

offended, my dear "Mrs. Gamp," at my strictures, you are not the only delinquent in this respect in our Australian capital. After mentioning the Bank of Australasia as having been brought in question, you proceed to remark—"If they object, &c.," that is the Bank of Australasia, for there is no other noun to which to refer "they." Before, you gave us an example of a singular pronoun agreeing with a plural noun; now there is a variation of the beautiful grammatical display, and we have a plural pronoun agreeing with a singular noun. To satisfy the reader that there is no mistake, you go on to say—"their conduct seems, &c.," meaning the conduct of the Bank of Australasia. Oh "Mrs. Gamp!" "Mrs. Gamp!" or rather, Oh Mother Goose! Mother Goose! *Rigdumfunnidos* has some of the milk of human kindness in his soul, so he refrains from further laceration of your "sensitive feelings." Therefore, as to the remaining peccadilloes of which you are guilty in this famous article, he will be silent, only admonishing you for the future to eschew all such abominable expressions as "subject matter," rather a favorite vulgarism of your's by the way, and "realise it quicker," to refrain from disordering the order of time in the use of the tenses, and lastly to pluck the beam out of your own eye, before you attempt to cast the mote out of your neighbour's. Till such a desirable consummation take place, I, *Rigdumfunnidos*, condemn you to receive a weekly flagellation, to be inflicted by my hand, to save the infliction upon your readers of such articles as that upon the Joint Stock Companies' Bill in your publication of Monday last.

RIGDUMFUNNIDOS.

SUPREME COURT.

THURSDAY, AUGUST 5.—NISI PRIUS SITTINGS.

(Before his Honor Mr. Justice Dickinson, and a Jury of four.)

RODD V. RAPER.

This was an action on assumpsit. The declaration stated that the defendant bought of the plaintiff one hundred head of cattle at 45s. per head, but refused to take them when offered to be delivered.

The defendant pleaded non assumpsit; and that the defendant had been incited to buy the cattle, they having been fraudulently represented as fat and of the plaintiff's breed, whereas they were neither fat nor of the plaintiff's breed; and upon these pleas issues were joined.

Messrs. Lowe and Dowling appeared for the plaintiff; and Messrs. Foster and Broadhurst for the defendant.

Mr. Lowe stated the case to the following effect: The plaintiff is a gentleman living at Bathurst, the defendant a butcher residing in Sydney. In March last, the plaintiff sent to Sydney, to Mr. Mort, eighty-five head of cattle for that gentleman to sell, writing to him that they would average about 600lbs. each. The defendant became the purchaser at 45s. per head, and the sale note, after describing the cattle as fat, went on to say "that they were bought with all faults, and as they were." On the 26th of March the defendant called and informed Mr. Mort that the cattle were not the same sort of cattle he supposed he had bought, whereupon Mr. Mort told him that he had sold them with all faults, and if he did not settle for them he would have to re-sell them at his risk. On the 27th he was served with notice of the intended re-sale, which took place on the 30th March last, when they were sold to a butcher of the name of Stansfield, who bought them for the defendant. At the sale they were bought for 35s. 3d. each, and this action was brought to recover the difference between the original, and the last amount they fetched at the re-sale, and other incidental expenses, which altogether amounted to £48 3s. 8d.

Mr. Mort proved the particulars of sale, and that he was the plaintiff's agent for the purposes of sale.

Upon the plaintiff's case being closed, Mr. Foster moved for a nonsuit, on this ground—that the declaration contained an averment that "one hundred head of cattle were bargained and sold," whereas the proof was that so many head "of fat cattle had been bargained and sold."

His Honor, after hearing counsel's arguments, refused to nonsuit.

Mr. Foster then addressed the Jury for the defendant, and Mr. Lowe replied at some length.

His Honor, in leaving the case to the Jury, told them that the measure of damages, supposing the Jury were of opinion that the plaintiff was entitled to a verdict on the other issue, would be the difference between the gross produce of the first and second sale, exclusive of charges, &c., made on the resale; for these could not be recovered against the defendant, for the plaintiff was not compelled to sell by auction.

The jury, after being absent about an hour, found a verdict for the plaintiff. Damages £40 7s. 6d.

