THE LEGISLATIVE COURT.

"On the 22d of Aprile" (1532) says Calderwood, in his "Ecclesiastical History," so recently published, for the first time, by the Wodrow Society, "the Colledge of the Judges was established in Edinburgh," "for judgment of pecuniall and civil causes." "In the beginning," continues the historian, "many things were profitablie devised by them, and justice ministered with equitie. But the event answered not the expectatioun of men; for, seeing in Scotland there be almost no lawes except the acts of Parliament, whereof manie are not perpetuall but temporarie, and the Judges hinder what they may the making of such lawes, the goods of all men are committed to the arbitriement and decisioun of fyfteen men that have perpetuall power, which, in truth, is but tyranicall impyre, seeing their own arbitriements stand for lawe."

Such was the objection raised by Calderwood two hundred years ago to the constitution and practice of the Court of Session, at a time when no case of harassing and irritating collision with the ecclesiastical courts had arisen, to disturb the equanimity or cloud the judgment of the shrewd old Churchman. Such, too, was the decision pronounced regarding it nearly a century earlier by Buchanan, whom, in this significant and very pregnant passage, the ecclesiastical chronicler has been content closely to follow,—so closely, indeed, that the passage may be deemed rather a translation than a piece of original writing. The Court was comparatively in its infancy,—an institution of but about fifty years' standing,—when it was characterized by the older historian as an arbitrary erection, opposed in its constitution to the very genius of freedom. And why? It is according to the genius of freedom that a people be governed by laws which they