

ART. IX.—*Journal of Henry Cockburn ; being a Continuation of ' Memorials of his Time.'* 2 Vols. 8vo. Edinburgh: 1874.

[T is sixteen years ago since we reviewed in this Journal a posthumous work entitled ' Memorials of his Time, by ' Henry Cockburn.' The author was the judge of the Supreme Court of Scotland, well known under the title of Lord Cockburn. The book was full of freshness and vivacity, and gave a vivid and amusing picture of the manners and habits of society, the politics and the gossip, the distinguished men and the public events of the period of his youth and earlier manhood, in the northern portion of the island. It was written with considerable power and humour, and was a very pleasant and, as it proved, a very popular and successful autobiography.

In our former notice we took the opportunity of describing the general character of its author, who was a man, although not much known perhaps beyond the limits of Scotland, singularly well known within them. Apart altogether from his professional and forensic abilities, which were very considerable, his genial temper, kindly manners, and fund, which never failed, of humorous and lively thought and expression, made him a favourite with all classes, and with men of all shades of opinion. There were few men—indeed there were none, of note or distinction in Scotland during the period of which he wrote—with whom he had not lived on terms of intimacy. The friend of Scott and Jeffrey, Horner and Brougham, Playfair and Dugald Stewart; a scion of the house of Dundas, but a strong adherent of Fox and the Whigs—he had opportunities of observation, as well as personal experience, which imparted zest and colour to these desultory but lively reflections of the past. Terminating in 1830, the object of the book was to sketch, as it did with considerable brightness, a state of society which was then expiring, and which has now entirely passed away. It contained also a history of the early vicissitudes and struggles of the Whig leaders and party in Edinburgh; of the commencement of the ' Edinburgh Review,' and of the circle to whom it owed its birth, to which he himself belonged; of the gradual growth, and ultimate culmination and triumph, of the opinions which it asserted; and broke off just as the crisis was at hand, and the creed, so long in the shadow, was about to emerge into the sunshine.

The two volumes now before us, the title of which we have prefixed to this article, are a continuation of the ' Memorials,'

and embrace the period from 1830 down to 1854. The author seems to have jotted down, at pretty close intervals, his thoughts and views of passing events. These memoranda were continued till within a very few days of his death. We do not doubt, and these volumes indicate the fact pretty plainly, that there may have been among the original materials many reminiscences recorded which a prudent editor would be inclined to suppress, even after the comparatively long interval which has elapsed. We observe with pleasure that the editing of the work deserves all commendation. It is laudably and exceptionally free from faults too common in such publications. The selection contains nothing approaching to a violation of private confidence; nor have the editors been tempted, for the sake of point or pungency, to include anything which could justly wound the feelings or the reputation of the living. Some passages occur, of strength and vigour, in regard to the actions and character of public men; but they never transgress or even approach the boundaries of fair and honourable criticism. There is no egotism—no affectation—nothing which does not breathe the kindly taste and affectionate spirit of the man.

How much Cockburn himself would have shrunk from such posthumous treachery as is not unusual in the present day, may be gathered from the following extract from his *Journal* in 1845:—

‘I have all my life had a bad habit of preserving letters, and of keeping them all arranged and docqueted; but seeing the future use that is often made of papers, especially by *friendly* biographers who rarely hesitate to sacrifice confidence and delicacy to the promotion of sale or excitement, I have long resolved to send them all up the chimney in the form of smoke; and yesterday the sentence was executed. I have kept Richardson’s and Jeffrey’s, and some correspondence I had during important passages of our Scotch progress; but the rest, amounting to several thousands, can now, thank God, enable no venality to publish sacred secrets, or to stain fair reputations by plausible mistakes. Yet old friends cannot be parted with without a pang. The sight of even the outsides of letters of fifty years recalls a part of the interest with which each was received in its day, and their annihilation makes one start, as if one had suddenly reached the age of final oblivion. Nevertheless as packet after packet smothered the fire with its ashes, and gradually disappeared in dim vapour, I reflected that my correspondents were safe, and I was pleased.’ (Vol. ii. p. 103.)

It was not to be expected that as Cockburn’s notes approached more nearly to the times of the present generation, they should retain the charm which distance lent to his retrospect, or the quaint and picturesque effect which was produced by his recollections of less familiar habits. Since 1830 everything in the

kingdom has been gravitating to the metropolis, and the force operates in an increasing ratio every year. Distinctive and traditional manners and customs are necessarily rubbed off and ground down by the friction produced by constant inter-communication. The old ways are lost, although the new may not become familiar; the characteristics of a separate nation vanish, and only leave those of a province in their place. Cockburn, who was greatly attached to the traditions of Scottish society, saw and much lamented the accelerated pace at which they were in the course of disappearing. He speculates thus in 1836, as to the probable effect of more rapid intercourse with London, and his anticipations have proved within the mark:—

‘In twenty years London will probably be within fifteen hours by land of Edinburgh, and every other place will be shaking hands, without making a long arm, with its neighbour of only a county or two off. This will add to our wealth, and in many respects to our ease. But is not seclusion often a blessing? Difficulty of being reached has its advantages. Our separate provincial characters will be lost in the general mass where London will predominate; just as the picturesque peculiarities of the old personal characters of individuals are now all melted in the fusion of common society.’ ‘Geneva,’ he says, ‘could not have been Geneva near Paris, nor Edinburgh, Edinburgh near London.’

This process of attrition and levelling is of course in constant operation. Long as Scotland may retain the substance of her ancient institutions, or laws, or habits, or religion, or language, yet still the process of fusion goes on insensibly, to the injury of the distinctive and picturesque, and the creation of a uniform standard in which individuality is lost in the mass. The old Scots philosophers,—the strong, coarse, powerful, tyrannical Scottish Bench—the drinking, roistering, shrewd, and humorous lairds—who were familiar to Cockburn’s youth, had not only departed, but had become impossible in 1830. They could not have lived in the altered atmosphere. Probably the group to which our author belonged—not undistinguished when it numbered Brougham, Scott, Wilson, Jeffrey, and Horner in its ranks, and which has now left not one of its number behind, is not likely again to find its counterpart in the society of the present generation, although Edinburgh still contains more than one circle distinguished by intellect, learning, and accomplishment.

Another gloomy element which oppresses our author, is the increasing amount of daily business—the larger exactions of life on our time and leisure. Doubtless we should all be much the better for a little more idleness—the not unwholesome medicine

of the mind. How much of the glorious and the beautiful of existence, and how much of the lofty thought and conception which they engender, are not lost by our meritorious representatives who spend their summer days in committee rooms, and their nights in debate, and breathe the fresh air only as they walk dismally home at sunrise in June? So it is through all ranks and occupations. The world moves too fast to wait for the elaborate or the grand. Thus Cockburn bewails the curtailment of the holidays of the Court of Session:—

‘What signifies this,’ he says, ‘or the law, or the public? Our vacation is encroached upon; our two months in spring, and the long glories of the four months in summer and autumn are no more secure. We may be left some part of them, but their comfortable security is gone. We live in a fright. And what vacations they were! How opportune for the place called London for those who liked it in spring, for the Continent in autumn, for study, for the country, for the general refreshment of the soul! O my spring flowers! My roses! The endless succession of birds and of bloom, from the early half-chilled March snowdrops, to the late lingering November carnation! The vernal blackbird, the summer evening, the utter cessation of business, the long truce, the mind’s recovery of itself, the relapse into natural voluntary habits. People talk of the surcease of justice—what a mercy for suitors. What a proportion of our eminent men have been trained in this scene. But had they been worked out by nearly constant professional toil, or expectations, or vulgarised by law being the chief object of their lives, they would have contributed no more to the glory of Edinburgh or of Scotland than any other body of legal practitioners.’