FRIDAY, 6.

RE FITZHARDINGE.

Rule discharged without costs.

KNIGHT V. LYONS.

This was an action of assumpsit. The declaration stated that the plaintiff bought of the defendant a superior billiard table; that when it was delivered it turned out that it was not according to description. The defendant pleaded that it was the same billiard table agreed to be purchased.

Mr. Windeyer, for the plaintiff, stated the case to the jury.

The plaintiff is the landlord of the well known hotel called the "Shakespeare." The defendant, Mr. Saul Lyons, who sold the billiard table to the plaintiff, packed up in cases, with the name of Thurston on them.

The history of the identical billiard table was this: that it was made by persons of the name of Steele and Beaumont, cabinet makers, who sold it to the defendant; and finding it would not sell, Steele, at the request of the defendant, put Thurston's name on it, and Steele bought, for which the defendant paid, some old boxes that did contain portions of a billiard table, really one of Thurston's. The table in question being packed up, was sold to the plaintiff, who, without opening it, re-sold it to a Mr. Muir, at Maitland, and no sooner did he open the case than he found it was colonial made, and that the bed was stone instead of marble; Mr. Muir immediately returned the cases to the plaintiff, and he brings the present action to recover the value of the instrument, together with the expenses, &c.

Witnesses were called to prove the transaction, and that the table turned out to be a very inferior one, and not at all like the one supposed to have been sold.

Mr. Foster, for the defendant, addressed the jury in a few words.

His Honor told the jury that the plaintiff could only recover the value between the £150 (the amount paid for it by the plaintiff) and the value of the article when it was delivered; but could not recover any expenses, &c.

The jury retired for a few minutes, and returned a verdict for the plaintiff, damages £100.

WANT (GENT. ONE & C.) V. HUGHES.

This was an action to recover £163 4s. for money alleged to have accrued for work and labour as attorney bestowed by the plaintiff for the defendant.

Verdict for the plaintiff for the full amount.

SATURDAY 7.

(Before his Honor Mr. Justice Therry, and a Jury of four.)

JACQUES V. JONES AND ANOTHER.

Mr. Lowe appeared for the plaintiff, and Mr. Windeyer for the defendant.

Mr. Lowe, in an eloquent address to the jury, opened the facts of the case; stating the defendants were livery stable keepers, and breakers-in of horses, which they kept in a paddock in Clarence-street. That on the day of the injury, the plaintiff's son, a boy between eight or nine years of age, was peeping through the palings around the paddock, when one of the horses kicked the palings down, and one fell against the boy, knocking him down, and injuring him so much, that notwithstanding that proper care was bestowed in and about his recovery, the child languished for two weeks and then died.

The damages were laid at £200.

Evidence was adduced to prove the plaintiff's case, after which Mr. Windeyer moved for a nonsuit on the ground that there was no evidence to show that the horses in question were the horses of the defendant; that there was no evidence to show that the horses were wild, or ferocious, as alleged; and, lastly, there was no evidence—if they were, as alleged, ferocious, &c., that the defendants knew they were so.

His Honor, however, thought there was slight evidence, and sufficient to warrant him to send the case to the jury.

The jury gave a verdict for the defendants.

MONDAY, 9.

(Before His Honor the Chief Justice, and a Jury of four.)

HILL V. PATRICK AND ANOTHER.

This was an action of assumpsit. The declaration set forth that the plaintiff bought of the defendants fifty tons of fine flour, but that fifty tons of inferior flour was delivered to the damage of the plaintiff of £1000. Pleas, non-assumpsit; and that the defendant did not deliver inferior flour.

Mr. Foster, for the plaintiff, stated that the plaintiff is a merchant and the defendants are millers; the plaintiff bought fifty tons of fine flour from the defendant in April, 1845, and sent it to India for sale, that when examined it turned out unsaleable, being mixed, sour, and discolored, and that it was eventually sold at Madras, by auction, for £175; had it been good its saleable value would have been £600.

Mr. Broadhurst addressed the Jury for the defendants.

George Lansdell proved that he was the defendant's chief miller, and spoke as to the good quality of the flour. Upon cross-examination, this witness showed such little regard for the solemnity of the oath that he had taken that His Honor fined him £10, and he was committed to custody until the same was paid.

