired in England, certainly not the less for being produced by the author of that celebrated Essay. The best judges allowed it to be very much superior to his juvenile poems, which did him little honour. If not fortunate in the stanza, and overabounding in *sentiment*, the delicacy of the author's imagination, and the harmony of his numbers, deserved no less praise than the justice and force of his moral reflections. It is to be regretted that his poem was not completed.

When the Doctor was Bishop Porteous's guest at his parsonage-house in Kent, he was much importuned by his amiable host to write a popular tract upon the Evidences of Christianity—a thing much wanted at a juncture when nothing serious was relished unless it had a degree of elegance and pathos to recommend it. This request being equal to a command, the Doctor undertook that very difficult task. In a competent time he produced two very small volumes on that subject. But whether it was that they were written in a hurry, or without due consideration, it did not answer the sanguine expectations of the public. It was no easy matter to say anything new upon themes that had been handled by the ablest and most eloquent

writers, ancient and modern. Nor had his tract those graces and that energy that were so conspicuous in the 'Essay on Truth'; whereas, to ensure them success, they should have had the sprightliness and chastity of diction and sentiment that were so much admired in Addison's Saturday's papers. Beattie's performance was too flimsy and commonplace for the learned, and too dark and dry for juvenile readers. If Bishop Berkeley had been at pains to simplify and abridge his admirable work, 'The Minute Philosopher,' for the benefit of persons entering upon the theatre of life, the world would have had less reason to lament that Mr Addison had left his defence of Christianity unfinished. The eloquent and pious prelate who had set the Doctor this arduous task was perhaps the most proper person in the kingdom to have executed it in a masterly manner. This elucidation of the great truths of Christianity speaks home to the heart of every reader of taste and good sense.

Little need be said of the Doctor's other publications. His essays on music, poetry, and classical composition, upon laughter and ludicrous composition, are regarded by many as more original than his admired 'Essay on Truth'; but, being less personal and pointed, they have made less noise in the world. He likewise published at different times parts of his lectures, which justified the high character he bore as a philosopher. Besides displaying a great deal of learning, ingenuity, and judgment, there was a philanthropy, a rectitude, and a strain of pure morality,

which endeared the author to all honest and wise men. The diffuseness and familiarity which occur in some of his dissertations, published in the year 1783, were owing, in a great measure, to their having been originally delivered in his class. Nothing is more difficult and irksome than the labour of revising compositions which had long been considered as finished.

The sequel to this gentleman's story is of a less pleasing nature, and would fall more properly under the province of the person who shall write his life after he has paid the debt of nature.¹ In 1774, when his reputation was at its height, he appeared to be a happy man, who had little to dread from the frowns of fortune. He was raised to an eminence in the republic of letters that astonished his friends and detractors. Easy, if not opulent, in his circumstances, he was blessed with children that promised to be all that a fond father could wish. If his zeal for truth had conjured up a nest of literary hornets, it was not in their power to hurt him in his person or estate. On the contrary, this resentment had procured him the friendship and esteem of a still more numerous and respectable body of learned men, who regarded him as a confessor. If he had a few blemishes and imperfections, which exposed him to a degree of ridicule or censure, it was allowed on all hands that his character was free from gross stains.

His foibles, such as they were, seem to have been

¹ [His Life was written by Sir William Forbes, Bart.]

engendered by his good fortune, which followed on him with more rapidity than he could bear with temperance and equanimity. The honours and emoluments conferred on him by his royal master, at the solicitation of persons of the first distinction, together with the notice taken of him by some of the first characters of the age, made him an object of envy to his old acquaintances, who thought themselves at least his equal. They complained of an elation of mind in Beattie, and of an overweening conceit of his own abilities and importance, that were extremely disgusting. These things, whether real or imaginary, gave occasion to unkind inquiries and comparisons, which would not have been thought of had he preserved his semblance of humility and self-denial. In his manner there was an appearance of nicety and fastidiousness which was perhaps involuntary, and not intended; yet it gave offence where no harm was intended. In truth, too much taste, and too fine a contexture of nerves, do not always prove a blessing to a man of letters, or contribute to make him popular. They are sometimes accompanied either with a coldness, or a peevishness and impatience, which are always ill taken. Meanwhile the Doctor's intimates liked him best, considering his slips and littlenesses as venial or constitutional.

A sad reverse took place in his situation in the course of not many years, and that without any fault on his part. Although it would be irksome and indelicate to enter into particulars, I cannot help

speaking of the great blow he sustained by the loss of his eldest son. While yet a boy, he discovered talents far beyond his age. He was a poet, a classical scholar, and a philosopher, displaying in every department marks of genius and spirit. Encouraged by these flattering appearances, his father set no bounds to his hopes and expectations. Others, however, who confessed the uncommon merit of the lad, were afraid that he would prove one of those over-early plants, which, after putting forth a profusion of blossoms, are commonly blasted before they produce fruit. Instead of allowing his faculties time to expand and ripen, he was made a professor when hardly of age. In that situation he acquitted himself to great purpose; but after holding his chair a short time, he was, to the inexpressible grief of the Doctor, cut off by an untimely death. Men that sorrow as those without hope, fondly imagining that all the world sees with their eyes, are apt to have recourse to hyperbolic expressions. In the epitaph inscribed on his son's tomb in the churchyard of Aberdeen, after enumerating the dead man's virtues and attainments in simple classical language, it is added, "Ut nihil humanum supra." The violence and justice of a parent's grief could not warrant this exuberance of praise.¹ One domestic comfort after another was

¹ He also wrote a Latin Elegy on his son, which was elegantly printed, and circulated among his English friends. They, however, soon discovered a number of false quantities, which was more than sufficient to damn the poem, had the sentiments been as just and tender as those of Tibullus.

either taken away or served to aggravate his misfortunes. At last the poor man was left childless and helpless. Less philosophy, and less religion than fell to his share, might have taught him to bear his afflictions with that dignity, fortitude, and meekness which would not only have raised his character, but in time have spoken peace to his troubled soul. But in these cases it is in vain to lay down rules for people's conduct; for nature, when over-indulged, acts very perversely, in opposition to the plainest dictates of duty and self-interest. The excessive sensibility of the Doctor's mind, operating on his weak irritable nerves, brought on a tract of low spirits, which for some years almost unmanned him, and put an end to his usefulness in life. Meanwhile he is surely entitled to the hearty commiseration of the friends of virtue; yet his story should teach men of letters in the zenith of their fame not to think of themselves more highly than they ought to think.

