

BX 9078 .B967 1824
Burns, Robert, 1789-1869
Plurality of offices in the
Church of Scotland examined

PLURALITY OF OFFICES

IN THE

CHURCH OF SCOTLAND

EXAMINED,

WITH A

PARTICULAR REFERENCE TO THE CASE

OF THE

VERY REVEREND DR. M'FARLANE,

PRINCIPAL OF THE UNIVERSITY OF GLASGOW.

BY THE

REV. ROBERT BURNS,

MINISTER OF ST. GEORGE'S CHURCH, PAISLEY.



GLASGOW:

PRINTED FOR CHALMERS AND COLLINS;

WILLIAM WHYTE AND CO. AND WILLIAM OLIPHANT, EDINBURGH;

R M. TIMS, DUBLIN;

AND G. AND W. B. WHITTAKER, LONDON.

1824.

Printed by W. Collins & Co.
Glasgow.

TO THE
RIGHT HONOURABLE
LORD VISCOUNT MELVILLE,

FIRST LORD OF THE ADMIRALTY, LORD PRIVY SEAL OF
SCOTLAND, &c. &c. &c.

MY LORD,

CONSIDERATIONS both of a public and private nature have led me to solicit the honour of Inscribing the following Work to your Lordship. The question which it professes to discuss is one of vital interest to the Church of Scotland; and no real friend to the prosperity of that Church will hesitate to give it a candid and careful attention. It is a question not of party, but of principle. A question which involves in it all that is valuable in the Pastoral relation, and the claims which our Church prefers on public patronage and support.

It cannot have escaped the notice of your Lordship, that attempts have been made to give to the present question a *political* aspect, and to hold up the men who have adopted certain sentiments with regard to it, as the systematic opposers of his Majesty's Government, and as guilty of "*disrespect to the Sovereign*" himself. And is it, then, *true*, my Lord, that the majority of Ministers and Elders in the Presbytery of Glasgow, and the Synod of Glasgow and Ayr, are leagued in confederacy against the Government, and against Majesty itself? And, with all your accurate knowledge of Scottish affairs, did it ever occur to your Lordship, that "*Scottish democracy*" and "*Scottish radicalism*" were really so respectable—that they could count among their staunch adherents, the CHALMERSES and the M'GILLS of our Church—and that around their contemptible and revolting standard there had rallied so much of the genius, and the eloquence, and the piety of the land? No, my Lord. The men who will tell you so are the accusers of brethren as right-

hearted, as patriotic, and as loyal as themselves. It is a fact well-known in the west of Scotland, and in the country at large, that the most zealous opponents of pluralities, in the case under discussion, are at the same time the most zealous supporters of the Constitution, and of his Majesty's present Government; and it never could have entered their minds, that in maintaining the purity, and upholding the rights of their Church, they were acting from any other principle than an imperious regard to duty. Indeed, my Lord, there is no class of men within the British dominions who cherish, and who endeavour to extend, a more heartfelt attachment to the person and Government of his Majesty than those Clergymen who have been so often stigmatized as the abettors of popular disaffection and cabal. It is, no doubt, true that in a large body of men there will be a considerable variety of sentiment on questions of public policy; but this, while it is obviously unavoidable, is no real disadvantage to the country at large. Besides, my Lord, it ought not to be forgotten, that the Ministers of the Church of Scotland are necessarily called to mingle with persons of every variety in rank and sentiment. The meanness and the violence of partizanship, therefore, are in them peculiarly unbecoming; and few things are more prejudicial to their credit and their usefulness. Your Lordship knows well, that nothing tends more effectually to promote the best interests of the country than the union of moderation and mildness with firmness and decision; and that they are the best friends of their country and their King who are most tenderly alive to the value of moral and religious principle, and who labour most assiduously to have the King and the Constitution still more firmly enthroned in the affections of a free, a loyal, a united, and a religious People.

I have the honour to be,

MY LORD,

Your Lordship's most obedient

And most faithful Servant,

ROBERT BURNS.

PREFACE.

THE following Treatise was suggested by the procedure of the ecclesiastical courts, in the question relative to the induction of Principal M'Farlane into the parish of St. Mungo, or the Inner High Church of Glasgow. It occurred to the Author, that a small work on the general subject of pluralities of office in the clergy of Scotland, might be of use, as embodying the information which lies scattered over the extensive surface of our books of ecclesiastical history and statute law, and exhibiting a connected view of the sentiments and spirit of our church, on a point of vital interest to her members. The Author claims the credit of good intentions; and he is confident that there is nothing in his work which can give reasonable offence to any candid and liberal mind. While his own sentiments are perfectly decided on the questions at issue, he has endeavoured, as far as possible, to lay aside the tone and manner of a special pleader; and to present the leading features of the argument in a plain and unvarnished style.

To the distinguished claims of his predecessors and fellow-labourers in the same field, the Author can never be insensible. The talents, and the labours, and the eloquence of Principal Brown, of Mr. Bell, and of Dr. Cook, shall live in the annals of the Church, and be embalmed in the recollections of her best friends. What they accomplished, constitutes a most

important movement in the return of our Church to purity and primitive order; and they only require to carry their exertions a little farther, in order to complete what they have so auspiciously begun.

Considerations of delicacy prevent a particular specification of the kind services of those friends, who have been aiding to the Author, by furnishing hints, or by suggesting sources of information, or by supplying the requisite documents. Of their valuable services, he trusts he is duly sensible. He has endeavoured to avail himself of them as far as practicable; and he takes this opportunity of returning his cordial acknowledgments.

In a provincial town like this, the advantages for literary pursuit cannot be very ample; and the labours of a large parochial district leave very little time indeed for avocations distinct from the ordinary routine of duty. The Author most readily acknowledges, that the composition of this work has, for the last few weeks, constituted him a kind of pluralist, in as far as *labour* is concerned; and experience has thus impressed on him more deeply the conviction, that the pastors of our city parishes should, in no case, be burdened with the cares and anxieties of multiplied avocations; and that while every member of the church is bound to cultivate the literature of his profession, the honour of sustaining and extending its fame must principally devolve on the members of our great literary establishments, who, unincumbered with other toils, and enjoying peculiar advantages, can prosecute the career of scholarship with credit to themselves, and benefit to the public.

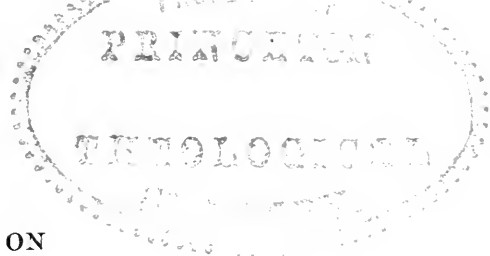
PAISLEY, April 5th, 1824.

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ON PLURALITY OF OFFICES.

INTRODUCTION.

THE term *plurality*, when used in reference to the English Church, always conveys the idea of two or more ecclesiastical benefices possessed by one person, and served by means of the principle of substitution. Pluralities, in this sense, have been happily unknown in the Church of Scotland, since the time of the Reformation; and, with the single exception of an attempt made several years ago, to combine military chaplainships with parochial charges, there has not been even a single wish expressed to load the Church of Scotland with a burden under which our brethren in England and Ireland have groaned for centuries. But, while a plurality, in this sense of the term, is a thing totally unknown amongst us, we are no strangers to the existence and the effects of a phenomenon substantially the same. We possess what has been with propriety termed *unions of offices*; and these may be said to form a very fair substitute for *pluralities of benefices*. If the latter are instrumental in augmenting the livings of the clergy, so are the former. If the one has the necessary effect of withdrawing the attention of a clergyman to a greater or less extent, from the immediate sphere of his personal ministrations, so has the other. If, in the one case, the mind may be expected to feel the distracting influence of a variety of separate and independent clerical engagements;—an effect precisely the same in kind, and still

more extensive in its range, may be expected to flow from the union of two or more independent offices in the same individual. If the Episcopal Church begins, at length, to feel some anxiety in regard to the results of a system which she has long incautiously patronized; it is high time that the Church of Scotland should take the alarm, lest, unconsciously, she be found to give her solemn sanction to the establishment of an evil, which she may painfully deplore when it is too late to apply the requisite remedy.

The *uniting* system of Scotland, like that of the *pluralizing* system of England, has put on a vast variety of appearances. In one of our universities, we have a Professor of Logic, who holds, at the same time, the pastoral charge of *fifteen thousand* souls. In another we have a Professor of Moral Philosophy, who is, at the same time, one of three parochial clergy to whom the pastoral charge of a very populous city is committed. In one college, we find one person discharging, that is, *attempting* to discharge the several duties of Principal, and Professor of Divinity, and a minister of the city. In another college, we find a willingness expressed, to hold the active Presidency of a large university corporation, along with the trifling addition of a parish with *nine thousand* inhabitants. Nor has the *unitarian* spirit of our Scottish churchmen confined itself to the acquisition of established literary appendages. In certain situations, we occasionally see a clergyman burdening himself most unnecessarily with the labours and anxieties of a private boarding house or academy. Another we find to be most thoroughly occupied with the cares of an extensive arable or sheep farm; officiating also, it may be, as factor on an extensive property; and, in the end, perplexing himself and his friends with the anxieties of commercial and mercantile speculation. So extensively prevalent, indeed, has this secularizing and en-

grossing spirit become, that in a late trial before a grand Jury, at Calcutta, it was solemnly deponed to on oath, by *members of the Church of Scotland too*, that according to the constitution and practice of our church, a clergyman might, if he were so disposed, unite with his parochial charge, the truly classical pursuits of a *tailor* or a *shoemaker*;* and yet maintain all the dignity and usefulness of his order. When such things are *said*, and when such things are *done*, it is surely high time that the best friends of our establishment should take the alarm, and that a “testimony,” clear, and strong, and persevering, should be “lifted up” against the toleration of such enormities.

There is, indeed, a very great difference betwixt the addition to a pastoral charge of an office purely literary, and one that is in the grossest sense of the word, worldly and secular. Some of the offices to which reference has been made, approach so near to the ordinary pursuits of a clergyman, as, without great difficulty, to coalesce with them, and the courts of the church must take this into view, in estimating the comparative character and effects of such unions. But can such an argument be of any avail, in the case of ministers already loaded with an over charge of pastoral avocations? And, be it noticed, that it is precisely in the case of such ministers that such unions are most likely to take effect. The Church of Scotland, as we hope to show in the course of our argument, has established certain great general principles, by which all her members must abide. She has marked out the work of the ministry, as the single and proper vocation of her sons. In this, as in a centre of attraction, she requires that all their anxieties, and all their sympathies shall meet. Secular engagements, whether arrayed in the garb of classic attraction, or cast into

* The Calcutta Journal, July 22, 1823.

the mould of a grosser plebeianism, she has jealously proscribed. Relaxation and amusement, be they literary or otherways, she does by no means prohibit; but still the work of the parish is the ministers business. To this she has affixed a competent provision; and from this she permits nothing, however plausible, to alienate or to distract.

Independent of every other argument, it might be no difficult matter to show, even on the avowed principles of policy and political economy—that the union of two well-endowed offices—such, for example, as those of the Principality with the High Church of Glasgow, is inexpedient and unwise. At no time, and in no circumstances, can it be desirable that two such offices should be vested in the person of one individual; and never could the expediency or the necessity of it be pleaded with less appearance of reason, than at the present moment. Not many such “*good things*”—speaking commercially—have the patrons and guardians of our church to bestow; and not many such boons, have her members to receive. It is not with us as it was with our forefathers, when an absolute dearth of clergy, imposed by necessity a species of pluralism on the church; and yet it is well known that even in those times of difficulty, our fathers were most delicately sensible of the dangers to be dreaded from the very appearance of a permitted union of offices.

But we take our stand on higher ground than the principles of political economy; and we trust to be able to show, by an induction of particulars, that unions of office, of every kind, while they are at variance with the general principles of revelation, and with the constitutional law of the reformed churches at large, are particularly opposed to the statutes and spirit of the Church of Scotland, and ought by all legal means to be put down, as abuses tending to tarnish her purity and to waste her strength.

CHAPTER I.

THE NATURE AND EXTENT OF PASTORAL OBLIGATION.

THE question, *What is a plurality, and what may be its probable influence on ministerial habits and character?* depends for its solution on the previous inquiry, *What may be the nature and extent of those duties which are reasonably expected from one who has been solemnly set apart to the office of the Christian Ministry?* If we take it for granted, that a minister of religion has nothing more to do than to preach, and to dispense ordinances, and to go through the ordinary routine of duty—then, indeed, will the pastoral relation appear a very simple and easy thing, and the holding of a plurality of offices, however incompatible, will not be considered as any very violent intrusion on the sanctity of its obligations. If, on the other hand, we contemplate a minister of religion as a person who has been set apart by the most solemn of all vows to the service of God and of godliness; and as, in that capacity, bound to wait upon the people committed to his care, in all the varied modes of Christian and ministerial intercourse—labouring in his private studies to fit himself for “bringing out of the treasury things new and old for the service of God”—preaching the Gospel to them publicly and “from house to house”—catechising frequently the young and the ignorant—paying the oft-repeated and ever-welcome visit of sympathy, of sacred conference, and of prayer, to the chambers of sickness and of death—watching over the purity of religious ordinances—applying the discipline, and exercising the

government of the church with a holy, a prudent, and an impartial zeal—inspecting, and from time to time reporting to his constituents and the public, the state and progress of education—taking a fatherly care of the poor as their natural guardian—reconciling differences among brethren and neighbours—directing and encouraging religious and charitable institutions—marking the progress of general literature, and its probable influence on the morals of the people—laying himself out for usefulness to his people, in all the nameless offices of kindness which Christian affection and the sense of duty never fail to dictate;—if such be our idea of the nature and extent of pastoral obligation, then, indeed, will we be inclined to consider as a great and a grievous evil, whatever interferes, directly or indirectly, with the full and the efficient discharge of ministerial duty. “The duty of a Christian minister,” said Dr. Samuel Johnson to his friend Boswell, “is not an easy work; and I envy not the man who makes it an easy work.” If we take our estimate of the Christian ministry from the writings and the examples of the Basils, and the Chrysostoms, and the Augustines of other days, we must form a very different notion of it from that which is entertained by the man who regulates his sentiments and his practice by the manners and the maxims of a degenerate age.

In order to know something of the nature, the spirit, and the responsibility of pastoral obligation, it will be necessary to make a direct appeal to that inspired volume which all Christians profess to receive as their infallible directory. Shall we be told, indeed, that, in a question of this nature, “statute law” and “ecclesiastical usage” have the exclusive title to be received as the sovereign umpire? and that all appeals to

Scripture authority must be necessarily vague and inconclusive? I beg to know, whence does the pastoral office derive its very existence? How do we come to know any thing whatever regarding it? And on what ground do we take our stand, when we claim for it the reverence which is due to an institution confessedly divine? Deprive us of our right of appeal to the records of inspiration, and do not you sweep away the whole office and order of the Christian ministry, and thus fight most successfully the battles of the infidel? But, if all our information relative to the very existence and authority of the Christian ministry be derived from the word of God, and from it alone, why debar us from all appeal to the same source for information on the nature and extent of those duties which the pastoral relation involves? Are not all the "statutes," and all the "usages," of the Church of Scotland avowedly grounded on their supposed "*agreeableness to the word of God*;" and is it not *this* which, in the estimation of the fathers and founders of our Church, imparted to them all their interest and all their value? The same reasons which *once* existed for the establishment of a standing ministry, exist now; and surely no man will be so unreasonable as to maintain, that the precepts which enjoin pastoral obligation and duty were designed exclusively for the days of miracles and inspiration. In modern times, no doubt, the dangers connected with the due discharge of ministerial duty are considerably lessened; but, on the other hand, the duties themselves may be justly said to have received a material enlargement. In primitive times, the attention of the pastor was necessarily limited to the Christian flock of which he was the appointed overseer. In the modern state of the church, and particularly within the pale of an estab-

ishment, there is a large though undefined class of duties which we owe to those who are not properly members of the sacred society, and who yet are the appropriate objects of pastoral sympathy and attention. And let it be recollected that, if the difficulties which arise from the violence of persecution be happily unknown amongst us, those which flow from the lukewariness of formal professors, and the smiles and the frowns of an unchristianized world, are mightily increased; and, assuredly, that most fearful of dangers—scarcely even apprehended in apostolic times—is now deeply and extensively realized; the danger, namely, of being lulled, by the sense of external tranquillity, into the deep and death-like stupor of indolent repose.

We allow that the word of God does not set before us a specific catalogue of all the minuter departments of pastoral duty; but neither does it present a complete catalogue of all the ramifications of private and personal virtue. The Scriptures claim to be received not as a mere collection of *statutes*, but rather as an exhibition of *principles*. The great lines of moral and religious duty are marked out to the Christian; and the great lines of pastoral obligation are traced out, with at least equal clearness, to the Christian minister. The very *names* and *titles* which are affixed to the pastoral office serve to define, with sufficient precision, its claims and its duties. Those who occupy this office are termed “watchmen,” stationed at the post of observation; to mark the aspect of the hostile camp, and the movements of the hostile army; to guard the citadel against the dangers of surprise, and to warn those who are at rest, of the hazard they unconsciously run. They are termed “labourers together with God,” either in rearing the spiritual temple, or in

cultivating the spiritual vineyard; and, in both views, the nature, extent, and duration of the results, depend on the fidelity with which the trust is executed. They are termed "overseers, inspectors, bishops," to denote the care and diligence, the anxiety and perseverance, with which they must examine, oversee, and direct the departments committed to their charge. They are termed "pastors," or "shepherds," to signify the assiduity and the skill with which they must tend "the sheep of God's pasture;" the fidelity with which they must defend them from beasts of prey; and the kindness and promptitude with which they must administer to their wants. They are "stewards of the mysteries of God," intrusted with a sacred deposit, which they must manage and apply with uncompromising fidelity. In fine, they are styled "ambassadors for God," to indicate at once the dignity of their office, and the enlightened skill with which they are at all times bound to maintain the rights, and to execute the commission of the Monarch whose badge they wear, in opposition to the enticements of selfishness, or the artifices of unprincipled chicane. The representations thus given of the pastoral office are, no doubt, to a considerable extent, figurative; but the figures are admirably selected, and they certainly do exhibit to us a class of duties solemnly important in themselves, and combined with a most fearful responsibility.*

But let us listen a little more in detail to the testimony of inspiration on this subject.

"Son of man, I have made thee a watchman unto the house of Israel: therefore hear the word at my

* See a beautiful and comprehensive illustration of these figurative representations of the pastoral office, in Gerard's *Pastoral Care*, pp. 64—68.

mouth, and give them warning from me. When I say unto the wicked, Thou shalt surely die; and thou givest him not warning, nor speakest to warn the wicked from his wicked way to save his life; the same wicked man shall die in his iniquity; but his blood will I require at thine hand." "If the watchman see the sword come, and blow not the trumpet, and the people be not warned; if the sword come and take any person from among them, he is taken away in his iniquity, but his blood will I require at the watchman's hand. So thou, O son of man, I have set thee a watchman unto the house of Israel: therefore thou shalt hear the word at my mouth, and warn them from me." "Take heed to the ministry which thou hast received of the Lord that thou fulfil it." "I kept back nothing that was profitable unto you, but have showed you, and have taught you publicly, and from house to house." "Take heed, therefore, unto yourselves, and to all the flock over the which the Holy Ghost hath made you overseers, to feed the church of God, which he hath purchased with his own blood." "Therefore watch, and remember that by the space of three years I ceased not to warn every one night and day with tears." "Now then we are ambassadors for Christ, as though God did beseech you by us; we pray you in Christ's stead be ye reconciled unto God." "Having then gifts, differing according to the grace that is given to us, whether prophecy, let us prophesy according to the proportion of faith; or ministry, let us *wait on our ministering*; or he that teacheth, on teaching; or he that exhorteth, on exhortation." "Let a man so account of us as of the ministers of Christ, and stewards of the mysteries of God. Moreover it is required in stewards, that a man be found faithful." "Therefore seeing we have

received this ministry, we faint not; but have renounced the hidden things of dishonesty, not walking in craftiness, nor handling the word of God deceitfully, but by manifestation of the truth, commending ourselves to every man's conscience as in the sight of God." "Give attendance to reading, to exhortation, to doctrine. Neglect not the gift that is in thee." "Meditate upon these things; *Give thyself wholly to them*, that thy profiting may appear to all. Take heed unto thyself and unto the doctrine; *continue in them*; for in doing this, thou shalt both save thyself and them that hear thee." "Thou therefore endure hardness as a good soldier of Jesus Christ. No man that warreth, entangleth himself with the affairs of this life, that he may please him who hath chosen him to be a soldier. And if a man also strive for masteries, yet is he not crowned except he strive lawfully." "Study to show thyself approved of God, a workman that needeth not to be ashamed, rightly dividing the word of truth." "I charge thee therefore before God, and the Lord Jesus Christ, who shall judge the quick and the dead at his appearing and his kingdom; preach the word; *be instant in season, out of season*; reprove, rebuke, exhort, with all long-suffering and doctrine." "Watch thou in all things, endure afflictions, do the work of an evangelist, make full proof of thy ministry." "Obey them that have the rule over you; and submit yourselves, *for they watch for your souls as they that must give account*." "Feed the flock of God which is among you, taking the oversight thereof, not by constraint but willingly; not of filthy lucre, but of a ready mind; neither as being lords over God's heritage, but being ensamples to the flock." "We are unto God a sweet savour of Christ, in them that believe, and in them that perish. To the one we are the savour of death unto

death; and to the other, we are the savour of life unto life: *and who is sufficient for these things?*"

Let any unbiassed man seriously peruse such passages as these—and the number might be greatly multiplied—and what is the natural impression which they leave on his mind? Will he not be led to infer, that the work of the ministry is designed to be *the business* of the life of such as venture upon it—that it is sufficient to occupy the whole of a man's thoughts, and labours, and pursuits—and that to engage in additional occupations, particularly such as tend to distract the mind, and to interrupt the ordinary and due discharge of the ministerial office, is altogether unbecoming the character and the professions of the man who hath given himself by a solemn vow to the service of the sanctuary? "Ministers are described in Scripture by so many epithets implying various kinds of exertion, on purpose to impress them with a deep sense that their business is difficult and laborious, and demands vigorous application and unwearied diligence. In like manner, the exertion incumbent upon them is described in terms expressive of its intenseness and constancy. They are exhorted to 'wait on,' to 'study,' to 'take heed to,' to 'give attendance to,' to 'give themselves continually to,' to 'be instant in,' to 'labour in,' the several duties of their office. Injunctions in such terms would be superfluous, if there were not great difficulty in performing these duties aright. But being the words of the Holy Spirit, they cannot be superfluous; and they are no stronger than the nature of the subject demands."* Let it be remarked, that the passages which have been quoted address themselves not to the extraordinary cases of

* Gerard's Pastoral Care, p. 68.

prophets, and apostles, and other inspired men, whose office in the church was designed to be temporary, but to the ordinary ministers of religion—the “*Elders of the Church*”—the pastors of the flock of Christ; to whom is assigned a definite portion of the field, and who are to cultivate that definite portion as “workers together with God.” Every ordained minister is to be held as a successor of these evangelical labourers: following the same paths, acknowledging the same rules, and honouring the same Master.

It is argued, indeed, that the case of Paul, and perhaps of some others, who occasionally laboured at a secular occupation, is at variance with the strict and rigid interpretation of these passages, and seems to vindicate the union of offices in ministers of the sanctuary. In answer to this argument, if it may be termed an argument, we would remark, that the *doctrine* and the *example* of an inspired apostle, on such a vitally important matter as this, must ever harmonize. Let us listen, then, for one moment, to his doctrine. “Who goeth a warfare,” asks he, “any time at his own charge? Who planteth a vineyard, and eateth not of the fruit thereof? Or who feedeth a flock, and eateth not of the milk of the flock? Say I these things as a man? Or saith not the law the same also? For it is written in the law of Moses, Thou shalt not muzzle the mouth of the ox that treadeth out the corn. Doth God take care for oxen? Or saith he it altogether for our sakes? For our sakes, no doubt, this is written: that he that plougheth should plough in hope; and he that thrasheth in hope should be partaker of his hope. If we have sown unto you spiritual things, is it a great thing if we shall reap your carnal things? Do ye not know, that they which minister about holy things live of the things of the temple?”

and they which wait at the altar are partakers with the altar? Even so hath the Lord ordained, that they which preach the gospel should live of the gospel." 1st Cor. ix. 7—15. This is the rule of procedure appointed by the great head of the church; and if the Apostle of the Gentiles did not always avail himself of his right, we may rest assured that he had good reasons for doing so. Sometimes *necessity* compelled him to work "with his own hands" for subsistence; while at other times *considerations of expediency* influenced his mind. "If others," says he, in the sequel to the passage above quoted, "be partakers of this power over you, are not we rather? Nevertheless we have not used this power; but suffer all things, lest we should hinder the gospel of Christ." "What is my reward then? Verily, that when I preach the gospel, I may make the gospel of Christ without charge, that I abuse not my power in the gospel: for though I be free from all men, yet have I made myself servant unto all, that I might gain the more." Besides, it is worthy of remark, that the case of an apostle or evangelist, travelling as a missionary from place to place, is very different from that of an ordinary pastor, chosen by the members of a regularly ordained church, and solemnly set apart to the great work of spiritual superintendence. In all such cases, the apostolic rule was regularly acted on; and what is the obvious inference which this rule suggests? It is, that as the churches were understood to provide a competent maintenance for their pastors, so they on the other hand were understood to dedicate their talents, and their time *exclusively* to the work for which they thus received a remuneration. The work of the ministry was to be their *calling*, in the ordinary acceptation of that term; and the first sacred conference which was held on the

subject of ecclesiastical government and discipline has determined, with precision, the nature and the extent of the duties of that calling. "It is not reason that we should leave the word of God, and serve tables. Wherefore, brethren, look ye out among you seven men of honest report, full of the Holy Ghost and wisdom, whom we may appoint over this business. But we will give ourselves continually to prayer, and to the ministry of the word." Acts vi. 2.

The circumstance of St. Paul having occasionally employed himself, for particular reasons, in a mechanical occupation, has been commonly adduced, by certain classes of religious professors, as an argument to prove, that there ought to be no *distinct order* of pastors; that any member, whom the rest may think competent, may be set apart to the duties of *preaching elder*; and that as the ordinary business of life is supposed to be carried on at the same time, no maintenance is allowed, except in cases where that business does not yield a competency. It was not till of late, that the advocates of pluralities in the church made common cause with these sectaries. The reply we have given will suit the reasoning of both; and if the votaries of pluralities are not satisfied with our reply, but still cling to the example of the great Apostle as favourable to their views, we make them welcome to the benefit of that example, with this understanding, that they shall imitate it also in its *spirit* and *leading principles*, as well as in its outward actings. Paul wrought as a tent-maker because "necessity" sometimes required it. Are they prepared to assign the same reasons? Paul did so that he might preach the Gospel freely and without charge to the Gentiles. Are they prepared to say that this is their motive? Paul was either offered no stipend from the people,

or, for proper reasons, he declined accepting any. Can they plead the same thing, or are they prepared to copy his example? In fine, Paul was a *Missionary*, perpetually travelling from place to place; and it was not to be expected that he could obtain a competent maintenance from any particular class among whom he might *occasionally* minister. But are they prepared to sanction the "*Ministerium Vagum*," and to devolve every minister of the church on "his own resources," or on the voluntary donations of the people?

The view which we have taken of the nature and extent of pastoral obligation, may enable us to form some idea of what is *meant* by a plurality of offices in the church, and the reasons why the toleration of such a thing must be injurious to the interests of the pastoral charge. In the *first* place, it is obvious that whatever does necessarily and unavoidably occasion *non-residence* in a minister, must be held as utterly at variance with the nature of the pastoral relation, and the designs for which it is constituted. We do not think it necessary to attempt a proof of what every one concerned in the present argument will be ready to acknowledge, that a minister, who has been solemnly ordained to the pastoral office, is thereby held bound to discharge its duties *in his own person*. This principle we take for granted as inseparable from the very idea of a pastoral relation; and the inference we would draw from it is, that the pastoral relation is virtually broken when a minister accepts of an office, the regular discharge of whose duties unavoidably prevents his constant residence among his people. A weak or a careless pastor though resident, may be of little use to his flock; but the wisest and most accomplished can be of no benefit to them unless he takes up his abode among them, so as to be accessible to them at all

times, and ready to discharge all the occasional and undefined, as well as the regular and stated duties of the ministry: And, most assuredly, that man has no right to lay hold of the stipulated provision, who discharges not the trust for which that provision was made.

In the *second* place, it seems equally obvious, that a plurality of *benefices*, even though locally and geographically convenient, is at utter variance with every right view we can take of the pastoral office. A certain district is marked out as the sphere of a pastor's labours. To the inhabitants of that district his energies and his affections are consecrated; and the whole economy of this arrangement proceeds on the assumption, that the duties connected with such a district are sufficient to occupy his time and thoughts. While he is instructing his people in the place assigned him, and on the day that is sacred to such exercises, it is physically impossible that he can, at the same time, be instructing another class of people in another sphere. It may so happen, indeed, that the district marked out as the sphere of pastoral ministration, may, in the course of things, become so limited in point of population, as to authorise its union with another in the immediate vicinity, and the charge may then be devolved on one individual. All such instances are held as *exceptions* to the general principle. And is it not well known, that in every such instance of annexation, the *general principle* of *one charge to one minister* is distinctly recognised, while reasons are assigned for granting the proposed arrangement? In every such case, there is *no plurality* sanctioned—the charge is still *one*—and the only difference is, that its compass has been enlarged, so as to bear a still fairer proportion to the average extent of range usually assigned to pastoral ministration.

In the *third* place, the addition to a minister's proper charge of a *distinct* and *independent calling* or *business*, must be considered as an infringement on the peculiarity of a pastoral relation, while it involves in it all the characteristic features of a plurality. The active superintendence of a literary establishment; a professorial charge in a university; the regular practice of medicine or law as a gainful trade; these, and such as these, are among the ordinary and lawful callings to which men are chosen, and to which they devote their lives. These are supposed to be severally sufficient to occupy a man's talents and time. Under this impression they were originally instituted; and to conjoin them with the separate and independent office of the ministry, is a plain deviation from the leading principles of both. It will not do to say that, in the course of things, the duties of some of these offices have gone into desuetude, and that the laws which regulate them have fallen aside. The question is, To what cause is this to be ascribed? Is it to the carelessness and indolence of those who have held those offices? Or is it to a change in the state of society, over which no human control can be exercised? If the first of these be the real cause, then we hold that the laws which regulate the offices in question have been sinfully neglected, and that the union of such offices with the duties of the ministry is just to sanction and perpetuate the evil. If the second be the real cause, the natural inference would be, that an office no longer necessary should be abolished; and if this is impracticable, and if the emoluments must be bestowed on one who holds another and an efficient station, then the case must be viewed as peculiar, and to be determined by the proper authorities, according to its own special merits. It may even hap-

pen that, from the poverty of the endowments, or other causes equally cogent, a charge which is not absolutely a sinecure may be conjoined with a pastoral office; but all such cases are *exceptions* to the general principle, and to be tolerated on the ground of necessity alone.

