

broken state of parties, in their continuance in office, which they never evinced any unworthy readiness to retain; but it is far from desirable that such indulgence should become a chronic weakness of our constitution.

"In the brief period during which we have held the reins, although placed in a position of great embarrassment, from the impossibility of at once appealing to the country, we have introduced three measures, which it is hoped will soon become the law of the land. One is a measure of internal defence, which, it is believed, will soon prove both popular, economical, and efficient, the second would confer on an interesting and important colony a constitution founded on the right principles which should govern dependencies; the third will at length achieve a complete reform of the Court of Chancery."

"There was a fourth measure which we proposed. Two petty boroughs, long infamous for corruption, had been justly and wisely disfranchised. We recommended to Parliament that these forfeited seats should be transferred to two of the most important communities of the country, distinguished not only for their vast wealth and teeming population, but by all the enduring elements of national greatness. A combination of Parliamentary sections defeated, on a technical pretext, this wise and generous proposition, which would have added strength and lustre to the House of Commons, and have asserted the popular principle in a manner consistent with that maintenance of classes which becomes a free and ancient Monarchy, and which is the best security for order and liberty."

"The time of the House of Commons has been much occupied of late by a discussion, whether the management of the Roman Catholic College of Maynooth requires investigation. Without prejudging the question Her Majesty's Ministers have felt it their duty to support such an inquiry. We have been anxious to subdue the heat of religious controversy, and to deal impartially with all Her Majesty's subjects whether in communion with the Church of Rome or the Church of England; but we cannot sanction an opinion now in vogue, that since the act of 1829 the constitution of this country has ceased to be Protestant. By the Act of Settlement, our form of Government is that of a Protestant monarchy; and it is our belief that the people of this country are resolved so to maintain it, not only in form, but in spirit."

"Various schemes have been devised for the extension and improvement of the education of the people; and among others, a measure was proposed by an intelligent community, during the present session of Parliament, to the principles of which we could not accede. The only principle in the present diversity of religious opinion which seems to be just, is that of encouraging the voluntary efforts of the several religious bodies by grants of public money in proportion to the extent to which those efforts have been made. In asserting for all this universal right, we claim for the Church, the national depository of sacred truth, that the freedom of her efforts in the cause of education should not be fettered by regulations and restrictions which are not required to afford security for a due application of the public funds."

"I have touched, gentlemen, on most of the topics which now engage the attention of the country. They are not mean issues. The country will have to decide whether it will maintain a ministry formed on the principles of Conservative progress; whether it will terminate forever, by just and conciliatory measures, the misconceptions which have too long prevailed between producer and consumer, and extinguish the fatal jealousy that rankles between town and country; whether our colonial empire shall be maintained and confirmed; whether the material development of Ireland shall at length be secured; whether such alterations, as time and circumstances may appear to justify and require in the construction of the House of Commons, shall be made in that spirit of revolution, which has arrested the civilization of Europe, or in the spirit of our popular, though not democratic institutions; whether the Church of England shall still remain a national Church; and whether the Crown of England shall still be a Protestant Crown."

"I believe that the county of Buckingham is not in doubt on these heads, and therefore I appeal to you with confidence for your support. I cannot vie with the patriots and the statesmen whom, for so many generations, you have sent up to Parliament; but I will promise you this, on my own part, and on that of my colleagues, that if public opinion ratify the choice of our gracious Sovereign, we will earnestly endeavor that the honor and the interests of the country shall not suffer by our administration."

"I remain, Gentlemen,

"Your obliged friend and servant,

"B. DISRAELI."

"Hughendon Manor, June 2."

The fate of Edward Murray excites much interest among the British residents at Rome, as well as in England. Great efforts have been made to procure his release. His wife and mother, accompanied by his infant child, threw themselves at the Pope's feet, on the way to church, and presented a petition for pardon. The Pope took the petition, but as yet, has returned no answer. And can it be possible the British Government will make no effort to save this man's life? Let England but firmly demand his liberation, and he will be soon set free; and if not she should compel her demand by force."