It is highly honourable for the Aberdeen *literati* that, with one single exception, none of them, for more than sixty years, has been suspected of any tendency to scepticism when it was making rapid progress elsewhere. On the contrary, the men of genius and eloquence among them discovered among their writings and converse a laudable zeal to promote the interests of Christianity. Yet their views were not precisely the same, any more than their weapons, or their manner of wielding them. It would have

been well for society had all their brethren acted the same wise and consistent part. Perhaps it was, in some measure, owing to circumstances. With a few exceptions, and those not likely to make proselytes among young men of parts, the northern clergy were less rigid and intolerant than those in the southern and western parts of Scotland. When, therefore, the high-fliers among the latter ran with violence into extremes, what wonder that a number of their younger brethren, who plumed themselves on their literary accomplishments, should betake themselves very inconsiderately to the opposite one? Neither of them seems to have been aware that both sides were culpable to a certain degree. Hence the contrast and opposition between the strictly orthodox and the philosophical divines, some of whom differed much less than was commonly imagined.

It was perhaps one of the causes which made the Edinburgh *literati*, clerical and laical, associate merely with one another; though, assuredly, their views and principles were very different. Whereas the northern clergy steered a sort of middle course, in which they were followed by the professors of Aberdeen, most of whom either had been ministers, or were designed for the Church. The latter, therefore, took every opportunity of pleading the cause of revelation, calling philosophy to their aid. They co-operated the more readily that, as they had the same good end in view, they were not disposed to fall out about those lesser matters which had engendered great heats in other

parts of the kingdom. Fortunately, the north did not produce infidels or semi-infidels of showy parts and insinuating manners, who might, by the magic of their talk, stagger the young and unwary. Be the cause what it may, one cannot help admiring the temper and conduct of the Aberdeen *literati*, whose discretion was equal to their worth.

Mr John Skinner, Episcopal minister at Linshart, in Buchan, well deserves a place among the literary men bred at Aberdeen—the rather that, with all his genius and all his worth, he was only known in a very narrow circle. Meanwhile, be it mine to commemorate neglected genius, which had piety, worth, and meritorious industry to recommend it. Nay, the prejudices and imperfections of such a man are instructive, in so far as they point out the temptations which wit and talents have to encounter in the commerce of life. And in delineating praiseworthy characters, their peculiarities serve as foils to their virtues and attainments.

Mr Skinner was the son of the schoolmaster of Echt, in Aberdeenshire, who was a very learned and worthy man, placed in circumstances nowise adequate to his merit. His principles were the very reverse of his son, he being a zealous Whig and Presbyterian. When young Skinner could learn no more at home, his father sent him, at the age of thirteen, to the Marischall College, where he himself had been bred. Notwithstanding his early years, he made great proficiency at college. While there he became very

intimate with some of the Episcopal clergy, who were by all accounts no less learned than amiable and conscientious. Discovering a vein of genius in the young man, they did all they could to convert him to their opinions. No wonder that the lad should be flattered with the attention of those venerable men, and listen with pleasure and approbation to their reasonings, which he was not prepared to answer. Meanwhile, conscious of his own abilities, which were much commended by his reverend friends, he was soon induced to adopt their views and principles with all the ardour of inexperienced youth, which seldom thinks of prudential considerations. At whatever time he avowed them publicly, it was surely a cruel disappointment to his father, who intended him for the Established Church, to which he was likely to have been an acquisition and an ornament. To attempt to bring him back to the pale of the Church would have been labour lost, as he was largely provided with arguments and quotations from the Fathers and Church history to support his new opinions. And, therefore, nothing remained for the father but to let the young man take his own way.¹ Such as were least satisfied with his conduct could not but acquit him of mercenary views in taking that step.

After leaving college, he taught, at the age of eighteen, the parochial school of Monymusk to such

¹ The father said to him one day, "John, he who changes once may change again. When you take that step next, whether will you turn Papist or Quaker?" "Sir," answered he, "that is like asking a man to choose between gout and the gravel."

good purpose that Lady Grant recommended him warmly to her brother-in-law, Mr Grant of Preston-grange, afterwards Lord Advocate, who received him very graciously; but before he could do anything, Mr Thomas Ruddiman sent the young man, who had been recommended to him by his northern friends, to Shetland, to be tutor to a gentleman's family. There he continued for some years, and there, when hardly of age, he married his wife, the mother of a very numerous offspring. Upon leaving that country, he returned to his friends in Aberdeenshire, by whom he was kindly received. Under their auspices he studied divinity with great diligence, and was ordained in the year 1744, which was as early as the canons would allow.¹ Soon after he was settled minister at Linshart, near Peterhead, where he has continued ever since.

Next year the Rebellion broke out, which convulsed that country, and when suppressed, brought much distress upon the Episcopal clergy, whose private virtues deserved a better fate. Dismal as that period was, there were certain circumstances which helped to sweeten private life, and to soften the rancour of party. Whigs and Jacobites professed to be actuated by love for religion and love for their country, though nothing could be more different than their views and

¹ Mr Robert Kilgour, afterwards a bishop, being suspicious of new converts, entreated Bishop Dunbar, who was to ordain young Skinner, to examine him very strictly. The Bishop, who was a primitive, venerable man, answered mildly, "Robin, that young man is very well qualified. Believe me, he is fit to examine you and me, being able and learned beyond his years."

sentiments. Meanwhile, similarity of opinions served to endear man to man, if it estranged him from others. No sooner were the insurgents defeated than they were made to feel the weight of law. Mr Skinner wanted not his share in the calamities that befell the unfortunate side. His meeting-house was burnt to the ground, and his house plundered by the military, in the spring of 1746, amidst the acclamations of the neighbouring zealots,¹ whose savage joy could not be justified by any considerate Whig or Presbyterian.

