

John Inglis, President of the Court of Session and Justice-General of the Court of Justiciary. By **Æneas J. G. Mackay**, Esq., Sheriff of Fife and Kinross.

(Read July 18, 1892.)

John Inglis was born in George Square, Edinburgh, on 21st August 1810, and died at Loganbank, in the parish of Glencorse, Midlothian, on 20th August 1891, a day before the completion of his eighty-first year. He was the youngest of four sons of the Reverend Dr John Inglis, the successor of Principal Robertson, the historian, as minister of Old Greyfriars' Church. The eldest was Harry Inglis, Writer to the Signet, between whom and John the fraternal bond was strengthened by mutual good offices and a closer intimacy, both in earlier and later life, than often falls to the lot of brothers. Their mother was Maria Moxham, daughter of Abraham Passmore of Rolle Farm, Devon, who again brought English blood into a family, the name of which indicates a remote English, probably Border, origin. His paternal grandfather was Harry Inglis, minister of Forteviot, in Perthshire—a county in which his father had been minister of Tibbermore before his appointment to Old Greyfriars'. While certain traits in his character may be traced to the English connection on the mother's side, and his education at Oxford, he continued through life a patriotic Scotchman, and a devoted member of the Scottish Presbyterian Church by law established. In its Assemblies his father was the chief leader of the Moderate Party, and he was reckoned one of the three best preachers of his time in Scotland, and it was the time of Chalmers. Allowing for the difference between the eloquence of the Assembly and Pulpit, and that of the Bar and Bench, the style of the son had a strong family likeness to that of his father. Both were distinguished by cogent reasoning, and facile, apt, and forcible expression; and as these were the product of Nature rather than Art, it may be inferred that the style indicated a similarity of character which might also be traced in the massive features he inherited from his father. Both were felt

to be, as soon as seen, to use a phrase of Dr Chalmers, "men of weight."

He was educated at the High School of Edinburgh during the rectorship of Dr Carson, a learned scholar, and in the class of Mr Benjamin Mackay, who is described by his pupils as a practical Scottish schoolmaster of the best kind—intelligent, accurate, and thorough. Several of his class-fellows still happily survive, two of whom—Lord Moncreiff, the competitor of Inglis at the Bar and his friend on the Bench, and Sir Douglas Maclagan—held the office of President of the Royal Society, which was offered to, and declined by, Inglis for reasons afterwards noticed. From the High School he went to the University of Glasgow, where the lectures of Sir Daniel Sandford gave him a taste for literature in its best models—the classical authors of Greece. "I can never forget," he said many years after, when addressing the students of that University as their Rector, "with what delight I listened to the prelections of Sandford, whose reading of Greek poetry conveyed to the hearer the highest intellectual pleasure." In him, as in others, the living voice of the teacher wakened the intellect, and by the pleasure it gave evoked the taste for study and the study of good taste.

Having been elected to an exhibition on the foundation of Mr Snell, he matriculated at Balliol College, Oxford, in 1830, graduated as B.A. in 1834, and as M.A. in 1836. He did not obtain high academic honours, and was placed in the third class in the Classical School two years after Mr Gladstone and the same year in which Lord Selborne took degrees which more certainly indicated their future eminence.

He had entered probably with more zest into the social than the learned life of Oxford, but his ability, especially in argument, was recognised by his contemporaries. That he had not been a careless spectator of the University in all its bearings, was shown by his grasp of the principles of University education and accurate knowledge of the difference between the English and Scottish systems, with their respective merits and deficiencies, when called on to legislate for the Scottish Universities, and act as Chancellor of that of Edinburgh. But it was the profession he chose which first gave scope to his mental powers.

In 1835 he was admitted a member of the Faculty of Advocates.

For a few years his success in the profession, which at that time had perhaps as many good lawyers as at any period before or since, was not rapid ; but soon after the year 1842, when he distinguished himself as junior counsel for Mr Nelson in the Hot Blast Patent Case, his advance to the highest position at the Scottish Bar was assured. The successful defence of Madeleine Smith in 1857, towards the end of his career at the Bar, did not create his reputation as an advocate, but extended it from the select circle interested in civil lawsuits to the larger public which watches a *cause célèbre* in the criminal courts. In 1841 he married a daughter of Lord Wood, a judge of the Court of Session, who predeceased him, leaving two sons, Mr Alexander Wood Inglis, Secretary of the Board of Manufactures, and Mr Herbert Maxwell Inglis, W.S. In 1844 he became Advocate-Depute, in February 1852 Solicitor-General, and three months later Lord Advocate in the administration of Lord Derby. This early promotion was due to his position at the Bar as much as or more than to his attachment to the Conservative party. By mental constitution, as well as the time and circumstances of his birth, education, and profession, a Tory or Conservative of a type now almost extinct, he was a lawyer first and a politician afterwards.