In the *fourth* and *last* place, those partial or occasional occupations which do not engage the business of a man's life, but which tend to distract, by their secular character, and thus to unfit a minister for the due discharge of his spiritual functions, must be held as infractions of the great principle of the pastoral relation. To this class of pluralities belong all engagements in trade and merchandise; the practical pursuits of agriculture and husbandry; the active management of estates as factor or agent; the conducting of an ordinary newspaper, and such like. The inevitable tendency of those avocations is to *secularize the mind*—to divert it from that spiritual frame which a minister should seek to cherish; and to unfit him more or less for the right discharge of the pastoral functions. Around the path prescribed to the Christian minister, a line of sanctity is drawn; and the atmosphere in which he moves has a character of *sacredness* attached to it. *Beyond* that line it is not permitted him to travel farther than circumstances of necessity require; but *within* its ample range he is required and expected to exert himself to the utmost. Let it not be said, then, that the clergyman who devotes a part of his time to the business of Sabbath Schools, or of religious and charitable institutions, is equally to blame with the clergyman who manages an extensive farm, or who acts as the factor on a large estate. In the one case, the labour, though not directly and immediately official, lies plainly and undeniably within

the prescribed range of the minister's walk ; in the other, it lies as clearly and undeniably beyond it. In the one case, the labour is a "labour of love;" in the other, *private emolument* is, in general, the leading principle of action. By the exercise of the one, a minister's own mind is fitted more and more for duty, and he is by the very employments referred to, effectually promoting the best interests of his people. By the exercise of the other, his mind is secularized; his thoughts are dissipated; his time is incessantly broken in upon; and the harmony between him and his flock is frequently disturbed. The one is a field which a minister is not *permitted* only, but *required* to cultivate; the other is forbidden ground. To tread upon it is dangerous; to dwell on it is death.* "We," says a writer whose sentiments no member of the Church of Scotland can treat with contempt or indifference, "We whom God hath honoured with the ministry of the Gospel, should be devoted entirely to the service of our flock, that they may reap all possible fruit from our life and from our labours. This should be our ambition, our pleasure, our end and aim in every thing. We should consider, that, from the moment in which we enter on this sacred office, we have, as it were, given up all right over ourselves, and transferred it to the flock to which we appertain. To this we owe our care, our time, our health, our life, and our death too, if duty and religion should require it. This is the field we ought to labour, the vineyard we ought to cultivate, and the family we ought to manage as stewards, with all the

* The *financial difficulties* into which those clergymen have generally fallen, who have engaged in mercantile or other speculations, may be viewed as the testimony of Providence against all such unseemly alliances.

application of which we are capable. In a word, we should reckon every day and hour lost, in which we are not occupied in the way of our duty, and in which we have not an opportunity of doing something for the glory of God and the souls of our people. And that such precious opportunities may not be lost from inattention, we ought to look often about us in search of them, and reckon our own happiness to be deeply concerned in finding them.”*

But is a minister to be *ever employed in the duties of his office*? Is he to enjoy no leisure time? Is he to be constantly and unremittingly engaged in avocations professedly sacred? We answer in the negative. A minister, even in the most laborious charge, ought to have some leisure time—that is, a certain portion to be employed in offices distinct from the direct duties of his calling. He must have a certain portion of time to devote to the pursuits of general literature. He must have another portion to employ in attending to what is passing on the great theatre of public life. He must have a third portion to spend in the society of his friends and acquaintances. He must have a fourth portion to devote to the purposes of health and reasonable recreation. In a word, he must have some time in reserve for those little nameless avocations which every day will present, more or less, to every man who sustains a public character. A minister stands in a double relation to the public. He has his proper calling, the duties of which he must zealously and perseveringly discharge; and he has a certain general character to sustain as a public man, a citizen of the world, a member of the great republic of literature and science.

* Lectures on the Sacred Office, by Dr. Smith, of Campbellton, pp. 236, 237.

The union of this more general character with that of his ecclesiastical function, forms a leading peculiarity in the studies and habits of a clergyman, particularly in the Church of Scotland. To his *proper vocation* the great burden of his time and talents must be devoted; and the calls inseparable from that *more general character* which he sustains, will require a very large portion of all the leisure time which it is possible for him to command. What then is the necessary effect which must result from the junction of *another* and a distinct calling with that which he already holds, even although the duties of it may not require a very large proportion of his time? Why, the necessary result will be, that all the leisure hours which he can spare from his proper calling will be taken up with the routine and indispensable business of this *additional* occupation; and, after all, the duties of both will be performed in a very slovenly and perfunctory manner.

We do not question, that a man of superior talents, and activity, and zeal, may be able to execute the duties even of two laborious offices, and to make a creditable appearance in both. But, then, we maintain that for such a man to execute such offices in a creditable way, is by *no means sufficient*. From his known talents and habits, the public have a right to look for something eminent—something far above the *ordinary standard* of excellence. A *decent mediocrity* will not do; and yet a decent mediocrity is all that can be expected, even from the rarest endowments, when these endowments are not steadily directed to one leading object. The church is thus deprived of the benefits of a high standard of distinguished excellence, presented to the view of candidates for distinction in the same walk, and giving a tone of elevation to the public opinion regarding it.

But, farther, taking it for granted that one man may do the duties of two distinct offices in a creditable manner, the question still recurs, Would not the public be better served, and the great design of these offices more satisfactorily accomplished, by means of *two men* occupying each their separate departments, and applying to them the whole vigour of their minds? Each of these offices is supposed to have its own distinct duties properly official; and besides, there are certain calls of a more general and undefined nature, to which the holders of such offices are necessarily liable; and surely, if the provision for each is sufficiently ample, every principle of equity seems to require that one individual should not be loaded with a plurality of avocations. The question is not one of private emolument but of public benefit; and surely it can require no evidence to prove, that they "who serve at the altar," should be placed in such circumstances as to have it in their power to discharge their sacred and responsible duties in a manner most creditable to themselves, and most satisfactory to the public.

An important distinction must here be noticed, between those exercises not properly official, in which a minister may *voluntarily* engage; and those which he must attend to, by virtue of an extra or additional office which he has pledged himself to fulfil. In the former instance, he has it in his power to order his time as he pleases, and to make such arrangements as may prevent the hours sacredly devoted to the proper duties of his calling from being unduly invaded. In the latter case, he is bound to the public by a sacred engagement to discharge the duties of the office he has undertaken, in their own time, and to their utmost extent, even although, in consequence, many calls

and avocations of a purely clerical nature may be neglected or overlooked. For instance, a minister may employ a part of his time very advantageously in preparing for the press a work on the literature of theology; or he may devote an hour or two every day to the superintendence of the education of his family; or he may officiate as one of the office-bearers of a religious institution; and, in so doing, he may so arrange his time and his cares as to prevent any such avocations from interfering with the due exercise of his pastoral functions. When he undertakes the charge of a particular department in a great literary institution, or ventures on any public office, the duties of which he *must* discharge, if he is to receive the remuneration expected, it is obvious that the case is very much altered. In such a case, there must frequently be an interference between the calls of this extraordinary charge and those of his proper vocation; and over these cases of interference he does not possess the same control. I do not mean by this that a minister may not become a pluralist in consequence of his own voluntary engagements, or even in consequence of his engaging to excess in pursuits laudable in themselves, and by no means incompatible with the ministerial character. If he sets up a school or academy in his own house, taking the sole superintendence of it; if he entangle himself with the ordinary business of several extensive charitable or religious associations; if he takes the sole or chief charge of the poor in an extended population; if he is so employed in literary study, and even in writing theological books, as to give his people cause to complain that they seldom share in his visits, or in his sympathies of kindness; if he is so fond of giving advice in matters of law, or of agriculture, or of medicine, as to require frequent

absence from his parish; if he intermeddles with the endless labyrinth of state and of party politics; if in any one of these ways, or in any similar way, he eventually deprives his people of the right they have to his official services, or unfits himself for discharging them in a proper spirit, he is in fact and effect a *pluralist*, although perhaps a *gratuitous* one, and as such is guilty of a culpable dereliction of his duties as a consecrated minister of the sanctuary. “Under a lively sense of the arduous nature of his work, a minister will study, by all the methods of instruction, exhortation, admonition, reproof, terror, consolation, persuasion, in public and in private, in their health and their sickness, amidst the dissipation of prosperity, and the depression of adversity, to enlighten the ignorant with religious knowledge, to form the young to impressions of truth and goodness, to fix the unthinking, to awaken the secure, to reclaim the wicked, to resolve the doubting, to confirm the wavering, to strengthen the weak, to perfect the saints. To this he will devote his time, his strength, and all his talents. He considers it *as what properly belongs to him*; and though he cannot be every hour employed in it, yet all other pursuits, even such as would most laudably gratify his curiosity or his taste, and such as are most indispensably necessary for his temporal concerns, he will reckon only amusements in comparison, subordinate to this, and which he will cheerfully postpone, when he has an urgent call to any part of this.”*

Let it not be thought that the avocations of a minister in a large town are necessarily less sacred or less extensive than those of a minister in the country. The duties are substantially the same; and I never

* Gerard's Pastoral Care, p. 79.

yet found out a reason why the one should not visit and examine his people, and wait on the sick, and superintend schools, as faithfully as the other. A city minister, indeed, has difficulties peculiar to his situation; but this is surely no reason why his difficulties should be increased, or his labours multiplied, by the assumption of a plurality of offices. In one sense, indeed, a minister in one of our large towns is constituted a kind of pluralist by the very situation which he holds. He has a mixed audience whom he must address every Lord's day, and with whom he must make himself acquainted privately, if he really wishes "rightly to divide to them the word of life;" and he has a parish, generally very large and populous, among whose inhabitants he is to labour during the week, and over whom he is to preside in the exercise of the government and discipline of the church. This is an inconvenience which it seems impossible in a free country to avoid; but, most assuredly, it is a very good reason why the cares of a school, or an academy, or a college, should not be superadded to a burden already too great for even the "maximum of human strength."

The conclusion at which we have arrived by this induction of particulars is a very short and a very simple one—That the office of the ministry is, and ought to be, the business of every man who has been solemnly set apart to it—that the right discharge of its duties requires and is sufficient to employ the whole man—that a minister lawfully ordained over a people, and provided with a competent maintenance, is not at liberty to take upon himself the burden of other avocations—and that if any cases should occur in which considerations of necessity or expediency seem to require a deviation from this great principle, that these must be determined by the special merits of

each, according to the constitution and rules of the Church.

The principles which we have endeavoured to establish in this Chapter, receive a powerful sanction from the following admirable sentiments of one who has *a right to be heard* on such a subject as the present.

“What though kind offices among our people should take up much time, require much pains, put us to much real trouble and inconvenience, rob us of many agreeable amusements, and greatly interrupt delightful and useful studies?—Sense of duty, love to our people, and the pleasure of doing good, will reconcile us to all these hardships. A just sense of the important relations we stand in to our respective flocks, and a genuine feeling of that tender affection which is due to them, will not allow us to hesitate one moment, whether that part of our time is most worthily employed, which is taken up in doing real offices of friendship among them; or that part of it which is spent in perusing the finest writings of men of the greatest genius that ever appeared in the world, or in polishing any little compositions of our own. Is the arranging of words, the measuring of periods, the beautifying of language, or even storing our own minds with the divinest sentiments, an employment of equal dignity and importance in itself, or equally pleasant on reflection, with that of composing differences; extinguishing animosities; searching out modest indigent merit, and relieving it; comforting a melancholy heart; giving counsel to a perplexed mind; suspending pain by our sympathy and presence, though it were but for a moment; suggesting to an unfurnished mind proper materials for meditation in the time of distress; or laying hold of a favourable opportunity of

conveying valuable instructions and religious impressions to a mind little susceptible of them on other occasions? There is no need of saying any thing in confirmation of this; it was the glorious character of Jesus, 'that he went about doing good.'"*

* Sermons by William Leechman, D. D. Principal of the College of Glasgow, Vol. I. pp. 130—132.

CHAPTER II.

SENTIMENTS OF THE CHRISTIAN CHURCH ON PASTORAL DUTY, AND ON THE UNION OF OFFICES IN MINISTERS OF RELIGION.

OF the sense which the church entertained of the importance of the pastoral tie, and the great evil of an union of offices in ministers of religion, we have a very decisive evidence in the fact, that even in the darkest periods of its history, and when many other abuses were sanctioned, or at least tolerated, laws were enacted from time to time for the express purpose of securing a more vigilant attention to ministerial duty. The second council of Nice was held in the year 787, and while it sanctioned the worship of images, it condemned pluralities of office in the following pointed manner: “No clerk shall from henceforth be reckoned in two churches; for this is the character of trafficking and covetousness, and wholly estranged from the ecclesiastical custom. ‘Let every one,’ according to the apostle’s words, ‘continue in the vocation in which he is called;’ and serve in one church.” “This shall be the rule in this town which is guarded by God; but, in remote villages, an indulgence may be granted by reason of the want of men.” In this canon two things are very obvious; the one is, that the sin of covetousness being supposed, in that age, in every case of plurality, is stated as the grand reason why such unions of office are forbidden; and hence we may infer, that such unions must have been disallowed *in all cases* where they became subservient to the gratification of avarice or ambition. The other is, that the ground of an in-

dulgence, in certain cases, is expressly said to be "*the want of men*" fit and sufficient for the service of the church; and this is the first and most prominent of those reasons which are assigned by the canonists for the holding of a dispensation.

In the eighth council of Paris, held under Louis the Good, in 829, the following canon was passed: "As it becomes every city to have its proper bishop, so it is also becoming and necessary that every church dedicated to God should have its proper priest; yet covetousness, which is idolatry, has so got hold of some priests, and caught them captives in its fetters, that they, blinded with it, know neither whither they go, nor what they ought to be or do; so that they being kindled with the fire of covetousness, and forgetful of the priestly dignity, neglecting the care of those churches to which they were promoted, do, by some present given and promised, procure other churches, not only from clerks, but from laymen, in which they do, against law, undertake to perform the ministry of Christ." "There is scarcely a priest to be found who warreth worthily and diligently in that church, in which he is dedicated to the divine service; and how much less will he be able to do that worthily in two, three, or more churches?" "We decree that every church that has a congregation belonging to it, and has means by which it may subsist, shall have its proper priest."* On this we remark first, that by this general council each church and congregation was considered as affording ample field for the talents of

* The Acts of these Councils on the subject of clerical character and duty, are to be found in the second volume of Bingham's *Christian Antiquities*.

one man. Secondly, that the exercise of the ministry in that one church and congregation, was designed to be the peculiar and proper calling of the pastor. Thirdly, that nothing but the absolute want of the means of decent subsistence in one district, could excuse the holding of two or more livings; and, *lastly*, that as one grand objection to pluralities was the encouragement they gave to the covetous devices of men, the same objection obviously lies against the union of any distinct office with the pastoral charge, even when that office does not carry with it the cure of souls. The holding of it with its temporalities, must be viewed as substantially an infringement of this rule.

The third council of Lateran, held in the 13th century, A. D. 1215, the darkest period of the Church, found it necessary to enact the following canon: "When any church or ecclesiastical ministry is to be given, let such an one be sought out for it as shall reside upon the place, and shall be able to discharge the cure in his own person. If otherwise, he who receives any such benefice, contrary to the canons, shall lose it, and he who gave it shall likewise lose his right of patronage." The fourth council of Lateran, held in the same century, added as follows: "Whosoever shall receive any benefice, to which a cure of souls is annexed, shall thereupon by law be deprived of any other such benefice that he formerly held; and if he endeavour still to hold it, he shall lose the other likewise. This we do likewise decree as to parsonages, and do further appoint, that no man shall presume to hold more dignities or parsonages than one in the same church, *even though they have no cure of souls annexed to them.*"* This last clause is particularly wor-

* Burnet's Pastoral Care, p. 82.

thy of notice, as it proves beyond doubt, the sense of the church at this period to have been, that the addition to a pastoral charge of *any* office or dignity, whether involving the cure of souls or not, was inconsistent with the temper and design of the sacred ministry; and if this was the sense of the church at an era when the clergy were not particularly noted for moderation in their aims, much more must it have been the sense of the church in its days of primitive or of restored purity. No doubt, this same council, by allowing to the Pope a power of granting dispensations to persons of rank and learning, cut the sinews of its own enactments; but this only proves more strongly that the contest was then very keen between conscience and interest; between the remaining sense of duty on the one hand, and the monopolizing tendencies of human nature on the other.

Archbishop Peccham, one of the oldest and most faithful expounders of the canons, thus comments on the decree of the council of Lateran. “He who shall take more benefices than one, having cure of souls, *or being otherwise incompatible*, without dispensation apostolical, shall be deprived of them all.” And Dr. Burn, in his “Ecclesiastical Law,” thus explains the terms employed in the canons: “Having cure of souls”—“Whether it be a cathedral, or a parochial church, or a chapel having cure of the parishioners, either *de jure*, or *de facto*, wherein he can exercise parochial rites; also, whether it be a dignity, or office, or church, as there are many archpresbyters, archdeacons, and deans, who have no church of their own, yet they have jurisdiction over many churches.” “*Or being otherwise incompatible*”—“namely, dignities, parsonages, and other ecclesiastical benefices, which require personal residence either

by statute, privilege, or custom.”* It is clear, from this view of the canons, that by the term “plurality,” the church did not understand merely the union of two or more charges “having cure,” but the union with a pastoral charge of any office or dignity, the due execution of whose duties was incompatible with the right exercise of the ministerial functions.

It is a very remarkable fact, that even the celebrated council of Trent, exclusively devoted as it was to the tenets of Popery, renewed and reinforced all the old statutes of the church, prohibiting pluralities as at utter variance with the due discharge of pastoral duty. Its words are these: “This Synod admonishes all that are set over any cathedral churches, by what title soever, that they, taking heed to themselves, and to all the flock over which the Holy Ghost has set them, to govern the church of God, which he has purchased with his own blood, do watch, and labour, and fulfil their ministry, as the apostle has commanded. And they must know, that they cannot do this if as hirelings they forsake the flock committed to them, and do not watch over those sheep, whose blood will be required at their hands in the last day, since it is certain, that no excuse will be received, if the wolf devours the sheep when the shepherd does not look after them. Yet since, to our great grief it is found, that some at this time neglect the salvation of their souls, and, preferring earthly things to heavenly things, are still about courts; and, forsaking the fold, and the care of the sheep trusted to them, do give themselves wholly to earthly and temporal cares; therefore all the ancient canons which, by the iniquity of the times, and corruption of men, were

* Burn's Ecclesiastical Law, vol. II. p. 155.

fallen into desuetude, are renewed," &c. In the 23d session of the Synod, the same statute is enforced in language still more pointed, and its application extended to every species of pastoral charge, whether belonging to cathedrals, or parish churches, or chapels. And in session 24th, the existence of pluralities is thus expressly put down: "Whereas the ecclesiastical order is perverted, when one clerk has the offices of many committed to him; it was, therefore, well provided by the holy canons, that no man should be put into two churches. But many, led by their depraved covetousness, deceiving themselves, but not God, are not ashamed to elude those good constitutions by several artifices, and obtain more benefices than one at the same time; Therefore the Synod being desirous to restore a proper discipline for the government of churches, does, by this decree, appoint that for the future, one man shall be capable of receiving only one ecclesiastical benefice." It is indeed true, that in cases of necessity, arising from the absolute want of a suitable maintenance; and in cases of dispensation granted by the Pope, these wholesome enactments were frequently evaded; and yet it is a very striking fact, that ever since the era of the council of Trent, non-residence is an evil that has been scarcely known in the church of Rome. Its ministers do in general discharge their duties in person; and in too many instances, do they exhibit a pattern of pastoral diligence and fidelity which might well put nominal Protestants to the blush. Aware of the vulnerable parts of their doctrinal system, the adherents of the papacy have, for the last two centuries, aimed, and with no slender measure of success, to strengthen and support their cause by the decency of their lives, and the zeal of their pastoral ministrations.

That the churches of the reformation should have cherished the most exalted conceptions of the clerical character and duties, and should have given their unanimous verdict against every practice that might tend directly or indirectly to withdraw the minds of pastors from their appropriate avocations, is precisely what might have been expected. In the hierarchy of England, the canons of the ancient church were adopted, and residence, in order to the personal discharge of duty, was considered as imperiously binding on all the clergy, until, in the 21st year of the reign of Henry VIII. an Act was passed, in an evil hour, permitting certain classes of persons, and in certain modifications of circumstances, to hold a plurality of benefices, and to do the duties of the ministry by substitution; an Act under which that church has groaned till the present day; and the deplorable effects of which are mournfully conspicuous. There are, however, two things to be remarked in regard to the constitution of the English church on this particular head. In the first place, it is well known, to all who have examined the subject with impartial accuracy, that in the estimation of many of the brightest ornaments of that church, at the era of its reformation, the change, which was primarily effected by authority, did, by no means, come up to the expectations and wishes of the more enlightened part of the nation. A commencement was indeed made; but we know that the plans devised and resolved on by Edward VI. and his faithful advisers, went far beyond what were actually realized. Henry VIII. never contemplated such a reformation as had been exhibited on the Continent, and in Scotland. His views were limited by considerations of state policy; and the strict and regular administration of the word and ordinances among the mass of

the people, seems to have found only an inferior place in his calculations and schemes. But *secondly*, It is a very striking and a very pleasing fact, that the authorized formularies of the Church, including the offices for consecration of deacons and priests, which were long anterior to the Act of Henry sanctioning pluralities, do, by the strictness and purity of their requisitions, most unequivocally demand of all clergymen the personal discharge of every clerical duty; while they not only set aside, by implication, non-residence and pluralities, as utterly inconsistent with this, but otherwise testify their disapprobation of every thing which might directly or indirectly tend to prevent the due discharge of ministerial obligation. As illustrative of this, we need only quote a passage or two from these authorised formularies. In the solemn charge which the Church of England requires her bishops to address to all priests on their receiving orders, they are specially exhorted “never to cease their labour, care, and diligence, till they have done all that lieth in them, according to their bounden duty, towards all such as are or shall be committed to their care, to bring them to a ripeness and perfection of age in Christ.” They are again urged to “consider with what care and study they ought to apply themselves to this; to pray earnestly for God’s Holy Spirit, and to be studious in reading and learning of the Scriptures; and to forsake and set aside as much as they may, all worldly cares and studies.” It is hoped “that they have clearly determined, by God’s grace, to give themselves *wholly* to this vocation, and as much as lieth in them to apply themselves wholly to this one thing, and to draw all their cares and studies this way, and to this end; and that by their daily reading and weighing the Scriptures, they will study to wax

riper and stronger in their ministry.”* From such documents as these, ought the genuine sense of the Church to be learned; and if Acts of Parliament should seem to dictate another sentiment on the subject, let us remember, that no act of human legislature can release from an ordination vow; and that the genuine doctrine of every church must be most surely and unequivocally learned from its own duly authorized standards.

The views held by the *reformed Church of France*, generally allowed to have been the best regulated of all the continental churches, may be readily ascertained by reference to such canons as the following: “Ministers are enjoined *totally to devote themselves* unto the duties of their calling as ministers, and to the study of the Scriptures.” “No pastor, under the title of a pastor, shall be permitted to possess an inheritance; but in case his stipend or any part thereof, were assigned on some particular tenement, rent, or revenue, the whole shall be administered by the deacons, or other persons commissioned and ordained thereunto by the churches, through whose hand the minister shall receive his pension; that so all suspicion of covetousness may be removed, and lest by such worldly cares, he should be diverted from the weightier duties of his calling.” “A minister being employed in the church, may not ordinarily exercise any other calling, nor receive wages for it.” “No minister, together with the holy ministry, shall be a practitioner in law or physic; yet, out of charity, he shall give assistance to the poor of his flock, and of his neighbourhood; provided always that he be not thereby diverted from his calling, nor derive any gain

* Quoted by Bishop Burnet in his *Pastoral Care*, p. 100, 101.

from his practice, unless in times of trouble and persecution, and when he cannot exercise his calling in his church, and cannot be maintained by it. And those who shall thus employ themselves in law or physic, or in any other worldly distracting business, or in any other calling, trade, or vocation whatsoever, shall be exhorted wholly to forbear it, and totally to devote themselves unto the duties of their calling as ministers, and to the study of the Scriptures. And all colloquies (presbyteries) and synods are admonished to proceed according to the canons of the discipline against the refractory, and such as be wilfully disobedient; as also against those who expend so much of their time in *teaching youth*, that it is an hindrance to them in the principal duties of their ministerial office. And all consistories, (sessions) colloquies, and synods, shall have a most especial care and regard that this canon be punctually observed, and to suspend such as do transgress it from their exercise of the ministry.* In conformity with this canon, it was expressly declared by the national synod, held at Poitiers, in 1560, that “the ministry requires the whole man.”† And exactly a century afterwards, the synod, in the last convocation which they were permitted to hold during the tyrannical reign of Louis

* Discipline of the French Reformed Churches, published in Quick's Synodicon in Gallia Reformata, vol. I. p. 16-58. Also pp. 95, 136. In 1631, two *professors of Greek, not ministers*, were deposed, because they “were frequently hindered and diverted by their *practice of physic*, from the said profession, and for that the public interest requireth all University offices should be conferred on unincumbered persons.” Quick, vol. II. p. 294.

† Id. vol. I. p. 19.

XIV. enacted the following remarkable statute: "That pastors may acquit themselves more carefully of this most needful part of their ministry, (the religious instruction of youth) and may have the more time for their private studies, and better prepare themselves for their public work in the pulpit, and give more satisfaction to their auditories by a clear, judicious, and solid explication of the Scriptures; those churches whose ministers are obliged to preach oftener than three times in the week, are entreated to discharge them of some part of this exercise, that they may be the better qualified for their work, and may apply themselves more profitably to the instruction of the youth, by familiar catechisings. And synods and colloquies shall see unto it, that pastors and their churches do all of them endeavour the advancement of their member's edification, and the glory of God, and of the Gospel."*

With regard to the *nature* of those "vocations," which these churches considered as inconsistent with the due discharge of pastoral duty, some information suited to our present argument may be derived from such facts as the following. In the national synod of Alez, held in 1620, the provincial synod of Dauphiny moved the question, "Whether a minister might together with his ministry exercise the profession of *philosophy*? The assembly judgeth, that these two professions are not convenient to be discharged by one man at the same time."† In the year 1645, the national synod unanimously resolved, that considering the learning and talents of the celebrated *Blondel*, he

* Acts of the National Synod of Loudun, 1659. chap. viii. sect. 2.

† Acts of Synod, 1620, chap. 9.

should be released from the office of the ministry, and appointed to reside at Paris as an "*honorary professor*," with a suitable salary, that he might devote himself to the edification of the church by his theological writings.* In regard to the theological faculty in their several Universities, the following regulations were made. "We shall need two professors at least in Divinity, one of which shall expound the Holy Scriptures, without expatiating into common-places. The other shall read common-places, that is, expound the system. If God do bless us with ability, we will have a third, and then one of them shall expound the old Testament, and the other the new; and the third, shall have the common places, which he shall have finished at least in three years time, with that brevity and solidity as becomes a scholar." "Every one of them shall read *four* lectures a-week, and shall exercise their scholars in propositions, every week, both in Latin and French."† A professor of Hebrew is also nominated; and, in some instances, *two* appear to have been in office at the same time;‡ but what is remarkable, no professor of *Church History* appears to have been as yet constituted; nor is that department included in the field marked out for each of the Divinity professors. Indeed it is certain, that many important parts of theological science were overlooked from the want of adequate funds. The ordinary salary of the divinity professors was 700 livres, equal in value to about £30 sterling; and this small pittance was very defectively paid. It need not

* Acts of 28th Synod, held at Charenton, 1645. chap. xv.

† Regulations for Universities, ordained by Synod of Alez, 1620.

‡ Quick, vol. I. p. 419, 515.

surprise us, therefore, to find, that in many cases these professorships were united with churches; but in all such cases the ordinary rule was this, that every such pastor and professor shall be required only to preach, and shall be released from all private ministerial duty. In the synod of Nismes, 1572, it was declared, that “ Professors of Divinity have nothing to do” with the duties of “ correcting and reprovng as pastors,” being, by virtue of their office relieved from all ordinary pastoral charge.* The synod of Alez, 1620, speaks of the Professors of Theology in the University of Nismes, as “ ministers of the Gospel, *though not in actual service, because of their said Professorships.*”† And they passed this important regulation: “ Professors of Divinity and of the Hebrew tongue, which are in holy orders, shall ever be reputed pastors of that church in which their University is erected, and where they do ordinarily reside, *provided the church do consent unto it,* and shall take their turns in preaching, only they shall be discharged from the exercise of church discipline, and *from other burdensome employments of the ministry.*‡ This decree was explained and confirmed by the synod of 1623, in these words: “ This synod confirming the decree of Alez, declareth this to be the sense and meaning of it; That the churches are not obliged to give them wages, nor employ them in such frequent services as their ordinary pastor, but leaveth it to the prudence and discretion of consistories to agree with the said professors about their work and maintenance, as they shall judge most consonant to reason and equity.”§ The synod

* Acts of the Synod of Nismes, chap. vi.

† Id. chap. viii.

‡ Chap. xv. of Colleges, &c.

§ Acts of the Synod of Charenton, chap. xi. On Colleges.

of 1626 farther enact, "As for professors of Divinity, who serve the churches of Universities, and receive some kind of maintenance from them, because of their ordinary ministry among them, there shall be an *half portion* (of salary) granted to them, which they shall receive also, but with deduction of their pension promised them by their respective churches.* In 1637, there is allotted "to the University of Nismes, for two professors of Divinity 1100 livres; whereof one shall receive 700, and another 400, because he hath a stipend as pastor."†

It deserves also to be noticed that the Universities of Protestant France being six in number,‡ and exclusively devoted to theological education, could not be attended by any very great number of students; and the labour of preaching once a-week would be no very serious addition to the labours of the professional chair. But the real reason why these churches found it necessary at times to tolerate what they did not entirely approve, will be found in the following extract from the work of a man who is justly entitled to the most ample credit: "It is certain," says Osterwald, "that all the churches are not provided with a sufficient number of persons who devote themselves to the purposes of Divine service, and to the instruction and improvement of the people." "One single person performs all the ecclesiastical functions, and sometimes several churches have but one pastor. This disorder, as well as others, proceeds in part from the

* Acts of Synod of Castres, chap. xxxi.