The harsh treatment he met with on that occasion would only have served to make him dearer to his flock and to his wealthy neighbours, who could easily have made up all his hopes had he not been one of the four Episcopal ministers who, in 1746, took the oaths to Government. He was supposed to proceed upon grounds peculiar to himself and his three friends. But he assured me that his opinions were likewise held by some of the most venerable and respectable clergymen of his Church. Taking them for his guides, he thought allegiance and protection recip-

¹ His neighbour, the Lady Kimmundy, one of the first seceders in Buchan, came upon her pad to witness the stormy scene. This made Mr Skinner write a bitter satire against her, in the form of a letter from Jezebel, Queen of Israel, to the Lady Kimmundy, which made the poor woman perfectly ridiculous. The minister of Longside having incurred Mr Skinner's suspicion on that occasion, no intercourse took place between them for a number of years. At length they were reconciled, the minister being, as Skinner expressed it, "a good pious body, the only Presbyterian in the Presbytery of Deer." The latter being asked to correct a dull English epitaph, declined it, saying "it was like a Norway boat, which wanted bottom, ends, and side." He wrote two verses, which are inscribed on the tomb below the English ones:—

"Pace, labore, fide pietate insignis et annis
Fratribus et plebi, pastor amate, Vale."

rocal ; and now that there was not the least prospect of the exiled family being restored, he thought it incumbent on him to submit to the powers *that be*, reserving to the Church its *intrinsic* powers. Be his reasons good or bad, his compliance availed him nothing, for the Act of 1747, which was equally cruel and impolitic, allowed no clergyman to officiate but such as had been ordained by an English or Irish bishop. That was not the worst of it : it gave very great offence to the clergy and laity of his own communion, who reprobated his reasons as absurd and chimerical. And in the eyes of party men, smarting under the hand of power, a slip in principle is accounted more unpardonable than a slip in morals. Nothing could be a stronger proof of his merit and address than that he should have been able to silence a clamour which would have ruined most other men in his situation. But he was so able and faithful in the discharge of his ministry, so fascinating, yet blameless, in his manners and converse, that the offence was soon forgotten by his brethren and neighbours. Perhaps it has contributed to exclude him from the episcopate, of which he was surely worthy.

Had any grudge remained, it would have been removed by his after-sufferings and exertions for his Church. In the year 1752, in consequence of an information exhibited against him by some malicious or officious persons,¹ this good man was

¹ A man of so much wit, with a muse that was not always discreet, could

sentenced to six months' imprisonment in the jail of Aberdeen for officiating contrary to law. This sentence was, in truth, much more hurtful to Government than to the culprit; for besides reviling the non-jurors in their antipathies, it disgusted rational Presbyterians to see men of virtue and parts treated like felons for doing their duty as ministers of the Gospel. As Mr Skinner was a strong-minded, high-spirited man, in the prime of life, he bore his punishment with a cheerfulness, and even magnanimity, that procured him pity and favour. I have heard him say that he was never happier than during his imprisonment, it being the fashion to visit him in that dismal manner. Indeed, one would rather have lived with a man of his wit and pleasantry in a jail, than with a dull capricious man of rank in a palace. When the term of his imprisonment expired, he returned home in triumph, being regarded as a confessor for Episcopacy. And from that time forth he met with no further molestation in the discharge of his ministerial functions.

The broils in which he was unavoidably engaged about setting up Episcopal chapels with qualified ministers, did more to hurt the interests of his Church and his society than either it or he had hitherto suffered from penal statutes. It convulsed numerous and respectable congregations which had hitherto lived

not want enemies in those zealous times. But as nobody boasted of being the informer, the reverend culprit wrote a copy of severe verses against the procurator-fiscal at whose suit he was tried, representing him as an *ancillariolus*, the father of a brood of bastards.

in perfect harmony; and it lost him the friendship of some valuable families that had stood steadily by him in all his fortunes. Quarrels among people whose religious sentiments approach the nearest to each other are commonly the most rancorous and irreconcilable.

Such were the principal events which befell this gentleman from youth to age. Though his life had been little variegated or brilliant, it had, taking it all together, been useful and honourable. He was at the time of his death the oldest clergyman of any communion in the country. And at the death of his wife in 1799, they were the oldest couple in a very extensive parish, having lived very happily near three-score years together, much respected by the neighbours. If they met with a number of afflictive dispensations in the course of more than half a century, they have also enjoyed a large portion of domestic comforts sufficient to sweeten the cup of life. Their children's children, who are numerous, are now men and women, some of them established in life and parents themselves. It is not incurious that his eldest son was Bishop and he was Dean of Aberdeen; but the latter was *honoritati titulisque major*, and plumed himself upon the honours of his son, who had been for more than ten years the *primus* or senior of the Scottish bishops.

This gentleman's congregation at Linshart was very numerous, there being usually eight hundred communicants at Easter. Nothing could be more edifying than the love and affection which all along sub-

sisted between them and their pastor. He not only officiated in that capacity, but was likewise their chief counsellor in all the great occurrences of life, acting often as physician for soul and body. He knew the topics most likely to touch their hearts and consciences, both in prosperous and adverse fortune. There being nothing fastidious in his manners, he entered into all their concerns, great and small, with a zeal and alacrity which doubled the obligation, making him be considered as their friend and benefactor. He was perhaps the last of his brethren who formed himself upon the model of the Episcopal ministers before the Revolution. Having no affinity or resemblance to the English clergy of those times, either in their sermons or discipline, they had, it is believed, all the good qualities of their Presbyterian brethren without the crotchets of the high-fliers. Be that as it may, he preached forty minutes every Lord's Day; and, what is not common in his Church, made no use of papers—so rich was his mind, and his utterance so ready, that it cost him little labour to frame the heads of a discourse, and his hearers did not like it the worse for being diffuse. Indeed, before a sermon can be read, it must first be written—an arduous task for an old man who had a great deal to do. Like the parochial clergy in the Episcopal times, he had a session of twelve elders, who assisted him in visiting the rich, taking care of the poor, and exercising Church discipline, which last does not entirely accord with the Presbyterian form of process.

If the good people of Linshart were faulty in anything, it was in not having made a suitable provision for a minister whom they praised so highly. They are mostly tenants on the Marischall or neighbouring estates, easy, if not opulent, in their circumstances. For a number of years his stipend did not exceed three hundred merks a-year; and in 1795 it amounted to little more than thirty pounds sterling, which was very small, considering the numbers and abilities of his adherents. They doubtless gave him many presents, which, in a cheap sequestered country, go a great way in housekeeping. It bears no proportion to the stipend of Seceding ministers, which are commonly very liberal. Another man might have got more, but as Mr Skinner's wants and wishes were very moderate, he never plumed himself upon his worldly wisdom. He and his wife found for many years wonderful resources in rigid economy, prompted by that temperance of mind which is generally accompanied with cheerfulness and contentment. It is inconceivable how they should have been able to bring up a number of sons and daughters, most of whom they saw married or put in a way to do for themselves. Amidst their virtuous straits and struggles to make the two ends of their scanty income meet, the worthy pair had the seeds of old-fashioned hospitality deeply implanted in their nature, for they made guests of every description welcome to a share of what they had. At the same time, they did not pretend to live better than the substantial tenants of the neighbourhood.