Outside of the sphere of party, his opinions on political and social, as well as other subjects, might perhaps be best described as Liberal-Conservative, a term then current, though now rarely used. In November 1852 he ceased to be Lord Advocate on the resignation of Lord Derby. He was soon after elected Dean of the Faculty of Advocates, an office he held till 1858, and prized as the free and unanimous choice of his professional brethren. He described its duties in his farewell letter in the appropriate language which marked his speech and writing :—“My constant desire and earnest endeavour has been to render the office practically available for the purposes which it is intended to serve ; to induce unity of sentiment and action within the Faculty : to maintain its privileges and independence ; to secure a scrupulous observance of the rules of professional propriety ; to promote that social harmony for which the Scottish Bar has been distinguished ; to advance the reputation of the Faculty as a learned Society and a national institution ; to encourage by all legitimate means the cultivation of learning and scholar-like accomplishments.

“To the efficient administration of Justice, not even the purity of the Bench is more requisite than the independence and integrity of the Bar.”

This is not the place to enlarge on his character as an advocate ; but it may be proper to mention, as the law occupied the largest share of his life, that his knowledge and practice embraced every department—Civil, Criminal, and Ecclesiastical ; the conduct of Jury Trials ; the examination of witnesses, which was strict but never rude, and knew when to leave off as well as how to begin ; the composition of written pleadings (in his time still in frequent use), and the delivery of oral arguments, in which he was equally able in the statement of the case and in reply. His distinctive excellence as a pleader was concise, clear, logical, and dispassionate reasoning. It is almost impertinent to say that he never used the artifices which the satirist and the playwright sometimes associate with successful advocacy. But he scrupulously abstained even from the arts of the rhetorician, which few speakers in public altogether avoid. Sound sense, grasp of principle, accuracy in detail, ready memory, and practical as distinguished from scholastic logic, orderly arrangement, and an apt choice of words, were the qualities he cultivated and matured by constant industry and a wide experience of men and business.

In 1858 he became Lord Advocate for the second time. On the death of Lord Justice-Clerk Hope in the summer of that year, he was promoted to the Presidency of the Second Division of the Court of Session, and on Lord Colonsay's appointment as the Scottish legal member of the House of Lords in 1867, he became President of that Court, and Justice-General of the Court of Justiciary, offices which he held till his death. He had thus the long judicial experience of thirty-three years, during which he gained and held the complete confidence of the whole legal profession, of the public, and, so far as is possible, of the parties to litigation, by assiduous attention to the duties of his office, and the ability and fairness of his judgments.

From what has been said of his character as an advocate, it almost follows that he was still more eminent as a judge. Though not free on certain points from strong convictions, which appeared to those who did not share them strong prejudices, the chief characteristic of his

mind was impartiality, constantly directed to the exact ascertainment of facts, and the application of the principles of justice to the facts ascertained. For his judicial merit it is sufficient to refer to the estimate contributed by a lawyer who had long practised before him, and became his colleague, Lord M'Laren, to the *Juridical Review*, a publication in whose success the late Lord President showed the interest he felt in every effort to maintain and extend the reputation of Scottish Jurisprudence.

Second only to his services to the Law, and possibly more interesting to the learned Society at whose request this notice is written, were those he rendered to University Education in Scotland. The accidents of party politics gave him a short experience of Parliamentary and London life, and preserved unimpaired his genuine Scottish patriotism. He sat for the burgh of Stamford only from 2nd March to 13th July 1858. He did not travel much, and his life was practically spent in Edinburgh and his country-seat of Glencorse in its immediate neighbourhood, with occasional visits to other parts of Scotland for sport or golf, his favourite amusements.