† Acts of Synod of Alanson, chap. xix.

‡ Those of Montauban, Saumur, Nismes, Montpellier, Die, and Sedan. The only one now remaining is that of Montauban, where there are *four* Divinity Professors.

want of means and of necessary funds, for supplying the necessities of the churches."* The same cause has influenced, more or less, all the reformed churches of Europe, in permitting certain practices to creep in, and to gain a kind of establishment, though directly

* Ostervald's Sources de Corruptions, tom. II. p. 22. An attempt has been repeatedly made to obtain the example of this eminent individual as a sanction to the lawfulness and practicality of pluralities; and a *bon mot* of his, rather ludicrous in itself, has been brought forward as affording a sort of explanation of his sentiments on the subject. I have been led to look into the "Life of Ostervald," published in 1778, by M. Durand, minister of the French Church at the Savoy, in which the anecdote is detailed. Ostervald was *not a pluralist* in any sense, but a humble, though most laborious parish minister at Neufchatel. He happened one day to meet, as he often did, with M. de la Gacherie, a physician of eminence in the place, and he addressed him in his usual style of good-humoured pleasantry, "*Nous sommes, vous et moi, sans comparaison comme les mulets; plus on les charge et mieux ils vont.*" Little did the worthy man expect that this harmless *jeu d'esprit* would be gravely brought forward at the distance of a century and a half, in the ecclesiastical courts of Scotland, as a kind of argument in favour of pluralities. (See Report of the Presbytery of Glasgow, on the Case of Principal M'Farlane, p. 14.) But did not Ostervald, after all, sanction pluralities by his example? The facts are simply these: In the city of Neufchatel, with a population not exceeding 5000, (see Brooke's Gazetteer, and Edinburgh Gazetteer, Art. *Neufchatel*) there were *three* parochial ministers, besides a regularly established Catechist, (Durand, p. 90.) Ostervald was chosen first to the office of Catechist, and afterwards elevated to that of parochial minister. After labouring in the charge for a number of years, he in 1701, resolved to give private lessons in Divinity, to a few young men, with the view of preparing them for the office of the ministry in the French Church. *There was no college nor theological school in the city, and Ostervald continued his humble private efforts till 1711, when a theological school was formally established, the chief direction of*

in the face of their most solemn statutes and constitutions.*

From considerations of necessity, then, it need not surprise us to find in the University towns of France, the offices of pastor and professor frequently conjoined. The fact is, that their union was temporary, and sanctioned *solely on the plea of necessity*; and even then the duty of preaching was all that was required of such as held the conjoined offices. In the *German Universities*, similar arrangements seem to have been made, and in the larger seminaries, such as Leyden, the theological professorships appear to have been held exclusively of all other charges.† If in later times, the good old regulations of the reformed age have been laid aside, and pluralities, in their worst sense, obtruded on the churches of the Continent, the

which was conferred on him. But *long before this*, he had received as a *colleague* in the ministry, his old friend and fellow student M. Tribolet, by whom he was effectually relieved of the more laborious duties of his office. The number of students under his care was necessarily very limited, and he continued to hold these conjoined offices, until, by the infirmities of age, he felt himself unable for the duties, when he resolved on an unconditional resignation. This, however, the magistrates of the city declined accepting, and he remained in office till 1744, when he died. “*La Vie de Jean Frederic Ostervald, Pasteur de Neufchâtel en Suisse*, par M. David Durand, Ministre, &c.” pp. 90, 99, 110, 160, 296. The cases of pluralities in the French and Swiss Churches, are mostly a-piece with this; and we may safely say in regard to them all, “*Valcant quantum valere possunt.*”

* As affecting illustrations of the defective state of the French churches, partly from the want of pastors, and partly from the want of funds, see the very interesting records of their national synods, as published in Quick’s Synodicon, vol. I. pp. 20. vol. II. pp. 117, 211, 268.

† Life of Witsius, by Frazer, p. xx.

fact only proves the rapid progress of corruption; while the melancholy state of those churches holds out to us a salutary warning of the dangers to be dreaded from a system which tends to secularise the ministry, and to deprive the people of the full and salutary influence of a regularly conducted pastoral superintendence.

The sentiments of the once justly celebrated churches of the Helvetic Confession, *in Switzerland*, accord most exactly with those of the French Protestants in relation to the nature and importance of pastoral duty. In their friendly epistle to the churches of France, convoked in national synod, the pastors and professors of Geneva thus express themselves: "We take the freedom to entreat you for God's sake, strictly to inspect into vocations and employments, that they be not mixed nor confounded to the detriment both of one and the other. We know very well that necessity, the law of the present day, is pleaded and urged on behalf of this practice, too too much in use among you, to vindicate and justify it. But, most dear brethren, we beseech you to consider whether it were not better that your temporal affairs should suffer some inconveniences, than your spiritual ones be contaminated. And whether the great risque you run of ruining and depraving your pastors, should be preferred unto your temporal interests," &c.* In a reply made by the French Churches, in 1626, to an epistle of exactly the same tenor, there is the following strong and comprehensive declaration of their views and feelings: "We do give you assurance that it is our intention, that those who are called of God

* Acts of the National Synod of the Protestants of France, 1614, chap. xix.

to serve and minister before him, in his house, shall *wholly and absolutely* attend thereunto; we well knowing that whilst with Moses in the mount, they give themselves to prayer, and apply themselves wholly to their ministerial work and duty, they will attract upon their people the blessing of the Lord, and they will be mighty with God for the throwing down of strongholds, and of every high thing that exalts itself against the knowledge of God.”*

But it may be asked, Is the *Church of Scotland* to be regulated by the sentiments and practices of the Reformed Churches of *Switzerland*, of *Geneva*, or of *France*? In reply, we would observe, that, in a question of this nature, it must ever be of importance to know what were the sentiments held regarding it by the most enlightened and best regulated part of the Protestant world; and it cannot be a matter of indifference to know what the sentiments and practices of *that* Church were, which, in the period of its greatest purity, could number upwards of 2000 flourishing congregations within its pale—which can boast in its literary catalogue, of such names as those of Calvin, Beza, Chamier, Du Moulin, Rivet, Ludovicus Cappellus, Blondel, Amyrault, Daille, Claude, Ostervald, Saurin, and a host of others equally illustrious—whose Councils were attended by not a few of the most honourable and enlightened peers of the realm, in the capacity either of commissioners or elders—and whose judgment on all matters of theological controversy was held in high respect, not by the king of Great Britain alone, but by all the sovereign princes of Protestant Europe.† Such a Church as this may

* Acts of the Synod of Castres, 1626, chap. 38.

† See the Letter of King James addressed “to the Ministers,

certainly be considered by us as no contemptible expositor of the general sentiments of the Reformed body, on matters so deeply affecting the general spirit and principles of the Reformation.

But there are circumstances of a peculiar nature, which render the sentiments and practice of these churches particularly interesting to Scotsmen, and which bring them into close contact with the constitution and laws of our own church. In the *first* place, it is well known, that the confessions and canons of the French and Genevese churches were either wholly compiled, or at least revised and sanctioned, by Calvin and his friends; and it is equally well known, that these eminent persons were likewise deeply concerned in all matters connected with the establishment of the Reformation in Scotland. It is not, therefore, to be supposed, that their judgment, in regard to ecclesiastical constitution and ministerial duty, in the one instance, would be materially different from their sentiments on similar points in regard to the other. John Knox was the steady friend and correspondent of Calvin, and there was a remarkable coincidence between them in all matters connected with the doctrine, government, and discipline of the Church.

In the *second* place, *Andrew Melville* who had such a distinguished part assigned him in the settlement of the Presbyterian form of government in Scotland, and who presided over the two principal seats of learning in his native country, received his education in France, officiated for a considerable time as Regent in the Academy of Geneva, and after his return to Scotland,

Pastors, and Elders of the National Synod" of France, with the Synod's Answer, May, 1614, in Quick's Synodicon, Vol. I. pp. 437—440.

in 1572, continued to maintain a close and endeared intercourse with Beza and his other friends on the continent. The leaders of the French Church he held in the highest esteem, and their sentiments with regard to ecclesiastical government and law he cherished with the most profound veneration.

In the *third* place, it is a fact of great interest in connection with the present inquiry, that from the era of the Reformation in France, down to the year 1645, when Louis XIV. prohibited foreigners from holding ecclesiastical offices in his dominions, a succession of eminent Scotsmen adorned the annals of the Gallican Church. It may suffice to notice the names of *Henry Scrimger*, Regent in the Academy of Geneva.* *Robert Boyd* of Trochrig, pastor successively at Porteuil and Saumur, and afterwards Principal of the Colleges of Glasgow and Edinburgh, and finally *promoted to be minister of Paisley*.† *John Welsh*, son-in-law of Knox, minister successively at Selkirk, Kirkcudbright, and Ayr, and banished for attending the Assembly at Aberdeen, 1605, fourteen years minister of St. Jean d'Angely in France, and afterwards permitted to live in retirement till his death in 1623. *David Hume*, the honoured

* M'Crie's Life of Melville, Vol. I. p. 9, where some account is given of this eminent individual.

† Boyd was elected Principal of Glasgow College in 1615, translated to the Principality in Edinburgh in 1622; and deprived of his office the very next year, by an order of the king to the magistrates of that city. Boyd was obnoxious to James on account of his determined opposition to Episcopacy. Calderwood, pp. 799—801. He was soon afterwards settled in the Abbey Parish of Paisley, then a single charge; and was for several years eminently useful in that important station. He died there in 1628. See Records of the Presbytery of Paisley, 1626.

bearer of a special letter from king James to the French National Synod of 1614. *Duncan*, Professor of Greek in the Protestant University of Saumur. *Forbes*, Professor of Eloquence in the same seminary. *Weems*, Principal of the University of Montauban, afterwards Principal of St. Leonard's College, St. Andrew's.* *John Cameron*, Minister at Bourdeaux, Professor of Divinity at Montauban, and afterwards at Glasgow, well known as an able theological writer, and termed by Bishop Hall "the most learned man Scotland ever produced." *Alexander Colville*, the successor of Melville in the Theological Chair at Sedan, afterwards Professor of Divinity at St. Andrew's and Edinburgh. *Walter Donaldson*, Principal of the College of Sedan. *John Smith*, Professor of Philosophy in the same seminary.† *Sharp*, Professor of Divinity in the University of Die.‡ *Gilbert Primrose*, minister first in Edinburgh, afterwards successively at Montauban and Bourdeaux, the able antagonist of the Jesuits at Amboise, and who afterwards became pastor of the French Church at the Savoy, London, and Chaplain to king James—and of *John Dury*, who received his education in one of the French seminaries, and afterwards became one of the ministers of Edinburgh.§ Such men as these possessed no slender weight in the transactions of both

* Acts of the Parliament of Scotland, Vol. V. p. 475.

† M'Cries Life of Melville, Vol. II. pp. 420, 458.

‡ Wodrow's Life of Boyd, p. 173.

§ "The number of Scotsmen who taught in the seminaries of France," says Dr. M'Crie, "was great. They were to be found in all the universities and colleges; in several of them they held the honorary situation of Principal; and in others, they amounted to a third part of the Professors. Most of them had been educated under Melville at St. Andrew's." Life of Melville, Vol. II. p. 419.

the French and Scottish Churches; and from this circumstance, among others, we may reasonably infer a similarity in their constitution and spirit. It is perhaps a circumstance not unworthy of notice, that as a symbol of close and endeared union between these churches, they severally adopted the same armorial ensign, if we may so term it—a bush burning, with the appropriate inscription, *Nec tamen consumebatur*.

The following sentiments of the celebrated Osterwald, one of the brightest ornaments of the Swiss and French churches, may form a very appropriate conclusion of this historical review. We have already noticed his *example* in regard to the duties of the pastoral office; and the reader will be prepared to judge whether the man who speaks in such terms as these is likely to become a very keen advocate in favour of the system of pluralities. After detailing a variety of ministerial duties, he thus concludes: “From these general reflections, this consequence may be drawn—that *the ministry is a real business, and that it demands the whole man*. Preaching requires much of our care; but after having preached, it is necessary to attend to discipline; nor is this all: it is necessary to watch over the flock individually; and this is the most painful and the most important part of a pastor’s duty.”—“It is necessary for a pastor to know the state of his church, because without this, he cannot know how to edify it.”—“From all we have said, it appears obvious that the pastoral charge is a most painful one, and that it *requires the whole man*. One can never fail of employment in such a field; and the chief occupation is by no means that of making sermons and preaching them.”—“The *visitation of the sick* is one of the most important functions of the ministry—and it is one of those in which ministers seldom acquit them-

selves well. The greater part of ministers make no preparation for it.* In his justly admired treatise, "On the Sources of Corruptions among Christians," the best of his works, we find one chapter entitled "Le Defaut des Pasteurs," from which we shall cull a few pithy remarks. "I shall speak one word on the instruction which a pastor ought to address to his flock. *Public* instructions, useful as they may be, are by no means sufficient. The edification of the church requires that pastors should instruct individuals in the different districts. I prove the necessity of these special instructions by the following reasons. 1. If we instruct and exhort only in public, what instruction will those persons receive who attend not on our sermons, or who cannot hear them; as well as those auditors who hear, but who do not comprehend their meaning; not to say others, who comprehend them well enough, but who forget all immediately, and thus profit not by them? 2. It is impossible to tell every thing in one sermon. Into whatever detail we enter, there must ever remain many topics on which we cannot treat. There are also matters which a preacher cannot with propriety bring before the public. If, then, Christians have not an opportunity of being instructed on these points individually, they will remain ignorant of them all their days. 3. In order to teach well, it is necessary that in proportion as he who instructs others, communicates his thoughts

* De l'Exercice du Ministere Sacre, par M. Ostervald, a Basle, 1739, p. 342. This work, which has never been translated into English, contains a vast variety of admirable observations and rules relative to every department of the sacred office. Our only regret is that the *theology* of the venerable author is not always so sound, as his moral precepts and prevalent spirit are pure.

to them, so they whom he instructs should communicate their thoughts to him. Sometimes they have their doubts. A hearer may find himself stumbled by a fact of which he is ignorant, or by a difficulty which arises in his mind. Such a man frequents sermons, it may be for twenty or thirty years, who has still his doubts and difficulties as to the very foundations of religion. If such persons have not such things explained to them, they cannot be much influenced by what is said to them, and they may retain their scruples even unto death. It is, therefore, a great evil, that particular instructions should be so much out of use, and that Christians should have so little intercourse with their pastors on the things of religion. Nothing is to be had now, except the instruction which is given in public discourses, which are by no means sufficient, even though those discourses may be such as they ought to be. When private instruction fails, and even when there is no deficiency in the sermons preached, it cannot but be, that the greater part of Christians, deprived of that light and those aids which are absolutely necessary, should live in sin." "The chief and most general function of pastors in the primitive church, was the *private* instruction and government of the church. *Preaching* was by no means neglected; but all the ecclesiastics were not preachers. This duty was committed to such as were specially qualified for it. Would to God, that this distinction were still kept up! The church would be better taken care of, and the gospel would be better preached." "The learning and the studies of theologians, I speak chiefly of such as have the cure of souls, is very often vain, and of no use to the edification of their flocks. They attach themselves to pursuits that suit their taste, while their proper studies

are held merely as an amusement or diversion. Therefore, he who neglects the duties of his pastoral charge, and who engages in other occupations, differs little from that minister who does literally nothing at all.” “The pastor who seeks perpetually the means of edifying his people, who directs to this all his cogitations, *who is occupied night and day with the wants of his flock*—that man cannot fail of success. When he speaks, when he exhorts, it is *the heart* which speaks; and the language of the heart has an eloquence and a persuasion which the hearers well know, and which elevate, in their esteem, the preacher of piety and zeal far above the man who is mercenary and hypocritical. Whosoever will consider seriously, and without prejudice, all that I have said, will be convinced that it is principally in ministers we are to trace the corruptions of Christians. I speak not of all indiscriminately. There are some to whom we must give credit; and who distinguish themselves by their talents, and their zeal, and by the purity of their lives. But their number is not sufficiently great to stay the course of those disorders which the crowds of degenerated pastors occasion in the church. These men destroy what the others design to establish.”*

We have thus endeavoured to exhibit an historical analysis of the sentiments of the Christian Church in the three great periods of its existence—first, in its earlier and purer form, as it existed in the apostolical times; then in its state of corruption under the papacy; and, lastly, in the period of its reformation. *Throughout* we find the same unequivocal recognition

* *Traite des Sources de la Corruption qui regne aujourd'hui, parmi les Chretiens*, Amsterdam, 1708, Tom. II. pp. 82, 102, 107, 117, 124.

of the pastoral office, as the exclusive vocation of those who are ordained to it—the same decided condemnation of pluralities as evils of incalculable magnitude—and the same disapprobation of every extraneous engagement, however laudable and useful, that would interfere with the due discharge of the whole work of the ministry. Those Churches in particular whose connection with Scotland was most close, do most plainly and perseveringly maintain these principles, while they acted on them so far as circumstances rendered it practicable for them to do so. This review of opinions and practices in the Church will pave the way for a more minute examination of the principles and practices of the Church of Scotland in regard to pluralities, to which we shall proceed in the following Chapter.

CHAPTER III.

SENTIMENTS OF THE CHURCH OF SCOTLAND RELATIVE
TO PLURALITIES OF OFFICES IN MINISTERS.

THE sentiments of a Church may be most satisfactorily ascertained by reference to her established standards of discipline and government; the acts of her supreme councils; and the general tenor of her historical procedure.

Instead of exhibiting a dry historical detail of the statutes and proceedings of the Church of Scotland, in regular chronological order, we shall endeavour to analyze them systematically, and to arrange them under distinct heads, according to their respective subjects, accompanying them with such remarks of a critical and explanatory nature as may appear necessary for the purpose of our argument. It is not my intention to collect *the whole* of the ecclesiastical regulations and proceedings on any one topic, but simply such of them as bear most directly on the general question at issue. We wish to bring under the eye of the reader at once, what lies scattered over a very extended surface, and to show the separate bearing of each particular, on the great principles we wish to establish.

SECTION FIRST.

*Sentiments of the Church of Scotland relative to the
General Nature of the Pastoral Office.*

In the "First Book of Discipline," drawn up, in 1560, by Knox and his fellow-labourers, a work, which

although it has been superseded by later authorities, must ever be viewed by us, in the words of a most competent judge,* “as a striking monument of the abilities, the views, and the principles of our venerated Reformers;” we have the following general representation of the nature and extent of pastoral duty. “The minister must, with all careful diligence, attend upon the flock of Christ Jesus, over the which he is appointed the pastor; that he walk in the presence of God so sincerely, that the graces of the Holy Spirit may be multiplied unto him, and in the presence of men so soberly and uprightly, that his life may confirm in the eyes of men that which by tongue and word he persuadeth unto others.” “He may not leave the flock at his pleasure, to which he hath promised his fidelity and labours.” “We mean not but that the whole church, or the most part thereof, for just considerations, may transfer a minister from one church to another; neither yet mean we, that men who now serve as it were of benevolence, may not be appointed and stated to serve in other places, but once being solemnly elected and admitted, we cannot approve that they should change at their own pleasure.”†

In the “Second Book of Discipline,” agreed upon in the General Assembly, 1578, sworn to in the National Covenant, revised and ratified by the Assembly, 1638, and according to which our Church government was established by law in 1592, 1640, and 1690, we have the following statements relative to pastoral duty. “Pastors, bishops, or ministers, are they who are appointed to particular congregations, which they rule by the word of God, and over the which they

* Cook’s History of the Reformation, Vol. II. p. 313.

† First Book of Discipline, chap. iii.

watch; in respect whereof sometimes they are called pastors, because they feed their congregations; sometimes *episcopi*, or bishops, because they watch over their flock; sometimes ministers, because of their service and office; sometimes also presbyters, or seniors, for the gravity of manners which they ought to have in taking care of their spiritual government, which ought to be most dear unto them." "They who are called by God, and duly elected by man, after that they have once accepted the charge of the ministry may not leave their functions. The deserters should be admonished; and in case of obstinacy, finally excommunicated." "No pastor may leave his flock, without license of the Provincial or National Assembly; which if he do, after admonitions not obeyed, let the censures of the kirk strike upon him." "Unto the pastor appertains teaching of the word of God, in season and out of season, publicly and privately, always travelling to edify, and to discharge his conscience, as God's word prescribes to him." "He ought also to watch over the manners of his flock, that he may the better apply the doctrine to them, in reprehending the dissolute persons, and exhorting the godly to continue in the fear of the Lord."* We quote these passages with the view of exhibiting the light in which the Fathers of the Scottish Church contemplated the pastoral office, as the *business* or *calling* to which ministers were devoted; as requiring the full strength of their faculties and of their time; and as involving in it a tie of relationship never to be broken without great necessity, and *that* necessity to be judged of by the competent ecclesiastical authority.

* Chap. iv. Of Pastors or Ministers.

In the form of Church Government drawn up by the Assembly of Divines at Westminster, and approved by the General Assembly, 1645, we have the following connected view of the “office of pastor.” “The pastor is an ordinary and perpetual officer in the church, prophesying of the time of the Gospel. First, it belongs to his office to pray for and with his flock, as the mouth of the people unto God; Acts vi. 2, 3, 4. where preaching and prayer are joined as several parts of the same office. The office of the elder (that is, the pastor,) is to pray for the sick, even in private, to which a blessing is specially promised; much more, therefore, ought he to perform this in the public execution of his office as a part thereof.” It belongs to him also, “to read the Scriptures publicly—to feed the flock by preaching of the word, according to which he is to teach, convince, reprove, exhort, and comfort—to catechise, which is a plain laying down the first principles of the oracles of God, or of the doctrine of Christianity, and is a part of preaching—to dispense other divine mysteries—to administer the sacraments—to bless the people from God—to take care of the poor—and he hath also a ruling power over the flock as pastor.” “Where there is but one minister in a particular congregation, he is to perform, *so far as he is able*, the whole work of the ministry.” “The pastor and people must so nearly cohabit together as that they may mutually perform their duties each to the other with most conveniency.” “Ordination is the solemn setting apart of a person to some public church office. It is agreeable to the word of God, and very expedient that such as are to be ordained ministers, be designed to some particular church or other ministerial charge.” “The proportion of his gifts in relation to the place unto which he is called

shall be considered." "And as for him that hath formerly been ordained a minister, and is to be removed to another charge, he shall bring a testimonial of his ordination, and of his abilities, and conversation, whereupon his fitness for that place shall be tried by his preaching there, and (if it shall be judged necessary) by a farther examination of him."—Of the nature and extent of the *private* duties required of ministers, some idea may be formed from an act passed in the Assembly at Edinburgh, August 30th, 1639, which, among other injunctions laid on the clergy, contains the following: "The Assembly considering that the long waited for fruits of the Gospel, so mercifully planted and preserved in this land, and the reformation of ourselves and families, so solemnly vowed to God of late in our covenant, cannot take effect except the knowledge and worship of God be carried from the pulpit to every family within the parish; hath therefore appointed that every minister, besides his pains on the Lord's-day, shall have weekly catechising of some part of the parish, and not altogether cast off the examination of the people till a little before the communion; also, that in every family the worship of God be erected, where it is not, both morning and evening: and that the children and servants be catechised at home by the masters of the families, whereof account shall be taken by the ministers and elders assisting him in the visitation of every family; and, lest they fail, that visitation of the several kirks be seriously followed by every Presbytery for this end among others. The execution and success whereof being tried by the Synod, let it be represented to the next General Assembly."* With

* Act anent Ministers Catechising, and Family Exercise, 1639, solemnly renewed in 1649.

regard to *visitation of families*, the Assembly, 1708, has laid down the most precise rules and directions; and the importance which the church has attached to this part of ministerial duty is clearly evinced by the *particularity* of these rules, and the solemnity with which their observance is enjoined. The length of the article precludes its insertion here; nor is it necessary, as its contents must be supposed to be familiarly known to every minister.* We may remark, in connection with the subject of private pastoral duty, that the institution of an order of men called *Elders*, “who do not labour in word and doctrine, but who *assist the pastor* in examining those who come to the Lord’s table, and in visiting the sick, and who hold assemblies with the pastors and doctors, for establishing good order and exercise of discipline;”† plainly proceeds on the assumption, that the pastoral office is designed to be a man’s exclusive business, and that so far from being able to undertake “*another vocation*,” he requires the help of a regularly organized class of *assistants*, in order to execute the duties of this one aright.

In conformity with these general principles, we find such particular enactments as the following. “All office-bearers should have their own particular flocks amongst whom they exercise their charge; and should make residence with them, and take the inspection and oversight of them, every one in his vocation; and generally these two things ought they all to respect, the glory of God and edifying of his kirk, in discharging their duties in their calling.”‡ “To Christian

* Acts of Assembly, 1708, Sess. 10. Gillan’s Abridgment, 2d ed. p. 322.

† Second Book of Discipline, ch. vi. Of Elders.

‡ Idem. ch. iii.

magistrates, it pertains to assist and fortify the godly proceedings of the kirk in all behalfs; and, namely, to see that the public estate and ministry thereof be maintained and sustained, as it appertains, according to God's word." "To see that sufficient provision be made for the ministry, the schools, and the poor; and if they," that is, the ministers and teachers "have not sufficient to *await upon their charges*, to supply their indigence *even with their own rents*, if need should require."* Here it is plain, that cases of extreme necessity are ordered to be provided for, in a way very different from that of union or plurality of offices. As to the *extent* of provision made for the ministry, we have this general enactment: "The ministers stipends should be moderated, that neither they have occasion to be careful for the world, nor yet wanton nor insolent anywise."† In 1575, the Assembly enjoin on every minister or superintendent, "the peculiar charge" of one "particular flock" as his "*chief function*"—this last expression being explained by what immediately follows, "that out of the number of ordinary pastors, some may be chosen to have power to oversee and visit such reasonable bounds, besides his own flock, as the General Assembly shall appoint, with consent of the ministers of that province, and the consent of that flock to which they shall be appointed."‡ Here it is plain, that the care of one charge is the official function of a pastor; and that, when through the necessity of the times, the Assembly shall see meet to give him the power of visiting or inspecting other churches, it shall only be with the *consent of all the parties con-*

* Second Book of Discipline, ch. x.

† First Book of Discipline, ch. vi.

‡ Calderwood, p. 69.

cerned, and during the pleasure of the Assembly. And the office of these visitors is expressly said to be, “to see that every one of the ministers exerce their own vocation vigilantly in their own congregations.” Even Mr. Patrick Adamson, partial as he was to Episcopacy, and erroneous as were his views on certain points, thus explained his sentiments relative to the nature of the pastoral duty, and his object in doing so was to show how far he accorded with the general sentiment of the Church. “In the Epistles of Paul to Titus and Timothy, the office of a pastor is described to be a certain function, to which a certain administration of a certain peculiar flock is enjoined.” “A bishop is not the bishop of a bishop, nor yet the pastor of a pastor; but every one bishop and pastor of their own flock, for which they shall give reckoning to the most high Judge.” “We take us to one kirke to bestow our labours to our power thereat.”* In 1597, power was given to the “first General Commission” to see “that every congregation have a special pastor, honestly sustained for the better awaiting on his cure, and discharging his dutiful office in the same.”† In the Assembly, 1600, all the power of the king and his friends, set in array against the Presbyterian principles of the Church, could not prevent the Assembly from declaring it as their decided conviction, “that one office for one man is sufficient. *When many irons are in the fire some will cool.* Therefore Plato and Aristotle, men naturally wise, crave in the republics εἰς πρὸς ἓν; and banish from the same οὐκ ἐπιπορευχίμων καὶ ὁμοῦ ὁρῶντων; instruments serving for more uses than one as unprofitable and spoiling things, &c. Now,

* Adamson's Propositions, Assembly, 1580.

† Acts of Assembly, 1597.

if *in subjecto ὁμογενεῶν* in the commonwealth, by the light of nature, one office is sufficient for one man, it is no ways convenient that *in subjecto ἑτερογενεῶν*, that is, both in kirk and commonwealth, one man bear two offices."* The Assembly, 1602, renew the appointment on visitors to be particularly careful to inquire in every parish whether the minister is attentive to all the duties of his office, especially regular in preaching, examination of his flock, visitation of families, exercise of discipline, &c. being constantly among his people, and alive to their best interests.† In the Assembly, 1646, one of the "*enormities*" particularly affecting the "*calling of ministers*" is "idleness, either in seldom preaching, as once on the Lord's-day, or in the preparation for public duties, not being given to reading and meditation; others show their diligence only in fits, and are *not like other tradesmen continually at their work.*"‡ And ministers are exhorted "with all diligence and faithfulness to improve their ministry to the utmost, to be instant in season and out of season; yea, even frugally to employ their time in private, in reading of and meditating on Scripture, that the word of God may dwell plentifully in them."§

We might multiply references, but it is unnecessary. The quotations we have made will surely bear us out in these several conclusions. *First*, That in the eye of the Church of Scotland, the pastoral charge is the *proper function* of every minister, to which his time, talents, and labours are to be sedulously devoted. *Secondly*, That the due and regular discharge of the

* Calderwood, p. 438.

† Idem. p. 463.

‡ Acts of Assembly, 3d June, 1646.

§ Idem. Sess. 10.

varied duties of this vocation is held as amply sufficient to occupy the talents and time of any man and will be felt to be so by every conscientious pastor. That, for the adequate support of one minister for each parish, sufficient provision was ordered by the Church to be made, and, after many struggles, actually was made, out of the funds consecrated to pious uses. *Fourthly*, That if the necessity of the times should require the occasional employment of an ordinary pastor in some additional duties, those duties shall be of a nature agreeable to his spiritual functions, and shall in no case be undertaken without the special consent of the General Assembly, and of all the parties concerned.

From the quotations which have been made, we may form a pretty good idea of the sentiments held by the members of the Church in those days, relative to what may be termed the *exclusively sacred* character of the pastoral charge. But there is another source of information on this subject, to which it will be necessary to attend. We allude to those instances in which the Church interposed to prevent all *secular intermixtures* with the sacred avocations of the ministry.