It could hardly have been imagined that a man who made conscience of discharging his ministerial duty to a very large congregation, should have had enthusiasm or inclination to think of literary pursuits unconnected with his own profession. Yet few men at their ease, and complete masters of their time, have read and studied more than Mr Skinner. It was the more extraordinary that in his sequestered situation he had little access either to books or to learned men. But when he first formed his habits there were some good libraries in that country to which he could apply ; and for a great while after settling at Linshart, the Episcopal clergy of Aberdeenshire were eminently learned, both willing and able to co-operate with him in any plan of study. Theology has all along engrossed his attention. His notions are upon the whole orthodox, though his creed does not in all points coincide with that of the Synod of Dort, or with the letter of the Thirty-nine Articles. It probably does not materially differ from that of Archbishop Laud, of whom he is a great admirer. The non-juring clergy are surely entitled to more latitude in matters of doubtful disputation than the Established ones, that it is believed they are tied to no confession. It is not my business to decide upon the controversies between the Calvinists and Arminians. Suffice it to say that they agree in essentials, and each of those sides has produced many excellent ministers, who preached what they verily believed, and acted up to what they preached.

This gentleman was an early convert to the opinions of the celebrated Hutchinson, who endeavoured to overthrow Sir Isaac Newton's philosophy, and to set up another system drawn from the Holy Scriptures in its stead. According to Hutchinson, the passages in the second volume that treat of philosophical subjects make up a half or two-thirds of it. On the other hand, his opponents thought it strange, that the intention of the Holy Spirit to instruct and enlighten mankind in natural philosophy by means of the Old Testament should have been concealed for so many ages from Jews and Christians, till this gentleman arose, and, through his enigmatical glass (to use the words of one of his admirers), discovered a new world into which mortal eye had never before penetrated. Be those things as they may, the founder of this philosophical sect attempted to prove most of his positions by assigning new and less obvious meanings to Hebrew words. These, he contended, contained mystical significations of much greater importance than the literal ones.

Yet whether this system be well founded or not, it unquestionably gave a strong tinge to this good man's theological and philosophical opinions. In all probability, however, it did him no harm. The man who could reject the admired system of the pious and enlightened Newton for not being founded on the Holy Bible, ran little risk of being entangled in the cobweb reasonings of the pseudo-philosophers, who either disclaimed revelation openly, or insidiously

endeavoured to sap its foundations. The chief effect of his falling into this new course of study was to make him more enamoured of the sacred oracles, as being the only unerring sources of wisdom and knowledge. So far from making him careless, it led him to be more assiduous in teaching his flock what was due to God and man. He took great delight in Hebrew literature, because he believed it afforded a key to disclose hidden mysteries. In his opinion, therefore, it was a study more befitting a clergyman in his prime than that of the Greek or Roman classics, in which he had made great proficiency in his younger years. Not all the arguments—or, what sometimes has great effect, all the ridicule—which have been levelled at Hutchinson or his system, were ever able to make the smallest impression on his mind. It is, however, the subject upon which he can least brook contradiction or railery.

The observation that Hebrew roots thrive best in barren soils, did not hold good in the case of Skinner. Though passionately fond of rabbinical learning, seemingly the dullest of studies, he was remarkable for sprightliness and vivacity, both in his conversation and composition. In the midst of more serious study, he frequently indulged his poetic vein, which did not desert him in old age, when the vexations and disappointments incident to that time of life are apt to flatten the spirits. As his muse only sang occasionally, and never undertook anything great, he can hardly be classed among professional poets. But

what his pieces want in magnitude is made up in number and variety. Whenever his heart was filled with joy or grief, gratitude or resentment, it gave occasion to a poetical effusion, dictated by the predominant passion. His best friends must confess that he has succeeded best in composition of a satirical cast. If this shall be thought somewhat inconsistent with his piety and philanthropy, let us consider that in the course of his long life he often met with provocations to ruffle his temper. Instead of writing an angry letter, or going to law, he gave vent to his ill-humour in an epigram or invective. Besides, his causes of complaint were often such as did not admit of a legal remedy—the law being for a number of years seldom on his side or that of his friends. What wonder that a man of a high spirit and of an imagination too ardent and lively to listen to the suggestions of prudence and moderation, should sometimes go great lengths? In general, he had reason to be angry; but there is room to believe he never meant to injure the cause of virtue in the persons of his friends.

At the same time, the club of satire, like that of Hercules, is a most dangerous weapon in most men's hands, and therefore it seldom proves a blessing. In fact, if Mr Skinner's poetical talents got him friends and admirers, it also made him a number of enemies—and men's bad passions are commonly stronger and more lasting than their kind affections. But for religious considerations, and a sense of clerical

decorum, his satirical vein would, in all likelihood, have run riot. In a word, one may apply to this gentleman what is said by Geraldus Cambrensis of the Irish saints: "Quod etiam sancti terræ istius animi vindices esse videntur." If, according to that strange author, those worthies, in their glorified state, were forced to give way to anger and revenge, because the laws of the land were too weak to secure the churches dedicated to them, and the priests serving at their altars, from violence and oppression, the same thing, to a certain extent, may be pled in alleviation of the bad humour of a frail mortal, when smarting himself, or in the person of his friends, under the lash of penal statutes vigorously enforced.

Though he writes English verses with care and spirit, Latin poetry is his *forte*. He is among the last of our learned countrymen who have attempted to tread in the steps of Buchanan and his school. And he has succeeded in the very difficult task of writing a dead language with eloquence and force. In some of the mechanical rules he may sometimes be deficient, but his pieces bespeak a vigorous comprehensive mind, and a thorough acquaintance with the ancient classics. Though he writes commonly in hexameters and pentameters, which he contrives to make a vehicle for satire as well as eulogy, some of his Latin pieces have all the poignancy and keenness of Juvenal or Buchanan.

In the year 1790 Mr Skinner published a History of the Church of Scotland, in two volumes. As great

things were expected from the author's genius and means of information, the public was over-sanguine in its expectations. It bore evident marks of having been written *currente calamo* to some young friend, whom he wished to instruct in that branch of history. It may be considered in some measure as a history of the author's passions and honest prejudices, very little veiled. Neither was it that classical performance, rich in anecdotes little known, that might have been expected from a man of his wit and abilities. Nevertheless it is not inferior, in point of candour and impartialities, to Wodrow's History or Neal's History of the Puritans—all of them having a systematic cast, and breathing the spirit of party, which is ever unwilling to confess the merits of its antagonists or the failings of its partisans. Wodrow's history, however, is valuable for a large collection of original papers, which throw much light upon the affairs of that period, making sometimes for and sometimes against the author's views; while Neal's voluminous work contains a great deal of interesting information relative to the Puritan ministers, many of whom were amiable, zealous, useful men, of whom nothing could have been known ere long but for that historian's kind intervention. One cannot forbear a wish that Mr Skinner had given the world a collection of papers from the *Bishop's Chest*, to which he had full access. It contains all the writings relative to the Episcopal Church since the Revolution, having been deposited there by order of the Bishops, who preserve them