The details of the terms on which it is proposed the Austrian loan of £3,500,000 shall be contracted transpired early in the week. Of the gross amount, subscriptions for £2,500,000 are to be opened through Messrs. Rothschild & Co. in London, and £1,250,000 is to be raised at Frankfurt. The price settled is 90, but the reductions stipulated in the shape of interest allowances and other charges bring it to within a fraction of 89, and the instalments are so arranged that they will extend over the period of at least a year. A sinking fund of 1 per cent. is to be established, the bonds being drawn by lot and advertised, and the dividends are to be paid half-yearly in London. Although brought under the high auspices already stated, the loan has fallen a dead letter upon the market. Few subscriptions have been sent in, and there is no quotable price for the scrip. It is contended by those who are most acquainted with these loan contracts that the terms are exorbitant, considering the general position of Austria, and that any figure about 85 would have been sufficient to condemn the present proposal. Strong remembrance is also entertained of the difficulties that have before attended a punctual discharge of dividends: and under these circumstances there is evidently no disposition, however great the desire of Austria to establish a good character for honesty among English capitalists, to render her any further financial assistance, unless she is prepared to make a considerable sacrifice. The lesson will not probably be without its benefit, and it will remind other states as well

as Austria that in seeking this market for similar aid past experience is not forgotten, but constitutes an important element in the ratification of such arrangements.

Miscellaneous.

A meeting of the Dissenting electors of Canterbury has been held in reference to the late duel between the members for that city, Mr. Smythe and Col. Romilly. It was unanimously decided that, having been guilty of an un-Christian act, neither of those gentlemen ought to be re-elected, and that none of them should receive the support of the Dissenters, at least.

The dividend paid by the National Bank of Ireland is at the rate of 4 per cent. The late reduction was effected in consequence of the directors taking the accounts in a new form, and dealing only with the amount of net profits. The reserve fund has been decreased, a large sum of bad debts having been written, and it is now considered that its business stands on a satisfactory footing, and that there is the prospect of a steady increase in dividend. At all events the management has endeavored to promote the connection of the establishment, and exercise every possible economy. The dividend paid by the National Bank has been 6 per cent., the reserve fund, owing to the loss occasioned through the stoppage of Messrs. Costelli and Co., having been slightly trenched upon to make up the rate. In the present year it is anticipated a reduction will have to be effected, but it is trusted only temporarily, to provide for the bad debts incurred from the failures in Zante. The directors have been complimented for their candour in stating the real position of the Bank's affairs. The Imperial Brazilian Mining Company continues to prove unremunerative. The loss for the last six months of 1850 is £3,634, the difference between £2,923 receipts (the proceeds of 76 lbs. 6 oz. of gold, of which 60 lbs. 1 oz. was the yield of the Gongo Soco property, and the remainder Bananal), and £7,557 expenditure. The reserve fund has been reduced to £13,000, and in order to provide the necessary capital a call of 20s. per share has been determined upon. It is proposed in future to limit the workings to Gongo Soco, and abandon Bananal, altogether, the results in the latter locality having been of the most unsatisfactory description. A section of the shareholders are endeavouring to buy up a quantity of shares at 30s.

Spirit of the Press.

OXFORD AND MR. GLADSTONE.

There was a famous painter, we are told, who one day hung up the masterpiece of his art in the marketplace of his native town, and desired each of his fellow-citizens to make a mark upon his canvas wherever each might discern a blemish. To his dismay he found his picture on the following morning completely covered with marks of disapprobation. With a heavy heart he exposed his picture once again to view, with a request that any beauties which might in their opinion exist in it should be marked by his countrymen in like manner as they had marked its faults. On the morrow he found his work once more obscured beneath the countless marks of admiration with which the same discerning critics had signified their appreciation of its extraordinary merits. We used to be told at school that this story was intended to signify that not even the highest excellence is superior to criticism; and that amidst the diversity of human opinion the very same points which are beauties to one man are certain to be defects to another. Far from proving the worthlessness of the picture, its treatment was always supposed to be a necessary consequence of its transcendent power.

The opposition to Mr. Gladstone, as it is an admirable illustration of our Grecian fable, so appears to be conducted with a signal forgetfulness of the truth intended to be conveyed by it. From the columns of our various cotemporaries, we gather that the most opposite, and, indeed, contradictory elements are to be combined in that opposition to his re-election over which, in the classic haunts of the Adelphi, Sir Brook W. Bridges is incubating with melancholy yet indefatigable perseverance. Protectionist and Free-trader, Reformer and Tory, orthodox Churchmen and frequenters of Exeter Hall, all, if they knew what they were about, would find fault with Mr. Gladstone. He is to be opposed because he will not join the Government; and at the same time because, according to one of our Whig contemporaries, he is and always has been a thorough Tory, whom it is mere fatuity to think a Liberal, and whose inbred Toryism it is a delusion to doubt. By some it is objected that he pushed the principles of equity and toleration too far in condemning the Ecclesiastical Titles Act; by others that in truth he is seeking to subjugate all forms of religion to one narrow and exclusive formula, to which he himself happens to adhere. His endeavours to bind the Church and State together by means of the laity gave umbrage to one class of men; while by another these very endeavours to arouse the dormant energies of both are vehemently maintained to lead of necessity to the separation of their mutual connexion, and the weakening of their united usefulness. We can well believe that his known advocacy of large measures of internal reform has excited against him one powerful portion of the University itself; while his determined resistance to unconstitutional interference from without has certainly alienated from him a few not very wise and influential but clever and well-educated men.