His Honor summed up. The Jury immediately found a verdict for the plaintiff, damages, £100.

TUESDAY, 10.

(Before his Honor Mr. Justice Dickinson and a jury of four.)

CHOWNE V. PROUT.

This was an action of assumpsit. The declaration contained the common counts for money paid and work done, &c. The defendant pleaded non-assumpsit.

Mr. Windeyer, for the plaintiff, stated that his client is the well known ship-builder, and the defendant the equally well known under-sheriff. The defendant bought an old cutter, the *Elizabeth*, and having christened her afresh the *Lady Mary Fitz Roy*, had her repaired by the plaintiff, for which he paid £87, and though a further sum was demanded, defendant never paid any more. Several witnesses were called to prove the value of the repairs and stated it at £160.

Mr. Foster addressed the jury at some length for the defendant, and produced evidence to show that the work was not done in a workmanlike manner, and that £87 was enough.

His Honor summed up, and the jury found a verdict for the plaintiff, £66 3s.

WEDNESDAY, 11.

(Before his Honor Mr. Justice Therry and a jury of four.)

LAMTON, GENT. ONE, & C. V. DAWE.

This was an action of debt. The declaration contained the common count for work and labour done by the plaintiff as an attorney. The defendant pleaded not indebted, and that he had paid £2.

The jury found for the plaintiff; debt £2 4s., damages 1s.

KELLY V. HURLEY.

This was an action of trespass. The declaration alleged that the plaintiff was turned out of his house by the defendant, whereby he was compelled to sell his goods and chattels at a great sacrifice.

The defendant pleaded not guilty.

Mr. Windeyer, for the plaintiff, stated that his client rented a cottage from the defendant at Campbelltown, but himself and his wife happening to be in the watch-house from Saturday evening until the Monday morning following, the defendant refused to let him back. That the value of the whole property was between £50 and £60.

The Jury found for the plaintiff; damages one shilling.

DOE DEM. HARDY V. HOLLAND.

This was an action of ejectment.

The Jury found for the plaintiff.

DOE DEM. LUMSDAINE V. BOLLARD.

This was an action of ejectment.

Verdict for the plaintiff.

THURSDAY, 12.

(Before his Honor the Chief Justice, and a jury of four.)

HOSKING AND ANOTHER V. NORTON AND OTHERS.

This was an action on a bond made by the late Samuel Terry, whereby he covenanted, on penalty of £1000, to pay £100 a-year, by quarterly payments, to Mrs. Edward Terry, so long as she should live; the plaintiffs were the obligees of this bond after the death of Mr. Edward Terry; Mrs. Edward Terry parted with all her interest in the bond to Mr. Hosking. Hosking borrowed a sum of money from the defendants, which it was agreed should be paid them by the instalments of the bond. Hosking became insolvent, and his trustees commenced this action.

A verdict was found twice before for the plaintiff; and the Jury now gave a verdict for the defendants.

(Before His Honor Mr. Justice Dickinson and a jury of four.)

DOE DEM. TUGWELL V. FARRELL.

This was an action of ejectment.

Mr. Michie, for the plaintiff, stated the lessor of the plaintiff bought of one Hanslow, some land on the "Rocks," who purchased of one Jane Farrell, as it was said the wife of the present defendant, who at the time she parted with the property, was a prisoner of the Crown for life. The grant from the Crown to the said Jane Farrell was proved.

Mr. Foster moved for a nonsuit, on the ground that the instrument alleged to be a sale from Mrs. Farrell was void, and would only be viewed in the light of a feoffment, and no seizin in pursuance of the feoffment of Hanslow had been proved.

His Honor thought there was sufficient evidence to go to the Jury; and in summing up, told the Jury that the deed from Mrs. Farrell to Hanslow was a sale.

The Jury found for the plaintiff, damages, one shilling.

EUROPE.

AN IRISH PUZZLE.

Things occasionally do occur in Ireland of which no satisfactory explanation can be given. The wisest heads, when they do enter upon the inquiry, find themselves very soon in a "great Serbionian bog," where all around them is perplexity and doubt—where

Wilds, immeasurably spread,
Seem lengthening as they go.