with great care. If it had not thrown much additional light upon the civil or ecclesiastical history of the last hundred years, it would, in all probability, have been exceedingly acceptable to those whose great objects are men and manners, and the lights and shades of sects and parties placed in trying and peculiar situations. From the conversation of the aged, and his own remembrance, which went far back, he might have portrayed at full length the more eminent clergy, many of whom deserved special commemoration for their learning, sanctity, and worth, which deserved a better fate. It was a part of the history of his fallen Church, that would have been read with pleasure and profit by those that love and revere virtue and usefulness in men of all sects and denominations of Christians. Yet, spite of all its defects, it contains a number of interesting facts relative to Scotland that are not to be found in other books. This gentleman published at different times some tracts and pamphlets, theological or controversial. The most remarkable of them is a supplement to the Bishop of London's (Sherlock's) explanation of the prophecy concerning the departure of the sceptre from Judah. It appeared in the lifetime of that illustrious prelate, who was so much pleased with the performance that he sent the author a present of a handsome Hebrew Bible, accompanied by a kind letter, which was highly flattering to his feelings.

In July 1792, in an expedition to the north, I paid my first visit to this venerable man at Linshart, ac-

accompanied by Dr Gleig, Bishop Skinner's intimate friend, and the correspondent of the old man, whom he had never seen before. What I saw and heard upon that occasion made too deep an impression on my mind to be ever effaced. The approach to his house has no charms to a stranger from the southern parts of Scotland, being an ugly place in a very ugly country, little indebted to nature, and less to art. It stands in a great plain composed of corn-land and heath alternately interspersed, though the quality of the former is often very good. Not a tree, and hardly a bush, is to be seen within view, and, what is more extraordinary, the brook that passes his door is black and stagnated.

Our host met us at a little distance from the house. His figure was portly and pleasing; his countenance, considered as an index to his mind, served to prepossess us in his favour. Although then in his seventieth year, and lately recovered from a painful illness, he looked like a man of fifty, such was the freshness of his appearance joined to the colour of his hair, which was coal-black, except two tufts on his cheeks that were grey. He then conducted us into his house, which was much too mean for such an inhabitant. It is only one storey high, like a tenant's mansion, but larger, and ornamented with sash-windows. The inside was somewhat between a minister's manse and a farmer's steading. Nothing could be plainer or more primitive than the furniture, and we were not a little surprised at not seeing a single chim-

ney in the house—the fuel, which is peat, being burned on the hearth. The architecture of his chapel, which stands hard by the house, is equally primitive and unadorned, having the appearance of a vast barn shaped like a cross. It is thatched, and so low in the roof as not to admit of *lofts* or galleries. It is tolerably well seated, and will contain more than a thousand people. The altar is very plain, being a square seat immediately below a very humble pulpit. In his garden there was the same simplicity, common potherbs being interspersed with a few gooseberry and rose bushes, while the borders were covered with flowers and broom and weeds. Everything of that kind is relative. Mrs Skinner having been born and bred in Scotland, looked on Buchan as a terrestrial paradise; and her husband, who had lived most of his time in Aberdeenshire, considered the spot of country between Peterhead and Inverury Castle as one of the finest in the kingdom.

But what the place wanted in amenity, or his mansion in show or convenience, was amply compensated to us by the originality and brilliancy of our host's conversation, which was heightened by the courtesy and cordiality with which he entertained us. I had sometimes been in the company of men of first-rate wit and genius, but never saw one whose social hour was more truly delightful and instructive than that of Mr Skinner. Burns the poet, who had been my guest for some days in October 1787, came the nearest to him in those unpremeditated flashes of wit and sentiment,

the impulse of the moment, which bespeak a heart pregnant with celestial fire. But sprightliness and exuberance of fancy were less extraordinary in a man of twenty-eight than in one verging upon seventy. Mr Skinner had what the other wanted, a great deal of learning improved by experience. In him might be beheld a faithful pastor, grown old in doing good, and looking forward with joyful hope to the finishing of his course; and in the other a child of nature, blessed with a fine genius, who gave full scope to his passions, and in his discourse did not always regard time or place. I shall always consider the day I spent with the former as one of the greatest intellectual feasts I ever met with, the prelude to a correspondence which afforded me much pleasure and edification.

Upon a second tour to the north, in June 1795, I paid this good man another visit at Linshart, accompanied by Dr Doig of Stirling. One of the great objects of my journey was to bring these eminent literary characters together. In one point they agreed together—neither of them had been favoured with the smiles of fortune or the great. Both of them were Latin poets, and men of great ingenuity and research. If Skinner's effusions had more originality of thought and energy of expression, the Doctor had the more erudition, and, in most things, the sounder judgment, because his temper was less fiery and impetuous than the others.

We went to Linshart and brought the old man to Peterhead, where he lived with us the best part of a

week, to our mutual satisfaction. I was mortified to find a sensible change to the worse, both on him and his wife, in the course of three years, owing partly to ill-health and partly to an unhappy business in which some of his family were involved, which had given his strong mind a very rude shock. But if he had not that animation, and those flashes of wit and merriment, which had struck me so forcibly in 1792, he was still, comparatively speaking, one of the liveliest, pleasantest, best-informed men of his age that one could meet with. Many learned and lively conferences took place between those ingenious scholars, who battled a number of curious points like two game-cocks, both of them desirous to gain the victory. It is almost needless to add that they very seldom agreed in their sentiments, both of them having authorities and topics at will, and skill to wield them. It is difficult to say which of them had the advantage on the whole, but neither of them was exclusively right. But when Skinner found himself hampered by the Doctor's reasonings and quotations, he extricated himself by giving his opponent a rap over the knuckles with his wit, which produced much mirth, and prevented the argumentation from becoming too keen. Much do I now regret that I did not take notes of their table-talk, after the manner of Boswell. It would have done no discredit to this learned pair, besides enabling me to record a number of precious anecdotes relative to persons and things which dropped from Mr Skinner in the course of conversation.