The regulations of the church on this head are remarkably strict and appropriate. "We desire," says the second book of Discipline, "the ecclesiastical goods to be uplifted and distributed faithfully, to whom they appertain, and that by the ministry of the deacons, that the poor may be answered of their portion thereof, *and they of the ministry live without care and solicitude.*"* "The views of a public body," says Dr. Cook, with his usual discrimination and good sense, "are often strikingly exhibited by incidental resolu-

* Chap. xii.

tions, not bearing directly upon the general point, accidentally confirmed. This appears to me to be very much the case in the enactment which I am now to quote. In an assembly, held in 1575, it was ordained, that ‘an article should be made to the lords of the session, for the ministers and readers, that they may have expedition of their processes pursuit before them, that they be not abstracted from their charges;’ an article which certainly would never have been suggested to men who did not entertain the strongest ideas of the necessity of a minister’s devoting his time to his vocation.”* In the Assembly 1574, the following act was passed: “For as meikle as it is understood be the said assemblie, that diverse ministers, within this realme, uses the offices of collectorie and chamberlainie under bishops, and other beneficed persons, where through they are avocat from their cures, and gives great occasion to slander the truth; therefore it is statutit and ordainit in this present assemblie, that, frae henceforth nae minister within this realme use and exerce the office of collectorie and chamberlainie, under whatsoever beneficit man, whereby they may be abstractit frae yair vocation; and contravening hereof, to be deprivet of the office, and secluded therefrae.”† In 1596, the assembly, in order to check the progress of certain evils which had sprung up among the clergy, in consequence of the laxer regimen, introduced under episcopal influence, published a proclamation, ordaining “that ministers given to unlawful and incompetent trades and occupations for filthie gain, as holding of osteleries,” &c. “and such like

* Dr. Cook’s Speech on Pluralities, p. 39.

† Buik of Universal Kirke, A.D. 1574.

worldly occupations as may distract them from their charge, and may be slanderous to the pastoral calling, be admonished, and brought to an acknowledgment of their sinnes, and if they continue, be deposed.”*

Many were the disputes concerning the propriety of ministers having a *vote in Parliament*, and those who contended for it, had recourse to arguments substantially the same with those employed by the modern advocates of secular additions to the pastoral charge. The nature of these arguments may be learned, by a few quotations from the replies given by the commissioners appointed to confer with the king and council on the subject, at the palace of Holyrood House, 17th Nov. 1599. “ There is great difference betwixt our actions and duties, to be done at certain times and occasions, upon urgent necessity; and the discharging of a certain ordinary office in a commonwealth.” “ That is said to entangle the warrior, which hindereth him from the duties of a soldier, and pleasing his captain. It was plainly affirmed, they never knew nor felt the weight of the ministerial charge, that thought an office of civil government might be overtaken therewith.” “ The apostles would not leave the preaching of the word for an ecclesiastical office, but appointed deacons to that effect: much less should ministers leave preaching of the word, for civil and impertinent offices.” “ It was pleaded,” on behalf of the vote, “ that there was as much distraction and time spent in commissions, visitations, waiting upon the plats, pleading for stipends, attending on Parliaments and Conventions, to present articles and petitions. It was replied, some of these were wants

* Buik of Universal Kirke, A.D. 1596.

and imperfections in our kirk, the blame whereof lay upon the magistrates, and the flocks complained upon at all occasions. *Jam quæritur, quid fieri debeat, non quid fiat?* As for commissioners for visitation, we are then occupied *in our own calling*, in preaching of the word, exercising discipline and the censures; and that not ordinarily, or by set office; but *ex necessitate ecclesiæ*, and *pro re nata*." "There is a great difference betwixt a certain action to be done now and then, as necessity and occasion craveth, and a set office to be discharged ordinarily."* In the assembly at Montrose, 28th March, 1600, the following, among other arguments, were urged against the order of bishops, and the civil offices at which they aimed, "and being so strong, that in effect all were granted, the matter not succeeding, as the king and the commissioners of the General Assembly looked for, they went another way to work." "If most necessarie, natural, economical duties, yea, and ecclesiastical offices, should not distract ministers from the preaching of the word, (Luke ix. Deut. xxxiii. 8. Acts vi. 2.) much less should civil affairs or offices have place to distract. But this office of a bishop, voting in Parliament, &c. will distract. *Ergo*, It was answered, they would be employed in preaching of the word, at these solemn times, for the well of the whole kirk and commonwealth. This was rejected as frivolous; and it was seen afterward that that much was not performed." "Whosoever are to be occupied in the business of their calling, night and day, 'in season and out of season,' should be freed, and have immunity from all other work. But ministers are and ought to be so occupied, 2 Tim. iv. 15, 16, &c." "To account the charge of souls so light, that there

* Calderwood's History, pp. 429, 430.

withal another may be joined, is against the word, Ezek. xxxiv. 1 Pet. v. 2, &c. But this office is joined with the charge of souls, &c. The *assumption* was denied; and so in effect they were denying, as in other answers, the thing they were doing.”—“The experience of the kirk in all ages, since that corruption entered in, and, namely, in our own age, not only among the papists, but also in our neighbour country, and among ourselves, crieth aloud, that it is not possible they can stand together.” “Experience also of godly pastors may teach them, that when they have been never so little, and of necessity, occupied in the world, how hard it is to them to gather their minds again, and set their heart toward God, and upon spiritual duties and actions.”*

The celebrated Assembly at Glasgow, 1638, ratified all the previous enactments prohibitory of secular engagements in ministers, and drew its conclusions in the following terms: “As on the one part, the kirk and the ministers thereof are obliged to give their advice and good counsel in matters concerning the kirk, or the conscience of any whatsoever, to his Majesty, to the Parliament, to the Council, or to any members thereof, for their resolutions from the word of God; so on the other part, it is both inexpedient and unlawful in this kirk for pastors separate unto the Gospel, to brook civil places and offices, as to be justices of peace; sit and decern in Council, Session, or Exchequer; to ride or vote in Parliament; to be judge or assessor in any civil judicatorie;” and the reason assigned is, that “all civil offices in the persons of pastors separate unto the Gospel are incompatible with the spiritual function.”†

* Calderwood, pp. 436, 437, 438.

† Acts of Assembly, 1638, Sess. 25, Dec. 19.

The first case in which the principles maintained in the above extracts were acted on by the church, was that of the celebrated Mr. Robert Pont, minister of St. Cuthberts. This eminent man had, at the earnest request of the regent Mar, been allowed, by the semi-episcopal convention at Leith, January 1572, on account of his great knowledge of law, to act as one of the lords of Session.* But in March 1573, the regent Morton having laid before the assembly a proposal for appointing a certain number of ministers as senators of the college of justice, “ The assembly *votit throughout that nane was apt nor able to bear the saidis twa charges.*”† They therefore inhibited any minister from accepting the place of a senator. From this inhibition, however, they exempted Mr. Pont, who kept his office till 1584, when he resigned in consequence of the Act of Parliament, then passed at the request of the Church, prohibiting, in the most absolute form, all ministers from holding civil or criminal offices.‡ At a time when the Church was pressed with poverty, and when the path of honourable ambition was fairly laid open before them, this instance of self-denial in the Reformed Clergy must ever be mentioned to their honour. The regulation which was then made, and subsequently renewed, is *absolute*, and the grounds of it are of universal application. The exemption in favour of Mr. Pont was grounded wholly on *the specialities* of his case, and of these the Church alone could be the judge. It is also worthy of notice, that the liberty given him to retain his situation as a senator does not appear to have met with the concurrence of the more strict and zealous part of the Pres-

* Buik of Universal Kirke, p. 54.

† Idem.

‡ M'Crie's Life of Knox, Vol. II. p. 350.

byterian body; for we find this entry in the Acts of Assembly, at Edinburgh, 6th August, 1573, that “in the trial of bishops, superintendents, and commissioners, Mr. Robert Pont, commissioner of Murray, was delated for his non-residence in Murray, for his not visiting the kirks there two years by-gone, except Invernesse, Elgin, and Forres, &c. He alledged want of leisure.” The remark made by that most respectable historian Calderwood, is: “No wonder, for he was suffered to be a Senator of the College of Justice.”* Indeed, the words of the historian, in stating the original deed by which permission was granted to Mr. Pont, show clearly what were the genuine sentiments of the Church in those days relative to such unions:—“How corrupt, how partial, how ready this convention, of 1572, was to please the court, ye may see by this; that understanding my Lord Regent’s grace and council were desirous that Mr. Robert Pont should accept the place of one of the Senators of the College of Justice, which he would not accept without the advice of the Assemblée, they give him license to accept and use the place what time he shall be required thereto; *providing* that he leave not the office of the ministry, but that he shall exercise the same as he shall be appointed by the kirke, and that this their license to the said Mr. Robert Pont be no preparative to any other minister to procure such promotion, without the Kirke’s advice and license, had and obtained hereto before.”†

It has been argued indeed, that there can be no conclusion drawn from an instance like this, that will bear

* History, p. 63.

† Calderwood, p. 52.

on the case of a clerical instructor of youth, in the elementary principles of education; and that *teaching* ought ever to be viewed as an exemption from the ordinary class of civil offices. We readily allow, that there are great varieties comprehended under the general name of "civil offices," and that one civil office may be more nearly allied to the ordinary duties of a clergyman than another. But we beg to know whether the professorships of Natural History, or of Mathematics, or of Logic, or of Moral or Natural Philosophy, especially as these branches have been usually taught in our Universities, be not as far removed from the ordinary habits and pursuits of clergymen, as are the expounding and applying the civil and criminal jurisprudence of the country. And we beg farther to know, whether the vigilant and active management of a great University Corporation, which occasioned to one of its Principals at least no small degree of "peculiar trouble,"* be not in the strictest sense a "civil office." In the management of an University, the church, no doubt, has an interest; and the church has also an interest in the procedure of the Court of Session. In the one avocation, or in the other, an individual may do incalculable service to the church, and in each there will be sufficient room for the exclusive range and occupation of the most capacious mind.

But in estimating the real value and import of any particular enactment or deed of a collective body, we must not forget to take into view the prevalent cha-

* Principal Leishman. See his *Life*, by Dr. Woodrow, p. 77. At the period referred to, Glasgow College had not 500 students; now it has 1500. Long before this, Baillie tells his friend Spang, that "Principal Strang had a *charge would kill an ox.*" MSS. Letters, 1643.

racter and sentiments of the times. At the period in question, the study and the practice of law were not considered as by any means at variance with the ordinary habits and pursuits of clergymen. "The chief divines of the reformed church," says Dr. M'Crie, "were intimately acquainted with the principles of jurisprudence, and qualified, by the course of study which they had pursued, to give their advice on questions relating to government and the administration of laws. Not to mention Calvin, Beza, and other foreign theologians, it would be easy to establish the fact by referring to not a few in our own country, as Row, Craig, Pont, Arbuthnot, and Adamson. This may be ascribed partly to the passion which those who addicted themselves to learning at that period felt to 'intermeddle with all knowledge;' and partly to the superior gratification which this manly study yielded in comparison with the dry and disgusting logic which had so long been exclusively cultivated in the schools. But it is chiefly to be traced to a new feeling which recent events had produced, and which had for its direct object the promotion of the public good. This was the effect of the late reformation of religion; and, at the same time, one of the moral forces by which that mighty revolution exerted its influence upon the sentiments of mankind, in favour of civil liberty and the amelioration of government."* When we take these considerations into view, we are led to see, in the prohibition of ministers from engaging in pursuits of law, a most decisive evidence of the sentiments then held by the Church relative to the *sacredness* of the ministerial function, and the *unity* and *entireness* of the ministerial charge. The design of the office was uni-

* Life of Melville, Vol. I. p. 47.

formly held to be, the religious improvement and the salvation of men; and the *real good of the people at large* was ever esteemed as the object to be kept steadily in view. The question then was not, May one man be able to do the duties of two distinct offices, so as to be entitled to the profits of both? but rather, How shall the duties of the pastoral office be most efficiently discharged, so as to secure most extensively the benefit of the people? This was an object paramount to all others; and such *excepted cases* as that of Pont—and I am not aware of any other parallel instance—only establish more firmly the general principle, and the pre-eminent value which was attached to it.

The sentiments of one who held the office of a parochial minister in Scotland, and afterwards of a bishop in England, are not unworthy of notice, as illustrative of the views of one who was brought up within the pale of the Scottish Church. “In all other professions,” says he, “those who follow them, labour in them all the year long, and are hard at their business every day in the week. All men that are well suited in a profession, that is agreeable to their genius and inclination, are really the easier and the better pleased the more they are employed in it. Indeed there is no trade nor course of life, except *ours*, that does not take up the whole man; and shall ours only, that is the noblest of all others, and that has a certain subsistence fixed upon it, and does not live by contingencies and hopes, as all others do, make the labouring in our business an objection against any part of our duty?”—“We,” (the bishops,) “must lay the importance of the care of souls before our clergy, and adjure them as they shall answer to God, in the great day in which we must appear to witness against them,

that they will seriously consider and observe their ordination vows, and that they will apply themselves *wholly to that one thing*. We must keep an eye on them continually; and be applying reproofs, exhortations, and encouragements, as occasion offers. We must enter into all their concerns, and espouse every interest of that part of the Church that is assigned to their care. We must see them as oft as we can, and encourage them to come frequently to us; and must live in all things with them, ‘as a father with his children.’ And, that every thing we say to stir them up to their duty may have its due weight, we must take care so to order ourselves, that they may evidently see that we are careful to do *our own*. We must enter into all the parts of the word of God with them; not thinking ourselves too good for any piece of service that may be done; visiting the sick, admitting poor and indigent persons, or such as are troubled in mind to come to us; preaching oft; catechising and confirming frequently; and living in all things like men that study to ‘fulfil the ministry, and to do the work of evangelists.’”*

SECTION SECOND.

Laws of the Church against Non-residence and Pluralities.

Having thus ascertained the general sentiments of the Church of Scotland, regarding the impor-

* Burnet’s Pastoral Care, pp. 184, 218. Bishop Burnet was first settled as minister of the small parish of Saltoun, in the neighbourhood of Haddington; afterwards translated to the Divinity Chair at Glasgow; and ultimately raised to the See of Sarum, by the favour of his steady patron, King William. See his *Life*, at the end of his *History of his Own Times*.

tance and sacredness of the pastoral calling, let us now attend to the provisions which have been made for securing the *personal discharge* of its duties, and for guarding against every obstruction which might prevent these duties from being discharged in the most satisfactory and efficient manner. The statutes and regulations which come under this description are principally those which prohibit *non-residence* and *pluralities*. After exhibiting a short abstract of these statutes, I shall take the liberty to offer a few remarks on their import and application.

The general rule for regulating the relation between a minister and his pastoral charge, is thus laid down in the Second Book of Discipline:—"Seeing the whole country is divided in provinces, and these provinces again are divided in parishes, as well in landward as in towns, in every parish and reasonable congregation, there would [should] be placed one or more pastors to feed the flock; and no pastor or minister always be burdened with the particular charge of more kirks or flocks than one alone." Then follow certain rules for the division and annexation of parishes, according to circumstances and the necessities of the times.* So early as the year 1563, the following statute was passed by the General Assembly:—"For as meikle as ministers, exhorters, and readers, remainis not at the kirkes quhair yair charge lyes, but dwells in towns far distant from the said kirkes, qr throw the people *wants the continual comfort*—qlk yr daily presence should give, be *mutual conference* of the ministers with the flock, ordainis ministers, exhorters, and readers having manses to dwell in, that they make residence at the same, and *visit the sick as they may.*"†

* Second Book of Discipline, ch. xii.

† Buik of Universal Kirke, A.D. 1563.

In the Assembly, 1565, it was “ordained, that no bishopric, abbacy, &c. or any other benefices, having many kirkes annexed thereto, be disposit altogether in any time coming to any one man; but, at the least, that the kirkes thereof be severally disposit, and to several persons, *so that every person haiving charge, may serve at his own kirke, according to his vocation*; and to this effect, that the glebes and manses be given to the ministers, *that they make residence at the kirkes, where thro’ they may discharge their conscience according to their vocation.*”* In December of the same year, the Assembly, in answer to a question in relation to plurality and non-residence, gave this memorable reply:—“Nae minister of the evangil of Jesus Christ, nor nae person *receiving sufficient living for preaching of the evangil*, may, with safe conscience, leave his vocation, together with his flock, and the place appointed for his ordinary residence.”† In 1569, the Assembly enacted, that “Sic as hes plurality of benefices be compelled to demit all save one.”‡ In 1573, it was enacted that “where a minister was obliged, *for want of clergy*, to have more than one kirke, he shall make his residence at ane kirke, and only have superintendence of the rest until there be other labourers.”§ Even in the Assembly held at Leith, in January, 1572—an Assembly which has been always considered by true Presbyterians as under no small degree of Episcopalian and Court influence—the following specific statute was passed:—“It shall not be lawful to any entering in the function of the

* Buik of Universal Kirke, A. D. 1565.

† Idem. Dec. 1565.

‡ Idem. p. 104.

§ Idem. p. 139.

ministry, to leave that vocation and the place appointed for his residence, above the space of fortie days in the year, without a lawful impediment, and license of the king, and ordinar where the benefice lyeth, under the pain of deprivation." "That all common kirkes be disposed as benefices to qualified persons; that none be admitted hereafter to plurality of benefices with cure."* In 1576 the Assembly ordain, that the visitors specially appointed "shall have the oversight of all particular kirkes within the bounds of their visitation, and of the ministers thereof, to see that every one of the ministers exerce *their own vocation* vigilantly in their own congregations."† In the Assembly 1578, "the kirke thot meet that civil law be cravit, decernand the benefices to vaik through non-residence."‡ In 1579 the Assembly "ordainit that commissioners of counties, and their assessors, shall try within their bounds, sic of the ministers as hes pluralitie of *benefices* and *offices*, and to enquire the reasons thereof, to be reported to the next General Assemblie with their names, that bruikis the saidis *benefices* and *offices*, that the kirke may tak order for removing thereof."§ In 1580 an act was passed against pluralities, ordaining that only one church should be assigned to each minister, and giving the same reason for this which had been applied in former instances, namely, "in order that his attention might be devoted to a particular flock."|| In the Assembly held at Dundee, 12th July, 1580, the following very decisive act

* Calderwood's History, pp. 52, 53.

† Idem. p. 71.

‡ Buik of Universal Kirke, p. 187.

§ Idem. p. 204.

|| Idem. A. D. 1580.

was passed:—"Forasmuch as by the confusion and disorder of the pluralitie of kirkes sustained in the person of one pastor or minister, the flocks of Christ throughout the realm universally are destitute of the true food of their soules, discipline and good order utterly neglected, *and the consciences of pastors burdened with heavier charges than they may bear*, whereas, by the word of God every several congregation ought to be provided with their own pastor; it is not lawful by the word of God that a minister or pastor be burdened with the charge of feeding of more particular flocks or congregations than one." And the same Assembly "requireth, and in the name of God desireth, all men, as well gentlemen as others, convened at this time, if they know any in the ministry scandalous in life, unable to teach, unprofitable or curious in teaching, negligent in preaching, non-residents, or deserters, or to have pluralitie of *benefices* or *offices*, to give in their names in a ticket to the moderator and his assessors, that order may be taken with them."* Among the causes of deprivation of a minister, the Assembly, 1582, enumerates "non-residence, absence from his kirk, neglect of his office for fourtie days together in a year, without a lawful impediment allowed by the next following General Assembly, pluralitie of benefices,"† &c. The Assembly, 1593, renews the power of visitors to look after such ministers "as do not make residence, having no reasonable excuse." In 1596, the Second Book of Discipline having previously been sanctioned by Parliament, the Assembly resolved, "that ministers not resident at their flocks be deprived, according to the acts of

* Buik of the Universal Kirke, A. D. 1580.

† Idem. p. 291.

General Assembly and laws of the realme." In 1601 the Assembly allow certain ministers to reside for a quarter of a year or so in the houses of the nobility, that their respective households may be suitably instructed, the presbytery in the meantime taking order for the keeping of their kirks during their absence."* This was a special case, and *exceptio confirmat regulam*. The celebrated Assembly at Glasgow, 1638, passed this statute, "that every minister be obliged to reside in his own parish, at his ordinary manse, *for the better attending of the duties of his calling, conform to the acts of the Assembly.*"† And the same Assembly declare, by their unanimous vote, their cordial approbation of all the laws of preceding Assemblies prohibiting plurality of benefices and non-residence, as altogether inconsistent with the end and design of the ministerial office. It is also expressly enjoined, "that none take the charge of a greater number of people nor they are able to discharge."‡ And in order to prevent the infraction of such wholesome rules as these, and to secure a due attention to the devout duties of the ministry, a special decree was passed, "against all civil offices in the persons of pastors, *separate unto the gospel*, as are incompatible with their spiritual functions"—as "prejudicial to the powerful fruits of their spiritual ministrie."§

In the interpretation of these numerous statutes against non-residence and pluralities, and in the practical application of them to occurrent cases, common sense suggests to us the reasonableness of recognising

* Calderwood, p. 453.

† Acts of Assembly, pp. 32, 35.

‡ Idem. 1638, Sept. 23.

§ Idem. Sess. 25.

the *general principle* on which they all proceed. That principle is, the sacred and exclusive character of the pastoral calling, and the necessity of guarding against every thing that may prevent the due discharge of its important functions. Now it is obvious that a plurality of benefices, even in the same place, and where non-residence does not necessarily follow, may be equally detrimental to the best interests of the ministry, as a plurality in those cases where non-residence is inevitable; and hence we find, that the law has addressed itself jointly and severally against both. It is also obvious, that the union of particular offices, such, for instance, as the rectorship of an academy, or a professorial chair, with the work of the ministry, may be productive of exactly the same results as the junction of one ecclesiastical benefice with another. In the express terms of the statutes quoted, “the sick may not be visited”—the people “may be left destitute of the true food of their souls”—“discipline and good order may be neglected”—“the consciences of pastors may be burdened with heavier charges than they may bear:” in short, the spirit of pastoral duty may be lost, and the avocations of the ministry habitually neglected. Is it to be supposed that the law cannot be applied to such cases, but that it must be rigidly interpreted as comprehending “benefices” or pastoral charges exclusively? The terms used are “*benefices* or *offices*,” and no law can be supposed to be so comprehensive and minute in its details as to express *by name* every case, which, in the course of ages, may occur to demand its application. In the Acts of Parliament relative to the observance of the Sabbath, various abuses are specified by name, such as the going of mills, salt-pans, brick-kilns, &c. &c. but where is the civilian, or even the special pleader, who would

venture on the expedient of resting the defence of an offender on the literal rendering, or the *ipsissima verba* of the statute? Certain cases are named, not as comprehending *all* that may occur in the course of things, but simply as examples or specimens of the classes intended; and the legal court must determine the application of the law to each as it happens to come before it. And so it is with the question under review. Be it a “benefice” or an “office,” civil or ecclesiastical, admitting of residence, or involving the opposite, the question still is this very simple one, Does it, or does it not, materially interfere with the regular discharge of pastoral duty? And of this question the church, and the church alone, can be held as the competent judge.

That by the use of the terms “benefices and *offices*,” the church designed to mark out all *offices in schools and universities*, may be reasonably inferred, from the mode of expression employed in several of the Acts of Parliament, made at the same time with the above Acts of Assembly. In 1578 the Visitors of St. Andrew’s College are empowered to “displace sik as are unqualified to discharge *their office* in said College.”* And in the “ratification of the gift,” made to the University in the same year, it is ordained, “that nothing in the said letters sall be prejudicial to the presentation of *benefices, offices, or bursaries*, pertaining to lawit patrons.”† In “the report of the visitors, 1579,” certain regulations are made relative to the “offices” of Chancellor, Dean of Faculty, &c. “that the foundat persons in every college, as weill teachers as students, be diligent in dischairging of their *offices*.”‡

* Acts of Scots Parliament, Vol. III. p. 98.

† Idem. p. 106.

‡ Idem. p. 181.

In the Act 1585, “ All *ministers, maisters* of colleges and *schuills* qlk departit furth of the realme at any time within the space of thrie years bypast, sall be restorit and repossessit to their *benefices*, lands, *leivings*, *offices*, and possessions.”* Indeed it is impossible to assign any plausible reason why the terms “ *benefices* or *offices*” should have been employed in the statutes, had it not been with the design of rendering the laws against pluralities as comprehensive as possible, and to *guard prospectively* against their exclusive application to parochial or pastoral charges. If the Christian fathers of the Church of Scotland designed to prohibit pluralities of *benefices* or of *pastoral charges* only, it is inconceivable that they should have made use of varied modes of expression, the natural and obvious meaning of which is, that not only a plurality of benefices having cure, but a plurality of offices *of any kind* which interfere with the due and regular discharge of pastoral duty, is legally prohibited and denounced as meriting the highest censures of the Church.

A grievous mistake has prevailed in certain quarters, and has been for obvious reasons encouraged; namely, that pluralities of office are prohibited in the Church of Scotland, *merely because* they interfere with the residence of the clergy on their cures. This certainly is one reason; but it is far from being the only one. The grand reasons are, the sufficiency of one office to one man, and the impracticability of one man doing aright the duties of two situations; and it is very plain that many cases will occur in which this state of things will take effect, even although non-residence be not necessarily implied. On the plea which we now op-

* Acts of Scots Parliament, Vol. III. p. 395.

pose, the law could not take hold of pluralities of benefices *in towns* and large communities, where there are different congregations. Besides, what are the reasons assigned for denouncing non-residence itself as an evil? Are they not all grounded on the principle, that one man is to be appointed to one charge, and that the due performance of its duties is amply sufficient for all his talents and all his time?

To place this beyond all doubt, let us look for a moment to the *reasons expressly assigned* in the several Acts quoted for requiring the residence of the clergy. They are such as these—"That the people" may have "the continual comfort qlk yr daily presence should give be mutual conference of the ministers with the flock"—"that the ministers should make residence at the manse, and visit the sick as they may"—"that every person having charge may serve at his own kirke according to his vocation"—"where thro they may discharge their conscience, according to their vocation"—"and use their office according to the tenor of their admission"—"taking the inspection and oversight of them every one in his vocation"—"residing in his own parish at his ordinary manse, for the better attending of the duties of his calling." Every commentator on ancient law knows the value and importance of that principle by which the meaning and intent of a statute are best ascertained, by reference either to the history of its enactment, or to the *grounds* and *reasons* expressly assigned for its enactment. And what are the fair and obvious inferences, which he would draw from the terms of the statutes under review, and the reasons on which they are grounded? They are two in number—first, that residence among the people of his charge is enjoined on a minister, as affording the necessary faci-

lities for the due performance of his pastoral duties ; and, secondly, that whatever interferes with or obstructs these facilities, so as to prevent the people from enjoying the *full benefits of their minister's personal residence* among them, must be held as a contravention of the law of residence. A minister's residence is required in order that he may devote his time and talents to the duties of his office; but where is the value of a minister's personal residence, and what is the use of a law requiring his residence, if in the meanwhile his time and his talents may with impunity be occupied in the active concerns of a different occupation? Be it a secular occupation, such as that of a factor, or a farmer, or a cattle dealer, or an engineer, or a clerk in the stationery office, or any other office under Government ; or, be it an *academical* charge, such as the rectorship of a literary establishment, or a professorship in the university, the effect is substantially the same. *The benefits of residence are in so far lost ;* and the law which enjoins residence merely as a *means* in order to this *end*, is *virtually* contravened. In *appearance*, the letter of the statute is observed; but in *reality* the intent and meaning of it are frustrated. In our criminal code high treason is defined to be "*the compassing the death of the king ;*" but who does not know that this definition refers not so much to the *overt acts* of treason, as to the *results* in which these are supposed to issue? And hence we find that many a man has been condemned for treason, who would have shuddered at the very idea of lifting up his hand against the life of his sovereign. The Pretender was equally guilty in the eye of the law when he set his foot with a hostile intent on the shores of Lochaber, as he would have been had he directly aimed a blow with his own hand at the head

of King George. The principle on which this application of the law is made is plain and obvious; and on substantially the same principle we maintain, that a minister of religion is guilty of a breach of the law of residence, who, by entangling himself with the cares of foreign occupations, deprives the people of all the benefits which the law was designed to secure to them.

“The necessity of residence,” says Dr. Cook, “is not stated to arise out of any thing peculiar to the times in which it originated, but out of causes which always exist, and which will render the residence of parochial ministers a blessing, whilst human nature remains unchanged. By their daily presence, the good men of other times believed that continual comfort would be imparted to the people; they were convinced, that the mutual conference of ministers with their flocks, would lead in general to that kindness which opens the heart to the sweetest influence of religious instruction; and deeply impressed with the sufferings to which we are exposed, and having probably experienced that they had often, through the comforts of religion, lessened the anguish of pain,—reconciled the young to leave a world which they had never viewed but with the ardour of hope, and prepared the aged for a happier state,—they wished that the pastors whom they selected *should make residence at their manses, that they might visit the sick as they may.* Are such calls of duty not to be expected now? Or is it less necessary to gain affection in order to be useful? Is not much to be hoped from being the friend and counsellor of the people, towards the promotion of that great work, which renders all classes of men wiser and better here, and opens to them the blessed prospect of an endless felicity hereafter?”*

* Dr. Cook's Speech, p. 32.

But let us notice, also, the reasons on which the prohibition of *pluralities* is grounded. They are such as these:—"Nane," that is, no ministers "are able to bear the saidis twa charges"—"in order that his attention may be *devoted to a particular flock*"—"ministers sall faithfullie wait thereupon"—commissioners are "to see that every one of the ministers *exerce their own vocation* vigilantly in their own congregations"—"the consciences of pastors must not be burdened with heavier charges than they can bear." These are the terms of the respective statutes prohibitory of a plurality of benefices; and we put it to the candour of any fair expositor of statute law, whether it would not be a barefaced evasion of the law against pluralities to maintain, that while it expressly puts down all union of benefices, it was *never intended* to apply to an union of *other offices* with the ministry, however laborious, and however secular in their nature, and however "incompatible" they may be with the due discharge of pastoral duty? The same reasons which apply to the one class, apply *much more strongly* to the other; and if evils are likely to flow from unions of offices *precisely the same*, *much greater* evils must flow from unions of offices differing widely from each other, and requiring a diversity of qualifications. On this general principle, the *spirit* of the law is decidedly contravened; while the combination of the terms "*benefices or offices*" renders the holding of a plurality *of any kind*, a glaring infringement of its *letter*.