But it was his and their good fortune that he carried during his brief Parliamentary career the Act for the Reform of the Scottish Universities. While largely indebted to the preparatory labours of other University Reformers, chiefly members of his own profession, amongst whom may be named Lord Moncreiff, Mr Edward Maitland (Lord Barcaple), Professor Lorimer, and Mr Francis Russell, in its final form this Act was the fruit of his practical sagacity and prudence.

It was a further favour of Providence that the author of the Act presided over the Commission, and brought it into operation by a series of Ordinances, which dealt with almost every branch of University Education and Administration.

His hand may be specially traced in those relating to Finance, where he had to solve the problems of making the best of too slender endowments, and to the development of the Faculty of Law, in which he had to make the most of a too scanty professoriate, and to attach by graduation a class of students to the University where they had hitherto been often little more than casual visitors.

While Dean of Faculty, aided by several of his brethren, and in

particular by Mr Patrick Fraser, afterwards a judge, he did much to raise the standard of the education of the Bar, and to preserve the high reputation of the Advocates' Library, a professional, which had almost become a national, institution without extraneous aid, and in spite of the discouragement of more than one ministry. As a University Reformer he kept in view all the Faculties, their mutual relations, their scientific not less than practical value, and controlled the natural tendency of professors to suppose their own subjects paramount. His mind sought as if by natural instinct the due proportion of things, and an unexaggerated expression of thoughts. He laid great stress on the vital importance to the Scottish University of the choice of the best professors, by placing the patronage in honest, firm, and discriminating hands, preferring for this purpose a Board of Curators to either Municipal or Government Patronage, and to leave to professors so chosen a wide liberty in the conduct of their special studies. But he insisted not less on what he called the great principle, that the "professors were made for the students, and not the students for the professors." He recognised the utility of extra-professorial, or, as it was commonly called, extra-mural teaching, which had contributed much to the credit of the Medical School in Edinburgh, but he doubted whether it was applicable to the smaller Universities or to the Faculties of Theology and Law, or even to Arts, until the professoriate was better endowed. In this, as in other points, he preferred slow and sure to rapid or experimental changes, and proved that the equal balance of his mind was not confined to the administration of justice. He was elected to the Rectorship of King's College, Aberdeen, in 1857, of Glasgow University in 1865, and to the Chancellorship of Edinburgh in 1869, an office which he held till his death, and in which he represented the University, at the celebration of its Tercentenary, to the learned world with the same dignity which marked his performance of the annual duty of conferring degrees.

These appointments proved the recognition of his services by the students as well as the graduates of the Scottish Universities. In 1858 he was created Doctor of Laws of the University of Edinburgh, and in the following year D.C.L. of the University of Oxford, and a member of the Privy Council. It is believed that he declined a Peerage, and it is certain that he might, had he wished, have become

a legal member of the House of Lords. But, "content to live where life begun," he felt that Scotland was his home, and the Presidency of its Supreme Courts the sphere in which he could best serve his country. Before the centripetal force of London and other large cities was generally acknowledged to be a national risk, and before decentralisation had become a popular opinion, he proved by a practical example the value, not merely to the locality but to the nation, of the local application of talents in their kind of the highest order. In 1876 he was appointed Chairman of the Commission of Inquiry with regard to the Scottish Universities, which collected much useful information, though its recommendations, too largely influenced by the members who represented Physical Science and underestimated the value of Mental Philosophy, Language, and the Arts, did not meet with the general approval of Scottish Educational Reformers, and do not bear the stamp of the mind of the Chairman like the practical measures of the former executive Commission. His capacity lay rather in sifting and carrying out than in originating or advocating reforms. As Chairman of the Association for the Better Endowment of the University of Edinburgh, his position enabled him to direct public attention to a source of weakness in the Scottish Universities, which possess neither the ancient foundations of the English, nor the liberal support of Government enjoyed by Continental, American, and Colonial Universities, to enable them to fulfil their functions as National Institutions for the benefit of all classes in Scotland, as well as of English, Indian, and Colonial Students, who resort to them, attracted by the reputation of their professors and the practical and cosmopolitan character of their methods of study. He was a regular attendant of the meetings of the Board of Manufactures, and was able to show that something might be done, even with the scanty funds grudgingly allowed to Scotland, for the promotion of the Fine Arts, in which he took the interest of an intelligent amateur. The history of Scotland specially engaged his attention; and the Scottish Text Society, originated by Dr Gregor of Pitsligo, for the preservation and publication of its early and characteristic language and literature,—strangely neglected by Scotchmen in spite of the efforts of Pinkerton and Chalmers, Sir Walter Scott, Irving, and Laing, until its linguistic value was pointed out by indefatigable German students,—found in him not merely an ornamental head but