Next Sunday the Doctor and I went out to Linshart, and attended divine service, which was almost as great a treat to me as the English cathedral worship is to a raw Scotsman. I saw what I knew would shortly be seen no more—viz., an old-fashioned Episcopal clergyman, who did not affect to tread in the steps of his English brethren, between whom and the parochial ministers of Scotland before the Revolution there was little similitude. The first thing that struck me was the strongly marked faces of the people, which betokened not only sense and sharpness, but also a serious frame of mind. In point of mode and plainness, their dress reminded me of that of our country-people more than forty years ago, bonnets and party-coloured plaids being frequent. To my great surprise, the service began with a psalm taken from the Assembly's version, which, he said, was more intelligible to a country congregation than Tait and Brady's. This, with the precentor's tone and style of singing, made me fancy myself in a Presbyterian church, till the reading of the liturgy dispelled the illusion. That and the Litany were read by Mr Cuming, his grandson and assistant, he himself officiating only in the Communion-service. Some of the prayers and collects were not to be found in the Book of Common Prayer, being either taken from the Scottish Service-book or composed by himself. The precentor sang the anthems in a style that would have astonished and offended an English ear accustomed to good singing; but the devout appearance of the people

more than compensated for any defects in their music. At a particular part of the service, the elders arose from their seats and collected the offering, while the congregation sang a hymn. With this I was exceedingly pleased, because it made almsgiving go hand in hand with praise and prayer. The service being finished, the venerable old man gave us a sermon, which he said afterwards was in the *ordinary* strain, the fruits of short study, calculated for the minds of honest, ill-educated rustics, who came there to be instructed, not to have their ears tickled. Be that as it may, he contrived to introduce into his "*ordinary*" some severe strokes of irony against the *light of nature*, about which he and the Doctor had had keen disputes. The sermon was pious, rational, and impressive, calculated to edify peasants and philosophers. It owed nothing to the graces of his delivery, which looked liker familiar conversation than a studied discourse delivered in public; and its length and the want of papers were equally extraordinary in an Episcopal chapel.

After divine service was over we adjourned to the house, where we saw the good man seated in his arm-chair like a patriarch, surrounded by his daughters and sons-in-law, and their numerous progeny, and chatting with that cheerfulness which innocence inspires. We then partook of an old-fashioned Sunday's collation of plain wholesome fare, seasoned with kindness and strokes of wit and pleasantry. My pleasure in partaking of this primitive repast was much alloyed

by the consideration that this excellent man and I were not likely to meet again in this world. Nothing, therefore, remained but to take a hasty farewell of him and his family of love.

I shall now give a short account of my venerable friend, Mr Skinner of Linshart's decline and death. In his latter years he generally wrote me once in the season, seldom in May, as he had an unaccountable dislike to that genial month. I know not whether he connected it with some disaster or disappointment that befell him then, or that he felt the east wind in May very severely on the bleak open coast of Buchan. It was the more strange, that most poets are enthusiastically fond of what is called the *breath of May*. Be that as it may, whilst his mind was vigorous and his faculties unimpaired, his limbs were so feeble that he was wheeled every Lord's Day to and from his chapel, where he continued to officiate till he removed to Aberdeen. A great change to the worse took place in his handwriting, which had, not many years before, been very beautiful. Meanwhile, his epistles were replete with sense and kindness, mingled with irony, or, *in re fabellæ*, abundantly characteristic. His two last letters were written in August 1805 and July 1806. As the first began with two lines of Latin poetry, the second concluded with four lines in the same language—pious, affectionate, and valedictory. If less energetic than his former effusions, it was much to see him write poetry at the age of eighty-four or eighty-five. It was no improper epilogue to

our correspondence. As I wondered at seeing his Church embrace the Thirty-nine Articles, which were certainly Calvinistic, he told me with much keenness that the *doctrine* was as old as St Augustine, who lived a thousand years before the Apostle of Geneva, by whose additions it was somewhat *spoiled*.

In winter or spring 1806-7, his son the Bishop lost his wife, which was a severe affliction to him. On paying a visit to his father in April or May, the latter, seeing him much cast down, expressed a wish to spend the residue of his days with him at Aberdeen, which he thought would be a comfort to them both. The Bishop said nothing could be more acceptable to him than that proposition. After settling his matters at Linshart, and committing the congregation to Mr Cuming, his grandson and assistant, he quitted Linshart, where he had resided for sixty-four years in peace and joy, much respected. He stood the journey well, and for ten days his health and spirits seemed to improve from change of place. On the 16th of June 1807, a party of friends and connections were invited to dine at the Bishop's house, it being the birthday of one of his daughters-in-law. Nothing could be more cheerful than Mr Skinner's conversation before dinner; but after eating a little broth, finding himself uneasy, he said he would go to the next room for fresh air. The Bishop accompanied him, and seeing him tottering, caught him in his arms, when, without a word or groan, he slept the sleep of death before he could be brought back to

the company. It was an awful, instructive scene to the spectators. If he had had his choice, he could not have put off mortality more to his liking than in the arms of his beloved, dutiful son. To a man of so much piety and virtue, habitually prepared for his great change, sudden death was likely to be unspeakable gain.

As he had requested his son to bury him at Longside beside his wife, his directions were obeyed. His funeral was numerously attended by his flock and by his neighbours, who knew his worth, and that they were not likely to see his equal again. Forty persons dined at his house after the interment; and before the company parted, £40 sterling was subscribed to erect a monument to his memory in the churchyard of Longside. In this, gratitude and good sense went hand in hand.

James Macpherson, the father of Ossian (as he is styled in the strong figurative language of Dr Johnson), may, with some propriety, be contrasted with the gentleman last under consideration. Both of them were bred at different times at Aberdeen in the hardest manner. Both of them were designed to be non-juring ministers—a line of life which seemed to preclude ambitious views and the hopes of affluence or ease. And both of them had in their several ways a poetical genius, which influenced their character. Yet, similar as their outset and early habits were, how unlike their after-pursuits as well as their fate in life!

As Macpherson may be regarded as a kind of

meteor in the republic of letters, I shall conclude my sketch of our literary countrymen with an account of him. If less full than could be wished, it will nevertheless afford instructive lessons to the adventurers in learning who shall come forth in future times. And ordinary readers will be able to judge which of the two acted the more meritorious part on the stage of time. When riches, power, and pleasure shall begin to fall, what wise man but would say, after surveying the story of Mr Skinner, "Tecum vivere amem, tecum obire queam" ?

It is needless to inquire into Macpherson's parentage, since he was of a clan where every man can produce a long and honourable pedigree as soon as he can support the character of a gentleman. It would appear that his family was not in easy circumstances. In winter 1752-53 he was a student of King's College, probably as a bursar. I have been told by a very competent judge, who was acquainted with him at the university, that he was in those days more remarkable for quietness of parts and soundness of intellect than for application or proficiency in his studies. But even at that early period he gave indications of that harsh, overbearing spirit which make him so unpopular in the after-part of life. After finishing his academical course, he found it necessary, for want of something better, to accept of the charity school at Ruthven of Badenoch,¹ which was not the

¹ When at the Greek class Macpherson took much pleasure in teasing a Hugh Machardy, a very poor, and withal a very ugly and awkward lad. In

less acceptable that it was the country of the Macphersons. There, it is believed, he began to collect Gaelic poetry, without any other view at that time but to amuse himself in that solitude. That was no difficult task in the then state of Badenoch, when a number of old men were still alive who had a great mass of Gaelic poetry treasured up in their memory, which they used to recite to their countrymen when assembled beside a cheerful fire in the long winter nights.