It is a very obvious remark, that the same statutes which order a minister to be *deprived* who has placed himself in the situation contemplated, do virtually prohibit a Presbytery from *inducting* a minister who is already placed in such circumstances as to unfit him for the due discharge of his ordination vows.

To say that we ought to admit such a person into the charge, and then bring him to trial upon the statutes in question, is so ridiculous, that the only wonder is that any one should gravely and seriously advance it. Such a mode of acting would in other words be, to place a man in such a situation that he *must* contravene the law, and then to punish him for so doing.

“ But, we are told, these are old charters, although some of these deeds are of a date not quite so old as *Magna Charta*. By what tenure do gentlemen hold their estates? By what right do Universities claim their privileges, and all their members possess their offices? On what foundation do we sit, and deliberate, and vote, in this House? Are not old charters the titles by which all these possessions, and rights, and privileges, are claimed, and held, and enjoyed? What acquired such distinguished reputation, and such deserved popularity, to the greatest and wisest Minister that ever directed the councils of this, or of any other nation? what, but his defence of the chartered rights of the East India Company? What is the ground-work and safeguard of the British Constitution, and of British liberty, but *Magna Charta*, a very old charter indeed? Against what do the enemies of morality, of religion, of social order, and of established government, direct their principal attacks? Is it not against those ancient constitutions and charters, which we have received from our ancestors, and which form the principal pillars on which our civil and religious edifice is erected? These, Sir, we must defend and support, if we mean to resist with success the assaults of irreligion, of atheistical philosophy, or of democratical extravagance.”*

* See Principal Brown's Speech, p. 20.

SECTION THIRD.

On the Union of Academical Charges with the Pastoral Office.

The Church of Scotland, it has been stoutly maintained, did not intend, by her laws against pluralities, to prohibit her ministers from holding professorships in Universities along with their parochial charges. In order to throw some light on this important matter, let us inquire into the sentiments of our church regarding such unions, by endeavouring to ascertain, *first*, what she has *said*; and, *secondly*, what she has *done* in regard to them. Certainly, the sentiments of a church are best known by means of plain and unsophisticated *language* on the one hand, and of *actions* equally plain and unsophisticated on the other. Has the Church of Scotland then said nothing and done nothing to warrant us in our designed inference, that professorships were intended to be held as distinct and independent offices, and that the union of them with parishes, *except in cases of necessity*, is a modern usage unknown to, and unsanctioned by, her established constitution? I shall confine myself in this historical inquiry, to the case of *theological professorships*, as held by those whom our church has designated by the name of *teachers* or *doctors*; because it is very obvious that the argument from them will apply *a fortiori* with much stronger force in the case of professorships devoted to the purposes of science and general literature.

I. The First Book of Discipline does not mention *doctors*, but it seems to take for granted what had been stated respecting the officers of the church, in “the

Book of Common Order," where doctors are declared to be a "*fourth kind of ministers left to the church of Christ.*" In the Second Book of Discipline they are expressly mentioned as "ane of the twa ordinar and perpetual functions that travel in the word," and "different from the pastor, not only in name, but in diversity of gifts." "His (that is, the doctor's) office is, to open up the mind of the Spirit of God in the Scriptures, to the end that the faithful may be instructed, and sound doctrine taught"—"to assist the pastor in the government of the kirks, and concur with the elders, his brethren, in all assemblies;" but not "to minister the sacraments or celebrate marriage." With the exception of this last particular, the account given of the doctor's office in the "Form of Church Government," 1645, is substantially the same. "The Scripture doth hold out the name and title of teacher, (or doctor) as well as of the pastor; who is also a minister of the word, as well as the pastor, and hath power of the administration of the sacraments. The Lord having given divers gifts, and divers exercises, according to these gifts, in the ministry of the word, though these different gifts may meet in, and accordingly be exercised by one and the same minister; yet where be several ministers in the same congregation, they may be designed to several employments, according to the different gifts in which each of them doth most excel. And he that doth more excel in exposition of Scriptures, in teaching sound doctrine, and in convincing gainsayers, than he doth in application, and is accordingly employed therein, may be called a teacher or doctor. Nevertheless, where is but one minister in a particular congregation, he is to perform, *so far as he is able*, the whole work of the ministry. A teacher or doctor is of most ex-

cellent use in *Schools* and *Universities*; as of old in the schools of the prophets, and at Jerusalem, where Gamaliel and others taught as doctors." Indeed it seems perfectly clear, from the testimony of Calderwood, that there never were any doctors in the Church of Scotland, except the teachers of Divinity, in the Universities.* In regard to these, however, the regulations of the Church are very numerous. In the very first assembly, held 1560, the doctor, or interpreter of Scripture, was recognized as a distinct functionary of the church, and the regent was petitioned "to appoint competent salaries for such learned men as were willing to discharge this office in the Universities."† It was reported to the assembly, 1582, that "an eldership (presbytery) is begun already at St. Androes of pastouris and *teachers*, bot not of those that has not the *cure of teaching*."‡ In 1586, the assembly fund, "that all such as the Scripture appoints governors of the kirke of God, as, namlie, pastouris, and *doctors*, and elders, may convene to general assemblies, and vote in ecclesiastical matters."§ That these teachers or professors in the University, were designed to devote their *whole time and strength*, to the duties of their office, is placed beyond dispute, by the following passage, in that part of the First Book of Discipline, which lays down the plan proposed for reformation of the seats of learning. "The rector and inferior members of the Universities must be ex-

* Calderwood, de Regimine Ecclesie Scoticanæ, p. 1, 2. See M'Crie's Life of Knox, vol. II. p. 282.

† Buik of Universal Kirke, p. 60. M'Crie's Life of Melville, vol. I. p. 64.

‡ Buik of Universal Kirke, p. 118.

§ Id. p. 139.

empted from every charge that may onerate or abstract him or them from the care of his office, such as tutory, curatorie, or any such like, that are established in our commonweale; to the effect that without trouble, they may wait on the upbringing of the youth in learning, and *bestow their time onelie in that most necessary exercise.*"*

The assembly, 1582, thought it "lawful for a minister, *for a season, to cease from the exercise of his ministry, and to use the office of a doctor*"—"his kirk being provided in the meantime of a *sufficient minister.*"† In 1588, the assembly statute and resolve, that "out of the temporal lands" "there be *sufficient levings founded for professors and students in theology*, for the entertaining and flourishing of learning in the several Universities."‡ That in the year 1596, the union of a professorship of theology, with a pastoral charge, was unknown in the church, and was not designed to be introduced into it, is plain, from the reply which was given to a question of the king relative to the right of professors of theology, &c. to sit and vote in church courts, as not having any pastoral relation: "Doctors and professors of theology, and ordinar instructors of the youth in the grounds of religion, should vote. The first, because they are ordinar office-bearers within the kirk: the second, being lawfully called to be sympresbyters, or elders."§ Another decisive evidence of the same thing, we have in the resolution of the assembly at Perth, 1597, that "no masters or professors within the Universities, and in special, pro-

* Dunlop's Confessions, vol. II. p. 561.

† Calderwood, p. 137.

‡ Id. p. 220.

§ Calderwood, p. 385.

fessors of divinity, sit in presbytery on matters of discipline,"* seeing they had no parochial charge. This resolution was entered into by the advice of the king and his council, who expected thereby to exclude Andrew Melville, and the other doctors of the College, by whose influence and talents they were held in great awe. In 1602, the synod of Fife sent in to the assembly a complaint of grievances, among which is this one: "that the doctors bearing an ordinarie calling in the kirke, by the discipline and custom thereof, are debarred from the assemblies."† Although this assembly recognized their rights, it does not clearly appear, that they were fully restored to them, until the assembly at Glasgow, in 1638, rectified this, together with many other abuses. In August 1641, the assembly recommended to Parliament, and all having interest, "that special care be had that the places of the professors, and especially of professors of Divinity, in every University and College, be filled with the ablest men, and best affected to the reformation and order of this church."‡ But with regard to the manner of obtaining such men, the church thought fit to prescribe a mode very different from that which some would recommend. In the assembly 1642, we find this enactment: "It is a transporting

* Calderwood, p. 411.

† Id. p. 464. On the 29th July, 1619, the title of *Doctor in Divinity* appears to have been first conferred on the three principals of St. Andrew's College, and on several other professors and ministers. Calderwood, p. 656. Prior to this period, the name *doctor* was descriptive of the office of a teacher; now it was designed as an honorary badge, and this is the light in which it has been since considered.

‡ Assembly Acts, August, 1641.

of ministers for public good, that colleges having the profession of divinity, be well provided of professors wherein the college of Divinity of St. Andrews is first to be served, without taking any professors or ministers from Edinburgh, Glasgow, or Aberdeen; and that the rest of the colleges would be provided for as their necessities shall require; yet in respect of the present scarcity, it were good for the Universities to send abroad for able and approved men, to be professors of divinity, that our ministers may be kept in their pastoral charge, as much as may be."* Let us here notice the reason assigned for this recommendation—It is that the ministers of the church should "*be kept in their pastoral charge much as may be,*"—in other words, that nothing should be allowed to interfere with their regular discharge of pastoral duty; and this reason could have no force at all had the assembly meant to sanction the union of offices, except in cases of absolute necessity. Besides, if the custom of conjoining professorships with pastoral charges had at this time been recognized as agreeable to the constitution and spirit of the church, such a recommendation would have been superfluous. Nothing is more familiar to the student of the ecclesiastical history of Scotland, than the assiduous care with which our fathers "travelled" to supply "the burgh townes and sic like" with the "ablest and most learned ministrie;" and yet there is not a hint given as to the practicability of supplying the chairs by means of such a "ministrie;" but men must be brought from the Continent to teach theology, as their sole and exclusive charge." "If ever," says an eloquent pleader on this subject, "if

* Assembly Acts, August, 1642, Sess. 2.

ever there was a time when a professor of divinity could have been permitted to hold a pastoral charge together with his professorship, it certainly was when there was a scarcity of clergymen. Then, it might have appeared expedient to combine these offices, so that if the duties of each could not be discharged with full effect, it might be done at least as tolerably as circumstances would permit. But instead of this, we find the General Assembly rather preferring that professors should be brought from abroad, than to adopt a plan which frustrated the ends of both offices.”*

The same conclusion may be drawn from the injunctions so frequently given by the church, that adequate provision shall be made for the support of Universities, and especially for the faculty of theology. To this important end, a *third* part of all the revenue of the church was ordered to be applied; and the rapacity of the nobles was the only obstacle to the realization of this enlightened plan. Had such a scheme been carried into effect, the plea of *necessity* could not have been brought forward to vindicate an union of offices in circumstances unfavourable to the best interests of both. “The Universities shall be erected in this realm,” says the First Book of Discipline, “St. Andrews, Glasgow, and Aberdeen.” “A contribution shall be made at the entry of the students, for the upholding of the place, and a *sufficient stipend* is ordained for every member of the University, according to their degree.” “The whole rents of the kirk abused in papistry shall be referred again to the kirk, that thereby the ministry, schools, and the poor, may be maintained within this realm, according to their

* Principal Brown’s Speech on Dr. Arnot’s Case, p. 11.

first institution.”* The annual stipend proposed to be allowed to principals and professors of theology, was 200 pounds scots, (£16 13s. 4d.) with freedom from all taxes, a free house, and other perquisites.† This must have been considered as a liberal allowance for the full maintenance of each, when we consider that, in 1588, the stipend of the Inner High Church of Glasgow, was only £27, and that of the minister of St. Mary’s only £16 13s. 4d.‡

In the “Articles presented to the king,” by the assembly 1582,§ this is one: “that of the temporal lands of every abbacy, priorie, bishopric, nunnerie, &c. so much shall be applied to schools as may sufficiently entertain a good number of masters and burars, (according as the living may bear) in place of canons, monks, nuns, and other idle bellies; the one to teach, the other to pass their course as well in philosophy as in theologie, according to the Act of Parliament, made anent the foundation of the new college of St. Andrews, that the kirke may be once planted with sufficient learned men.” By the assembly 1588, it is earnestly petitioned, ‘that out of the temporal lands there be sufficient livings founded for professors and students of theologie, within the new college of St. Andrews, and college of Edinbro, so many as may make a convenient seminary for the entertaining and flourishing of learning and religion within this realm, and this for the

* Chap. xvi. xvii.

† First Book of Discipline; Dunlop’s Confessions, vol. II. p. 558.

‡ Cleland’s Annals, p. 145.

§ Buik of Universal Kirke, 9th Oct. 1582.

present necessitie, till provision sufficient be made for colleges in every part.”*

In 1641, the assembly overtured “ the king’s majesty and parliament, that in order to provide sufficient revenues for the colleges out of the rents of prelacies, collegiat or chapter kirks, or such like, a sufficient maintenance be provided for a competent number of professors, teachers, and bursars, in all faculties, and especially in Divinity, and for upholding, repairing, and enlarging the fabric of the colleges, furnishing libraries, and such like good uses, in every Universitie and colledge.”† At the opening of the next assembly, 1642, Charles boasts, in his letter to the members, “ of the liberal provision of all the Universities and colleges of the kingdome, not only aboon that which any of his progenitors had done before, but also aboon the hope and expectation of the church.”‡

Indeed nothing can be more commendable than the zealous care with which the fathers of the Church of Scotland watched over the interests of the Universities, so as to place them on a respectable footing, and to supersede entirely the necessity of an union of offices. It did not occur to them in those early days, that the living of a professor should be augmented by the addition to it of an ecclesiastical benefice. Each department of duty was supposed to afford adequate scope for the exertions of separate individuals; and if, at any time, a case should occur, in which an union for a season might appear expedient, that case was reserved for the judicial decision of the church. It is indeed said, in the Second Book of Discipline,

* Act of Assembly, 6th Feb. 1588.

† Assembly, 1641, Sess. 9th, Aug. 3d.

‡ Acts 1642, Act I.

that "pastors may teach in the schools," which is just to say, that the greater office may comprehend the lesser; and that according to the act of assembly 1582, "a minister may possess or take on him the office of doctor, his place in the church being suitably supplied."

While the attention of our fathers was thus steadily directed to the interests of the church, as materially depending on the prosperity of the seats of learning, and the qualifications of professors, they took special care that the superintendence of all schools and universities should be vested in the presbyteries and other courts of the church. The acts both of Parliament and of assembly on this head, are so numerous and explicit, that it is quite unnecessary to quote them.* We may just remark, that professors of divinity, as being one of the regular orders of clergy, and essentially connected with the best interests of the church, were uniformly represented and held as subject to the jurisdiction of the church courts, which had a right to see, and were bound to see, that they executed faithfully the trust reposed in them. This power of superintendence has not yet been taken from them; and it will not do to contend, that because one important branch of the theological faculty may have, through carelessness or other causes, become a "sinecure," that therefore the church ought to "find," and by their solemn sanction, "declare" it be so. So long as the statutes of colleges require certain duties to be performed by their members, these duties never can be dispensed with; and the church has a

* See an excellent Abstract of them in the Article on "Education," in the Acts of Assembly, 1800.

right to see that these statutes shall not pass into desuetude.

II. Having thus endeavoured to collect the sentiments of the church as to the union of academical chairs with parishes, let us now attend to the practical application of these principles in the course of her history.—And here we set out with the remark, that if it had ever been consistent with the constitution and spirit of the church of Scotland to sanction pluralities of any kind, we might have expected to see it fully exemplified in the earlier periods of her history. When we find every successive assembly, for half a century and more after the Reformation, most bitterly complaining of the slow progress which had been made in the plantation of churches—when in 1596, we find it solemnly recorded in the acts of assembly, that at least “four hundred parish kirks were destitute of the ministrie of the word, by and attour the kirks of Argyle and the Iles”^{*}—when we find that the funds destined to the support of religion had been so completely alienated, that the laborious ministers of the Protestant church could with extreme difficulty obtain a very scanty pittance of support—and when we also observe that the established seats of learning were miserably impoverished by the rapacity of selfish and mercenary men—might we not have expected that, in such a combination of circumstances as this, the church would, from considerations of expediency, have given its sanction to a scheme which promised, in some degree, to remedy evils so severely felt and so loudly complained of? The assemblies of the church thought and acted otherwise. They felt and they lamented the evils of the times; but they saw the

^{*} Calderwood, p. 320, 325.

danger of ultimately aggravating those evils by a departure from the pure and salutary principles of their established constitution. They sought redress from the competent source, and their efforts were in the end successful.

“ In the history of ecclesiastical proceedings,” says Dr. Cook, “ there is to be found a train of decisions, some of them very remarkable, and strikingly evincing the purity and independence of those by whom they were passed, which fully confirm the statute law ; and it is now, and indeed has long been, a decided point in Scotland, that no minister can hold two church livings, or, holding one, can engage in any other profession.”*

On the 6th of March, 1572, a General Assembly was held at St. Andrews, when certain complaints were brought forward against the newly made *Tulchan* Bishops. Amongst others, Mr. John Douglas, Bishop of St. Andrews, was complained of, because “ he had promised, when he became a bishop, to demit all the offices which might impede him to execute the office of a bishop, and especially the Rectorie of the University, and Provostrie of the New College.” Although this Assembly was decidedly under Episcopalian influence, it thought proper to denude the Bishop of his “ Provostrie” instanter; while it allowed him to retain the “ Rectorie” (an office of very small labour) only till the next Assembly. That the consideration of his “ promise” was not the sole nor chief ground of decision in this case, is clear from the fact, that “ Mr. Knox, who was confined to his home by age and infirmities,” when he heard of the case, expressed his “ lamentation that so many offices were laid on

* Life of Principal Hill, p. 84.

the back of an old man, which twenty men of the best gifts were not able to bear.”* The case of a bishop is, no doubt, different from that of an ordinary parochial minister; but I question much whether the Bishop of St. Andrews had in those days more to occupy his time and thoughts, than the single pastor of a modern city parish, with its “teeming population” of 9 or 10,000 souls. At all events, the fact proves, that the Church, corrupted as it was by an influence adverse to Presbyterian views, did hold in her hands the power of reviewing all such cases—of judging in regard to the incompatibility of offices—and of so regulating matters as to prevent the avocations of each from being neglected or carelessly performed.

In the Assembly, 1576, we find a very appropriate illustration in the case of Robert Hamilton, who seems to have succeeded Douglas in the Principality of the New College:—“Anent the pluralitie of offices objected to Mr. Robert Hamilton, minister of St. Andrews, the said matter being long debated with reasons on either side, and rypely advisit, the present Assemblie, in respect of the circumstances of place and congregation of St. Andrews, finds and declares the twa offices joined in his person, to be incompatible in him.” From this decision it is clear, that by a “plurality of offices” was not meant merely a plurality of benefices or of pastoral charges—that the general principle of incompatibility in such cases of plurality was distinctly recognised—while the Church retained in her hands the power and right of determining on the application of the principle. Although Hamilton had been allowed to retain his Principality, the general principle might not appear to have been very grievously violated, as we find by reference to the charter of the

* Calderwood’s History, p. 57.

College, that at the time of its erection, by John Hamilton, in 1553, the whole number of its "*fundatæ personæ*," as they are called, including professors, students, and servants, was limited to *thirty-nine*.^{*} And in 1576, which was three years, at least, before Melville's reformation of the University took place, the number of students must have been extremely small.[†] Still it appears that the sentence of the Assembly was acted on; for we are expressly told, that they "ordained Mr. Robert Hamilton to remain with the ministrie, and to leave the Provostrie of the New College as an *impediment* and *hindrance* to his calling of the ministrie, under the pain of the censure of the kirk."[‡] To show that the removal of Hamilton was not ordered on slight grounds, nor with the interested view of making way for Melville to succeed him, we have simply to quote the words of the "royal visitors" of the College, whose report was ratified by Parliament, 1579. "The Provost of the New College hes already the charge of the ministry of the city and parochie of St. Andrew's, *quilk is a burding greit aneuch for ony ane man to discharge*."[§]

In 1581, the case of Mr. Alexander Arbuthnot came under the notice of the Assembly. This distinguished man had held the office of Principal of King's College, Aberdeen, since 1569, when he was nominated to it by the Regent Murray, as a tribute to his learning and worth.|| In 1581 he was offered

* Charter of St. Mary's, 5th March, 1553.

† M'Crie's Life of Melville, Vol. I. p. 247, &c.

‡ Buik of Universal Kirke, p. 161.

§ Acts of Scots Parliaments, Vol. III. p. 181.

|| Account of King's College in Stat. Account, Vol. XXI. p. 68.

the parochial charge of the city of Aberdeen; and, in consequence, was “ordainit to demit the Principality in favour of Mr. Nicol Dalrymple.”* It appears that Arbuthnot did not choose to surrender his charge of the College, and on this account never became minister of Aberdeen. In this instance, it is plain that the Assembly held itself as entitled to judge not only of the character and talents of the presentee, but of every circumstance in his situation which might affect his qualifications for the ministry, and the consequent discharge of his pastoral functions. And yet, if the plea of *necessity* was at any time to be adduced as a good reason for such an union of offices, it might have been successfully brought forward in this instance. When Arbuthnot went to Aberdeen the greater part of the students in the neighbourhood were strongly addicted to Popery, and his predecessor, from hostility to the Protestant establishment, had reduced the University to absolute poverty. In these circumstances, he had to struggle, during the greater part of his life, with the greatest difficulties.†

In the same Assembly which decided on Arbuthnot's case, “the kirke thought it meet, that the pryor and town of St. Andrew's nominate sic ane of the brethren whom they haiv best liking of to serve the cure, &c. They gaiv commission to certain persons to give assent yrto, and to place him there, provided they find no lawful impediment, or that they,” the persons to

* Buik of Universal Kirke, A.D. 1581.

† See his *Life*, abridged by Dr. M'Crie, in Vol. I. of Melville, p. 115, where some of his poems are inserted, particularly a specimen of one seemingly designed to describe his own state, entitled “*The Miseries of a Poor Schollar.*” These poems are published in Pinkerton's *Ancient Scottish Poems*, Vol. I.

be appointed, “ *be not of ane of the colleges whom the kirke exeems from considerations therefrae.*”* “ If any member of the college had applied to serve the cure, it is evident, from this decision, that the commissioners were authorised to put to him the question, whether he would demit the professorship?”†

In 1600, session 7th, the following sentence was pronounced by the Assembly: “ Anent the supplication given by the Presbyterie of Deer, makand mention, that gras the Laird of Philorth havand erected ane college within the town of Fraserburgh, and agreit with Mr. Charles Ferme to be baith pastor of the said burgh, and principal of his college, qlk burden the said Mr. Charles refuses to accept upon him, without he be commandit be the General Assemblie, desyrand therefore, ane command to be given to the said Mr. Charles to accept baith the said charges, as at mair length is contenit in the said supplications. The General Assemblie having considerit the necessity of the said work, and how that the Laird of Philorth has refusit to sanction a pastor at the said kirke, unless he undertake baith the said charge, yairfore commands and ordainis the saidis Mr. Charles Ferme to undertake and wait upon alswell the said kirke as to be Principal of the College of Fraserburgh.”‡ On this decision it is obvious to remark, in the first place, that at the period in question, it was an understood principle among the ministers of the Church of Scotland, that no plurality of offices, whatever might be the nature of these offices, could be undertaken without the special consent and authority of the Su-

* Buik of Universal Kirke, p. 284.

† Cook’s Speech, p. 55.

‡ Buik of Universal Kirke, p 542.

preme Ecclesiastical Court ; and, in the second place, that the grounds of the decision, in this instance, are assigned to be, the peculiarities of the case. The Laird of Philorth appears to have been the patron of the parish, and had possession of the tiends. He founded the town and erected a church for the accommodation of its inhabitants. He endowed a college for the instruction of youth in those northern parts, and his liberality in doing so certainly entitled him to the gratitude of the church. At the same time, it is expressly recorded, that the said Laird had "refusit" to sustain "both a minister and principal of the college," by reason of the very heavy burden which would thus be brought upon him; a burden indeed which would have gone far to neutralize all the benefits designed to flow from the erection of the seminary. If there had been competent provision for both offices, we may reasonably infer that the Assembly would not have acceded to the wishes of the proprietor; or rather, it is likely that the application would never have been made. Besides, it deserves to be noticed, that the parish was not very extensive, and the college was at least on a smaller scale than *that of Glasgow* at the present day; and Mr. Ferme might with ordinary abilities be able, in some degree, to manage it. Besides it ought to be remarked, that the arrangement was only meant to have a temporary continuance. Had the circumstances of the case been different, we may rest assured that the Assembly would have given a very different decision. Our conclusion is, that although unions were not in *every instance absolutely* prohibited, a very strong case of necessity required to be substantiated before permission to form them was granted.*

* The history of this College of Fraserburgh is simply as

The truth is, that considerations of necessity often led the Assembly to tolerate what, in other circumstances, would have been frowned upon as altogether

follows. In 1575 the town of Fraserburgh was founded by Sir Alexander Frazer of Philorth, an ancestor of the present Lord Salton, whose family mansion still goes by the name of Philorth House. As the town soon became a place of considerable trade, it was endowed by the superior with all the privileges of a burgh of regality, and its charter bears date 1613. In 1592 Sir Alexander obtained a charter from the crown, in which powers were given to erect and endow a College and University, to appoint a Rector, Principal, and Sub-Principal, and all the Professors for teaching the different sciences. Every immunity and privilege of an University is granted in the amplest manner. A building was erected for the accommodation of the Professors and Students, some part of which is still standing. In 1597 the institution was ratified by Parliament, with high commendations of the liberality and patriotism of the founder; but with express provision that out of the "rentis, and tiendis, and other emoluments of the parsonage and vicarage" of the parish, "the maisters of the said College shall either serve the cure of the saidis kirke, or furnish sufficient men" for the purpose. (Acts Parl. Scot. IV. 147, 148.) Ferme having undertaken the charge, continued in it till about 1607, when his labours were interrupted by the Earl of Huntly, the great patron of Popery in the north; and he was imprisoned first at Down, and afterwards at Aberdeen, on account of his having attended the Assembly at that place. He was restored to his parish before his death, which happened on the 24th September, 1617. He had been in his young days a Regent in the College of Edinburgh, under Principal Adamson, and afterwards minister of the second charge at Haddington. It does not appear that he had any successor in the College, which was most probably allowed to fall into decay amidst the distractions produced by the change of church government. The erection of the Marischal College in New Aberdeen, in 1593, would, in a good degree, supersede its necessity. Stat. Acc. Vol. VI. p. 11. and M'Crie's Life of Melville, Vol. II. p. 286.

at variance with the best interests of the Church. In 1563, we find the Principal of St. Salvator's College officiating at Cults.* In 1564, the minister of Cupar was appointed to supply occasionally at Largo.† In 1564, we find William Ramsay, the second master of St. Salvator's College, officiating as minister of Kemback.‡ In 1569, "the qualified men in the Auld College, habile to preach," are ordered to supply at Kilmeny, or to find others capable to do so, and willing to undertake the charge.§ In 1573 it was enacted, "that where a minister is obliged, for want of clergy, to have more than one kirke, he shall make his residence at one kirke, and only haiv superintendance of the rest until there be other labourers."|| In these and other instances, which it would be easy to notice, the Assembly were obliged to yield to circumstances; and each of them forms a kind of exception to the general principle. Still there was not in one of these instances a *plurality* tolerated. All that was allowed was an occasional help, rendered necessary by the scarcity of ministers, and the poverty of the Church. The general principle was still recognised; and every seeming deviation from it was the result of dire necessity alone.

In 1638, the Assembly at Glasgow, authorised Mr. Samuel Rutherford to hold the office of colleague to Mr. Robert Blair, as minister of St. Andrews, along with his office of professor of divinity, in St. Mary's college, and the circumstances of his appointment

* Buik of Universal Kirke, p. 16.

† Idem. p. 40.

‡ Idem. p. 49.

§ Idem. p. 112.

|| Idem. p. 137.

afford a strong confirmation to our argument. Rutherford strenuously refused the nomination to the chair, on the ground that he would be thereby prevented from officiating as a regular preacher of the gospel. The Assembly, in order to satisfy his mind, and to secure his valued services to the students of theology, permitted him to divide the labours of the pulpit with Mr. Blair; and this additional duty on his part appears to have been gratuitous.* How long he continued to supply the place of a colleague to Mr. Blair, we do not know; but certain it is, that we find him not many years afterwards in the situation of Principal of the New College, while Mr. Blair, and *Mr. Andrew Honeyman*, were the parochial ministers of St. Andrews.† Rutherford appears to have been promoted to the principality in 1642, as it is in that year we find Dr. Colvil appointed to the ordinary professorship of Divinity in St. Mary's, by order of the General Assembly.‡

In the Assembly 1642, the subject of Mr. Baillie's translation from Kilwinning to the *third* professorship of Divinity in Glasgow, was discussed; and in reference to this matter, Mr. Baillie himself states the following facts, which throw a pretty clear light on the sentiments of the church relative to the union of offices:—"Saturday, 7th August, 1641. When Mr. David Dickson, in the question of my translation, had declared his intention to have as much help from me in professing in the college, as he gave by his ministry to the town, the moderator and others then there, not

* Baillie's Manuscript Letters, p. 657. Stevenson's Hist. vol. II. p. 660.

† Acts Parl. Scot. Vol. V. p. 347.

‡ Act of Assembly, 1642.

generally liking of mixing these two offices, every one whereof required a *whole man*, Mr. David, lest any rub or mar from this should come to him in his ministry, which very profitably he did discharge, gave in a bill to have the matter cleared. It was gladly condescended, that it should be reason for him to exercise *so much* of the ministry there as he found himself able without detriment to his profession.* Mr. Dickson never was a parochial clergyman in Glasgow, but merely gave his *gratuitous* aid in preaching and discipline; and Mr. Baillie, although appointed to the Tron Church at the same time with his professorship, was furnished with a colleague, by whom he was relieved from the more laborious parts of pastoral duty.† The passage quoted shows clearly the sense then entertained by the church, of the importance of pastoral and of professorial duty; and the extreme delicacy with which the good men of those days contemplated any *thing like* a plurality of offices in the same individuals. Even such men as *Dickson* and *Baillie*, required to give an explanation of their sentiments and conduct in regard to this matter, lest it should even appear that they gave the most distant sanction to *such* a thing as an unauthorised union of offices.

It appears, from a recorded statement of the visitors of St. Andrew's college, that, in 1642, several of the professors were actually ministers.‡ In an act passed in 1643, the assembly proceed on the supposition that professors of divinity might be ministers; and they are allowed to represent in assemblies either the presbyteries or the university to which they belong, while

* Principal Baillie's Letters, Vol. I. August, 1641.