Let any one who is anxious to make the labours of Hercules a baker's dozen begin to "cudgel his brains" about the following:—Ireland is in a state of awful destitution—her people are starving by hundreds—she is crying out loudly for assistance, and receiving it from all parts of the world—and yet, in the midst of all this want and misery and loss of human life, the Irish savings' banks never were in so flourishing a condition. The returns up to Jan. 1, 1847, show a large increase on the deposits, as compared with that day of the previous year. The following are a few of the details:—In the province of Leinster there has been an increase of not less than 36,000*l.* In Ulster the deposits have risen from 621,338*l.* in 1845, to 668,787*l.* in 1846. In Connaught, there has been an increase during the same period of nearly 10,000*l.* In Munster, likewise, they have increased from 1,045,584*l.* to 1,107,880*l.* In particular towns, where the destitution has been of the most frightful character, the increase has been still more extraordinary. At Castle Townsend there has been an increase from 1,571*l.* to 2,651*l.*; and in Limerick they have risen from 167,719*l.* to 189,378*l.*

These are facts—great facts—as well as extraordinary and unaccountable facts. People may look aghast at them, and express their astonishment at them, and shrug up their shoulders at them, and ponder, and ruminate, and cogitate upon them, but they will not be able to explain them. If a man had been in a sleep or a swoon for the last two years, and suddenly awakening were to have his attention directed to these returns as the first article of intelligence, why, his exclamation would naturally be, "Bless me, what a prosperous state Ireland is in!—how fortunate!—how delightful!" Little would he think that the people are dying by hundreds, and being buried without coffins, while the survivors—if possible, more wretched—are undergoing all imaginable kinds of misery and privation, while the coffers of the savings' banks are being thus abundantly replenished. Is not the whole state of Ireland a mystery and a puzzle? The ministry are plundering England of eight millions to relieve a people, who, instead of relieving themselves, are hoarding up their money. Fine flowers growing amid the snows of Lapland, or the horn of plenty emblematically suspended over the doors of an union work-house, would be apt illustrations of the height of inconsistency; but, verily, they hide their diminished heads when compared with this real picture of Irish wealth and thrift in the midst of Irish poverty and mendicancy.—*Sunday Times.*

GOVERNMENT AND THE CEMETERIES.—If it be true, as generally stated, that one of the new sanitary measures of Government is to positively prohibit, by statute, any further burials in the crowded grave yards of populous districts, a very great change will take place in the value of land near large towns, of sufficient size for cemeteries, inasmuch as the difficulty of finding land distant three hundred yards on all sides from houses of £50 per annum value, is very great. In fact, the Woods and Forests declare they have not, near London, more than one or two sites for cemeteries in their power.

POVERTY OF ENGLISH LABOURERS.—The *Brighton Herald* says: The labouring poor in the Weald are suffering great privations. The whole of their wages is absorbed in the purchase of flour, and they have very little indeed of any other kind of food. Many of the men with families go to work in the morning without tasting even bread, and return at night to partake of a scanty meal. As the wages of the millions is now expended almost entirely for food—for the bare necessities of life—trade is in a wretched state. The general dealers, who always know the state of their neighbourhood better than any one else, state that they never knew the time when the working classes laboured under such privations as at present.

PRIVATE TRIAL OF MR. GYPSON'S NEW BALLOON.—NARROW ESCAPE OF THE AERONAUTS.—A party of gentlemen interested in the science of aërostation, assembled on Thursday at the Gas-works, Haggerstone, for the purpose of witnessing an experimental ascent of a new balloon constructed from the design of Mr. Gypson. The balloon was considered a beautiful model, being manufactured of crimson and yellow silk of a superior fabric, around which was an elegant blue zone, but the netting was considered by competent judges to be of an inferior description, and not possessing sufficient power to resist the pressure of the balloon when inflated. Among other gentlemen present were Mr. Nicholson, Mr. Van Buren, and Mr. Ellis, lessee of Cremorne gardens. Mr. Van Buren (who had made a number of ascents in that *monstre* balloon, the great Nassau, from Cremorne-gardens), discovered some defects in the meshes of the netting, and with other gentlemen earnestly implored Mr. Gypson and Mr. H. Coxwell, who was to have been his *compagnon du voyage*, not to ascend, particularly as the breeze was pretty fresh. Mr. Gypson would have overruled their objections, but suddenly a gust of wind took the balloon and it dashed through the netting, leaving the aeronauts and some of their admiring friends and spectators lost in wonderment, and one or two entangled, *a la* the lion and the mouse, in the meshes of the netting. A rent in the balloon fortunately allowed the gas to escape, and it descended in Haggerstone fields, and was subsequently restored to the proprietor.