Of an opposition thus composed, Sir Brook W. Bridges is the "regretful" mouthpiece, and "not without reluctance," consents to occupy a room at Osborne's Hotel. We wait for his candidate; for, in spite of the senatorial qualifications of Mr. Colquhoun, so mysteriously hinted at by a correspondent of our cotemporary the *Spectator* (a very important personage evidently from the patronizing tone of his letter,) we doubt the capacity of that gentleman, or indeed of any other gentleman, for satisfying the various wishes of those who, on various grounds, are now breaking an old and most useful rule, and needlessly disturbing the peace of the University. That it is idle and worse than idle to provoke a contest, the overwhelming list of signatures to a declaration in favour of observing the ancient practice, may, perhaps, by this time, have convinced even Sir Brook W. Bridges. In as many days as he was employed weeks his numbers have, we understand, been nearly doubled. An uncontradicted writer in the *Times* informs the public that nine only of Mr. Gladstone's supporters in 1847, out of a number (including pairs) exceeding eleven hundred, have been found to sign a declaration of dissatisfaction with the existing state of the representation, while many important and distinguished men who on that occasion held aloof, are now found determined to support the sitting members. Not, of course, that in all things they agree either with Sir Robert Inglis or Mr. Gladstone, or approve of every vote given by both or either of them;

but because they are determined to resist an agitation for which there is no pretence, and to maintain a rule which there never was less reason for breaking than in the person of the University's most distinguished son, and which, moreover, if broken now is broken forever. If the minority of 1847 should ever grow into a majority it will have as little claim to an exemption from disturbance at each successive election as it now allows to opponents who were successful on that occasion. Sir Brook Bridges must not suppose that he will be allowed to break the rule when it is against him, and take advantage of it when it is in his favour.

Hitherto, at least, his attempts have not met with that distinguished success which their assiduity might warrant; nor, except for the peace and well-being of the University, should the supporters of Mr. Gladstone be the least disposed to deprecate a contest. On the contrary, it is creditable to the good sense and right feeling of the constituency to see how large and hearty a measure of support is accorded him by men who differ from him on many points, very widely, yet agree in an admiration of his character and abilities, in a respect for his entire conscientiousness and sincerity, and in a wish that he should continue to represent a University whose school he adorns, and of which, in many of her finest qualities, he is so accurate a type. It is to his credit, and to others, that so eminent and original a statesman should conciliate the support of various classes of men so much at issue with him and with each other. In this respect he is like the work of the Grecian painter—the same things which have made him enemies, have brought to him, as a compensation, large and valuable assistance.