† Cleland's Annals, Vol. I. p. 126.

‡ Records of St. Mary's, August 9th. 1642.

there is no proof that these ministers were in the actual exercise of a pastoral charge.* But to show that the Church still considered the profession of Divinity as in itself a distinct office, requiring peculiar qualifications, it was decreed by the Assembly, 1645, “that in respect of the povertie of men, fit and willing to professe Divinity in the schools, by reason that few frame their studies that way, the provincials shall diligently consider, and try who within their bounds most probably may be for a profession in the schools, and report their names to the following General Assembly, that such may be stirred up and encouraged by the General Assembly, to compose and frame their studies, that they may be fit for such places.”† When chosen to theological chairs in the universities, it appears to have been the general sense of the Church, that they should continue to preach either stately, or occasionally as they found cause; but there is no evidence that they were at any time designed to hold *an ordinary parochial charge*; and the idea of *two competent livings* being held by one man, seems never to have been contemplated.

In 1719, the commission of the Assembly transmitted to presbyteries an overture on the constitution and jurisdiction of kirk-sessions, particularly in large towns.‡ For these it was proposed, to have only *one* general session, composed of all the ministers and all the elders of the place. The proposal excited violent opposition, and a keen controversy arose, in which Mr. Anderson of Dumbarton, and afterwards of Glasgow, the celebrated “defender of the Presbyterians,”

* Acts 1643, September 3d.

† Acts of Assembly, 1645, Feb. 13th.

‡ Acts of Assembly, 1719.

together with one or two more of the ablest men in the church took a share.* One of the most prominent of the objections to the scheme proposed in the overtures, was, “their declaring those ministers *who are principals and professors of Divinity, members of the collegiate session;*” and the ministers and sessions of Glasgow, were particularly zealous in petitioning their presbytery against the “slavery,” as they call it, “under which the city must be brought, if ministers who have no ministerial charge in it, or relation to it, should have the overruling management in it in such tender concerns.”† As similar objections were anticipated from other quarters, they were replied to on general grounds; such as the expediency of allowing university ministers to be members of collegiate sessions, inasmuch as the students are subject to the cognizance of the session;‡ and a great deal of acute argument is applied to the question: But never is it so much as hinted that academical chairs, even in the theological faculty, might be held along with pastoral charges. Such unions do not seem at this time to have been recognised as consistent with the great constitutional principles of the Church of Scotland.

In later times, indeed, instances of the union of academical offices with pastoral charges have become

* See Anderson's Letters on the Overtures, &c. 12mo. Glasgow, 1720. Vindication of the Overture, in reply to the above, 12mo. Edinburgh, 1720. Remarks on Mr. Anderson's Second Letter, 12mo. Edinburgh, 1720. Remarks on the Overture, by J. C. one of the ministers of the gospel at Glasgow, 1720; &c. &c.

† Remarks on the Overtures, 1719, by J. C. one of the ministers of Glasgow; with Petition to the Presbytery, 1720, p. 83.

‡ Vindication of the Overtures, pp. 90—101.

much more frequent than could have been reasonably anticipated; and, in some very extraordinary instances, the Church appears to have given her sanction to them. But, in regard to these, we observe, in the *first place*, that not a few of these instances constitute, in fact, the *very ground of complaint*; and the leading design of our argument is to prove, that the Church ought to interpose her authority to suppress such abuses as subversive of her best interests. We allude to such cases of union as those of well-endowed and laborious literary professorships with equally well-endowed and not less laborious city parishes; the Professorship of Logic, for example, in the University of Edinburgh, with the charge of a parish of 15,000 souls. Instances of this kind we hold to be at variance with the essential principles of our ecclesiastical establishment; and although permitted to pass *sub silentio*, or *per incuriam*, they have not yet, and I hope never will, receive the sanction of the Supreme Court.

In the *second place*; In not a few of the cases of union in question, the imperious law of *necessity* has been found to operate; and the Church has either silently or openly given her sanction on this ground to what would otherwise have been resisted as an encroachment on the harmony and efficiency of her established system. To this class belong such unions as those of the Theological Faculty in Edinburgh and Aberdeen with parochial charges. The want of adequate endowments, in these instances, has been held as sufficient reason for their combination with pastoral charges.

In the *last place*; In every instance in which the Church has been called to interpose her authority, in favour of an union of offices in ministers, she has invariably proceeded on the assumption, that such an

union has been *compatible* with the due discharge of pastoral obligation. This has uniformly been held as the object of prime regard; and in no instance has the Church ever given her deliberate sanction to the principle, that an union of incompatible offices may be held by a minister for the sake of private emolument, at the expense of the public good. The cases of this kind, indeed, which have come under the review of the Church, are extremely few; but in every one of them the same great principle has been recognised. In the case of Professor Hill, for instance, in 1780, the Assembly considered that the instruction of 20 pupils during six months of the year, in the rudiments of the Greek tongue, was compatible with the office of second minister in the city of St. Andrews, the emoluments of which were at the same time very inadequate.* In the case of Dr. Arnot, in 1800, and

* The case of Professor George Hill, at St. Andrews, as decided by the Assembly, 1780, is deserving of particular notice. With the exception of the appointment of Dr. Blair to the Rhetoric class, in 1766, it was, so far as I know, the *first* attempt that was made to conjoin a *professorship of general literature* with the parochial charge of a town parish. As might have been expected, it excited a good deal of discussion, and although sanctioned by the Presbytery of St. Andrews, it was brought under the review of the Supreme Court, by the Rev. James Burn, of Forgan, a Gentleman whose name deserves, on this, as well as other grounds, to be recorded with honour. His hands were strengthened by overtures on the subject of such unions of office, transmitted at the same time, by the *Synod of Fife*, and that of *Perth and Stirling*. The summary manner in which the subject was dismissed by the Assembly, reflects no credit on either side of the House, "as the subject was one of vast importance, and justly merited the anxious notice of the Supreme Ecclesiastical Judicatory." (Dr. Cook's *Life of Principal Hill*, p. 83.) The reasons of the Assembly's decision in favour of the union were these: The

of Mr. Ferrie, in 1813, permission was given to hold the offices of Professor of Theology and of Civil History, on the presumption that the discharge of their official duties would not materially interfere with the due attention to pastoral duty. Preposterous as it may appear, the supposed compatibility was strenuously contended for; and even in these disheartening instances of modern ecclesiastical degeneracy, the grand principle of the ministry as a clergyman's "own work" and "proper vocation," was never ostensibly impugned, and an attempt was by no party, or by no individual, ever made to prove that a minister might, without liability to challenge, take upon him an office, the duties of which may, from their secular character, their extent, or their involving non-residence, abstract him from his pastoral calling, and effectually deprive the people of those high advantages which, by means of an established church, the constitution and laws of their country, have kindly secured to them.

In fine, the mere fact of the occasional existence

high talents and endowments of the individual chiefly concerned—the small number of pupils attending the Greek class—the facility with which Mr. Hill, from his having held the office since 1772, could discharge its duties—the scanty endowments of the second charge of St. Andrews, and the smallness of Mr. Hill's living, he having long been only assistant and successor to the Greek Professor, &c. Lord Kinnoul, the respected Chancellor of the University, in a private letter to Dr. Hill, dated 30th December, 1779, expresses his hope, that with "abilities to which all the world does justice," "he would discharge every part of his duty with a fidelity and diligence becoming the sacred and important character of a parochial minister;" and recommends to him "to pursue an uninterrupted course of theological study, with as much assiduity as the care of his parish will admit." Life, p. 82. See Appendix, No. I.

of such an union as that in question, from whatever cause it may have arisen, proves nothing as to the real principles and constitution of the Church, on the subject. There have been instances in which non-residence and plurality of benefices with cure, have been, from considerations of necessity and other causes, tolerated and even sanctioned by the Church; but this will not prove that such things are agreeable to her original constitution and principles. In the course of ages, modern abuses will creep in unknown in purer times; and from such abuses, an unblushing appeal must be made to those “ancient landmarks which our fathers have set;”—those established principles of our Church which never prescribe;—that “genius of the constitution” which presides in high authority over all her movements, and whose departure from the midst of us would be preceded by a boding voice, like that which portended the desolation of the Jewish temple of old—“Let us go hence.”*

The following quotation, from the pen of a writer whom all parties must allow to be a most competent judge in all questions of this nature, may form a very appropriate conclusion to the present Section. “The Reformation in Scotland was commenced by men deeply impressed with the solemn nature of the ministerial office; it was considered by them as requiring all the talents and all the care which could be devoted to the discharge of its interesting duties, and they viewed other pursuits, from their tendency to withdraw the mind from those objects, which, by the most sacred obligations, ought to engross it, as what it was essential in ministers to avoid. It will not be con-

* The subject of “*parallel cases*” will come again under notice in the last Section of Chapter V.

tended, that the duties of a minister are so easily performed, if they be performed in the conscientious manner in which they ought to be, as to leave him quite at leisure for any other avocation; he has not merely to preach, but to superintend; he is obliged to be, in as far as is possible, the guide of his people, and to be at all times ready, when they require it, to administer to them consolation and support. On the other hand, it must be admitted, that the faithful discharge of what is incumbent upon a Professor in a University, must occupy much of his time; that the prosecution of a great many of those subjects, with which he who fills, as he ought to do, an academical chair, has to render himself conversant, gives his views and sentiments a direction different from that which is given to him who is solely a minister; and that, if he be regarded not merely as the teacher of his class, which is a very inadequate view of his situation, but as holding a high place in the literary and philosophical world, and as one upon whom science and learning have the most urgent claims, there arises an obligation, which it is dishonourable lightly to regard, to be completely engaged in prosecuting the peculiar branch of knowledge, for teaching which he had been selected. It is certainly of some consequence that the purposes of a professor should reach thus far; and thus far they will assuredly in most cases not reach, if he be distracted by a variety of necessary engagements, breaking in upon his times of study, and unavoidably interrupting the speculations upon which he had entered, often at the precise moment when he felt himself most disposed, and best qualified successfully to conduct them. These remarks apply, no doubt, much more to certain subjects than to others; but when we take into estimation the common measure of human

talent and diligence, we may safely lay it down as a general maxim, that the right performance of what either the ministerial or professorial office requires, is quite enough for exercising, in as far as they are likely to be exercised, the intellectual and active powers of the individuals to whom it has been committed. Although, therefore, in the present state of various offices in the Universities, to which emoluments so scanty are attached, that they are insufficient for furnishing the means of decent subsistence, an absolute prohibition to unite parochial and university charges would be premature; yet it should not be forgotten how much it is to be wished that these prudential reasons were speedily removed, and that, in no case, the union to which allusion has been made, should have the plea of necessity upon which it might be supported."†

SECTION FOURTH.

Civil Regulations.

It is pleasant when we find a perfect harmony between the civil laws of the country, and the constitutional statutes of the church, on any one subject; and we may reasonably infer, that whatever they *unite* in guarding and maintaining with sedulous care, must have been viewed by both as a matter of no slender magnitude.

Although the laws enforcing *residence* on ministers do not come directly within the range of our present argument, we may be allowed to notice, that so early as 1562, the Scottish parliament passed an enactment,

* Dr. Cook's *Life of Principal Hill*, p. 83—86.

ordaining manses to be provided for the protestant clergymen in their respective parishes; and in 1573, and 1592, this act was renewed and enforced with additional provisions. We notice these, principally with the view of remarking the *reason* assigned in them for thus providing manses, and other accommodations, for the comfortable residence of the clergy. It is “to the effect that they,” the clergy, “may the better *await upon the charge appointed*, or to be appointed unto them;” and the manse is expressly ordered to be “bigged *beside the kirke*.” Here, it is plain, that each minister was supposed to have the charge of one flock—that he was to devote his whole time to their pastoral superintendence—and that, with this view, he was to reside constantly amongst them. It is equally obvious, that whatever may be the *letter* of these statutes, the *spirit* of them is utterly adverse to the idea of a minister so burdening himself with avocations *distinct from* and by no means necessarily connected with his pastoral charge, as unavoidably to unfit him for the due performance of his ministerial duties.

In the parliament held at Edinburgh, 3d December 1567, it was “statute and ordainit, that orders sall be taken for sik as professe the trew religion, and haif the patrimony of the kirke in their hands, and * *thair dewtie to thair flock*.” “That sik as are qualifit be ye jugement of the kirke sall exerce *thair awin office in thair awin kirke*;” and “that ane persone beneficit,” or having several benefices, “being qualifit, sall preche himselfe at ane of his kirkes, and sall sustene the ministeris of the remanent at the syt of the generale kirke; and the unqualifit to pay his thrid of ye

* A word wanting in the Original, from the state of the MS. charter.

haill; *admittand na pluralitie in tyme cumming.*” And “that orders may be taken that the poore ministeris quha lang hes bene depraivit of thair just stipends may not onelie be provydit hereafter *for a sufficient living*, but also, that they may understand how they may lift up the same be ordere of law.”* In these enactments, passed at the very dawn of the reformed establishment in Scotland, pluralities are suppressed; and the reasons assigned are, that such pluralities are inconsistent with ministers “*duty to their flock*,” and attention to “*their own office in their own kirk*;” and “a sufficient living” being ordered for each minister, the ground of necessity is removed. It is plain, that principles exactly the same, require the dissolution of all unions of office, whatever be their nature, as equally at variance with the adequate discharge of pastoral duty, and with the professed design of the legislature in the establishment of the protestant church in Scotland.

In the parliament 1581, the following important act was passed on the subject of pluralities:—“Because for laik of preaching and teaching in sundrie parts of the realme, many people are suspected to be fallen in great ignorance, and danger of godless atheism, it being found maist difficil, that in the charge of the pluralitie of kirkes, onie ane minister may instruct manie flocks, theirfor it is thocht expedient, statute, and ordainit, that every parish kirke, and sa meikle bounds as sall be found to be a sufficient paroche, sall have their awin pastor, with a sufficient and reasonable stipend, according to the state and habilitie of the place: And that all kirkes to the prelacies annexit be providit with *sufficient ministeris*

* Act. Parl. Scot. Vol. III. p. 37.

with competent levings.”* After stating some other arrangements, and nominating a commission to carry them into effect, the act thus concludes with a statement of the design and duty of the commissioners: “to consider, appoint, and ordaine, the estate of the saidis kirkes and stipends quhair theron the saidis ministeris being honestlie sustained may the better attend to thair flockis and proper vocatioun.”† The act 1584, makes similar provision for the stipends of ministers, and for their “suir assignation and payment;” while it takes particular notice of the evils resulting from ministers “being yearlie withdrawn fra thair kirkes, to attend a large space upon the getting the assignations of thair levings and stipends modified unto theame.”‡ The act 1592, confirms the whole provision made for the church, and expresses it by the very appropriate designation of “provision to the ministeris of reasonable and competent levings.”§ And by another act of that year, so propitious to the interests of presbyterianism in Scotland, commissioners were nominated to confer on such points as the following:—“How, in quhat manner, thair may be a minister provydit at ilk parochie kirke within this realme? Quhat locall stipend is necessar for the minister serving the cure at ilk parochie kirke? And be quhat means the same may be best convenientlie haid and provydit to theame, *that they be not abstractit fra thair cure* in tyme cuming, by suiting for thair stipends otherwise.”|| In the act 1617, entitled “anent the

* Acts of Scots Parliament, Vol. III. p. 37.

† Idem. p. 211.

‡ Idem. p. 304.

§ Idem. p. 514.

|| Idem. p. 553.

plantation of kirkes,” the same principle is clearly recognised, “necessitie will evince that everie kirke which for distance of place or otheris lawful causes, cannot be united,” or incorporated with another, “suld be planted with *thair awin particular minister* to serve thairat.”*

Now, on these statutes I beg to ask three plain questions—First, What can have been the intention of the legislature in “statuting and ordaining” that “*sa meikle bounds as sall be found to be a sufficient and competent parochie,*” shall be assigned to the charge of a minister, if it be not that in their view such a “parochie” was amply sufficient for one minister, and “competent” to his regular employment? Some parishes indeed, might in the lapse of years come to be too large, and others too small; but the *general principle* of one sufficient and competent “parochie” remains entire, and all exceptions to it must be determined by their specialties. In the *second* place, What does the legislature mean by ordaining that each “competent parochie,” shall have their “awin pastor,” if it be not that the inhabitants of the “competent parochie,” are hereby declared entitled to have a minister as their peculiar property, from whom they may require the discharge of all the duties of that situation, which is presupposed to be amply sufficient to engage his time and talents? If a man is to divide his time and thoughts between *two parishes*, or between a parish and an office of another kind, but still loaded with important duties, can the pastor be said “to attend on his proper vocation,” or can the people be said to have their “awin pastor?” He is theirs only in part—they have not what our fathers used to call

* Acts of Scots Parliament, Vol. IV. p. 532.

a “haill minister;” and the design of the legislature is most completely frustrated. In the *third* place, What is the reason why a “sufficient and reasonable stipend” is provided by the legislature, if it be not, that the legislature thereby designed and expected, that the person receiving such a stipend should be “wholly occupied with his parish, or regard it as wholly incompetent for him to enter upon any other office.”* By the express terms of law, a fair bargain is made between the parties. The “competent parochie” is measured out—its “awin pastor” is nominated to the charge of it—his “proper vocation” is prescribed; and a “sufficient and reasonable stipend” is secured to him, on condition of his discharging all the duties of that vocation, to the best of his ability. Let it also be remembered, that although the people of the “parochie” may be so indulgent to their “awin pastor,” as to tolerate his undertaking a distinct “avocation,” and his devoting to the “parochie” but a part of that time which by law *is theirs*, still there are *other parties* whose concurrence is indispensable. The *legislature* which established and endowed the church, has a right to say, You have broken the bargain—you have not fulfilled the terms of your appointment, and have no claims for remuneration? And the *church at large* has a right to say, You are not walking up to the end and purpose of your *ordination vows*. You are taking on you offices which we deem to be incompatible with the due discharge of these vows; and we insist on a dissolution of the copartnery: And that you shall “attend to your *propir vocation*.”

While the state was thus anxious to make adequate provision for the exercise of the ministry as the ex-

* Dr. Cook’s Speech, p. 66.

clusive occupation of the clergy, it is extremely interesting to notice the care which was taken in securing similar provision for the teachers of youth in the universities. We have already adverted to the *wishes* of the church on this head as expressed in the First Book of Discipline.* Did the legislature respond to these wishes in a manner answerable to their expectations? We have only to refer to the report of the royal visitors of St. Andrew's college, as received and ratified by parliament in 1579, and from that period to the present day, held as the *nova erectio* of that seminary. The provision made by this important statute, for the different masters of the colleges and their households, is as follows; and considering the time and the value of money, and the very small stipend of the clergy, it is not so very penurious as might have been supposed. "Aither of the twa principal maisteris, professoris of theologie in the said new college, sall have for thair fie, and their awin and thair servandis buird, ane hundred poundis money, and thrie chalderis victuale." "Everie ane of the uther thrie masteris and professoris of theologie, ane hundred poundis and ane chalder victuale;" the "victuale" in each case being partly "*qhiet*," "*beir*," and "*aittes*;" and this besides dwelling-houses and other perquisites of office. That it was the design of the legislature to separate entirely the offices of *ministers* and *professors*, is plain from what follows: "and sa to provide for sustentatioun of the ministrie, at the *kirkes annext* to the saidis collegis be the superplus of the thriddis and utheris ecclesiasticall rents, as neither the rentis of the collegis be diminishit, nor the *foundat personis withdrawin from thair ordinar study and teich-*

* See page 103.

ing, to serve at particular kirkes.”* By the “act of annexation” of church property to the crown in 1587, all the “emolumentis and proffitis gevin, grantit, and desposit to collegis for intertainment of maisteris and students,” are expressly excepted; as are all funds set apart “for sustentatioun of ministeris makand yr residence in burrowes quhair yr is na uther stipend appointit to theame.”† In an act passed this same year, entitled, “Ratification to the new colledg of Sanct Andreis,” all the gifts previously bestowed are confirmed with some additions.‡ It was in this same year, that James granted to the college of Glasgow, an act confirming to them all previous grants, and conferring on that seminary several other valuable immunities, that adequate provision might be made for “sustentation of the masters, regents, and students of the same.”§ In 1592, the “fruitis” of the “parsonage of Forteviot,” a “benefice without cure,” were ordered by act of parliament, to be appropriated at the sight of the masters of St. Andrew’s college to the more liberal “sustentation” of the same.|| In 1594, a third part of the parish of Carrol, which was previously connected with the abbey of Haddington, was appropriated to the better support of the college at St. Andrews.¶ Similar appropriations were from time to time made in favour of the other colleges of Scotland. For instance; in favour of the colleges of Aberdeen, by the parliament, June, 1617, and 1633;

* Acts of the Scots Parliament, Vol. III. p. 182.

† Idem. p. 433.

‡ Idem. p. 438.

§ Idem. p. 487.

|| Idem. p. 511.

¶ Idem. Vol. IV. p. 94.

the college of Glasgow, by the same parliaments; and the college of Edinburgh, by parliament in August 1617,* and in favour of all three at once, 1644.† In 1663, we find an order of parliament for raising certain sums from the bishop's rents, and other sources, in order that "*competent provision*" might be made, so as to "invite" the fittest men to "undertake such laborious employments," as those of masters in the universities.‡ From the act, 1672, in favour of the university of St. Andrews, it is plain, that an important distinction was recognised between those members whose livings depended in part upon the fees of students, and those who had salaries simply; while in regard to both, the respective offices were understood to yield a full maintenance.§

On the 22d of May, 1584, the following Act was passed at Edinburgh. Its title defines its specific objects: "That ministers sall not be judges, *nor exerce any other ordinar office, that may abstract them frae their office.*" "The kingis majesty, and his three estaites assembled in this present parliament, being desirous that all his loving and gude subjects sall be faithfullie instructit in the doctrine of their salvation, and that the ministers of Godis worde and sacraments may the better and mair diligently attend upon their awin charges and vocation: Therefore statutis and ordainis that all the saidis ministers sall faithfullie await thereupon, to the comfort and edification of the flockes

* Acts of the Scots Parliament, Vol. IV. pp. 555, 576, 577, 670. Vol. V. p. 72, 73, 75.

† Idem. Vol. VI. p. 130.

‡ Oct. 2d, 1663. Acts Parl. Scot. Vol. VII. p. 491.

§ Act. Parl. Scot. Vol. VIII. p. 190. See also Act 1696. Act. Parl. Scot. Vol. X. p. 110.

committed unto them: and that nane of them presentlie being in that function, or sall be admitted their- to in time cumming, sall, in any waies accept, use, or administrate any place of judicature, in quhatsumever civil or criminal causes, nor sall be of the college of justice, commissioners, advocates, court clerkes, or notaries in any matters (the making of testamentes only excepted) under the pain of separation fra their benefices, livinges, and functions.”* On this statute we remark, *first*—the avowed design of it is the better instruction of the people by means of “the ministers of the Gospel better and more diligently attending upon *their awin charges and vocation*,” the duties of which are evidently supposed to be amply sufficient to occupy their whole time. And surely that minister cannot be said to wait on *his own* charge and vocation, who undertakes the duties of *another vocation*, altogether distinct from *his own*, and designed to be held by a distinct person, and provided for accordingly. In the *second* place, the *principle* of the prohibition in the Act before us, is, that by “exercing any ordinar office,” ministers “may be *abstracted from their office*,” that is, from their own proper office, which is that of “instructing men in the doctrine of salvation,” by all the various modifications of pastoral care. Consequently, that office or that occupation of any kind, be it sacred or civil, which has the effect of “*abstracting*” a minister from his proper calling, either by a combination of *opposite* duties, or by an addition of extra labour, comes under the prohibition of the law. In the *last* place, when the statutes of civil and criminal law, specify a number of particular instances in which the

* Acts of Scots Parliament, Vol. III. p. 294.

breach of them is supposed to consist, it is surely never understood that *these instances alone* shall become the subjects of prosecution. Do our laws, complex and minute as they are, condescend on every species of fraud, or of theft, or of murder, which may be committed? and yet, are our judges rigidly prevented from giving judgment in all those cases which do not come under literal specification? *Specimens* of the thing intended by the law, are distinctly noticed; and it remains with the jury and judges to find whether such and such instances which chance to occur, do or do not accord in general character with the specimen. Consequently it remains with the church courts to find whether or not a professorship of any of the sciences, or the headship of a literary institution, belongs to those "ordinar offices," the "*exercing*" of which "*may abstract a minister from his office.*"

In the same parliament which enacted the statute on which we have been commenting, another act was passed, entitled, "the causes and manner of deprivation of ministers;" the preamble to which clearly defines its principle and aim: "Our souveraine lord and his three estates assembled in this present parliament, willing that the word of God sall be prechit, and sacraments administret in purity and sinceritie, and that the rents quhairon the ministers aucht to be sustainit sall not be possessed be unworthie persons, neglecting to do their duties, for quhilkes they accepted their offices." Here the great principle is again distinctly recognized, that by law a suitable provision was understood to be made for every person holding the cure of a benefice, and that every one who "accepts" that benefice shall be held bound to give himself entirely to its avocations. In order to secure the great ends of this constitution of things most ef-

fectually, the statute goes on to specify certain criminal charges, with regard to which it declares that the person, who, after trial, is “adjudged culpable in the vices and causes above written, *or onie of them*, sall be deprivit.”* Among these “vices and causes,” of deprivation, “*plurality of benefices having cure*,” is expressly mentioned. Every one who has examined the history of the reformation with attention, knows that a “benefice having cure,” was understood by our forefathers to signify a *pastoral charge*, not as opposed to any other office, however laborious,† but simply as contra-distinguished from those benefices which had been secularized at the reformation, and which yielded some emoluments without any duty attached. These non-cures, as we may term them, were occasionally permitted to be held by ministers of parishes, but the far greater proportion were either secularized or appropriated to the support of the seats of learning, while all pluralities of benefices, where actual duty was required, were prohibited. But could it ever be

* Acts of Scots Parliament, Vol. III. p. 294.

† The assembly 1582, apply the term “*cure*” to the office of doctors or professors in college. “Ane eldership (*presbytery*) is begun at St. Androis, of *pastouris* and *teachers*, bot not of those that hes not the *cure of teaching*.” Buik of Universal Kirke, p. 118; and the same application of it is made by Parliament in the act 1641, for appointing a second professor of theology in Glasgow college. “Mr. David Dickson sall have payet yearly furth of the parsonage teindis, of the parochie of Kilbryde, for his stipend during *his service of the cure*, aucht hundred pounds,” Acts of Scot. Par. vol. v. p. 398. Those who are acquainted with the style of our old acts of assembly, and of parliament, know well that the term “*ministers*” is often applied indiscriminately to “*professors of Theology*,” and to clergymen of parishes, both being held as invested with “*benefices having cure*.”

the intention of the legislature, while it prohibited a plurality of such benefices, to sanction or permit a plurality of benefices of another species, which, although not connected with the "cure of souls," in the ordinary sense of the terms, involve cares and avocations equally laborious, and, in some respects, far more adverse to the right discharge of the pastoral office? In a large community, where there are a variety of congregations, it would be less difficult for one man to do the duties of two benefices "with cure," than it would be to do the duties of one, together with those of a professorship or the rectorship of an academical institution. In the former case, the avocations are literally the same; and by a little ingenious management of time and place, the labours of the Sabbath, even in two houses of worship, might be gone through, with comparative ease. This would particularly hold good with regard to collegiate charges; and *two* ministers might thus accommodate one another, and each might hold a "plurality of benefices, having cure." In the other cases, the avocations are widely different from each other, and will not so easily coalesce. Can it then have been the intention of the legislature to forbid, in all cases, the one class of pluralities, and, at the same time, to permit, in all cases, the other? No man who entertains a just idea of the wisdom and consistency of the legislature of those days, will attach to them the charge of such glaring inconsistency. "It was not thought reasonable," observes Dr. McGill, in his admirable speech before the presbytery of Glasgow, "it was not thought reasonable, or for the public interest, that one man should fill the offices, and receive the stipends of two. One benefice and one stipend, were supposed sufficient for one individual; and the duties of two were deemed

to be incompatible. This incompatibility arose not from the *similarity* of the duties, but from the impossibility of discharging both with faithfulness and success. The same principle applies still more strongly to offices of a *different* nature, and which lead the mind of a minister to pursuits and duties of a different order and spirit.”*

It has been argued, that since the application of these two acts last quoted is expressly limited to the time elapsed, “*sen his hienes coronatioun,*” the sentence of the law against pluralities was *not absolute*. Than this conclusion nothing can be more unfair. Had *no date* been fixed for the operation of the law, its *retrospective reference* would have had no place; and every pluralist at the date of the law, would have held possession of all his benefices. It was absolutely necessary, therefore, to confer on the law a power of retrospection, so as to cut up the evil by the roots; and if a date is to be fixed, what more fair and equitable than that the era 1567 should be selected, in as much as by the act passed in that year, by the three estates of Parliament, Protestantism received its legal establishment; and “the Protestants, instead of holding their sacred right by no better tenure than a declaration of royal indulgence, which might be revoked at pleasure, obtained legal and parliamentary protection in the exercise of their religion.”† Farther back than this era, therefore, the law against pluralities could not properly go, in as much as previous to this period, Protestantism could not be said to be establish-

* Report of Proceedings, p. 20.