The head of the Nevilles—the lineal descendant of the proud Earl of Warwick who made kings at pleasure, had been found by the Herald's college in the humble occupation of a journeyman boot-closer at Northampton.

LITERATURE.

STANZAS.

ADDRESSED TO A FORMER COMPANION.

In vain you tempt with empty show,
With tinsel splendour, useless toys:
No more my frenzied fancies glow
Midst thoughtless throngs, and senseless noise!
My days I've spent in listlessness,
My nights with wit, and wine, and song,
And wonder, now, why I did press
Such pleasures to my heart so long.

O! danger lurks in many shapes
Where libertines fix Honour's price—
Where Virtue blushes while she ayes,
With awkwardness, the tricks of Vice;
For there weak recklessness looks strong—
There love of thought and truth grows less;
And sentiment but cloaks the wrong
Of crime-engendered callousness!

To force a smile amidst disgust—
To feign a transport they ne'er can feel—
To find no bosom they can trust—
No heart that wills another's weal—
Is the sad lot of those who seek
Pleasure beneath resplendent domes—
Who know not she can look, and speak,
Enchantingly, in humble homes!

But happier they, who led by choice,
(Or chance, can see, in moral worth,
Beauty—who hear in Nature's voice
Harmonies greater than of earth!
No reckless nights, no heedless days,
Which weaken thought, and waste fair youth,
Know they, to whom wild Fancy's rays
Are lost amidst the light of truth!

H. N. G.

Lives of Simon Lord Lovat and Duncan Forbes of Culloden.
From Original Sources. By JOHN HILL BURTON, Advocate,
Author of "The Life of David H. M." Chapman and Hall.

THE two most remarkable public characters of Scotland during the last century were Simon Lord Lovat and Duncan Forbes. Several Scotchmen attained higher position and greater success in life; some reached greater historical eminence, and exercised a wider influence on society, but in a British field of exertion—as Lord Mansfield; several gained a more shining fame, but by means of literature—as Hume, Robertson, and Lord Kames; Lord George Murray was more conspicuously engaged, and in purely national affairs, as commander-in-chief of the pretender's army; and several Jacobites, by their exertions or misfortunes, were as prominently if not for so long a period before the public eye. But except where poetry, as in the case of Lochiel, has given currency to a name, few men are so well known as Lovat and Forbes; none excite so solid an attention.