The intense love of Nature, whom he certainly worshipped and revered much more than Themis, was strongly developed in our author’s mind. He chafed and rebelled against the chain which kept him to the oar. This strain comes out strongly in these volumes, and imparts a fresh and breezy atmosphere to his thoughts. Some of his descriptions of scenes now well known, but not so familiar then, are sketched with a bold and powerful hand. He encountered them mainly in his Circuit wanderings, between the assizes at the different towns in the North and West. The uppermost thought in his mind, however, ever was, when should he escape to the Pentland hills? and the days were counted from his leaving them until his return.

‘Why, amidst all the beauty,’ he exclaims, ‘which surrounds Edinburgh have we never had a single English hedge alehouse, or English country inn? Whisky no doubt is a devil; but why has this devil so many worshippers? Chiefly because exclusion, with its horror of open sunny recreation, will give the people no deity to follow. Nice, well placed, Auburn inns would certainly succeed. But we must be able to

get to them through green fields, happy with white lambs, and fragrant with fresh mown hay, or rich with heavy grain. We shall then be trained to sit without being stared or laughed at, on clean chairs, set out on the garden turf; to be sober, though merry; and well-bred and at ease although other parties, equally happy, should be near us. Would that our dun sky could borrow some of the Italian blue; but much of the coarseness of our climate would be abated, if we turned the good that is in it to better account.' (Vol. ii. p. 106.)

What Sir Wilfrid Lawson would say to this praise of an English alehouse we cannot tell. The picture is doubtless a pleasant one—but then that dun sky, the pitiless easterly blast, the dank grass, the soaking shower, would sadly spoil its Arcadian beauty. Scotland must have an English climate before such scenes as Morland painted can be reproduced across the border.

His appreciation of natural beauty led him to constitute himself the guardian and protector of the picturesque features of his native city, which ingenuity has done much to destroy. One of the latest of his productions was a pamphlet which he quaintly entitled 'A Letter to the Lord Provost on the best way of spoiling the Beauties of Edinburgh'; but although he accomplished some things in this direction, more fatal outrages succeeded in spite of his remonstrances. The beautiful valley which lies, or rather lay to the North of the Castle Rock and the Old Town, is now a railway station, and every traveller enters the city over ground from which Cockburn long struggled to exclude him. Retribution has followed the offence, for it is the worst railway station in the kingdom. The public of Edinburgh have not forgotten these exertions of their popular and good-humoured citizen, and a new quarter of the town, recently opened, close to some of the scenes in which he took the greatest interest, has since been called by his name. Nor were his sympathies confined to Edinburgh. He wails over the destruction which has overtaken St. Andrews, and which, when he wrote, was impending over Glasgow University, and has since befallen it. Of the latter, among other ancient relics, he commemorates one, which he thus describes:—

'There is a grey stone image, something like a leopard, perched on one of the pillars of the great outer stair leading up to the hall. It has sat there with its four legs up, and its pleased countenance smiling graciously on many generations of teachers, and students, and strangers. *The head of this single creature is better worth preserving and consulting than the heads of all the living Professors.*'

While these volumes, however, possess less of that distinct

tive interest which marked their predecessor, they are full of attraction to those who are familiar with the course of social and political events in Scotland forty years ago, and bring out the character of the writer in a light exceedingly creditable to his sagacity and power. For the first time we see him as a man of political action: bold, resolute, and prudent; capable as we think of greater efforts than he ever was called on to make, and as sound in council as he had shown himself able in discussion. The former volume represented him as a barrister working his way up against the tide, contributing occasionally to the pages of this Review, and taking his part with ready and persuasive eloquence in the political demonstrations against what he thought the misrule and oppression of the times, and in favour of all which was liberal, philanthropic, and just. But, like the rest of that circle, he had never before had his part in the actual conduct of affairs. He sketched out Reform Bills for the benefit of his parliamentary friends, did what he could to promote improvements in the summoning of juries and the administration of the criminal law, and sneered at close burghs and Commissioners of Supply, the autocrats of the counties of Scotland. But the first of these volumes draws up the curtain on a very different scene. The French Revolution has come and gone; the King has been unable from popular excitement to dine with the city of London; the Duke of Wellington's Government has resigned; Lord Grey has been sent for and formed his Administration; after twenty-four years of exile, the Whigs are once more in power; Jeffrey is Lord Advocate, and Cockburn is Solicitor-General. The first sentence in the book is characteristic. 'The circumstance that excites the greatest horror in the Tory mind is the spectacle of Brougham sitting on the Woolsack.'

The story of the birth and fortunes of the first Reform Bill—little did Cockburn dream of the second, or of the quarter from which it was to come—is told with great effect from the point of view from which our author saw them. That point of view was one of responsibility, anxiety, and peculiar knowledge. Cockburn was entrusted with the preparation of the Reform Bill for Scotland; and it must have been a subject of singular satisfaction to him that after a long life spent in promoting the struggle for popular rights, his should have been the hand to give them Parliamentary and in the end statutory expression. 'It is giving us,' he says, 'a political constitution for the first time. The Revolution did not do more for England.' It is indeed hard to believe that five and forty years

ago no such thing as popular representation existed in Scotland; that the county members were elected by a small knot of landed gentry termed freeholders, aided by a limited number of paper qualifications, and the members for the burghs by town-councils not popularly chosen, but self-elected.

Cockburn tells us that he was early in the secret of the intentions of the Government, and in fact had his draft prepared before the end of the year; and he observes on the remarkable fact that although the Government plan was known to about twenty persons, not a whisper of it ever reached the public until the memorable day when Lord John Russell startled the House of Commons, and took away the breath of the country gentlemen, by what seemed then the cool audacity of the Bill. Honourable as it was, Cockburn seems to have felt his position as one of extreme difficulty and responsibility. Jeffrey was in London: he was forbidden to communicate with anyone else, and he was obliged to prepare his draft without assistance or consultation from any quarter. The work, however, was thoroughly done; and although of course the details suffered considerable change in the subsequent stages of the measure, the Act stands to this day on the broad and firm lines on which his hand at first designed it. 'The main defect in the Bill,' he says—and probably the main alteration made on his original proposals—'consists in not extinguishing more districts of towns, and throwing the burghs into the counties, even though this had led to giving some counties two members.' The question thus raised has not been set at rest, even by the second Reform Bill.