† Robertson’s Scotland, vol. I. p. 314. James was crowned July, 24th, 1567.

ed; and the act 1567 forbidding pluralities, did not secure any retrospect. Its express terms are “admittand no pluralitie *in time coming*.”*

It is true, that some of the laws passed in the year 1584, in reference to the church, were displeasing to the leaders of the Presbyterian party; and it is not to be wondered at, that it should be so. Amidst many wholesome and salutary statutes, such as those to which we have just made reference, there were mixed up a variety of others of a very different description, and calculated only to suit the meridian of a high-minded episcopalian hierarchy. It is not to be wondered at, therefore, that Pont and the other zealous members of the church, should have protested against them. It is, however, extremely worthy of notice, that while the act 1592, specifies those parts of preceding acts, which, as being hostile to the rights and liberties of the Presbyterian Church, are declared to be no longer in force, it leaves, by implication, all the other parts of these acts exactly as it found them. And surely we can never suppose that the Presbyterian body would be hostile to those civil constitutions which harmonized so fully with the spirit and the letter of that ecclesiastical institute, for which they contended so zealously, and for which they suffered so much. With the exceptions noticed, the statutes which we have quoted, were ratified by the act 1592; again by the second session of the first Parliament of William and Mary, 1690; confirmed in the fourth Session of the same Parliament, 1698; and were finally declared to be for ever part of the civil law of the church, in the act for securing the Protestant reli-

* Acts Par. Scot. vol. iii. p. 37.

gion, passed at the time of the Union of England and Scotland.*

The general principles which lie at the foundation of all these parliamentary statutes, are incorporated in the constitution, and pervade the whole procedure of the Court of Teinds. It is on the ground that a minister is to dedicate himself entirely to the duties of his own parish, and that these duties are amply sufficient to engage his undivided attention, that this court has proceeded and does proceed in the erection of new parishes, and in the appropriation and augmentation of stipends. If a parish be divided, it is because it had become too extensive for the labours of one minister. His whole time and attention are understood to be required; and it is only when these are insufficient that a new erection is appointed. In the case of *annexations*, the law seems to proceed on a different principle, and a principle singularly favourable to our argument. By the act of James VI. of date 17th June, 1617, the powers of the commissioners of teinds, on this point, are thus defined: "With special power to the said commissioners, to unite sik kirkes, one or more, as may conveniently be unite, *where the fruits of any one alone will not suffice to entertain a minister.*"† It is evident from these words, that small and insufficient livings only were in the view of the legislature, and that a sufficient living is incapable of annexation. The parish may be very small, and it may lie conveniently in to another, and yet *on this ground alone*, the court of teinds was not at liberty to annex it to the other. In another part

* Cook's Hist. of the Church of Scotland, vol. I. p. 465-469. Speech, p. 73.

† Acts Par. Scot. vol. iv. 533.

of that statute, as if to place the meaning and design of the legislature beyond all question, there is this remarkable barrier set against the annexing powers of the court: “ finds and declares that all kirkes which are planted with ministers, whose stipends extend to *five chalders* victual, or five hundred merks money,” (the then *minimum* of stipends) “ are expressly excepted out of this commission, and no ways come under the compass thereof, neither shall the said commissioners have any power, by virtue hereof, to meddle with any kirkes or stipends which are in that case, seeing the said commission is not extended to the same.” When a parish is *too large*, the court may divide it into two or more, for the purposes of better superintendence; but the *smallness* of a parish is not held a sufficient reason for its annexation to another, so long as it possesses an adequate stipend. *One condition* only regulates the *subdivision* of parishes, and that is, their extent and overgrown population; *two conditions* are necessary to authorise the annexation of parishes; *insufficiency of living*, and *commodiousness for annexation*.

Nor was it the intention of the legislature to oblige the commissioners to unite churches even in every case of small livings; for it is provided by another clause, that in the case of those parishes where the fruits did not amount to the minimum, and yet, “ for distance of place, or other lawful causes,” it might not be expedient to unite them to others, it should be lawful to assign the whole teinds to the ministers of these parishes. While, therefore, the commissioners were authorized by the act 1617, only to unite small livings; their powers even in *these* instances, are limited by a due regard to the necessities of each case, and the localities of the respective pa-

ishes.* Strict as the regulations of this act were as to the union of parishes, it appears that the commissioners had exceeded their powers; for, in 1621, a new commission was issued, in which there is the following recital of grievances: “that there have been heretofore sundry kirkes united together, and conjoyned into one, albeit on good considerations it may be found more expedient, that the same union be dissolved, and that the saidis kirkes be provided generally with distinct functions, and separate services, at such places where the commoditie (conveniency) may afford, in the same manner as if no such union had been made;” and the commissioners are authorised “to disunite such kirkes, one or more, as were united of before, and appointed to be served by one minister, and as they upon good considerations shall find requisite to appoint the same to be served by several functions and charges, as distinct paroches, after such manner as shall be found by them most expedient.”† The commissions of 1633 and 1641, confer larger powers on the court, while they show the jealousy of the legislature lest injury should be done to the best interests of the people, by improper annexations of parishes. The last of these gives power “also to unite kirkes and paroches, lying so near each other, and being so little boundes and small a number of parochineres, that the union of them shall be found more useful and conducible for the good and ease of the parochiners of both the kirkes and their edification: *providing* that the dividing of large paroches, the dismembering of ane part of the saidis parochines in case foresaid, and the uniting of kirkes and parochines of

* See Connel on Parishes, p. 18.

† Act 1621, cap. v.

the quality above specified, be done upon the special recommendation of the presbytery, synod, or General Assembly, given in writ, and after the commissioners have cited and heard the parochiners of both kirkes thereanent, and no otherwise.* The act 1649 enjoins, “that where lesser paroches lie near to over-great and large paroches, it is declared that some parts of the large paroches may be taken and adjoined to the small paroches, that thereby both the charges may be made more proportionable, and the stipend of the minister in the lesser charge, may be made competent and sufficient.”† It is indeed true, that the commissions 1690, 1707, give a greater discretionary power to the court, but we ought to recollect that, at this time, the scarcity of Presbyterian ministers was so great, that it was found necessary, in many instances, to unite parishes, in order that the more destitute parts might be more speedily supplied. Besides, as the acts 1690 and 1707 were simply a *renewal* of the older acts already specified, we are naturally led to look to them as the best expositors of the meaning and design of the legislature.

The views of the church harmonize exactly with those of the legislature on this head; and indeed so sensible has she been of the danger to be apprehended from the prevalence of the idea of annexations on the ground of *smallness* in parishes, that the General Assembly of 1740, by a solemn act “expressly discharged all presbyteries to consent to, or connive at, the annexation or suppressing of parishes, without the consent or approbation of the synod of the bounds, or the General Assembly.”‡ Motives not always of

* Act 1641, cap. 30.

† Act 1649, cap. 45.

‡ Acts, Sess. v. 1740, also 1793, 1794.

the purest kind, might lead, it was supposed, a body of landed proprietors to seek the suppression of a small parish; and presbyteries, it was found, from experience, had sometimes been passive and lukewarm in such matters; and on these accounts the assembly thought fit to interpose her authority. The application of the act to the case in hand, is too obvious to require farther comment.*

The principle on which the *erection of a new parish* uniformly proceeds are, the increasing population; the extent of parochial bounds; and the incompetency of one minister to discharge the duties. When the bounds of a new parish are fixed, they are such as are supposed to require the undivided labours of the minister; to these the people of the parish receive a right; and, on account of this, a stipend for a full maintenance is provided. These principles have been distinctly recognised in all the instances of new erections since the establishment of the teind commission.† It is particularly important in illustration of our argument, to notice the mode of procedure in cases of an increasing population in towns. In all the instances

* In the assembly 1771, the case of the annexation of the small parish of Kinnaird, with Farnwell, in the presbytery of Brechin, was brought forward by the wit and eloquence of Dr. Charles Nesbit of Montrose; and although he had to contend single-handed with Principal Robertson, and the great leaders of the church, he carried his point triumphantly. See account of the Debate in the Scots Magazine, for June 1771, and Dr. Nesbit's Speech, at length, in the London Magazine for August, of the same year.

† See cases of Yell and Fetlar, 1709; Lewis, 1722; Durness, 1724; Polmont, 1724; Sky, 1726; Lochcarron and Kintail, 1720; Gigha and Cara, 1726; Whitburn, 1731; South Uist and Barra, 1733; Knapdale, 1734, &c. Sir J. Connell on Parishes, p. 63—81.

on record it appears, that when the inhabitants of towns increased to such a number as to render the labours of one minister unsupportable, the court and the church found it expedient and necessary to appoint him a colleague or colleagues, according to circumstances. In 1593, when the population of St. Andrews was probably 4000, a second, or colleague, minister was appointed by the General Assembly,* and by Act of Parliament. The preamble to this act deserves to be quoted, as it states the general principle on which all such erections proceeded. "For sa meikle as it is statute and ordainit in the parliament holden at Edinburgh, the 24th day of October, 1581 years, that every parochie kirke and sa meikle boundis as sall be foundin to be a sufficient and competent parochin therefor, shall haiv their awin pastour, with a sufficient and reasonable stipend," &c. and "the populous congregation of the said parochin, and great distance of said parochiners dwellings from the parish kirke" are assigned as the reasons why the "paroch cannot be sufficientlie instructit by a pastor."† In 1649 the Parliament ordered a third minister to be fixed in the town of St. Andrews, with a stipend of £100 sterling.‡ In 1612 a second minister was appointed to Kirkcaldy, when the population appears to have been about 3000.§ In 1621 the city of Edinburgh, exclusive of its suburbs, was divided into four parishes, with two ministers to each, that number having been found by the magistracy and privy council to be absolutely necessary for a population which for

* Buik of Universal Kirke, p. 429.

† Acts of Scots Parliament, Vol. III. p. 549.

‡ Idem. Vol. V. p. 359.

§ Statistical Account, Vol. XVIII. p. 18.

a century afterwards did not amount to 20,000.* The King (Charles I.) when he sanctioned this arrangement, expressed a wish that the Principal of his father's College should always be one of the eight ministers. This the council did not choose to grant, but passed an act to this purpose: "That each of the said parochins and congregations sall be providit with twa ministers, so that the town sall have eight ministers in the whole, *over and besyde the Principal of the Colledge, who shall not be reckoned in the number, and exempt in all tyme cuming from the chairge of an actual minister within the burgh;*"—"and they (the town) sall agree upon such an augmentation as may be fitting for a sufficient maintenance to each of them."† In 1649, *twelve* "ordinar ministers," (that is, over and above the Principal) were declared by Parliament necessary;‡ but it was not till 1662, when the city was divided into six parishes, and the number of ministers increased to twelve, with augmented stipends.§ In 1636 a second minister was appointed by the court to Haddington, whose population in 1695 must have been about 5000; and at this last date, a part of the parish was disjoined and formed into the parish of Glads-muir.|| In 1633, Dr. John Elliot was appointed as a

* Stat. Account, Vol. XVII. p. 139.

† Maitland's History of Edinburgh, p. 274—280.

‡ Act Parl. Scot. Vol. V. p. 462, 19th June, 1649.

§ Maitland, p. 141.

|| Stair's Decisions, 18th Nov. 1680. Connell, p. 53, 58.

It appears that long before this, Mr. Charles Ferme had been called by the people and the presbytery, to be "second minister of Haddington." Records of the Presbytery of Haddington, July 28, and August 25, 1596, and Sept. 28, 1597. This confirms still more strongly the inference we mean to draw; as it appears that the *necessity* for a second minister was recognised

fourth minister to the city of Glasgow, although the population in 1660 was only 14,578.* In 1640, a second minister was appointed to the town of Cupar, although the population in 1755 was only 2195.† The town and parish of Paisley had in 1736 a population of between 5 and 6000, and besides the two ministers of the Abbey parish, a third was appointed to the newly erected town charge.‡ In Greenock, with a population of 4000 in 1741,§ a second church and parish was found necessary. In 1782 the church and parish of St. Enoch's, Glasgow, were erected, in consequence of a representation from all concerned, "that on account of the great increase of the population of the city," an eighth church was necessary; and yet the population then was only 42,831.||

Among the numerous instances on record of the union of parishes by the Court of Teinds, there is scarcely one in which the smallness of parishes and considerations of economy are held as the only grounds of annexation. According to Sir John Connell, to whom we are indebted for much useful information on this subject, the "grounds of procedure have been the smallness of the parishes proposed to be united in point of extent and population, the contiguity of the situation, and the inadequacy of the funds to provide for two ministers."¶ In general, the consent of the church has been obtained, although it is a very

by those locally interested, at least, *forty years* before it was sanctioned by the court.

* Cleland's Annals, p. 17, and Population Tables, p. 3.

† Stat. Account, Vol. XVII. p. 139.

‡ Records of Teind Court, Vol. XIX. p. 19.

§ Stat. Account, Vol. V. p. 570.

|| Cleland's Annals, p. 506.

¶ Connell on Parishes, p. 213.

remarkable fact, that in two cases* in which the decision of the supreme ecclesiastical court was against the proposed union, the Court of Teinds have held a different opinion, and decided accordingly. In the latest of these instances, the Assembly disapproved of the union, by a judgment expressing, “that the interests of religion and of the church require the proposed annexation and suppression should be rejected; and that the procurator for the church should be directed to oppose the same in the proper court, in the name of the Church of Scotland.” The Assembly came to this resolution unanimously, on the report of a committee specially nominated to inquire into all the circumstances of the case.† When the matter came before the proper court, it was argued on behalf of the Church, “that the population of these parishes, though not greater than that of other parishes, was sufficient in number to occupy the attention of the most zealous pastor; that the tiends of the parishes afforded a sufficient provision for ministers to each; and that if the union should take place, the inhabitants of Glenholm would be placed at too great a distance from the new church proposed to be built. It was also stated, that much inconvenience would arise from the suppression of some of the parochial schools, unless provision to the contrary should be made.”‡ It appears, from the Statistical Account§ of these parishes, that at the time of the decision of the Assembly in this case, the parish of Broughton had a population of 264; Kilbucho, 362; and Glen-

* Kinnaird, Nov. 1772, and Glenholm, Broughton, and Kilbucho, 1794. Connell, p. 181, 200.

† Acts of Assembly, 25th May, 1793.

‡ Connell, p. 201.

§ Vol. V. and VI.

holm, 300: and yet the Supreme Ecclesiastical Court unanimously gave it as their judgment, that the “population of these parishes was sufficient to occupy the attention of the most zealous pastor;” and that “the interests of religion and of the church required that the proposed annexation and suppression should be rejected.” Such were the exalted views entertained in 1793 of the nature and extent of pastoral obligation; and yet, in opposition to the recorded judgment of the whole house, the Court of Session sanctioned the union. The only use we wish to make of these facts, is simply to show the *kind of argument* which was then employed, to prevent an union considered as prejudicial to the best interests of the Church; and the application of the same kind of reasoning to proposed unions of *parishes* and *professorships*, it requires no laboured process of investigation to illustrate.

The same reasoning will apply to another very important function which the Court of Teinds has to discharge. When an augmentation of stipend is granted, the Court proceeds on the ground of a provision adequate to the maintenance of a person whose time and talents are wholly required by the sacred office and services to which he is appointed. Were not this the case, a full maintenance from the public would not be appointed, and no plea of augmentation on such a ground would be sustained. It would be sufficient to grant only a part, and to leave the other offices which he might hold, to supply the deficiency. The Court of Teinds, in conformity with the constitutional regulations of the Church of Scotland, acts on a different principle, and gives the sanction of law to the *unity* and *entireness* of the ministerial calling.

SECTION FIFTH.

On the Design and Import of the Act 1817.

THE whole of this mass of evidence, derived from the public standards, the express statutes, and the accredited practice of the Church, and of civil courts, has been met by a simple appeal to *one* law, which is supposed to supersede all others, and to constitute, in fact, the *only statute* by which our sentiments and decisions ought to be regulated. This is the famous Act passed by the Assembly 1817, into a standing law, in consequence of its having received the previous sanction of a majority of the Presbyteries of the Church. By this law it is enacted and ordained, “That if a Professor in an University be hereafter presented to a parochial charge, which is not situated in the city that is the seat of that University, or in the suburbs thereof, he shall within nine months after his being admitted to the charge, resign his professorship;”—“and that if the minister of a parish which is not situated in the city that is the seat of an University, or the suburbs thereof, be hereafter presented or elected to a professorship in any University, he shall at the first ordinary meeting of presbytery, which shall take place after the lapse of six months from the date of his induction unto the professorship, resign unto the hands of the presbytery his pastoral charge.”* From the terms of this enactment, it has been inferred, that in *every other case*, except the one supposed, that is to say, in every instance in which the professorship and the parochial charge are situated within the limits of the same city,

* Assembly Acts, 1817, No. VI.

or the suburbs thereof, the church is necessarily *bound* to sustain the plurality. It will be readily allowed, by the adherents of both sides of the argument, that the law, as it now stands, does not contain an *absolute exclusion* of ministers from professorships or of professors from parochial charges *in every case*; but the question is, Does it contain an *absolute injunction to admit in every case*, excepting only the instance expressly noticed in the act? In other words, is an union of offices to be uniformly and imperatively sanctioned by the church in every case where non-residence is not necessarily occasioned? Has the church denuded herself entirely of all right and power of judging in regard to the *compatibility* of certain offices with the due discharge of pastoral duty, and must she sanction, in all cases, an union of offices, excepting only where such offices affect, or are supposed to affect, the local residence of the individual concerned? Are all the enactments of the church relative to the extent of pastoral obligation, the secular engagements of ministers, and the evils likely to result from pluralities of offices held by the same individuals, to be at once swept away? And is the church now and henceforth to take her stand on this insulated statute, in which all others have been supposed to be “merged?”

Let it be remembered, that the injunction supposed to be contained in this act, 1817, must be held to be *imperative*, in the most absolute and unrestricted sense of the term. The moment you give to the church the power of sitting in judgment *on any one supposable case* that may occur, that moment you give up the argument. The exclusion of all unions of offices in the case noticed in the law is *absolute* and unrestricted; and our opponents in this question must, to be consistent, and to make their argument worth any

thing, hold, that the admission in all other instances is *equally* absolute and unrestricted. This, indeed, is what they rigidly contend for; and hence we find them setting entirely aside all reference to the specialties of cases that may occur, and all inquiries as to the compatibility or incompatibility of particular offices—and taking their ground exclusively on the supposed terms of a rigid and unaccommodating law. Indeed it is a very remarkable fact, that in the case which has given rise to the whole of this controversy, the minority did concur with the majority most completely in denouncing the projected union as an evil of no small magnitude, while they considered themselves as imperiously bound to sanction that evil, however gross, on the single ground of the supposed intention of the Act 1817.*

What then is the bearing of the argument, when generalized in its principle? Why, it is evidently this, that the church is imperiously forced to sanction an union of offices, however incompatible on other grounds, provided only their geographical situation, or their locality, be the same. For example, if the minister of the Barony parish, with a population of 50,000 souls, has interest to obtain himself appointed to the chair of Greek, or Moral Philosophy, or Logic, in the College of Glasgow; or, if the ministers of St. Cuthbert's, Edinburgh, with a population of the same

* “The Presbytery resolve to proceed in Dr. M'Farlane's settlement with all convenient speed, according to the rules of the Church; at the same time they express their decided disapprobation of such union of offices in the person of any individual, and that it shall not be considered as a precedent to authorise any such practice in future.” *Motion made by the Minority of the Presbytery of Glasgow, on the 2d July, 1823.* Report, p. 74.

amount, should attain to a similar honour, there is no power in the church to put a negative on such unseemly unions. Again, if the professors of Humanity and Greek in the college of Glasgow, occupied as they are with hundreds of pupils, many hours each day, and engaged in pursuits not altogether congenial with the ordinary engagements of a pastor—or if the professors of Scots Law, or of Natural Philosophy, or of Anatomy, or of Chemistry, or of Midwifery, or of *Materia Medica*, whose laborious employments do not partake of that character which will make them readily coalesce with the usual pursuits of clergymen, should nevertheless imagine that they are perfectly competent to do all the duty that is required of a minister in Glasgow; and, through the kindness of the crown or of the magistracy, shall accept of a presentation to any one of the churches of the city or suburbs, and shall apply to the presbytery for induction; could the presbytery refuse to admit? On the argument of our opponents, they could not, and dare not. The law is imperative. The question of compatibility and of competency for the offices, is taken out of their hands, and so long as the presentee is otherways qualified, and has his residence within the parish, induction must forthwith take place. Now, I would ask, is this consistent with any common sense view that can be taken either of the constitutional principles of the church establishment, or of the designs for which churches and universities were founded? Or, is there any presbytery in the church who would, avowedly at least, carry the argument this length? Or, would any ecclesiastical court in Scotland tamely and unresistingly give up a right, which was held as incontrovertible by all parties in the assembly of 1815; the right, namely, of the church

courts “to prevent all such unions of professorships with pastoral charges, as are deemed incompatible with the discharge of pastoral duty.”* It will be said, indeed, that these cases are *special*, and that presbyteries would bring them, by simple reference, under the cognizance of the supreme court. And is not this to cut the sinews of the whole argument? Is not this the very thing we are contending for, that each case must be judged of by its specialties? Has not *every case* of possible occurrence its specialties? Had not the case of Principal Ferme, in 1600, its “specialties?” and upon these, did not the assembly of that year decide? Had not the case of Professor Rutherford, in 1638, its “specialties?” and upon these did not the assembly decide? Had not the case of Professor Hill, in 1780, its “specialties?” and were not these the grounds of the decision in his favour? And has not the case which has given rise to all this discussion, its “specialties,” too, and of these, is the church not competent to judge? It will not do to say that we are supposing an extreme case, and a case that may never occur. The very possibility of the occurrence is all that is necessary for our argument; and we know, that in the course of years, things which once appeared altogether unlikely to occur, have really and literally happened. At one period of the church, would it not have been looked on as very unlikely, that a parochial minister, with a competent stipend and charge, should hold a professorship “having cure,” at the distance of fourteen miles from his residence? and not less unlikely, that a theological professor, in a college whose statutes imperatively require residence within its walls, should have

* Acts of Assembly, 1815, Dr. Hill's Motion.

held a parochial charge, at the distance of six or seven miles from his appointed abode? And yet such phenomena have been; and phenomena equally remarkable may be. That in such cases as those supposed, the presbytery of the bounds may submit the matter by simple reference to the General Assembly, is true. They have the power and liberty to do so: but they are assuredly not *bound* to do so. As the radical court, it becomes them to judge, in the first instance, of every case that comes before them; and, as being best acquainted with the local and other specialties of the cases, it is their duty to declare and act on their judicial sentiments. Indeed the necessity of reference to the supreme court, is altogether taken out of the way, seeing it is not likely that a matter which involves the temporal interests of individuals so deeply, will be allowed to settle itself upon the decision of the inferior court. And after all, if the statute be as is supposed, vested with all the unaccommodating attributes of a "standing law" of the church, will not the highest court, as well as the lowest, be bound by its provisions, however unpleasant to their taste? The supposition of a power in any one of the courts, to review the matter, and to judge of it, proves undeniably that there is no "standing law" in the case, as it belongs to the nature of a standing law, that it is imperatively binding equally on kirk-sessions, presbyteries, synods, and General Assemblies.

Moreover, if the act in question necessarily authorizes the extensive application which it is proposed to make of it, a most invidious and unreasonable distinction will be created between offices substantially the same in character, while they sustain only a nominal difference. For instance, on the implications of

this statute, no church court can interfere to prevent the Professor of Humanity from being one of the ministers of Glasgow; but the *teachers* of Humanity in the High School, cannot be parochial ministers without the consent of the church. A clergyman may be prevented from becoming a regular practitioner in law, or in physic; but he cannot be prevented from becoming a *professor* of the one or of the other. Any office, however secular, and however laborious, may be held by a minister, provided only it goes under the name of a professorship; while other offices, not more secular, and not more laborious, cannot, if the church chooses to prevent it. The laws against secular engagements in the persons of ministers, remain whole and entire; and every presbytery is required to put them in force; but let a man once creep within the walls of an University, and he may henceforth be as secular, as negligent of his pastoral duty, as mercenary as he pleases, with impunity. You cannot touch him by the arm of ecclesiastical law—the law protects him; and you have only to submit, with the best grace, to what you know to be unavoidable.

Before we tamely consent to invest this celebrated statute with such tremendous powers, and to sacrifice at its shrine all that is valuable and endeared in the judicative powers of the church, let us seriously inquire; on what grounds is such an extensive compass of application given to it? What reasons have we for thinking, that the church, in passing that act, designed to invest it with this imperative and exclusive character? Now, there are two ways in which the spirit and design of the legislature, in a particular enactment, may be best ascertained; and these are, the history of the enactment itself, and the terms in

which it is expressed. Let us shortly examine the act 1817, by the application of these two tests.

I. With regard to the history of the enactment, or the circumstances which gave rise to it, the act itself must be held as the best expositor of its own genealogy. Its preamble runs thus: "Whereas, apprehensions have been generally entertained, that the permission given, in a few recent instances, of clergymen holding a professorship in a University, to hold at the same time a parochial charge in the country, may introduce abuses hurtful to the interests of religion and literature." Here is the groundwork of the whole; and we are naturally led back to the nature and specialties of the "recent instances" alluded to in the preamble. It appears from fact that four such cases had occurred within the lapse of the preceding 25 years—those, namely, of Collington, of Abercorn, of Kingsbarns, and of Kilconquar. The two first on this roll never came under the cognizance of the church, and, therefore, it cannot be said with propriety, that "permission was given to them." They passed *sub silentio*; and although every right thinking man must have looked on them with some surprise and apprehension, no decisive measures were taken to check or to prohibit them. By the time that the third case came before the public, an important revolution had begun to take place in the general sentiments of the country regarding such unseemly unions; and when Dr. Arnot, Professor of Divinity in St. Mary's college, St. Andrews, was presented to the living of Kingsbarns, seven miles distant from the university seat, a strong feeling of hostility to his induction was manifested in the inferior courts. A majority of presbytery and of synod, indeed, voted for the induction of the presentee; but several members of both courts

brought the matter, by appeal, before the General Assembly, of May, 1800, where it underwent a very full discussion. A majority of the court did indeed sustain the sentences complained of; and Dr. Arnot was settled accordingly. But a deep and powerful impression was made. A strong feeling of repugnance to such unions was excited, and the public voice began to lift itself loud and clear against their toleration. It was not till 1813, that another case of the same nature came under the cognizance of the assembly; and this is the fourth and last that occurred. Mr. Ferrie, Professor of Civil History in St. Andrews, was presented by the Earl of Balcarras, to the parish of Kilconquar, at the distance of twelve miles from the university seat. When the presentation was submitted to the presbytery of St. Andrew's, that reverend body refused to sustain it, unless on condition of Mr. Ferrie's giving them an assurance that he would resign his professorship immediately on his settlement at Kilconquar. The matter was appealed by patron and presentee, to the assembly, and after a very lengthened and interesting debate, the sentence of the Presbytery was reversed by a very small majority of *five* members, in one of the fullest meetings of assembly ever held.* A public sanction was thus once more given to the union of offices, involving non-resi-

* It is interesting to notice the remarkable change which thirteen years had produced in the sentiments of the church relating to such unions. In 1800, the great majority of the presbytery decided *in favour* of Dr. Arnot. In 1813, the great majority of presbytery decided *against* Mr. Ferrie. In 1800, Mr. Bell of Crail, assisted by Dr. Nairn of Pittenweem, and Mr. Fleming of Kirkaldy, (now Dr. Fleming of Edinburgh) had to stand forward against both their Presbytery and Synod. In 1813, the two former of these

dence; but the public feeling was more and more roused, and the minds of independent members of the church began to feel alive to the vital importance of the question at issue. Accordingly, by the very next assembly, overtures from different districts of the church were laid on the assembly table; and after long and full discussion, a *declaratory act* was passed to the following effect: "Whereas, although the residence of ministers in their parishes, which is essential for giving full efficacy to religious instruction, has been enjoined by numberless and fundamental laws of the church of Scotland; yet from residence not having been clearly defined, practices have, of late, been introduced, subversive of this admirable part of our ecclesiastical constitution, the General Assembly declare, that henceforth no presentee to a parish is capable of residing in it, as required by the above mentioned laws of the church, who holds an office or living, imposing, or which may impose on him duties, the discharge of which necessarily requires his absence from his parish, and subjecting him to an autho-

reverend individuals, supported by a goodly band, like-minded with themselves, appeared as the *defenders* of the inferior judiciary. In 1800, the cause of pluralities involving non-residence, was pleaded at the bar of the assembly, by *both* of the inferior courts. In 1813, *not one member of the inferior ecclesiastical court* appeared openly on its side, and the appeal was brought to the bar at the instance of the *patron* and *presentee* exclusively. The change in these instances is the more remarkable, as in Mr. Ferrie's case, the professorship was understood to be nearly, if not entirely, a *sinecure*; while in Dr. Arnot's, no such plea could with decency, be pleaded. So well founded is the observation made in the "humble supplication of the General Assembly of 1638, to the King's most excellent Majesty," that "truth is the daughter of time." Acts of Assembly, 1638, p. 67.

rity which the presbytery, of which he is a member, cannot controul;" and, therefore, prohibit all such instances of union. In the assembly 1815, an attempt was made to alter the judgment of the preceding year, on the ground that what was passed in that assembly as a *declaratory act*, was, in fact, a *new law*, and therefore ought to have gone through the presbyteries, in terms of the Barrier act. This attempt was resisted, and the judgment of the preceding year adhered to. In consequence of this resolution, a strong sensation was excited in different districts of the church, and the idea of an usurpation of power, by the assembly, was strongly and extensively entertained. Accordingly, in 1816, an unprecedented number of overtures were sent up to the assembly, calling for reversal of the former deeds, and for the transmission of an overture on the subject to the different presbyteries, for their opinion regarding it. A majority of the members of assembly went along with these overtures, and in consequence, the matter was submitted to presbyteries in the regular way, and the "standing law" of 1817 thus obtained. This set the matter at rest; and here we at present stand.

Now, from this short historical statement of the act 1817, it appears perfectly clear, that the various cases in which it originated, turned equally on one and the same point, namely, the question as to the meaning of the statutes regarding "*residence of the clergy*"—*secondly*, that the "declaratory acts" of 1814, 1815, confined themselves simply to a definition of *what residence* signifies, and a declaration that such cases as those which had been tried, were at variance with the proper meaning of the term—and *thirdly*, that the overture afterwards transmitted to presbyteries, and passed into a law in 1817, was designed to em-

brace simply the substance of what was formerly a *declaratory act*; the objection to it being grounded not on the substance of that act, but on the manner in which it was obtained. It is called, indeed, a law against the improper union of offices, but a title must be explained by the contents of the deed; and here the “impropriety” complained of is expressly defined to be, the holding of offices inconsistent with residence. The question as to the incompatibility of such unions on other grounds, though certainly not overlooked, was not the prominent feature in the argument. Neither in the case of Dr. Arnot, nor in that of professor Ferrie, was it argued that the profession of theology, or of Civil History, were in themselves “incompatible” with the studies and duties of clergymen. Nor in the declaratory acts 1814, 1815, is there the most distant hint of any other end being aimed at than the future prevention of all those unions which involve or may lead to non-residence. Surely it could not be the design of the church to comprehend all abuses under this one class; and to declare that every professorial office, however secular, and however laborious, was “compatible” with the ministry, provided the offices were situated in one place. There is not one circumstance in the cases of Kingsbarns or Kilconquar—there is not one circumstance connected with the history of the declaratory acts of 1814, 1815, which rose out of these cases—nor is there one circumstance in the history of the law 1817, embodying the previous acts, and giving them all the force that ecclesiastical law can carry; there is not one circumstance, in the whole history of the matter, that can give the shadow of verisimilitude to the notion, that the act 1817, while it was designed to forbid one particular species of incompatibility, was designed, at the same

time, to sanction and confirm every other species. Whence then the wonderful transformation of an act declaratory in 1814, 1815, into an act rescissory in 1817? There is not one feature in the history of the business that can throw light on such a mysterious change. On the ordinary principles of human nature, we take it for granted, that the abuses complained of, and designed to be remedied by the act of 1814, 1815, are the same abuses that are designed to be rectified by the law of 1817, unless it can be shown from the history of events, that some new discoveries had been made in the interim, and that in consequence of these, the act which, in the former year, was definite and limited, was, in the latter, armed with a power incomparably more extensive.