The secret of this eminence is probably to be found in their strength of character. Both were men of determined will, of extraordinary energy and resolution, with that self-reliance to dare and do which wanted but a wider field of action and a less provincial cast of mind to partake of the heroic. A further cause of the attention they have excited was, that each, with a very strong individuality, represented a large class. The feeble-minded Cromarty and the bluff Balmerino were mere persons. Duncan Forbes was a type of the respectable Scottish gentleman and politician of the last century; Lovat, of the worst of the Highland chieftains, as well as of the low cajoling, selfish man of the world everywhere. It has been said that Lovat represented the old feudal baron of Scotland, in contrast with modern civilization. Mr. Burton considers he was a type of "the old reign of fraud and force, rendered more conspicuous by protruding into an æra of transition." But if Scotch or any other feudality resembled some of Lovat's earlier deeds—as the abduction and nominal marriage but real rape of the dowager Lady Lovat of another sept—it more nearly resembled the brutalities of banditti than such a social system as we have been taught to suppose it. These outbreaks of a barbarian nature in early youth were, let us hope, personal, not Celtic; as his shameless and unscrupulous falsehood, lying like truth from its very magnitude and audacity, may also be considered peculiar to himself. The more general traits of Highland character seem to have been the mixture of a liberal education and worldly knowledge with strong clannish prejudices, which Lovat carefully concealed from the world at large, but made good use of among his own people, and, unless he kept up his hypocrisy to the last, really felt himself. He had also the selfishness, intriguing disposition, and want of principle which characterized the worst of the Highland chieftains, if not all of them. Inquiry is a terrible dissipater of romance; and the deeper the subject is gone into, the more the Highland Jacobite leaders appear to have been influenced by purposes or grievances of their own rather than by any chivalrous principle of loyalty. Most of them were ready at any and at all times to have bartered their Jacobitism for a commission or place of proportionate value; as the most "devoted" of these timeservers were ready to have used the power that trust would have given them, to betray their trusters, if they saw sufficient motive—a shocking laxness of morality which then pervaded public life, but was deeper and more systematic, we fear, in the Highlands than anywhere else. In this political craft Lovat was a master: he had an impudence, a dexterity, a readiness, and a coolness both of denial and invention, which never left him at a loss either to plan a scheme or to escape from it. His intellectual abilities, though gross and limited, were very great of their kind; and he had sharpened them by education, practice, and much experience of men in various countries. His courage both animal and mental was surprising; his hypocrisy found. That he had no sense or care for religion during his life is without doubt; from his confidential jests it would appear he had no belief of any kind. Yet his acting at his death was so perfect that he might be supposed a model of piety.

He desired the attendance of Mr. Baker, the chaplain of the Sardinian Ambassador, and declared that he died in the faith of the Roman Catholic Church; "that he adhered to the rock upon which Christ built his Church; to St. Peter and the succession of pastors from him down to the present time; and that he rejected and renounced all sects and communities that were rejected by the Church." But even on this solemn question he showed his old propensities: when asked if he was a Jesuit,* he said, No, a Jansenist; evidently out of a spirit of mystification.

When he reached the scaffold, he looked round and said, "God save us! why should there be such a bustle about taking off an old grey head that cannot get up three steps without two men to support it?" He embraced one of his clansmen, James Fraser, and said, "My dear James, I am going to heaven; but you must continue to crawl a little longer in this evil world."

With his hard practical worldly sense, his extensive knowledge of mankind, and his learned education, it would seem unlikely that he should entertain the Highland ancestral and clannish prejudices: but he appears really to have done so—perhaps the only feeling he possessed unconnected with some of his own objects of advancement. Yet there may be a doubt about this, if it be true that, on reading the inscription on his coffin—"Simon Dominus Fraser de Lovat, decollat April 9, 1747; ætat. suæ 80,"—he exclaimed,

Nam genus et proavos, et quæ non fecimus ipsi,
Vix ea nostra voco.

It is a great moral lesson to consider, that notwithstanding all his natural and acquired advantages, and without one scruple of shame, fear, honour, or conscience, to restrain him, he did not greatly advance in life; and what little he did gain he was constantly losing, while he failed so egregiously at last that he closed his career upon the scaffold. His double treacheries rendered him suspected by both parties, doomed him to linger out some ten years of the prime of his life in France under Jacobite surveillance, and cost him his estate. When further treachery to the Stuarts procured its restoration from the house of Hanover, and a magnified service procured him some politic reward, he lost the ground he had gained by further intriguing treasons. In fact, to escape from the consequence of his crimes was about the highest extent of his temporary success; and even this sorry cord broke at last.

