

before the spirit of antiquity was transfused into its admirers. The first man of that period who united elegant learning to original and masculine thought was Buchanan ; and he, too, seems to have been the first scholar who caught from the ancients the noble flame of republican enthusiasm. This praise is merited by his neglected though incomparable tract, 'De Jure Regni,' in which the principles of popular politics, and the maxims of a free government, are delivered with a precision, and enforced with an energy, which no former age had equalled, and no succeeding has surpassed."

A history of the many decisions of the Court of Session that, according to Buchanan and Calderwood, are *legislative*, not *judicial*,—that, instead of explaining existing law, are in reality creations of laws which have no existence save in the decisions themselves,—would form a very curious and a very useful work. It would be well, surely, to know how much of the national code is the production of the "fifteen men that have perpetuall power, and whose arbitriements stand for law," and how much of it has been made by the people themselves, through the people's representatives. It would be at least particularly well to know how much of what is practically the national code is not merely law created by the "fifteen men" where no law existed before, but law created by them in direct opposition to existing laws,—law directly subversive of the law made by the people. Nor can there be any doubt that the time is coming when such a work will be imperatively called for by the public. Scotland, through the decisions of this Court, is on the eve of being placed in circumstances exactly similar to those in which the disastrous wars of five hundred years have placed Ireland. The religion of the country is on the eve of being disestablished,—disestablished, too, at a time when in a state of greater vigour, and more truly popular, than at any other period during the last hundred years ; and as revolutions