But stormy days were at hand: and they were days of deep anxiety to Cockburn, placed as Solicitor-General as the sole representative of the Executive in Scotland, amid scenes of unexampled popular commotion. Strong as the feeling in favour of the Bill, the whole Bill, and nothing but the Bill was in England, in Scotland, which had everything to gain by it, it was probably still more intense. Those who recollect those exciting alternations between hope and fear, safety and imminent peril, which preceded the passing of the Reform Bill in August 1832, will know how difficult it is, by mere description, to convey an idea of the agitation of the public mind during the changes and vicissitudes of the interval. But the pages of this record, expressing as they do the impressions of the writer from week to week, reproduce something of the effect of present events. It was indeed a great crisis: how great the solution of it prevents us from ever fully realising.

But even in the midst of it there were junctures when the boldest held his breath for a time. It was thus that it struck Cockburn in May 1832, on Lord Grey's resignation :—

‘ I never before actually felt the immediate presence of a great popular crisis. I advise nobody to create it. The fearful part of it was the absence of riot. There was nothing to distract the attention, or to break the terrible silence—nothing but grave looks and orderly public proceedings, unconquerable resolution, and the absolute certainty that if any accident had made resistance begin anywhere, it would have run like an electric shock in a moment. A feeling of personal painfulness was given to the public alarm by the conduct of those who were hostile to Reform, and who, seeing their destruction in this Bill, gave themselves up to fury and despair—feelings not unnatural in their situation, but which took away from the struggle the ordinary character of a party contest. The political atmosphere was calm, but heavy and oppressed with the lurid sulphury feeling of a coming storm.’

On the passing of the Bill he says :—

‘ The regeneration of Scotland is now secured! At present, I scarcely expect above three, perhaps only two, of the Radical party to be returned to next Parliament from Scotland, and not many Tories. The future effect of the rise of the people remains to be seen. Much will depend on the state of France. Good order there will probably lead to it here; but if a republic—the favourite project of the wrong-headed there—were to prevail, the rise of the people here would acquire a new aspect.’

The spirit of political prophecy is seldom to be trusted when exercised in the centre of a political whirlwind: nor are Cockburn's anticipations an exception to the remark. He does indeed credit himself justly with one prediction which was actually fulfilled. He says under date December 12, 1832 :—

‘ The most extraordinary of these (the election preparations) is the rise of the hustings at the Cross. Edinburgh has rarely seen a sight so striking, so full of recollections and prospects, as what is implied in these raw planks. People are staring at them as if they were looking at the ark, cursing or blessing according to their opinions. I should like to hear what the ghosts of the old freeholders are saying. About eleven years ago I happened to predict at one of the Fox dinners that if we stood firm and agitated, we should see the hustings at the Cross in ten years. This rhetorical flourish was taken up seriously, and never forgotten, and I have received great credit as a prophet.’ (Vol. i. p. 40.)

Of the first nomination at the Cross of Edinburgh, he says, ‘ I never saw a show of hands before, nor was I ever more struck than at the effect of men's hands being twice as numer-

‘ous as their heads—it makes a flash.’ But the flash will never be seen at the Cross again.

One element however, in common with our rulers of that day, Cockburn overlooked in his prognostics. He did not allow for the recoil: a serious element in heavy artillery. It was forgotten that the long and severe tension of the minds of men would inevitably cause a rebound. In a country like this, which moves to change very slowly, and which bows to tradition and custom and old opinion much more than it chooses to confess, no great alteration can be made in any of its institutions without a struggle, nor can the struggle prevail without instant reaction. It was a result as certain as any mathematical consequence, that the many who were averse to change, but yet bent to receive what they could not avoid, would resist any repetition of the effort they had so painfully made. It was also certain that the fever heat of the multitude could not be, and should not be, sustained when the combat was over: that weariness and lassitude would succeed to excitement, and that the old battle-cry would for a season lose its magic. This was sure to be the instinct, not only of those who followed perhaps unwillingly in the train of the more advanced and ardent of the party, but of the country itself. It would have been the true policy of the Liberal party of that day to have waited for the subsiding of the waters, before fresh schemes were put in agitation, or before they gave an indirect but timid countenance to the agitation of others. When Cockburn prophesies the extinction of the Tory party, he is right only in part, but in the main he is wrong. The old watchwords were doubtless at an end, but the party, as experience has shown, was not then, and is not now by any means in the forlorn condition in which he expected to find it. The account which Cockburn gives of the gradual waning of the popularity of the Liberal Government, is well worthy study as a mere historical illustration of how rulers ought to act after some great organic and constitutional transmutation, and of the inevitable dangers which await them.

The account of the Reform Bill substantially concludes the political part of the work. The author was raised to the Bench in 1833, and although there are some political reflections scattered over his Journal, he substantially takes his leave of these thorny paths. We turn to other matters.

There are continued in these volumes some sketches of contemporary character such as those which made the former work so interesting. Brougham’s name is often mentioned; but never with praise. In one elaborate analysis of his character

Cockburn does ample justice to his extraordinary power; but in regard to the man he is severe, if not bitter. In a note he has these not flattering remarks:—

‘ Sir James Mackintosh says in his “Memoirs” :—“ The address and insinuation of Brougham are so great, that nothing but the bad temper, which he cannot always hide, could hinder him from mastering everybody as he does Romilly. He leads others to his opinions. He generally appears at first to concur with theirs, and never more than half opposes at once. This management is helped by an air of easy frankness that would lay suspicion himself asleep.” * If this be so, there must be two Broughams in the world; for scarcely an air of insinuation, leading, or frankness, ever came into, or came out of, the composition of the one I know. He has management and address, I know—if by this is meant plotting; but he is, and cannot avoid being, alarming and repulsive. But, to be sure, I never saw him when his genius happened to be rebuked by Romilly. His voice is singularly sweet, no doubt, and the mere manner is often pleasant; but when this is known to be accompanied by tyranny and snarling, by savage sarcasm, by boundless confidence, and above all by the unsparing and wanton sacrifice of friends and their feelings, any occasional gentleness of exterior, instead of being a charm, only increases the fearful character of the strange man.’

The truth seems to be that the two men were singularly uncongenial. They were old familiars, but they were not friends. Brougham’s rough arrogance and boisterous power was distasteful to Cockburn’s finer sensibilities. His paragon was Jeffrey; and over Jeffrey Brougham lorded it with a certain supercilious arrogance which was, not unnaturally, offensive. But, however much it may be the fashion to decry the uprightness of that extraordinary man, it is not in these pages that hard measure should be dealt him. On his strong shoulders devolved in the earlier days of this Review much of the labour, and to them was due much of the power and popularity of our efforts. He was a man of strong feeling, and judged intensely of others. He would act and speak with so much vehemence on some prejudice or unfounded surmise as to lead to the appearance, and sometimes the reality, of unfriendliness to his friends. There was in his mercurial temperament a certain restless instability which seemed inseparable from his character, and from all which he did. But where we think that justice has not been rendered him by his later critics is in the unquestionable kindness of his disposition, the honesty, fervour and breadth of his views, the noble ambition which he cherished, and the ardent love for his country which

* Vol. ii. p. 345.

he did so much to serve and improve. When we read these reflections on him, we cannot forget that they refer to one who for many years did more to raise the intellectual level of his countrymen than all our other public men united. Earnestness and enthusiasm are not qualities so common that we can afford to slight or sneer at them when developed in so large and brilliant a manner as they were in the career of Henry Brougham. He had his littlenesses, and we may lament them; but who in some degree has them not, and where again shall we find them combined with such unmatched power, versatility, and energy?