One cannot even guess what progress he had made in his researches before leaving that country. It is not surprising that he should tire of his situation, and embrace the first opportunity that offered of getting into the world to better his fortune. After being some time in Edinburgh, he was recommended, probably by some of his non-juring friends, to the late Mr Graham of Balgowan, as governor to his son, now member for Perthshire. How long he continued in that family is uncertain; but I well remember that in winter 1759-60, his translations of fragments of Gaelic poetry were handed about and exceedingly admired by philosophers and ladies. They were published in May following, when he lost no fame by appearing in print.

particular, he ridiculed him for things that were his misfortune rather than his fault. As he made use of Hudibrastic verse, Machardy, plucking up courage, retorted on Macpherson in mock heroics, which turned the laugh against him. The quarrel was coming to extremities when somebody told Mr Broadfoot, the professor, of it, who ordered the culprits to produce their poems, which were read by him in the class with much gravity. After making severe remarks on the composition, he ordered both writers to keep the peace, under pain of expulsion. Macpherson was exceedingly indignant.

His company was now courted by the first literary characters, who considered the fragments as forerunners of better things. Nothing could be more happy or judicious than his translating in measured prose; for had he attempted it in verse, much of the spirit of the original would have evaporated, supposing him to have talents and industry to perform that very arduous task upon a great scale.¹

This small publication drew the attention of the literary world to a new species of poetry, and to something like a new state of society, such as could not have been expected among a people reputed barbarous. Meanwhile his friends and patrons were not idle.² They procured liberal subscriptions to

¹ It is said Mr John Home gave Macpherson the first hint of this mode of translation. They met accidentally at Moffat, when the latter was there with his pupil.

² It must not be omitted that the first attempt at translating Gaelic or Erse poetry was made by Jerome Stone, schoolmaster of Dunkeld. His rise is abundantly singular. He was originally a packman; and being a native of Fife, he became passionately fond of learning Hebrew, from having met with a Psalter in that language. Having made shift to learn the letters, he travelled from one minister's house to another to get lessons, that he might read and understand the Scriptures in the original. He was so apt a scholar that some of his reverend friends thought it a pity not to second him in his pursuits. They therefore recommended him to the professors of St Andrews, who gave him a bursary and were very kind to him. In the course of his studies he delivered a discourse in the Divinity Hall, which was reprehended by Principal Murison for being too high-flown and poetical. Stone took the rebuke indignantly, and said to one of his companions, "Lord help him, poor man! he knows no better." This being reported to the Principal, he was offended in his turn. Soon after the young man left college, and became schoolmaster of Dunkeld, where he insinuated himself into the good graces of Duke James and his Duchess. There he studied Gaelic (called by him *Irish*) with great ardour; and had he lived he would have made a good antiquary. He published, in the 'Scots Magazine' for January 1756, a poem entitled "Albin and the Daughter of Mey," translated from the Irish. It was evidently a fragment of a Highland romance, and differed as much from the

enable Macpherson to make a diligent search through the Highlands and Isles for more of those precious remains of ancient times. They assured him that a work of that kind on a great scale, which should display as much sublimity and tenderness as the fragments, would not only bring him a good sum, but might also be the means of making his fortune. Encouraged by the first literary characters in Scotland, he set out, with his pockets full of money,¹ on an expedition to the remote Highlands and Isles, where he met with a most gracious reception from all ranks of people, and had no cause to complain of want of success. From his own account he recovered some capital pieces of poetry by means of the memory of the aged, most of whom could neither read nor write, though they had thousands of lines upon their memory, which they recited with great enthusiasm and facility. And he likewise obtained a number of manuscripts on different subjects,² which were the more val-

pieces afterwards translated by Macpherson as the 'Iliad' of Homer does from Ariosto's 'Orlando Furioso,' being as full of necromances, giants, dragons, &c., as Don Quixote's favourite authors. Prefixed was a letter, in which the *Irish* poetry was praised for sublimity of sentiment and strength of expression, and for the strain of tenderness and nature that pervaded it. Though a pretty wild tale, yet being in *verse*, it attracted little notice, being classed with magazine poetry. Stone died in 1771 or 1772 [11th May 1756], in the prime of life, much regretted. [The 'Scots Magazine' for July 1756 has the following epitaph on its defunct contributor:—

“ Oh Death, how absolute thy sway !
At thy command we must obey.
In hardy strength 'tis vain to trust—
Even Stone, thou crumblest down to dust.”]

¹ Besides the subscription of individuals, the Faculty of Advocates gave Macpherson £60 sterling to defray his charges.

² In spring 1761 Mr Robert Chalmers carried me to see Macpherson, who

uable that they were very rare in those countries. Greatly did his admirers exult when he told them that he had discovered poems of an epic cast. This appeared incredible to such as had derived their notions on that subject mediately or immediately from Homer and his imitators. Nor was it long before he gratified the expectations of the public, which were abundantly sanguine. In December 1761 he published the first volume of 'Ossian's Poems,' and in spring of 1763 the second, both of which were well received, and had a very extensive sale.¹ Even such as had been most sceptical with regard to the fragments, and the existence of ancient poems among the

was to be his companion to London. He had a small room at the back of the Gnard that was filled with books and MSS. Some of the latter bore marks of the rust of antiquity. One of them was, he said, a book on medicine by an *allah*, or Highland doctor. He was a plain-looking lad, dressed like a preacher. What he said was sensible, but his manner was starch and reserved.