One point only which has been made against him deserves a passing observation, because it is made by men whose scruples are entitled to the greatest consideration. It is assumed, from a perusal of Mr. Wordsworth's pamphlet, on which we commented some time since, that Mr. Gladstone is seeking a separation of Church and State. Those who are sincerely alarmed at Mr. Wordsworth's comments should at least take the trouble to read Mr. Gladstone's *Letter to the Bishop of Aberdeen*, which called them forth. They will find Mr. Wordsworth's misconception of Mr. Gladstone to be as complete as his position and attainments considered, it is extraordinary. The real value and character of Mr. Gladstone's document may be better apprehended from the fact that a large majority of the Scottish Episcopate have concurred in its leading views. But, besides, it should be remembered that Mr. Wordsworth holds opinions on the union of Church and State, happily almost peculiar to himself, and means by their separation something very different from what is commonly understood by that term. Mr. Wordsworth holds, if we understand him, that there is an absolute obligation, to be deduced from Scripture, upon every state to support and foster a national church, which church can never, without actual sin on her own part allow herself to be disavowed from the state. The ultimate result of which appears to be, that the Church must surrender herself bound hand and foot, doctrine discipline and all, into the hands of the civil power. For of two associated parties the one which pledges itself under no circumstances to separate implicitly places in the hands of the other an arbitrary and absolute power of determining what the connection shall be and upon what terms it shall subsist. Mr. Gladstone certainly does not hold this; nor, we apprehend, do nine-tenths of the gentlemen who make use of Mr. Wordsworth's hostile statements. The *Letter to the Bishop of Aberdeen*, was the letter of a Scotch Churchman to a Scotch Bishop, with reference to a church which as a fact has no connection with the state, and as to which, therefore, Mr. Wordsworth's principle can have no application at all. That in the course of the letter expressions may be found inconsistent with the opinion that the union of Church and State is under all circumstances matter of religious obligation, is very likely. But it is a very different thing to maintain the necessity of the union as an abstract proposition, and hold it under due guarantees for purity of doctrine and discipline, a right and expedient thing—or again to support the continuance of it in a country where it already exists as it does in England. To judge from his writings, Mr. Gladstone, with ourselves, looks upon this, not as an abstract, but as a practical question, and is steadily opposed in fact, as we have always been, to anything like a separation. He probably foresees, as we do, that a separation would be attended with consequences which those who talk about it have but little realised. In any practical sense, therefore, and as applied to the Church of England, we believe the charge against Mr. Gladstone to be utterly without foundation. So, we presume, believe the Bishops, Archdeacons, and Cathedral dignitaries innumerable, who have come forward to protest against a disturbance of his seat. So thinks Archdeacon Hale; so thinks Dr. Hook; so thinks Sir Thomas Acland. These are not persons likely to give any countenance to a politician whom they believed inimical to those institutions to which they are, each in his own way, so thoroughly attached. And yet it is only as a practical question, and with reference to the English Church, that the excellent men for whose edification these statements have been strung together would think his opinion dangerous. Mr. Wordsworth certainly cannot be accepted as any authority except by those who agree with his opinions. An acquaintance with his views is necessary to understand his language. When they are known, his charge really comes to nothing, and it is scarcely honest to quote his words as if they meant one thing when they really mean something entirely different.

CLERICAL TRIBUNALS.

Mr. Editor: More than twenty years' observation and reflection have produced in your correspondent the deep and decided opinion, that Clerical Tribunals are anomalies, wherever juridical science and accuracy are thoroughly cultivated and duly esteemed. And on this topic he asks permission to offer few very plain, but chiefly abstract or argumentative remarks—proposing nothing, however, but an impartial consideration of them.

Frankly, then, *Clergymen are unfit to be Judges*.—What wonder? They are not trained for judgship. And their training, unlike the loose ordinary training of other men, is contrary to that for judgship. It would be marvellous, at the least, almost miraculous, if good and reliable judges could (with a mere exception or two) be found in their profession. It would be daring, to attempt to retain them to the rudiments and the development of the judicial mind.

Men should be taught and practiced in the vocation they are to follow; such is the rule, and no one excepts from that rule any but the very few who have a natural genius, an uncommon and powerful talent, for particular study or calling. No one expects a cobbler to be a watchmaker, or physician to be a practical engineer. Of our Clergy, not one in twenty has studied law; and of the small number who may have

so studied, and even practiced, not one in fifty has carried his mind beyond the tether of advocacy into the wide and unmanicured judicial sphere; in fact, the mental habitude of a mere lawyer may narrow the broad instinct of natural equity. For the station of a judge proper, our clergy are neither educated nor trained. They might be appendant side-judges, perhaps, if, as with the secular magistrates of that kind there were a presiding judge, thoroughly versed, as the center and soul of the court. But, as he must be a layman, it may greatly be feared that our ecclesiastics will object to this readiest improvement of our system, as attenuating the clerical assessors' shadowy functionalities. There are lay judges, however in the Church of England. And, if we ever adopt that principle, there will be a reduplicative agreement that *clergymen are unfit to be veritable judges*.