With Scott, Cockburn lived on terms of the greatest friendship. He knew him well, and has some pleasant recollections of him. Speaking of Lockhart's biography, he says that it is Scott to the life:—

'Whether the publication of this portrait will do any good to his memory is a different matter. It has greatly dispelled the fascination connected with his name in the minds of those who only knew him through his works and his fame. They thought him a purely literary man. They have now been taught how much he was a tradesman, even in the exercise of his genius; and to what extent his taste for those feudal times, which form the charm of some of his finest works, was united with the practical obeisance of a vassal to his superior, and how very narrow and shallow were all his public views; and how much less he valued fame and literature than those results of them which enabled him to exercise an intellectual and splendid hospitality.'

And on page 177 he continues:—

'Dear Scott! When he was among us we thought we worshipped him, at least as much as his modesty would permit. And now that he is gone we feel as if we had not enjoyed or cherished him half enough. How would we cling to him were he to reappear! It is a pleasure which the next generation may envy, that I still hear his voice and see his form. I see him in the court, and on the street, in company, and by the Tweed. The plain dress, the guttural burred voice, the lame walk, the thoughtful heavy face with its mantling smile, the honest hearty manner, the joyous laugh, the sing-song feeling recitation, the graphic story—they are all before me a hundred times a day.'

Of Macaulay he did not know much; he says:—

'He is strong in all valuable points; a great talker, a deep original thinker, a striking writer, an eloquent speaker, a good scholar, with vast knowledge, which his industry is regularly increasing, the utmost purity, and steadfastness of principle and of public objects, and with a taste for fame and usefulness so just and lofty that, though qualified to captivate and enlighten any audience or to advise any cabinet, he holds this perishable power as insignificant when compared with the perma-

ment glory of literature or philosophy. He is not intellectual in his outward appearance. In manner his defect is that he is heavy and lumbering, though not big, and has an air of vulgarity. His conversation, of which however I have yet heard very little, is good, but, with the usual defect of professed talkers, it is a great deal too abundant, and is not easy. He utters with great rapidity, and with a panting anxiety. Though the matter of his conversation, therefore, is always admirable, the style is not pleasing. Sydney Smith, an enormous talker, complains of Macaulay never letting him get in a word. Smith once said to him, "Now, Macaulay, when I am gone you'll be 'sorry that you never heard me speak.'"

The volume contains many interesting sketches of less noted men. For instance, this sketch of old Lord Lynedoch:—

'At the age of about eighty-eight his mind and body are both perfectly entire. He is still a great horseman, drives to London night and day in an open carriage, eats and drinks like an ordinary person, hears as well as others, sees well enough, after being operated upon, for all practical purposes, reading included, has the gallantry and politeness of an old soldier, enjoys and enlivens every company, especially where there are ladies, by a plain, manly, sensible, well-bred manner, and a conversation rich in his strong judgment, and with a memory full of the most interesting scenes and people of the last seventy years. Large in bone and feature, his head is finer than Jupiter's. It is like a grey, solid, war-worn castle. He did not enter the army, I believe, till he was past forty, and then, beginning as a sort of sagacious, brave, voluntary adviser at the siege of Toulon, early in the Revolution, and proceeding in the same capacity, but recognised by the British Government at Napoleon's siege of Mantua, he was afterwards in Egypt, and then had a command under his friend Moore, at whose dying request his full rank was conceded; after which he shone in every transaction in the Peninsula, and his assault on Antwerp (gallantly conducted, but unsuccessful,) was, if I recollect right, the last military event in the war which ended in 1814. Nor has it only been in the affairs of war that his manly chivalrous spirit has made him be admired and loved. He has always taken a decided part in politics, on the popular side, and is one of the old Whigs who find nothing good prevailing now but what he fought for and anticipated long ago. He is one of the men who make old age lovely.'

Here is a paragraph concerning a person of some celebrity, whose name is still green in every book catalogue which is published at the present day:—

'Dr. Dibdin, the bibliomaniac, was here for a few days last year and saw very little, on the strength of which little he has published what he calls a "Northern Tour;" a mass of nonsense, for which, however, he has had the sense to make his foolish subscribers pay several guineas each. He did not see, or try to see, the libraries at New Hailes, or Barskimming, or Aberdeen, or Arniston, or Minto, or at many other places where they are far better than many Scotch ones which he praises. His

time was wasted in courting and receiving low flattery. His account of the Edinburgh bookworms is ludicrous, and affords a fair test of his other expensive and splendid tours. He says that Macvey Napier's tablecloth was so beautiful that it might justly be "the boast of the British Linen Company!" My name stands "high in the annals of humanity" for my generosity to the family of Burns! to no part of which family had I ever an opportunity of doing any, even the very slightest good; not even by a kind word. And my brother-in-law, Thomas Maitland, is the author, it seems, of a work upon Pawnbroking! But every paragraph is equally asinine. He says that it is difficult to find any horse in Edinburgh except a grey one.'

One more quotation descriptive of as genial and honourable a man, and as pleasant and accomplished a companion, as ever lived—Sir Thomas Dick Lauder, of Fountainhall, who, in those days of Reform meetings and party processions, was an intense favourite of the mob in all its ranks:—

'The very sight of his blue carriage makes their soles itch to become the horses. He is one of the persons whose Whiggism is so liberal that it enables him to keep the Radicals in some order. The chief part of his influence, indeed, is owing to his being very much one of themselves; but besides there is something even in the outward air of this representative of old Fountainhall very captivating to any populace. A flow of rambling natural talk; ready jokes; the twinkle of a mild laughing eye; a profusion of grey grizzly hair tossed over head, face, and throat; a bludgeon ludicrously huge for civil life, especially in his powerful though gentle hand; raiment half fashionable, half agrestic; a tall, gentleman-like, Quixotic figure; and a general picturesqueness of appearance. But these things, though it is these by which he is commonly best known, are insignificant. He is in more substantial matters a very accomplished gentleman. His published works, particularly his account of the "Floods in Morayshire," and of the "Parallel Roads of Glen Roy," attest his science and his skill in composition; and he has a general accomplishment in several difficult things. Lauder could make his way in the world as a player, or a ballad-singer, or a street-fiddler, or a geologist, or a civil engineer, or a surveyor, and easily and eminently as an artist or a layer out of ground.'

This genial spirit once made his way across the border to one of the elections at Cockermouth, where, in a couple of days, he enthralled the Cumberland mob, who shouted for Sir Thomas *Louther* as stoutly as their northern brethren.