an active supporter. His own contributions to literature were few, and apart from occasional speeches in the academic offices he held, his published works were limited to two essays in *Blackwood's Magazine*, one on "The Present Position of the Church of Scotland," the other on "Montrose and the Covenanters of 1638;" an address to the Juridical Society of Edinburgh on "The Scottish Lawyers of the 17th Century;" and an Antiquarian Note on the name of the parish of Glencorse, when official ignorance proposed to alter it to Glencross. It was the opinion of qualified judges that he might have distinguished himself as an historical writer, and in particular that he might have written better than any lawyer of his time a History of the Law of Scotland, a task to which he incited, as yet without result, the members of the Juridical Society. When written, many elucidations of it will be derived from his judgments. But he knew best where his strength lay: in practical action rather than philosophic speculation, in judicial rather than literary composition. Lord M'Laren has noted, in the paper already referred to, that he set the example of a new and better style of judicial expression than had been common in the judgments of the Scottish Bench.

Some other directions of his activity, more of a private or semi-private than a public kind, must be omitted from a notice too short to convey an adequate conception of his character, but longer than the purpose for which it has been written perhaps justifies; yet it cannot be concluded without referring to the circumstances of his connection with the Royal Society of Edinburgh, which were those of a loyal supporter and steadfast friend, but neither of a contributor to nor an auditor of its proceedings.

On 5th February 1855, when Dean of Faculty, he was elected a Fellow of the Society. After the death of Professor Kelland, its President, on 7th May 1879, a meeting of the Council was held on 31st October to designate a successor, when it was stated that there was "a strong feeling among many of the Fellows that the next President should be a man of letters—the Society having been instituted for the promotion of literature as well as science." The name of the Lord Justice-General was unanimously adopted, and Sir Robert Christison and Professor Douglas Maclagan were deputed to obtain his consent. In a letter, dated 3rd November 1879, declining

the nomination, he wrote :—"I need hardly say that I regard the appointment of President of that Society (the Royal Society of Edinburgh) as one of the greatest honours that can be bestowed on any Scotchman in Scotland, and I therefore appreciate the kindness of the Society in proposing to place me in a position of such importance. But I cannot help feeling, and the feeling grows stronger the longer I consider the matter, that it is a position for which I am in no way adequately qualified. Though a Fellow of the Royal Society, I have never hitherto taken any part in its proceedings, and at my time of life, with my judicial work, I cannot look forward to do so in the future. This might be of less importance if I were personally distinguished either by scientific acquirements or literary work. But you know as well as I do that of physical science I know next to nothing, and that a laborious professional life has left me no time for courting the Muses."

In a similar modest spirit, and with the knowledge of himself which has been deemed not the least difficult attainment of a philosopher, when solicited by a literary society to deliver a lecture he replied to its representatives :—"Do you know, gentlemen, that I have actually ventured to write my own epitaph, and that it runs, 'Here lies a man who has never given a lecture.'"

Although he did not take part in the proceedings of the Royal Society, the letter quoted shows his sense of its importance to the intellectual life of Scotland, and as an instrument for the advance of knowledge. He gave the Society the benefit of his influence in procuring an extension of its rooms, and a few weeks before his death visited its premises to inform himself how the much-needed space could be secured for its rapidly-increasing scientific library. Without being the least of a bookish man, he had a keen interest in libraries, and in rare and good books. So, without being either a scientific or a literary man, he appreciated and, on proper occasions, expressed his appreciation of the inventions and discoveries which during his lifetime enlarged the bounds of the physical or material sciences, as well as of the contributions to literature and philosophy, which have combined to make the Victorian as marked an era as the Elizabethan in the annals of thought. At a time when there was a risk that the absorbing cares of professional and mercantile pursuits and the rapid acquisition of wealth might

lower the reputation of Scotland as a country, knowing the value of science and literature, such an example in the head of a profession, sometimes tempted to sink its character as a learned Corporation created for the administration of justice in that of an interesting and lucrative business, may perhaps be deemed an unwritten contribution to one of the objects for which the Royal Society exists.