The career of Duncan Forbes, though not a failure like that of his acquaintance Lovat, was not a striking success proportioned to his abilities and services. The son of a wealthy Whig family, regularly trained to the bar, and becoming eminent as a practitioner, he had a right to look for the honors of his profession,—Lord Advocate and President of the Court of Session, or what in England would be called Attorney General and Lord Chief Justice. There was then a more political and ministerial character connected with these offices in Scotland than their legal counterparts in England ever attained, unless in the ancient Justiciary; and Duncan Forbes was eminent for his rule in Scotland and the services he rendered to the house of Brunswick during the rebellion of 1745-6. But he seems to have been merely a resolute minister, and not to have left any statesmanlike impress upon Scotland: his exertions during the rebellion were so far from being properly rewarded, that he does not appear to have been repaid his advances out of pocket, made under official authority,—a fraud which embarrassed his affairs, and doomed his son for many years to penury and retirement. If this affair be as it is represented by the Forbes family papers, it was a piece of official swindling. There was perhaps some reason for his neglect by Government. The fact is, that his mind was Scotch, not British: he could not rise above the local ideas that were rife in his youth, before the Union, and for a long time afterwards. Though a Whig by birth and education, as well as by reflection, he seemed to think that the Highlanders had a right to rebel and to escape from the consequences of their rebellion. His remonstrances to the Duke of Cumberland were distasteful, and gave rise to a pretty general notion that he was a Jacobite himself. Cruelty is at all times abhorrent. It is easy for us, who can look back for a century, with the milder feelings of a century, to stigmatize the conduct of the victors of Culloden as mere gratuitous brutality. But our knowledge could not be theirs: for sixty years the whole island had been kept anxious and uneasy by the state of the Highlands; thrice had they raised the standard of rebellion, causing bloodshed and confusion, without even a reasonable prospect of success; the rapid extinction of the Stuart race was then a very unlikely prospect; and endless uncertainty, ever recurring rebellions would have existed, had not the spirit of the clans been broken and the whole system of clanship destroyed. Deep-seated evils exist in certain states of society; to remedy which, common modes of acting must be suspended. Had William the Conqueror been a smaller and less determined mind, he would have set up a temporary kingdom, similar to those which were perpetually rising and falling from the departure of the Romans to the invasion of the Normans; had Henry the Eighth been more conscientious and less "right royal," the incubus of the property and power of a preposterously wealthy priesthood would still have ridden over the country, or we should have been involved in endless contest to shake it off: had Cumberland been more tender-hearted, the system of clanship would not have been so thoroughly destroyed; the Jacobite spirit might have descended to another generation as a living principle, not as an effete superstition—an ulcer in time of peace, and probably a destructive fever during the American and French Revolutionary wars. We do not mean to deny that passion as such as policy was allowed to operate in the Highlands, and that the campaign was stained by needless cruelty to the humbler clansmen; but we may see in Smollett's *Humphrey Clinker* how effective the proceedings of Cumberland and the Ministry were; and it is pretty certain that Forbes's prejudices would have opposed any proceedings that would have gone to the root of the evil.

Considering how frequently the leading incidents in the lives both of Lovat and Forbes have been noticed in the numerous works on the subject of the Jacobite intrigues and insurrections, it may fairly be asked, was such a work as the one before us needed at this time of day? or were the persons of sufficient importance to require a separate and elaborate biography? In a common case the answer must be in the negative: but Mr. Burton has had access to new and valuable

* The question referred to a report that during his sojourn in France he had become a Jesuit. Mr. Burton doubts the fact, as his previous life would not have borne the inquiry which the order institutes. It seems probable that he turned priest, and preached successfully.

information; a variety of original documents have been placed in his hands relating to Lord Lovat, and the whole of the family papers at Culloden House have been laid before him. What is of more consequence, his mind is saturated with his subjects. He appears to have been long familiar with the scenery of the Fraser country, and all the other places which derive any interest from Lovat or Forbes; and to have studied all that exists in printed books on the subject of his heroes, as well scattered and incidental as direct. The same sort of knowledge which gave a vital character to Mr. Burton's "Life of Hume" is also visible here. He cannot, of course, personally know the state of society and opinion in which Forbes and Lovat moved; but he has been himself a part of that which succeeded it, and he appears to know it thoroughly by tradition. His knowledge of Scotch laws and customs also serves him well; and these circumstances, as in the case of Hume's Life, give a natural air to the book. The subjects seem men, not abstractions. Lovat especially comes out more natural than in the common notices of him. Less of the monster or devil, and more of what he really was—a hard-hearted, selfish, ruffianly, but clever and plausible man of the world, encouraged into crime by the power he possessed as a Highland chief, and the lax state of morality around him. An idea of his own system of ethics may be formed from a letter he wrote to his "doer," or solicitor, at a time when he was involved in litigation respecting the Fraser estate. Mr. Burton considers that the lawyer's remonstrance was "probably against some very villanous proposal" on the part of the Lord.

29th April 1729.