Cockburn seldom went to London, and indeed, excepting at the time at which he was Solicitor-General, there is little in these volumes of London politicians or society. He at that time came in contact with most of the great men of his party, and speaks with great respect of their power and devotion to business. Lord Althorp was the minister of whom he saw

most, and he was greatly struck with his ability. The oratory of the House of Commons did not impress him with respect. He said he heard a 'very great deal of excellent conversational speaking, and very little good speaking of a higher class—certainly not three hours out of the whole twenty-seven. Macaulay's was by far the best, chiefly from its deep thought and extensive views; but there was nothing, not even from him, which gave me any idea of noble eloquence—nothing which realised or tended to realise the sublimity of minds overpowered by words. Chalmers would be a thunderbolt among them.' Cockburn was a great orator, and a great judge of oratory. In his own line he had few equals. Nevertheless, eloquence must be judged by its audience. Chalmers in his own way was unquestionably a very great orator, and a great debater also, and had a power and fire and enthusiasm which enchained and captivated the audiences whom he was wont to address. But the conversational style, or the absence of the ecstatic or excited style, which Cockburn here laments, truly arises from the fact that the former is the style best adapted to the atmosphere of Parliament. It is true that few men of modern times have been able within those walls to make the pulse beat faster, or the audience hang entranced on the accents of the speaker. Bright in his greatest mood, and Gladstone occasionally, may have risen to this height. But oratory, after all, is nothing but the art of swaying the minds of men by spoken words, and those who best accomplish the end are the greatest masters of the art. Cockburn heard Chalmers make a great oration in 1833, in proposing what was called the Veto Law in the General Assembly of the Church of Scotland. He thus describes his style of oratory:—

'Chalmers, in proposing the veto, raised himself above most modern orators by a great speech. It was longer than his usually are, and more argumentative, and all his views and statements blazed with the fire of his volcanic imagination. Yet his, after all, is chiefly the triumph of intensity of manner; for this speech, like many others of his, might be read and even studied without emotion. It is only when his feelings are brought out in his emphasis, in his views, in his curious sentences, in his lofty objects, and in the general look and air of the speaking man, that his oratory can be understood. How he burns! I shed more tears of pure admiration than I have done since they were forced from me by the magnificence of Mrs. Siddons. And every syllable written in his condensed shorthand. I was sitting next him, and stole the adjoining page of his notes from which he spoke with intense eloquence for about twenty minutes. When he was done, and began to collect his material, he missed this page, and upset all the hats and

made all the pockets near him be emptied in search of it. I was obliged to confess the theft, when he allowed me to keep the trophy.'

This leads us to take notice of a subject which occupies the largest proportion of these volumes, and which will probably give to them their greatest historical permanency and importance. The controversies in the Church of Scotland on the subject of Patronage, and the disruption of the Church in which they terminated, excited great interest in Cockburn's mind. He was far from being an ardent theologian; and the Evangelical party in the Church, with whom his sympathies went in the struggle, receive, under the denomination of 'The 'Wild,' many lashes from his caustic pen. He writes as a bystander; but his opinions as a constitutional lawyer, and his sympathies as a Scotchman, led him strongly to the side which, in one sense, was worsted in the struggle.

The controversy between the courts of the Church and the civil tribunals, which led to results so singular and important, commenced in 1838, and terminated by the disruption of the Church in 1843. Its stages are marked in Cockburn's *Journal* as they occurred, from first to last; and as the Bill for the Abolition of Patronage in Scotland has directed the attention of the public to this subject in a more than usual degree, our readers may find it interesting to have placed before them concisely the true causes and nature of these remarkable events, as they are told by our author, and which in England, and even in Scotland, are but little understood. The apathy with which they were regarded at the time, and the ignorance which prevails on the subject now, in English society is the more remarkable, that the questions which were agitated during the contest, and the principles which they involved, bear most directly on some of the important and, indeed, momentous issues which are rapidly ripening in the Church of England. There is probably not a well-educated man in any Protestant community on the Continent of Europe who would not be ashamed to profess himself unacquainted with the general outline of these memorable events.

As Lord Cockburn says, the nature of the topics involved, and of the events which happened, insensibly pointed back to the seventeenth century, and revived old controversies and produced the collision of opinions which one had thought long adjusted, if not buried. It is out of the question for us, within the limits of the present article, to give anything like a comprehensive view of these really interesting events, but they are given in this work with considerable dramatic vivacity and power. Extending, as the struggle did, over nearly ten years,

the crisis always approaching and growing nearer and nearer, and detailed as its progress is year by year, and sometimes week by week, until at last the final catastrophe is reached, the story becomes one of exceeding interest from the epic dress in which it is presented, apart from some picturesque and romantic elements of its own.

To understand the real question at issue it is necessary to have a correct appreciation of the constitution and creed of the Church of Scotland. The Reformation in that country was a very thorough piece of work. The Church of the Scottish Reformers was no assemblage of ecclesiastics, but a pure democracy; and its government by Presbyteries, Synods, and General Assemblies placed the power in representative courts, in which the lay element was equal to the clerical. The minister and the lay elders form the Church Court of the parish; the clergy of the district, with representative lay elders, form the Presbytery; the members of the General Assembly, clerical and lay, are elected by the Presbytery, the burghs also sending representative lay elders to that body. Thus Church power does not mean clerical power in that country, in theory at least. It means popular power; and framed for a community in which every man was assumed to belong to the Established Church, it may be easily understood how such a constitution would operate had such been or continued to be the case.

Its creed may be shortly stated to be that of the Westminster Assembly of Divines; that is to say, that of England under the Long Parliament. It is apt to be forgotten, when we hear of the Confession of Faith and the Shorter Catechism, that the Confession is an English Confession, which was ratified by Parliament in 1648, and the Catechism is an English manual, prepared by some of the most learned divines England ever produced. To the theory of Church government, and the doctrinal tenets, of the Genevese Reformer, the people have always been devoted. They have marked to a large extent the character of the nation, and have fostered among all ranks, and especially among the lower ranks, a taste for logical disquisition and dogmatic preaching which has even intellectually left a distinctive mark on the national character. It remains as strong at this day, among the middle and lower classes, as it was in the days of Knox, or Henderson, or Carstairs.

The Church so constituted and so established was founded on the principle that in matters spiritual these Church Courts were supreme, and were not liable to be controlled, within their appropriate functions, by the Civil Courts. Of the ac-

knowledge of the abstract principle there never was any question. The limits between the civil and spiritual region were never very precisely defined, but it never was doubted that there was a boundary line; and these principles were embodied in the Acts of Parliament ratifying the Church as established. But there had been from the first a certain debateable territory; and that consisting of the ground lying between the right of lay patrons to present to the benefice, and the right of the Church and people to form the pastoral tie between the presentee and his flock. The patron had the right to present to the temporal benefits; but these could only be reached if the people called the presentee to be their minister, and the Presbytery ordained him to the cure. The call gradually degenerated into a form; but the ordination by the Presbytery remained essential.

When Presbyterian Church government was settled in 1690, lay patronage was abolished, and the appointment of the clergy was vested in the hands of the heritors or landed proprietors, and the elders or lay members of the parish vestry, called the kirk session. Probably, had this Act been left undisturbed, it would have been well for the ecclesiastical peace of Scotland. But in 1712 the government of Harley and Bolingbroke, who unquestionably contemplated the restoration of the exiled family, repealed the Act, and restored lay patronage; and thereby, in fact, prevented the fair trial of the experiment, which otherwise bade fair enough to be successful, of a Church supreme within its appropriate borders.

Under the restored right of patronage the clergy began, during the last century, to drift away from the old Evangelical teaching, and discipline became more lax. The consequence was that more than one secession took place, and by the end of the century many of the people had left the communion and sought in the ranks of dissent what they thought the more orthodox teaching which they did not find within her pale. In the General Assembly the Moderate, or what might be called the Broad Church party, were supreme. For the most part, at this time, Moderation in Church politics was identical with Tory principles in State politics; and, as a rule, the laymen who found their way, into the General Assembly, as it was at that time the fashion for men of rank and eminence to do, took their places on the Moderate, or the Evangelical, benches exactly as their secular politics ranged. There were exceptions to this rule, but such was the rule.