¹ In his preface to the second volume, Macpherson idly gave great offence to the aboriginal Irish, whom, as a kindred people, he ought to have conciliated. Some of them laid claim to Ossian's heroes as their countrymen, in answer to which the translator said that the Irish ones were exceedingly different from those that were the subjects of Fingal and Temora. Those Fions or Fingals, Ossians and Oscars, were giants of enormous size, surrounded with dwarfs and palfreys, witches and magicians. Oscar was so sleepy-headed that he could not be wakened but by cutting off a joint of his finger or dashing a great stone against his skull, which made the hills resound. Ridiculous as that and the other quotations there given may be, it would have been candid in Macpherson to have confessed that few of his own countrymen knew aught of the Fingallian heroes but by means of romances equally absurd and hyperbolic. Riding one day above Callander with the late David Home Stewart, who was not much given to poetry, I took notice of a vast stone near Bochartle. "Did you," answered he, "never hear of the giants Ossian and Oscar, who lived once hereabouts? I do not vouch for the truth of the story, but tradition says that Oscar's mother having whipped him while a child for some trespass, the urchin took that huge stone between his finger and thumb, and threw it at his mother, but luckily it missed her. It goes by the name of *Oscar's finger-stone*."

remote Highlanders, confessed the beauty of the pieces now translated, which carried conviction with them. All men were astonished to meet with such gentle manners and unparalleled generosity towards the vanquished, among a people reputed barbarous, whose chief praise had been their hatred to slavery in every form. The thing that stumbled the critics most was his historical details of the royal families of Ireland and Morven, which seemed too accurate and circumstantial to have been derived from the bards and sennachies, who were sorry chronologists. Yet the accounts given by him in his prefaces and notes of these matters were modest and rational compared with those of Keating, O'Flaherty, and the other Irish writers, *quos solus naturaliter Hibernicus credere potest*. Both the one and the other evidently rested on the foundation of metrical histories, more or less wild. On the other hand, it was observed that in the poems of Ossian there were allusions to customs and superstitions of which, there is every reason to think, the translator did not know the origin. For a while, however, very little was said either against him or his works. In the late Dr Blair he found a very zealous and popular auxiliary, who, being himself perfectly persuaded of the authenticity of the pieces in question, laboured to make the learned world of his opinion. In his rhetorical lectures, which were at that time in high vogue, the Doctor entered into a minute discussion of those singular productions. Nor was he satisfied with *intrinsic* evidence, for he pro-

cured from every quarter of the Highlands and Isles a number of testimonies in their favour, that seemed more than sufficient to establish any point of fact. In 1762 he published his dissertation upon the poems of Ossian, which was universally acknowledged to be a piece of fine criticism; and for some years the world seemed to acquiesce in the learned and eloquent Doctor's opinion.

Had Macpherson behaved afterwards either with common-sense or with the gratitude he owed to the public, which had been most generous to him, it was in his power to have established his fame for veracity on a sure foundation. But after being publicly accused of forgery by persons of no mean name in the republic of letters, he forbore, with an indifference that did not suit his character in other things, to make the proper reply. Had he produced manuscripts of the original poems, it mattered little whether they were ancient or modern—for every one acquainted with the Highlanders in their unmixed state knew that a great proportion of their poetry and romances had never been committed to writing—it might not perhaps have convinced critics accustomed to a very different state of society, but he might have given complete satisfaction to his own countrymen, and even to every unprejudiced Irishman. Instead of doing what he ought to have done, he declined, upon frivolous pretences, to produce his manuscripts, which emboldened his enemies and abashed his friends, who imputed his preposterous conduct to pride and arrogance, heightened by

prosperity. If he had submitted to competent impartial judges a set of Gaelic poems of equal merit with the seventh book of "Temora," he would have made an invaluable addition to the stock of his national poetry, and had little to dread from sciolists in the Celtic dialects who should examine them with a captious microscopic eye.¹ It would have been regarded by every candid person as a noble effort of untutored genius in very unpromising circumstances. In that case one of two things must have taken place: the poems in question must either have been referred to their reputed author, or there had arisen in the middle ages (none could tell when or where) a bard who soared as much above his predecessors and successors as Homer and Virgil excelled those of Greece and Rome. One thing is certain, the Gaelic poems that are confessedly modern have a striking similitude in form and phraseology to those of Ossian, though the strain of the former is very much below the other. It seems unaccountable that the Highlanders of the eighteenth century should have been so perverse as to

¹ In the year 1769, Dr Stuart of Luss, then a young man, made a tour through Skye, Mull, Raasay, and that part of the continent which is usually termed the *rough bounds*. One of his great objects was to recover more of Ossian's poetry. But though he met with great encouragement from the gentry and clergy of these parts, he was unsuccessful in his inquiries. At the same time, they assured him that the poems translated by Macpherson were undoubtedly genuine, because they had often heard them recited in their youth and prime by aged persons whom they named and characterised. The last of those venerable persons had died but a little while before his arrival. Both the Doctor and his father (*quibus neque animæ candidiores*) have repeatedly assured me that the Gaelic of the seventh book of "Temora" is superior to the translation, and that Macpherson has mistaken the original in some places.

prefer mediocrity, or something below it, to approved excellence. In short, Mr Maepherston acted through the whole of that business as if he wanted to be thought the author of those poems and the father of a new species of poetry, than which there could not be a more dishonourable or more absurd ambition.¹

The convulsions which took place in consequence of Mr Fox's East India Bill presented an alluring bait to an ambitious mind. His intimacy with persons in the secret, who regarded him as a useful adjunct, enabled him to speculate with success either in the stocks or in India. But by whatever means acquired, it appeared at length that he had amassed a considerable fortune. With a laudable partiality for the romantic country where he drew his first breath, and probably passed the happiest part of life, he purchased the estate of Maekintosh of Borlum, which lay at no great distance from Ruthven of Badenoch, where he had once been schoolmaster. There, after astonishing his old acquaintances with the splendour of his equipage, he built a handsome house, where he might,

¹ Dr Macleod of Glasgow, Maepherston's college companion, and afterwards his intimate acquaintance, always vindicated his unpopular friend from the charges brought against him, whilst he blamed him in other things. He told me he had repeatedly access to the Gaelic MSS., which afforded him much delight. Some progress had been made in Maepherston's lifetime towards a publication, but various obstructions intervened. By Maepherston's last will a thousand pounds was left to defray the expense, clogged, it is said, with a capricious request that the Gaelic should be printed in Greek characters, because, forsooth, the Druids when they wrote used these characters. It is agreed that his MSS., fully and fairly written, are extant. Why they have not been printed since his death seems strange. The patience of the public is almost exhausted, and people begin to say that parties are treading in the steps of Maepherston.

when satiated with business and pleasure, spend the evening of his days among the friends and companions of his youth. It seemed too large for the estate, and too remote from the metropolis, to which he was sufficiently partial. But in one of his excursions to Badenoch he was seized with a lingering illness, which at last put a period to his life, and to all his plans of aggrandisement and embellishment. On his deathbed he directed, with more vanity than judgment, his body to be buried in Westminster Abbey. In fine, he bequeathed his fortune to his natural children, one of whom enjoys his estate.

END OF THE FIRST VOLUME.