Dear Sir—I had the honour of your fine moral and philosophical letter by this post; and tho' it is writ in a very pathetic, smooth way, yet I have read so many good authors on the subject, without being able to reduce their advice to practice, that an epistle from a Scotch lawyer can have but very little influence on me, that now by a long experience knows that those fine moral reflections are no more but a play of our intellects, by which the author carresses his own genius by false ideas that can never be put in practice. You may give me as many bonny words as you please; but words will never gain me the estate of Lovat, nor my peerage, without assiduously acting that part I ought to get that effect: and though some people charged me with liking some of the Roman Catholic principles, yet I do assure you that I do not expect new miracles in my favours, and that I am fully resolved to use all the ordinary means in my power to save my family. I told you so plainly in my last letter, that I had no satisfactory answer to any of my essential queries, that I will not trouble you with repeating what I have said; only I must tell you, that I always observed since I came to know anything in the world, that an act man with a small understanding, will finish business and succeed better in his affairs, than an indolent lazy man of the brightest sense and of the most solid judgment. So since I cannot flatter myself to have a title to the last character, I ought to thank God that I am of a very active temper; and I'll be so far from relenting, that I'll double my activity if possible.

Unlike the generality of biographers, Mr. Burton has little or no bias in favor of his subjects or their times; but brings a sound critical judgment to bear upon everything—unless it be that he occasionally ascribes too great a weight to some of Lovat's own statements in his letters. The favor of King George the First was a subject of endless boast with Lovat, though we believe it has no confirmatory evidence; without which, no statement of his can ever be relied on. To such a height did he carry his confidence in the credulity of others, that he even writes to Forbes that he has advanced the credit of Argyll and his brother, by speaking favorably of them to the King.

The Castle of Ehrenstein; its Lords Spiritual and Temporal; its Inhabitants Earthly and Unearthly. By G. P. R. JAMES, Esq., Author of "Heidelberg," "The Stepmother," &c., &c. In 3 vols. Smith and Elder.

This is really a clever romance. Considering how many volumes Mr. James has written, or rather "spoken off," "it is wonderful how he does it," as they say of the conjurers. We can conceive a person, so blessed as to have slender knowledge of the circulating library, really admiring the book, till he came upon the points of stress, and then wondering at their giving way, when all seemed so deftly done. The scene of *The Castle of Ehrenstein*, as the name implies, is laid in Germany; and the landscapes and buildings are as well painted as in any tour, and we dare say very true, though rather heavy and literal. There is a fair enough historical idea of the times in the writer's mind; his characters are types (or stereotypes) of the different classes of the age. There is a good noble, a bad noble, and a robber noble; a war-hardened soldier of fortune, with a good heart when you get at it; another man-at-arms, not so good-natured, indeed rather malicious, but not an exaggerated villain, and with some soldierly sense of honour about him; and these persons are judiciously conceived, though the exhibition of their respective traits may be at times a little forced, as if the writer were an exhibitionist pointing them out. There is of course a lover, who is brought up by the bad noble, to fall in love with his daughter, and afterwards turn out a great man; but his lineaments are not the same as the thousand-and-one lovers in a similar predicament, though his position is. There is, equally of course, a lady, who, if like a good many other ladies of Mr. James and his fellow-laborers, is not mawkish. A waiting-maid can never be dispensed with, any more than monks, serving-men, peasants, and soldiers. In *The Castle of Ehrenstein*, the monk is a species of good genius, or rather a sort of author's double; for he not only sets the story in motion, but is constantly helping it along. The villain has the elements of a very disagreeable villain—presuming, familiar, sly, mean, and cowardly; but as his head is very soon struck off, he does not much excite the reader's bile. There are also ghosts and supernaturals: but to comprehend them, one must have a notion of the story; which is to this effect.

William Ehrenstein, the bad noble, has a bachelor brother, Ferdinand; who, many years before the opening of the tale, had set out upon a crusade. William, by artful hints to some of Ferdinand's followers—incentives to murder, in fact—has laid the foundations of his brother's death in the Holy Land, in order to possess the title and estate; but as Ferdinand gets married at Venice, and leaves a son behind him, it is necessary to take off the mother and child. The wicked William fancies this done; but the child is saved, to be brought up as his own