When the sceptical opinions of the French Revolution, and the fearful scenes in which they had culminated, startled

Europe out of its security, these events were not without their effect on the minds of the patrons of the livings in Scotland. They began insensibly to desire to procure for the people more earnest instruction, and by slow but sure degrees the Church became leavened with earnest men, the people came back to its standard, the majorities in the General Assembly began to diminish, and just at the time when popular principles began to have ascendancy in Parliament, the Evangelical party found themselves on a level with their antagonists in the General Assembly.

It was not unnatural that the first use which they made of their victory should have been to take precautions against the recurrence of the evils which they had vanquished, and the dangers which they had averted. There were within the ranks of the Evangelical party some men of great distinction and power—Chalmers, Andrew Thomson, Candlish, Cunningham, Guthrie, whose names are known beyond the boundaries of their church, or the confines of Scotland. Some of these were anxious for the repeal of the Act of 1712; but the greater number were not prepared to try the experiment of popular election, and preferred the safer plan of putting such control on the exercise of the patrons' patronage as should prevent the intrusion of an unwelcome presentee into a parish, contrary to the will of the people, while it gave the latter no direct voice in the choice of their pastor. It was in introducing this proposition that Chalmers made the oration to which Cockburn refers. The substance of Chalmers' proposition was that the dissent of a majority of the male heads of families, in a congregation, being communicants, should exclude the presentee from the parish, leaving to the patron to present again. This measure was unsuccessful in 1833, but it was renewed with success by Lord Moncreiff in 1834, and ultimately became the law of the Church in 1835, as far as the Church Courts had power to give it authority.

For three years this measure worked reasonably well. There were but few instances in which the power of veto was exercised by the people—Lord Cockburn tells us not above nine or ten. Nor does it appear from his account that the instances in which it was exercised were capricious. During that period there was immense vitality and activity in the Church itself. Headed by Chalmers, it succeeded in adding to its communion 200 new churches, and procuring for them reasonable endowment by voluntary contribution. Great exertions were made in the spread of education, and it certainly may be safely said that in 1838 the Church of Scotland

embraced within its bounds a larger proportion of the population of the country, and was composed of a more earnest and zealous laity, than any Established Church in Europe.

But in this interval clouds began to accumulate on the horizon. The mind of Chalmers was essentially conservative, and in his most meritorious crusade in favour of church extension, not receiving from the Liberal Government the support which he expected, he had thrown himself and a very large proportion of the Evangelical clergy into the arms of the Conservatives; so much so that Lord Cockburn says that in the election of 1837 only one of the Established clergy voted for the popular side in one of the counties. The result was that when the day of battle came, those who considered that they had been maintaining the cause of the people, found but little favour with those in power, while the Liberal party held the reins.

But there was another section to settle with, and these were the defeated ecclesiastical party. They had always intimated a disposition to question the legality of the proceedings of the General Assembly in passing the *Veto* law, and at last, in 1838, Lord Kinnoull on the occasion of a presentation to the parish of Auchterarder, in which the people exercised their right of veto, raised an action before the Court of Session for the purpose of trying this question.

Writing five-and-twenty years ago, in a review of an early work of the Duke of Argyll on the subject of the Established Church, we said, in the pages of the 'Edinburgh Review':—

'In an evil hour the patrons were advised to question the power of the Church courts to interpose this barrier between a presentee and the benefice. It was a short-sighted and ill-considered step, as the result has conspicuously proved. The precise line of demarcation between the spiritual and the civil function, in the admission of ministers, had, in former times, been left purposely indefinite. Each had its function—the Church to ordain to the cure, the civil power to confer the benefice. When Andrew Melville and his contemporaries adjusted the statutory basis of Presbytery in 1592, this question was waived by tacit consent on both sides. It had remained unadjusted ever since—one which sagacious leaders did not care to press to a settlement. Knowing, as the patrons did, that the proceedings of the General Assembly in 1834, by which the dissent of congregations was held sufficient to exclude a presentee from his cure, were but indications of a desire on the part of many within the Church for far more thorough changes, and as, practically, the rule thus adopted was not found to operate injuriously to the rights of patronage, it is certainly to be regretted that so great a game should have been commenced with a move so insignificant, and for a stake so paltry.'

Events since have thoroughly justified these remarks. The courts of law in Scotland decided, and the decision was confirmed by the House of Lords, that the Church courts had no power to interpose this barrier between the patron and the induction of the presentee. Lord Cockburn was one of five judges who differed from the judgment. But even after that judgment was pronounced, there remained a considerable difficulty as to the mode of giving it effect; for as we have explained, the benefice could only be reached through ordination, and the Church courts refused to ordain. For more than four years the combat raged between the civil courts and the Church courts; and as was natural, it grew hotter as the contest proceeded. There is no existing record of these proceedings so graphic, or indeed so complete, as Cockburn's account, detailed at the time, of the varying fortunes of this singular duel. It carries us back almost to mediæval times. Before the close he tells us that there were no less than twenty-seven actions in Court, arising out of these disputed settlements. He describes the most important of them. In one, some of the most respected of the clergy were summoned to the bar of the civil court, for contempt. In another, the Church courts having been ordered to induct a presentee, to whom the people had dissented, prohibited the Presbytery from obeying, and deposed certain members of the Presbytery who had obeyed the civil court, and inducted the presentee. The Court of Session set aside the deposition, and granted an injunction against anyone preaching in the parish by the orders of the General Assembly. On this, the injunction was violated Sunday after Sunday, by the most eminent men in the Church, officiating in the fields, or under any shelter which could be obtained. In a third case, the civil courts prohibited the people from recording their dissents. In a fourth, the civil courts prohibited the clergy of the new parishes from acting as members of the Church courts. We cannot, within any reasonable limits, even sketch the ramifications into which the dispute spread, and much less express any opinion on the combatants; but although patronage was the question at the beginning, it was far from being the question at the end. The question which the General Assembly raised was whether the civil authority, in order to vindicate what the civil courts found to be a patrimonial or secular right, had the power of enjoining or prohibiting the exercise of the spiritual functions of the Church in the administration of ordinances, the preaching of the Word, the laying on of hands, and the imposition of Church censures. These were the things which in their view

were brought into issue, and for long it had been foreseen that unless the Government stepped in to solve this knot, the end must either be the relinquishment of principle or the relinquishment of their benefices, by those who formed the majority of the Church courts. But the Government would not interfere. The Liberal Government, alienated as they had been by the animosity of the clergy, were not magnanimous enough to face the question, or to solve it. The advice which they received came mainly from the ranks of voluntary dissent, and these ranks were altogether hostile to both sections of the Church.