More and finally are they unfit for judicial office, because their training, unlike that of the community in general, is altogether contrary to that for judgship. Judges (proper) occupy in the very letter of human law, never deviating from the obvious or the ruled letter, to the right or to the left. While oppositely, clergymen are bound to inculcate the divine law in its utmost spirit and comprehension of the eternal rule of right—the letter being a mere fraction of the "exceeding broad commandment." A clergyman expands and expands again, and expands yet more and more, every prohibition of what is wrong, till it includes the forbiddance of the least and minutest of all importances of the sort in question,—not only idol-worship, but every thing like it,—not only false witness, but all mendacity and equivocation, all deviation from pure truth,—not only theft, but fraud, cheating, overreaching, in their every variety and every degree. The letter of the divine law is but a sketch, to be filled up densely. But the letter of a human statute is the whole enactment and allows no filling up whatever,—referring always to an explicit and closely defined offence. And a judge is trained to the latter; but a clergyman must reject utterly the literal restraint, and cultivate, as a stern and awful duty, the explicit dilution of the unbounded edicts entrusted to his fidelity. Here are two distinct habits of mind, diametrically "contrary the one to the other," as different as arid mathematics irreligious ethics. Nor can the man who for years has bent and drilled and thoroughly habituated his intellect and his heart to either one of these departments of Gods ministry to our fallen race, be hastily qualified for prominent action in the other department. It is contrary to the nature of things. It is interdicted by our unchangeable psychological constitution. No paper and no parchment, no cannons and no commission, or gown, or surplice, or robes, can by any human possibility, make a true *bona fide* judge out of one in an hundred, or in five hundred, of our bishops and clergy. The two trainings are antagonistic.

Our remarks apply, of course, to enlightened jurisprudence only, and an enlightened administration of it; for, with the crude magistral actors and magistral acts of other countries and other ages, our Church has nothing to do. Where the civil rule was nubilous and arbitrary, Scripture did not compel the Church tribunals to the vain attempt to be lucid and liberal. And as little does it order or imply, that, where the secular authority is clarified, unapt and incompetent judges are to deal out bruised and mangled law to the earthly kingdom of the Redeemer. This is a "liberty where-with Christ hath made us free," and we all claim the whole of it, without let or diminution. Shame on the Church, if she permit her judicature to be murky, while the courts of the land are transparently clear and bright!

Clergymen being thus radically unfit for judges, little need be said of their incidental disqualifications. Of ecclesiastical gossip they are naturally the centre, and too often the chief propagators,—and thus, almost never impartial when gossip swells into accusation and presentment. Very seldom have they a reserved judgment. Of church party and party feeling, our Bishops and clergy are practically and unavoidably the very soul and life. Party as the general rule, adheres throughout to their official and public course,—of which judgship is but an infrequent and brief episode. When lawyers reach the bench, they usually abandon party politics; while a bishop or a presbyter is off the bench again in a week or two, and is never out of the whirl of the polemical current; and the accused is likewise a party man; and party bias, *pro or con*, will sorely distract judicial fairness. And, as to the pretenders to be of no party, when principle is involved, principle engrained in theology or in frank Churchmanship, they make a merit of becoming "Laodiceans" "neither hot nor cold;" and eminently undesirable for judges are those whom the Saviour would "spue out of his mouth."—(Rev. iii.) The no-party plea, in the well-informed, is generally prompted by self-ignorance, and that is german to self-inflation,—which is but a poor qualification for judgship. The no-party-ites, when they happen to be cornered, always happen to find one corner. Then, there is the terrible *odium theologium*, rife, of course, in the clerical ranks,—most terrible in its too frequent result, whether of the stake, of cannon, or of a canon. The merest tinge of this hatred, glowingly figured though it be into divine zeal, ought to be a bar to the bench. Lastly and specially, the pure episcopal chiefly in peculiar. Our bishops, each equal to each, and with no superior in the Church, have no common protector or common centre in either Church, or state, so that each one, his own centre, must protect himself, his own authority, his own due influence. Rivals in influence, and followers of rivals,—these competitors may be chiefly found in larger dioceses, and, whether in the large or the small, aspire to "stretch" the usurped "pre-eminence they love" beyond as well as within their diocesan sphere,—they must be kept down, or put down if formidably making head, or, what is better, they must be tranquilly forestalled. Practical and acute men will sagaciously discern and allow that such policy and such efforts are unavoidable; not only this, for the policy and the efforts are right, a meet and proper official self-defence, if rightly and honourably conducted, without overbearing, without tyranny, without guile, if possible, with utter acerbity. But—shall the independent and almost irresponsible chieftain linked in heart and soul to his own conducting of affairs and of men, have (in himself or in his benchmen) the judgship also, and his whole tribe lie helpless at his feet? And ought a synod of chiefs, thus individually and disjunctively politic and potent, so much so, indeed, that even a party link does not abolish the severity,—ought a court of these individualized "princes" to have entirely in their power a brother chief, when in trouble? Let the Church consider well the nature, akin to the repellent and dissociative, of our episcopal chiefly, and ponder, in the spirit of wise and holy judgment, whether these "things ought so to be." The sole remedy is in the equilibration of eminent lay judges.