

into account,—and it is certainly not easy to say how any principle *could* be more obvious,—it is of vast importance to ascertain the opinions which our Judges held regarding the powers and jurisdiction of the Church at a time when both the Revolution and the Union were events as fresh in men's memories as the Reform Bill and the Emancipation Act are now. Hence, in part, the great value of those views and sentiments of our older lawyers on the point, to which we have so often referred. Lord Cullen, with whose admirable tract on patronage most of our readers must be acquainted, was a grown man at the time of the Revolution. His son, Lord Prestongrange, must have remembered the Union as the great event of Scotland in that age. The Lord President Dundas and the Lord President Forbes were lawyers of much the same standing as the latter. Kames, Monboddo, Dreghorn, were all reared at the feet of these men; and though all of them could, no doubt, occasionally unite to their judicial functions those legislative powers which so excited, at an earlier period, the jealousy of Buchanan, all of them must have felt that, regarding the more palpable conditions of those two great events—the Revolution and the Union—they were at liberty to exercise their judicial functions only. The fundamental conditions of these events were present to the national mind as great living principles; they still engaged the feelings of the country; they still exercised its reasoning faculties; they were something other than dead statutory enactments for legislative Judges to dissect at will, and on which spruce half-fledged lawyers might try their hand at an amputation, without the necessity of using the tourniquet. Their true meaning was as thoroughly exhibited in the living intellect of the country as in the statute-book itself. And hence, of necessity, the rectitude of judicial opinion regarding them.

Is this view of the matter in any degree a rational one?