The Liberal Government resigned in 1841, and Sir Robert Peel succeeded, but the new Government followed the same passive course. No one believed that, however hot these ecclesiastics might be, they would in any number stand the test of the actual relinquishment of the endowments of their parishes. To quote again from the article to which we have already referred:—

‘Those in authority, and those who advised them, had no more conception of what was going on below than the inhabitants of Lisbon who walked their accustomed streets on the day before the earthquake which was to lay them in ruins. They mistook what was truly a deep popular emotion, for a weak and ostentatious trick of priestcraft, that would quail and become contemptible before the firmness of mere apathy. When the critical day drew near, the result was prophesied with contemptuous confidence. A few men, a dozen or so, might be so far committed as to be forced to go, the Church would only be weeded of its more turbulent spirits, they would sink in the darkness and be forgotten.’

At last the crisis did come; nor do we reach it until we are in the second volume of Lord Cockburn’s *Journal*. He thus describes the singular scene in which it culminated. Under date June 8, 1843, he writes:—

‘The crash is over. The event that has taken place was announced so far back as November, when the Convocation proclaimed that their adhering to the Church would depend entirely on the success of the last appeal they meant to waste upon Government and Parliament. These appeals had failed, and all subsequent occurrences flowed towards the announced result. On the two Sundays preceding the Assembly hundreds of congregations all over the country had been saddened by farewell sermons from pastors to whom they were attached. The general belief that there would be an extraordinary move, combined with the uncertainty as to its exact time and form and amount, had crowded Edinburgh with clergymen, and had produced an anxiety far beyond what usually preceded the Annual Assemblies of the Church. If the *quoad sacra* objection could have been disregarded in examining com-

missions, it is believed that the Moderate party would have still been in the minority; and in reference to this state of matters there was much speculation with respect to what was to happen. Will the Commissioner (the Marquis of Bute) attempt to dissolve the Assembly? Or will he recognise the minority as the Assembly? Or will interdicts against the *quoad sacra* ministers taking their seats be enforced by the police? Such conjectures deepened expectation; but they were all speedily set at rest.

Dr. Welsh, Professor of Church History in the University of Edinburgh, having been Moderator last year, began the proceedings by preaching a sermon before his Grace the Commissioner in the High Church, in which what was going to happen was announced and defended. The Commissioner then proceeded to St. Andrew's Church, where the Assembly was to be held. The streets, especially those near the place of meeting, were filled, not so much with the boys who usually gaze at the annual show, as by grave and well-dressed grown people of the middle rank. According to custom, Welsh took the chair of the Assembly. Their very first act ought to have been to constitute the Assembly of this year by electing a new Moderator. But before this was done, Welsh rose and announced that he and others who had been returned as members held this not to be a Free Assembly—that, therefore, they declined to acknowledge it as a Court of the Church—that they meant to leave the very place, and as a consequence of this, to abandon the Establishment. In explanation of the grounds of this step he then read a full and clear protest. It was read as impressively as a weak voice would allow, and was listened to in silence by as large an audience as the church could contain. Whether from joy at the prospect of getting rid of their troublesome brethren anyhow—which they professed, or from being alarmed—which to a great degree was the truth, the Moderate party, though they might have objected to any paper being read even from the chair at that time, attempted no interruption, which they now regret. The protest resolved into this, that the civil court had subverted what had ever been understood to be the Church, that its new principles were enforced by ruinous penalties, and that in this situation they were constrained to abandon an Establishment which, as recently explained, they felt repugnant to their vows and to their consciences.

As soon as it was read, Dr. Welsh handed the paper to the clerk, quitted the chair, and walked away. Instantly, what appeared to be the whole left side of the house rose to follow. Some applause broke from the spectators, but it checked itself in a moment. 193 members moved off, of whom about 123 were ministers and about 70 elders. Among these were many upon whose figures the public eye had been long accustomed to rest in reverence. They all withdrew slowly and regularly amidst perfect silence, till that side of the house was left nearly empty. They were joined outside by a large body of adherents, among whom were about 300 clergymen. As soon as Welsh, who wore his Moderator's dress, appeared on the street, and people saw that principle had really triumphed over interest, he and his followers were received with the loudest acclamations. They walked in procession

down Hanover Street to Canonmills, where they had secured an excellent hall, through an unbroken mass of cheering people, and beneath innumerable handkerchiefs waving from the windows. But amidst this exultation there was much sadness and many a tear, many a grave face and fearful thought; for no one could doubt that it was with sore hearts that these ministers left the Church, and no thinking man could look on the unexampled scene and behold that the temple was rent without pain and sad forebodings. No spectacle since the Revolution reminded one so forcibly of the Covenanters.'

Such were the causes which rent the Church of Scotland in twain. But the Free Church, to the amazement of all, grew and flourished. They went out some 400 strong; their clergy now number nearly a thousand. They have built manses and schools in almost every parish in the country; they now collect annually 150,000*l.* for the support of their clergy, and their whole annual income, which is spent within the year, is about half a million. Looking back, it was hardly worth while, for any object they could have in view, for those who set this stone a rolling, to have been the instruments of giving to the world such an example of what voluntary zeal could effect in a poor country like Scotland. But the memory of the remarkable sacrifice, the testimony of true and earnest devotion which the exodus of these men gave to the world, has not been and never will be forgotten in Scotland while its history lasts. The history of the petty persecution which some of the seceding ministers and their people endured from a few—fortunately very few—landowners in refusing them sites for their churches, is the least dignified part of the history. After the disruption, Lord Cockburn tells us that the ministers of the county of Sutherland, who had suffered much for want of ground whereon to build a house,—

'were each asked lately to say whether there was anything, and what, in his circumstances which gave him a claim for consideration in the distribution of the Sustentation Fund. There is nothing more honourable to Scotland, and little more honourable to human nature, than the magnanimous answers by every one of those brave men. Not one of them made any claim. Each abjured it. One of them stated that though he had been turned out of a hovel he had got into last winter, and had been obliged to walk about thirty miles over snow, beside the cart which conveyed his wife and children to another district, and had nothing, he was perfectly happy, and had no doubt that many of his brethren were far better entitled to favour than he was. These are the men to make churches!'

The late Lord Moncreiff, who had proposed the Veto Act in 1834, and who formed one of the minority in the Auchter-

order Case in the Court of Session, thus concluded the judgment which he delivered:—

‘ Only permit me to say, in conclusion, that as I have expressed my opinion, and hitherto acted upon it to the utmost of my humble ability for preserving the rights of patronage, though within the limits which I think attach to them by law, and entirely repudiating anything like *ambages* in that matter, I earnestly trust that it may not in the end be found that they who so consulted for the patrons and the people together had not taken the least considerate view of the real interests of each.’ (*Robertson’s Report*, vol. ii. p. 354.)

Thirty years have come and gone. Patronage has ceased to be property worth retaining; and now, from the same camp which equipped the army which fought in its support, comes a flag of unreserved and unconditional surrender. A Bill, introduced by the Government, and promoted by the Established Church, for the entire abolition of patronage, has passed the Upper House, and is making its way through the Lower.

Seeing that the patrons and the Established Church are at one on this long-disputed topic, it would, we think, be folly to lose the opportunity of adjusting it. It is no reason for resisting the change, but the best reason for supporting it, that if some had said the same things, or had not said the reverse, thirty years ago, a great institution would have been saved from dismemberment. Whatever opinions may be formed of the consistency of its promoters, the abolition of a system which Scotland now unanimously condemns, cannot but be right. The repentance may be tardy, but it is complete; and it would be the path of wisdom for those whose principles have gained this signal, although tardy, triumph, to welcome rather than to disparage, the admission of former error.

It is a mistake to suppose that the leaders of the Evangelical party were, at the date when this convulsion took place, by any means opposed to the existence of patronage. However little they admired the Act on which it rested, they thought that it formed to some extent a barrier against unreasonable popular excitement, and that, with the restriction to the *veto*, it was perhaps the best existing mode under which ministers could be appointed. But after the disruption had taken place, the unlucky statute called Lord Aberdeen’s Act passed, which permitted the people to state specific objections to the qualifications of any person presented to a living. The result has been, in many instances, to bring the whole matter into ridicule. Cockburn gives some amusing examples of the kind of objections which sometimes were made; and indeed hardly a case occurred under the statute which was not more or less tinged with ab-

surdity. It was impossible for the Church to go on under this system, and probably they have judged wisely, at all events for present usefulness, in resolving, as they have done, to part with patronage altogether, if Parliament will interpose its authority. We do not coincide with the objections which have been raised outside as far as the substance of this measure is concerned; for even for those who do not disapprove of patronage with or without restrictions, it is entirely vain to maintain their views when patrons, church, and parishioners are all agreed upon the subject.

What, however, is to be the effect of the new measure is a different question. It was found too easy to sever the Church of Scotland, but it will be difficult, if not impossible, to re-unite it. During the thirty years that have passed the Free Church have tasted the fresh air of freedom and enjoyed the popularity and renown of success. Even if those who remained behind in the Church, or have succeeded to the places which the retiring clergy left vacant, had approached their brethren with a frank and generous admission of former error, and an invitation to co-operate in renewing the old and venerable fabric of the Church on what might be thought a just and sound foundation, union would probably have been impossible, although much might have been done in the way of cordiality and good feeling. As it is, however, the Free Church has unfortunately been roused to take up a position, which is, for them, both new and inconsistent, of hostility to the existence of the Establishment. One cannot wonder that after so much labour and money has been expended in extending the boundaries of their emancipated institution, they should be somewhat in love with the liberty which they have gained and little regardful even of the chance of regaining the endowments which they surrendered. Thirty years have consolidated the framework of a great voluntary association maintained and supported by a large and very earnest and zealous portion of the people. It is not to be expected that the Free Church ministers will desert their people, or that their people will desert their ministers; and we rather fear that if any contrary notion has possessed the minds of those who are promoting the legislation of this year, it will be found another instance of the want of sound information as to the real feeling and tendency of the people themselves. They adhered to the Free Church mainly from their devotion to the old Evangelical teaching in which they had been trained, and because in the surrender which their clergy made of those things for which men generally strive, and the unreserved demonstration which they had

just made of the entire sincerity of their views, they had a guarantee for their earnestness and devotion to the cause which it is impossible to eradicate from their minds.

The ultimate effect of the abolition of patronage it would be difficult to prophesy. One result, we fear, it may have, and that is a tendency to increase the operation of causes which have ever since 1843 been raising an additional barrier between the landed proprietors and the middle class in Scotland. Scotland is not less Presbyterian than it was two hundred years ago, but the landowners are rapidly drifting towards Episcopacy. The laird no longer meets his tenants in the old churchyard, or chats with them 'between sermons,' or has the means of forming the kindly and confidential relations with them which the weekly gathering at the parish church produced. These things are disappearing as rapidly as the manners and customs of Scotland, described by our author, in the beginning of the century, and apparently, though more unfortunately, it is equally inevitable.

But the main cause which renders it impossible that in present circumstances the abolition of patronage can lead to a reunion of the two sections of the Presbyterian Church in Scotland, are the rival claims between the civil and the Church courts. It is quite true that it was out of the exercise of patronage that this particular conflict arose, and were it for no other reason, it is right that patronage should be abolished, that such a conflict may not arise again, it is also true—which renders the catastrophe which has happened the more to be regretted—that whatever may be said as to the abstract principle on which the jurisdiction of the Church rested, it never had come into collision with the civil power, excepting on this question of patronage. But still the decisions of the civil court remain as the law of the land. They have been decided by competent authority, and those against whom the decision was pronounced, as well as those who invoked their interference, have acknowledged them to be law. It would be very difficult in these days to reconstruct such a constitution as the Church thought it possessed before these questions came into question. That which rested on tradition was a far safer basis than any new enactment could be, even if it could have been procured. Where the counsels of the Church were guided by wisdom and prudence, abstract questions, however important, could always be avoided. But the issue once joined, it is impossible now to recur to first principles without raising collateral questions of the deepest moment, and in the present ecclesiastical state of England, where the Church and those

at its head are struggling to obtain through the medium of a civil officer, the power of executing its own decrees, it is hard to see that it would be possible even to propose in Parliament any measure which had for its object to assert the claims which the civil courts disregarded. It does not follow that these claims were in themselves incompatible with good government or with civil liberty. On the contrary, they lay at the foundation of one of the most symmetrical church establishments in Europe. But in the present state of the public mind we do not think it within even reasonable calculation that this barrier can at this time, if ever, be removed out of the way. The Established Church and the Free Church have full scope as it is, and so we are afraid for the present they must be left.

Turning back to Cockburn's book from this digression, we have but little more to say to recommend it to our readers. Before the end of the volumes one after another of the old friends whose names adorn it have dropped off. Scott has gone, so has Chalmers, so has Jeffrey. He says:—

'There were four men who in my time have made Scotland illustrious—Dugald Stewart, Walter Scott, Thomas Chalmers, and Francis Jeffrey. The last of them is now gone, and I fear we have no great man among us. Jeffrey's was a happy life. He chose the most difficult spheres in which talent could be exerted, and excelled in them all. He rose, by his own merits, and by always taking sound views of practical life, from obscurity and dependence to affluence and renown. His temperament was cheerful and his health generally good. His head had become grizzly grey, and his countenance dark pale, but his eye retained its brilliancy, and his lip its energy unquenched, and his step was light and springy, and well-walked to the last. He reached the age of seventy-seven; and after being at his Court on the Tuesday, he died at home next Saturday evening, without pain, and in such entire possession of his faculties that, within a few hours of his departure, he dictated a long and singular letter, giving a striking description of his febleness and probable expiring feelings. What better does this life yield!'

And we also must take our leave of this cheerful companion, whose memory lives so green in the hearts of his countrymen. He had a happy life; indeed in one passage he mentions that there was only one year in which anything like sorrow overtook him. This *Journal*, commenced in times and amidst scenes so different, was completed in April 1854—at least April 11 is the last date. He died in his seventy-fifth year, on the 26th of the same month, having just returned from the Ayr circuit. He had sentenced a man to death for murder, and the Judge had gone to his long home before the sentence was executed. He will long be remembered with affection by

those who knew him, with his pleasant smile, his Doric speech, and polished, dignified, and frank address, as the type of the old generation of Scottish gentlemen. To those who knew him not, the pages of this book will convey a true picture of the man; and that country and society is fortunate whose thoughts, habits, and associations are moulded by minds so well balanced, sunny, and genial as that which pervades these volumes of pleasant recollections.