There is an important consideration which throws a good deal of light on the history of this act, and goes very far to determine the end and meaning of those who were engaged in framing it. It is well known, that the supporters of the measure consisted chiefly of two classes of persons. The one class comprehended the decided enemies of pluralities in every instance, excepting only where the plea of absolute necessity can be urged. The other class comprehended the opponents of pluralities in all those cases where incompatibility of offices can be reasonably pleaded. It was the earnest wish of the first of these, to have the act so framed as to put an absolute negative on pluralities of every kind; but being aware of the strong opposition which such a measure would excite, they wisely joined issue with the second class, in the view of obtaining a negative on one class of pluralities, as a measure of advantage so far, satisfying themselves with the principle, that it is better to accept of a certain good, though not to the full extent of our wishes,

than to hazard the loss of all, by aiming at what we cannot accomplish. Now, is it at all probable, that these two numerous and respectable classes of persons would be so short-sighted, as to concur in an act, the necessary result of which they knew to be the deprivation of all right in the church to judge in any case, either of the compatibility of united offices, according to the view of the one party, or of their absolute necessity, according to the views of the other? For let it be remembered, that on this notion of the thing, the Church of Scotland is most completely deprived of her power to judge at all in cases of plurality. In the instance expressly noticed in the act, the church cannot say one word, seeing the prohibition is absolute; and it is contended that the church has as little to say in all other instances, because, by implication, pluralities of all other kinds are inevitably approved. Who does not see, that if this is to be the state of things, the Church of Scotland is in a much worse state now than before the act was passed? Then, the church could review every case of plurality that chanced to occur, and sustain or refuse as they saw most meet. Now, she is entirely helpless and passive. Of non-resident pluralities, as we may call them, her opinion is no more to be asked; and of all others, however incompatible and unnecessary, she is not permitted so much as to give an opinion. The professor of Practical Astronomy in Edinburgh college, holding an absolute sinecure, can on no possible ground be allowed to hold a living in the country; while the professors of Humanity, Greek, or Mathematics, holding each an office amply sufficient for one man, cannot possibly be prevented from accepting, if they choose, one of the parochial charges of Edinburgh, St. Cuthbert's, or Canongate. Is it reasonable to suppose, that the persons who had

the charge of drawing up the act, and who had the matter *sub judice*, not once, but frequently, during the lapse of at least four years, should have really intended to bring matters to such a consummation as this?

Moreover, there is another, and an independent party, who behoved to be consulted before the church could reasonably think of giving her solemn sanction to pluralities of every kind, except one. The constitutions of the different universities of Scotland behoved to be inquired into, and carefully studied, before the church had a right to say, that in all cases resident professors may become resident parochial ministers. Was there no reason to suspect that, in some instances at least, the duties of Professors in certain colleges were such as utterly to preclude a minister from discharging them aright, in connection with a pastoral charge? Are there no instances in which the students are required to give attendance on public worship, in one authorised place, and the respective professors at their heads? And in such instances, is not the senatus of each university vested with full power to enforce the statutes of the corporation?—and then, what becomes of the rights of the church? Is there not here a want of compatibility? and is it to be supposed that the Church of Scotland, with the full knowledge of such facts as these, designed to pass an act, whose inevitable effect must be to occasion a frequent interference of separate jurisdictions; and to attempt what may often be found altogether impracticable?

Again, what was the line of conduct pursued by the opponents of the acts 1814, 1815, and 1817? Did they not meet the very first proposal to have an act on the subject of pluralities, by a motion of declarator, that “as the church courts have within themselves

sufficient power to prevent any union of offices, which appear to be incompatible, there was no necessity to consult the presbyteries on the subject?" And did they understand, that their opponents, the anti-pluralists, meant, by the act in question, to denude the church courts of this power? And is it likely that they would have yielded tamely to such a proposal, without making one struggle for the rights and liberties of the church? This, surely, is not very probable, particularly when we find the same persons occupied, next year, in proving that the assembly had, in passing a declaratory act, exceeded their powers, and usurped a right, which is proper to the church in her collective capacity alone.

There is a circumstance which occurred in the course of the debate on the declaratory act in the Assembly, 1816, which, although it may appear trivial in itself, throws a good deal of light on the views and feelings of those concerned in that question. The motion for repealing the declaratory act, as made by Mr. Yorston of Hoddam, and seconded by Mr. Anderson of Closeburn, stood originally thus: "That the declaratory act of the Assembly, 1814, not having been transmitted to Presbyteries in the manner prescribed by act 9th, 1697, is not to be regarded as a standing law, and is not binding on this Church." It soon appeared to the observant mind of Principal Hill, that if these terms were retained, the inference is inevitable, that the Assembly would be in effect declaring, that up to the act of 1814 the Church had no fixed laws prohibiting non-residence and plurality of offices, and that an entirely new law on this subject was necessary. To prevent such an inference, which he, in common with Dr. Nicol and the rest of his friends on the other side of the house, pointedly

disavowed, an amendment was proposed by him and readily adopted; and the motion, as thus amended, and carried by a majority of 118 to 94, runs in these terms: "That the new enactments contained in the declaration of Assembly 1814, not having been transmitted to Presbyteries in the manner prescribed by act 9th, 1697, are not to be regarded as standing laws, and are not binding upon this Church."* Now, from this it is plain, that the objections urged against the act 1814, did not rest on the declarations which it made against non-residence and pluralities, but simply on the "enactments" which it passed, or seemed to pass, relative to the manner of procedure in order to prevent such evils in future. The binding obligation of all the laws on these subjects was granted; but it was maintained, that the act 1814 presupposed certain cases to be infractions of these laws, which might not be so, and that it prescribed a course of procedure in regard to such cases unheard of before.† The Assembly yielded to the objection, and repealed the obnoxious act. Our argument, then, from the fact as now stated, is a very plain and simple one—that it could not be the design of the overture in which the amended motion of Mr. Yorston issued, to touch at all the standing laws of the Church against non-residence and pluralities, but merely to regulate the mode of procedure in certain instances of their supposed infringement.

A great deal of light may be thrown on the *intentions* of a court in passing an act, by reference to the

* The above fact is stated on the authority of Dr. Cook's Speech delivered on the occasion, p. 95, and Appendix.

† See particularly Dr. Nicol's Speech, Scots Magazine for 1816, p. 472.

sentiments of the principal speakers on the occasion. Let us take a few specimens, then, from the chief pleaders on the question before us in the Assembly 1816, when, *let it be particularly* noticed, the matter was, for the *last* time, submitted to the review of the Supreme Court. Dr. Chalmers “considered it a material point gained, to have obtained the law 1814. It was a vantage ground on which the church now stood. The framers of it seemed to have had an *ulterior* object in view, namely, to do what he should wish to see done, *union of offices declared to be unlawful in all cases*. But the church at that time was not in a state to be brought to such a measure. He hoped, however, it would at length be accomplished. He said they should keep what they had now distinctly and clearly gained, and not allow it to be again involved in doubt and all the mysticism of a legal phraseology.” In his view of the impolicy of unions of offices in all cases, a number who agreed with him in the other points might not concur; but certainly not one of them ventured on the preposterous averment, that Dr. Cook, and the other friends of the act 1814, meant *the very reverse* of what Dr. Chalmers affirmed; namely, to sanction all unions of offices where non-residence did not take place? And, we beg to know, how was the averment of Dr. Chalmers received by the speakers on the *other* side? Did they rebut the averment? Or did they avow it as *their* design, in the intended overture, to do *the very reverse* of what the friends of the declaratory act wished and longed for—even to give the *sanction of the church* to an union of offices *in all cases* where non-residence did not take place? Did *any individual breathe* such a sentiment? Or had such an idea been put into the overture, does any man in his senses think that it

would have been taken up and carried by a majority of the house? No certainly. We make an appeal to an authority of no slender weight; that namely of an enlightened and most justly respected judge, whose speech followed that of Dr. Chalmers, to which it was designed as a reply. "The Lord President said, that the reverend gentleman who had just sat down, had appeared to him to take the only consistent view of the subject, when he proposed to abolish pluralities altogether; nay more, that he concurred with him cordially in his views of the impolicy of such unions of office; and were he," Dr. Chalmers, "to introduce an overture to prevent them in toto, he was ready to go out and out with him in it." His Lordship then went on to show, that the act of 1814 gave no advantage to the church beyond what it had before, since the terms of the enactment appeared to him so vague as to leave every special case to be decided, as formerly, on the basis of its own merits. But, did it ever occur to the comprehensive mind of his Lordship, that the friends of the declaratory act and of the overture, which are substantially the same, intended, either by the one or by the other to *legalise an evil*, whose results in one class of instances, they were so anxious to prevent?*

In conclusion, let us look for one moment to the

* It is much to be regretted that no authenticated report of these interesting debates has been published. I have been obliged to take my accounts of them principally from the Scots Magazine, and the Edinburgh Newspapers of the day. In addition to the above references, we may notice the speech of Dr. Nicol on the same occasion, and those of Dr. Ritchie and Principal Hill in 1815; all of which proceeded on the assumption that the prevention of non-residence was the object specifically aimed at.

terms employed in the motion with which Principal Hill and his friends met the declaratory enactment of 1814. "In as much as the church courts have already sufficient powers to prevent any union of an ecclesiastical benefice with a professorship in an university, where the duties of the two are found incompatible, the General Assembly judges it unnecessary *hoc statu* to transmit to presbyteries any overture on the subject."* But if the declaratory act was understood to aim at the annihilation of the power of the church to sit in judgment on all cases of plurality that might come before them, where is the reasonableness of the *inference*, "that therefore it is unnecessary to overture the presbyteries on the subject?" Would not this have been the very best reason for sending an overture to the presbyteries? in order that the sense of the church might be had on the vitally important question, Whether shall pluralities come within the judicative powers of church courts, or be placed under the guardianship of a law, which no court, however high, *can* venture to tamper with? Does not the obvious sense of the motion amount simply to this, that seeing the church courts are vested with ample powers to judge in all cases of plurality which may come before them, it seems unnecessary to propose any new enactment of a special nature in reference to the cases noticed in the proposed act? And hence we find, that the overtures presented to the Assembly in 1816, all went on the assumption that the Assembly 1814, 1815, had by its *ipse dixit*, taken out of the hands of presbyteries the power of judging in the case of *non-resident pluralists*. No complaint was made of their having taken the entire jurisdiction of pluralities

* Assembly Acts, 1814.

out of their hands; for in all other instances except this one, the right and the power were supposed to remain complete and untouched as before.

II. But is there any thing in the *terms* of the law which requires us to put on it such an interpretation as that contended for? It might have been reasonably expected, that if the act in question had been designed to take such an extensive range as to sanction, by implication, all unions of offices in which non-residence is not implied, some hint would have been inserted in the body of it. Assuredly, such an important change on the statutes and practices of the church should not be left to be deduced by mere inference, and that, as we shall soon see, not the most logical. In the year 1638, the Assembly at Glasgow passed an *act rescissory*, in which it specified *nominatim et seriatim* all the acts, or parts of acts, passed during the ascendancy of the hierarchy, and declared, with regard to all and each of them, that they were thereby annulled. In 1662, the Parliament of Scotland passed an act rescissory, in which every act of legislature enacted during the ascendancy of the commonwealth, was specially named, and all declared to be henceforth null and void. In such instances, there is no room for doubting. The law is plainly laid down; and, by its terms, we are made acquainted with what is binding and what is not. In this instance, however, no such course is followed. A distinct negative is put on a certain class of abuses; but as to all other abuses that may creep in, we are left entirely to our own conjectures from the supposed *implications* of the statute.

But farther; What *are* the terms in which the overture of 1816, in other words, the standing law of 1817, expressly avows its design and aim? “The General

Assembly, conceiving that it is their duty to watch over both the interests of religion and literature, and feeling a *becoming solicitude to maintain inviolate the residence of ministers in their respective parishes*, which the fundamental laws of this church require, and by which the people of Scotland enjoy, in full measure, the comfort and edification of a Gospel ministry, direct all the Presbyteries of this church to employ the means competent for them, in order to prevent the same person from holding, at the same time, a professorship in a university, and a parochial charge which is not situated in the city which is the seat of that university, or in the suburbs thereof.”* A plainer, a more specific definition of the *object* and *intent* of the Assembly in this enactment, cannot be desired; and surely we must interpret the enactment in consistency with the grounds and reasons on which it is represented as proceeding. The *end* in view is distinctly and unequivocally avowed; and the *means* employed, or to be employed, in order to the attainment of that end, are no less distinctly and unequivocally prescribed. And upon what principle are we entitled to say, that *besides* the avowed end, there was, in the view of the assembly, another, not avowed, but *understood*—an end, much more extensive, and affecting most deeply, not the residence of the clergy indeed, but what is far more important, the very *purpose* and *design* for which residence *itself* is enjoined—an end too, let it be noticed, for the attainment of which, the means prescribed in the act, possess no kind of aptitude? In one word, where is the reasonableness, where the decency of supposing, that while the Supreme Court was stretching forth her arm to protect the residence of

* Act of Assembly, 1816, p. 13.

her clergy on their cures, she was, at the very same moment, covertly giving her sanction to a principle, which goes directly to deprive residence of all its value—to render a clergyman, although resident, entirely inefficient, as to all the advantages which residence is designed to secure—and to do *the very reverse* of what this act so properly assigns, as its prominent desire, that “*the people of Scotland may enjoy, in full measure, the comfort and edification of a gospel ministry.*” What more glaringly inconsistent, than to pass such an enactment as this, “The clergy shall indeed be resident, but presbyteries must see to it, that by sanctioning the union of the most laborious university offices, with an overburdened pastoral charge, they shall take care to *prevent ‘the people of Scotland from enjoying, IN FULL MEASURE, the comfort and edification of a gospel ministry!’*”

Again: Suppose that, in place of the terms employed in the act 1817, the *ipsissima verba* of the declaratory acts 1814, 1815, had been retained, and transmitted as an overture to presbyteries, and in the same shape passed into a law, would there have been the shadow of a foundation for such an inference as that which has been wrested from its terms as actually adopted? In the act 1814, the law of residence, *and no other*, is specifically announced in the preamble. The want of minute specification as to what *residence* means is noticed; and to supply this want, it is expressly declared that non-residence means “*absence from the parish*”—and that *he* is guilty of non-residence who holds “an office or living imposing, or which may impose, on him duties, the discharge of which requires his absence from his parish.” It then goes on to point out the steps which the presbytery must take, in order to prevent such a thing, or to take it

out of the way, should such an evil chance to get admittance. *No mention is made of professorships exclusively*, but simply of *offices* in general. And surely no man will be so preposterous as to affirm, that this act, while it set aside *all union of offices of any kind*, involving non-residence, meant to sanction all union of offices *of any kind*, however incongruous, and however incompatible, with the due discharge of pastoral duty, so long as they were held by one person residing in one place. But, if the terms of the declaratory act are so clear and obvious as to preclude the possibility of such an application being made of them, how comes it to pass that the terms of the statute law convey a meaning much more extensive? Was not the design of both the same? Did not the same individuals, or nearly so, befriend both? And can we imagine that any Jesuitism was employed to word the statute law, in such a way as to let in by implication a thousand abuses, by the attempt to exclude one?

From the very terms and phraseology of the act, it is plainly nothing more than a *statute of limitation*. Its tendency and effect are, to lay a certain restraint on the otherwise unlimited power of the church courts. Previously to its enactment, the General Assembly of the church claimed and exercised the power of judging in every case of plurality that occurred; and as they were supposed to have, in a few instances, judged wrong, this law was obtained expressly for the purpose of putting it beyond their power to go wrong, in the same way, again. Cases parallel to those of Kingsbarns and Kilconquar are henceforth declared to be beyond the reach of the jurisdiction of church courts; they are determined already, and for all time coming, by a standing law of the church, and to that law the

General Assembly must submit, equally with each presbytery. Now, is it not implied in the very essence of all limitation statutes, that the limitation shall, in no case, extend beyond the precise instance to which the limit is applied; and that, in all other instances, the judicative power shall remain entire? The case of non-resident pluralists, is the case with regard to which a limit has been put to the power of the supreme judicial court; and are we not entitled, on every principle of equity, to infer that, in every other case, things shall remain *in statu quo*? the church retaining the power she was formerly understood to possess, with this single exception. The church, so far from denuding herself of the power of judging in all cases of plurality, excepting in one, has, in fact, reserved to herself, by the very terms of the deed, the right and power of judging in every case, except one. The case of pluralities, involving non-residence, is placed beyond the reach of the church's jurisdiction; and the General Assembly might as soon question whether Presbytery shall be the form of church-government in Scotland, as whether Professor Ferrie could *now* be admitted minister of Kilconquar. This is literally and truly the excepted case; and hence we infer, that in all cases to which the rules of the exception do not apply, the judicial power of the church remains entire as before. Nothing can be more unfair, than to graft a sweeping rule upon the terms of an exception;—in other words, to measure the design and meaning of a whole system of statutes, by the accidental terms of an excepting clause.

After all, what is the fair and logical inference from the law of 1817? The statute says, that a man cannot be both minister and professor, where the charge and the chair are not situated in the same

town. *Ergo*, A man may, or can be, a minister and professor, where the charge and the chair are situated in the same town. Is not this the literal and grammatical inference? And does it not appear, that the very farthest length to which the implication extends, is to permit a minister, in certain cases of necessity or expediency, to accept of a professorship along with a pastoral charge at the same time? The law indirectly says, you must prove the necessity of an union and the compatibility of the offices. You must prove, by independent evidence, that the duties of the chair are either, in their nature, or in the extent of labour involved in them, not sufficient to employ one man; or, at all events, that the duties of the parochial charge are not so great and numerous as to leave no room for addition to the burden. All this is plain and intelligible, and will be readily granted by the enemies of pluralities: but to say that because pluralities are not absolutely, and in all cases, forbidden, they are, therefore, in all cases except one, confirmed and sanctioned; and to infer, that because a professor cannot sustain a presentation to a church in a different parish, therefore a professor must be inducted upon a presentation to a church in the same parish, however needless the union, and however incompatible the duties of each may be, is surely weak and unwarranted. In the one case, there is a legal disability which no act of the General Assembly itself can control or set aside; in the other, there is, or there may be, such an incompatibility as renders the case a very fair subject of investigation and judicial discussion before the Supreme Court. The law proscribes and places, as it were, *hors de combat*, a particular class of pluralities, which, on no account whatever, can be sustained in the church, obviously leaving all other classes to be

judged of as before. What, we ask, is the opposite of an impossibility? It is neither more nor less than—*a possibility*. The law says, union of offices, in such and such cases, is impossible—it cannot be—therefore, we infer by necessary implication, that union of offices in other cases is possible—it *may* be. The church may allow it, either by overlooking, as in some instances, or by judicial decisions as in others. But surely the church may also *disallow* it, by retaining in her hands the power of preventing such unions as contrary to statute, or as inconsistent with the due discharge of pastoral obligation.

Thus it appears, that neither from the history of the law, nor from its terms and legitimate meaning, does it appear to have been the design of the Church of Scotland to denude herself of her just and unalienable right of sitting in judgment on every case of plurality as it occurs, in which there may seem to be fair room to question the consistency of such plurality with her express laws, or the spirit and genius of her constitution.

CHAPTER IV.

ON THE JUDICIAL POWER OF PRESBYTERIES OVER
PRESENTTEES.

THERE is no doubt, that the functions of the Presbyteries of the Church of Scotland, in all matters connected with the induction of ministers, are not *legislative* but *judicial*. It belongs not to them to *make laws*; nor is it in the power of the General Assembly itself to make laws; but it is the office and duty of every "Eldership," according to the Second Book of Discipline, "*to cause the ordinances made by the assemblies, provincial, national, and general, to be kept and put in execution.*"* One would naturally infer from this, that every presbytery was vested with full power to judge of, and to apply the laws of the church in all cases of pastoral settlement; and as there are unquestionably certain laws relative to pluralities of office, secular engagements in clergymen, and the nature and extent of ministerial duty, we might with reason propose the question, On what principle do you venture to deprive the Church courts of their power to apply *these* laws as well as others? Where, we beg seriously to know, where is the line of demarcation which separates the fair field of ecclesiastical jurisdiction, from that enchanted land on which we are not at liberty to tread? We say *ecclesiastical* jurisdiction; for we beg it particularly to be recollected, that in all questions of this nature, *Presbyteries* and *General Assemblies* stand precisely on a level. The laws which bind the one to a

* Chap. VII. Of Elderships, &c.

certain course of procedure in reference to the induction of presentees into benefices, *bind also the other*; and although the supreme court may, by what is usually termed, in technical language, her *nobile officium*, lay hold of, and review and give judgment in causes which do not come before her in any of the regular modes of transmission, still the supreme court can do no more than *apply the law*, or *judge of its application*. Where then, we again demand, is the “Barrier Act,” by which the courts of the church are prohibited from judging in questions of induction to benefices, as they do in *all other questions*, according to the whole constitution and laws of that establishment, which they are sworn to maintain and to defend? In answer to this question, we are referred to the act of James VI. 5th June, 1592; an act which has been termed, and justly termed, the “*Magna Charta*” of the Church of Scotland. This act expressly “ordainis all presentations to benefices to be direct to the particular presbyteries in all time cumming, with full power to give collation thereupon, and to put ordere to all matters and causes ecclesiasticale within their boundes, according to the discipline of the kirke; *providing the foresaid presbyteries be bound and astricted to receive and admit quhatsumever qualified minister presented be his majestie or laick patrons.*” Now, in order to know the real meaning and design of an act of parliament, we must attend to the objects which were professedly in view at the time of its enactment. We remark then, in the outset, that this famous statute of 1592, was designed not so much to bestow on the church any boon or privilege absolutely new, or never enjoyed before, as to ratify and confirm all preceding acts and statutes in favour of the Church. This is abundantly evident from the preamble of the act. “At Edinburgh, 5th

June, 1592: Our souveraine Lord, and Estaites of this present parliament, following the lovable and gude example of thair predecessors, hes ratified and appreived, and be the tenor of this present act, ratifies and appreives all liberties, priviledges, immunities, and freedoms, quhatsumever given and granted be his hienesse, his regentes in his name, or onie of his predecessors, to the trew and halie kirke, presentlie established within this realme, and declared in the first acte of his hienesse parliament, the twentie day of October, the yier of God one thousand five hundredth threescoir and nineteen yeirs; and all and quhatsumever actes of parliament, and statutes made *befoir* be his Hienesse and his Regents, anent the liberty and freedome of the said kirk; and speciallie the first acte of the parliament halden at Edinburgh, the twentie-four daie of October, the yeire of God ane thousand five hundredth four scoir ane yeirs; with the haill particular actes there mentioned, *quhillk sall be als sufficient as gif the samin were here expressed*; and all uther actes of parliament made sensine in favour of the trew kirk; and sik like, ratifies and appreivis the General Assemblies appointed be the said kirk." The act 1579, here particularly noticed, together with the act 1581, contain a specific enumeration of all the acts passed in favour of the Church from the year 1567, when the first legal sanction was given to her establishment; and ratify all their provisions. What then is the tenor of these several acts, in regard to the power of the Church in judging of the qualifications of presentees? In the act 1567, which lies at the foundation of the whole, we have the following enactments:

“*Item.*—It is statute and ordainit be our souveraine Lord, with the advice of his dearest Regent, and three

Estaites of this present parliament, that the examinatioun and admission of ministers within this realme, be only in the power of the kirke, now openly and publicly professed within the samin. The presentation of laic patronages alwaies reserved to the just and auntient patrones, and that the patrone present ane qualified persone, within six months (after it may cum to his knowledge of the decease of him qha bruicked the benefice before) to the superintendant of thay parties, qhair the benefice lyes, or uthers having commission of the kirke to that effect; uther waise the kirke to have power to dispose the samin to ane qualified persone for that time.”* In this act, the exclusive power of judging and deciding on the qualifications of presentees is given to the church, leaving it entirely in her hands to *define* these qualifications, and to determine as to the possession or the want of them in every particular instance. The act thus proceeds: “Providing that in caise the patrone present ane person qualified to his understanding, and failzeing of ane, ane uther within the said six months, and the said superintendant or commissioner of the kirke refuses to receive and admit the persone presented be the patrone, as said is: it shall be lesum to the patrone to appeal to the superintendant and ministers of that province qhair the benefice lyes, and desire the persone presented to be admitted; quhilk gif they refuse, to appeal to the General Assembly of this hail realme, be qheme the cause being decided, sall take end, as they decerne and declair.”† Here there are two things

* James VI. Parl. I. Act VII. Acts of Scots Parliament, Vol. III. p. 23.

† Acts Scot. Parl. Vol. III. A. D. 1567.

very worthy of notice: *First*, that a presentee who is “qualified” in the “understanding” or opinion “of the patron,” may nevertheless be found *not* qualified by the judicatories of the Church, and may therefore be refused induction. And, secondly, that in all such disputed cases, the matter in debate must ultimately be referred to the supreme court, whose decision is final. All these acts have been incorporated in the articles of the Revolution, and were afterwards confirmed at the Union of the kingdoms; and are now therefore part of the established law of the land, which no power, short of that which enacted them, can overthrow. The last act on the subject, is that passed by the British Parliament in 1719, which, in the concluding clause, declares and enacts, “That nothing herein contained, shall prejudice or diminish the right of the church, as the same now stands by law established, as to the trying of the qualities of any person, presented to any church or benefice.”*

Having thus ascertained the inherent right of the church to judge of the qualifications of entrants into the ministry, let us now attend to the nature of these qualifications, and the extent of the judicial power of the church, in regard to them.

We remark then, in the first place, that there are three ways in which a church establishment may proceed, in defining and ascertaining the qualifications of her members. The matter may either be left entirely vague and unfixed, and the church courts may be vested with a discretionary power, to the very utmost extent;—or the rules may be laid down so specifically, and the cases marked out so minutely, as to leave nothing whatever to the discretion of the courts;—or,

* Geo. I. 1719, c. 29.

the duties of the ministerial office having been fully laid down, and the more prominent features of ministerial character having been delineated in the express terms of statute law, it may be left to the judgment of the courts to decide on the suitability of the one to the other. The first of these methods is obviously too vague; and the necessary result of it would be, the predominating influence of partiality, prejudice, and caprice. The latter, clear and precise as it may seem to be, has this essential defect, that in the constantly shifting state of society, cases must frequently occur which no legislature can foresee, and for which, therefore, no provision can prospectively be made. The third appears to be far better adapted to the constitution of human affairs, and is peculiarly suitable when there are judicatories appointed for carrying its provisions into execution. This, I apprehend, is the scheme which the church of Scotland has adopted, as being best fitted to secure the great ends of an ecclesiastical establishment, in perfect harmony with the rights of individuals, and the claims of impartial justice. The line according to which her courts must walk, has been defined with as much precision as the nature of things would permit, while there are recognised certain principles of a more general nature, which no law *can* define, and which no law *requires* to define—principles which pervade the whole constitution—which are essential to its very existence—and to the security and permanence of which all statute laws are designed to be subservient.

That a certain measure of discretionary power in this matter must be left in the hands of the church courts, is reasonable in itself, and absolutely essential to the prosperity of the general system. The design of an established church is the general edification of

the people in religion and sound morals; and the church courts, as the guardians of that establishment, must be vested with such authority and power as may enable them most effectually to check all abuses, and to secure the great ends of Christian edification. In all human societies, there is, more or less, a certain measure of discretionary power vested in the hands of the office-bearers, and this power is exercised, more especially, in the admission of members. The general rules for their admission cannot be so specific as to meet every case which may occur in the lapse of years, and in the ever-varying circumstances of human nature. The candidate for admission into the church must indeed be tried as to his soundness in the faith, the extent of his general and theological knowledge, the degree of his literary attainments, and the ordinary tenor of his life and conversation. If he gives satisfaction on all these points, he may be pronounced to be, *in so far*, a “qualified person;” and yet it does by no means follow, that the presbytery are necessarily bound to induct. A multiplicity of cases may occur, for which no statute law could make provision, and for which it would be absurd and foolish to think of making provision. The laws of every society must be administered for the general good of the society; and those who are intrusted with the execution of these laws, must judge of these extraordinary cases as they occur. “The privileges of the church of Scotland,” says Principal Hill, “are completely secured against invasion, when the choice of patrons is by law restricted to those whom she has licensed to preach the gospel, and when it is competent for her to extend her trial to those particular qualifications, which local circumstances render indispensable.”* “I have no

* View of the Constitution of the Church, p. 201.

doubt," he adds, "of the church having a right to find that a natural incapacity of being heard in the place of worship where a parish assembles, is a legal disqualification for being minister of that parish."* And is there any doubt that the church may, in the exercise of her judicial functions, find and declare that presentee "unqualified," who is either wholly deaf, or so dull of hearing, as to be unfit, in a great measure, for holding profitable intercourse with his parishioners—or whose locomotive powers are so arrested and disabled by lameness, as to incapacitate him for discharging efficiently the active duties of a large and populous parish—or whose age, and bodily infirmities, disqualify him for discharging those duties which the church of Scotland supposes all her members to perform in their own person—or whose understanding, enlarged, it may be, by knowledge, and elevated by piety, is nevertheless affected by a constitutional tendency to derangement, or by periodical attacks of mental alienation? Can we question the power of the church to find, if she is so inclined, that a presentee is "unqualified" for sustaining a presentation, who is already engaged in the regular duties of a secular office—who is rector of a grammar or commercial school—or who is a regular practitioner in physic and surgery—or who holds an office, partly secular and partly sacred, whose duties are *incompatible* with the due discharge of the pastoral obligation? May we not expect that there will be cases of frequent occurrence in which the very best qualifications of head or of heart will be rendered entirely useless to a people, in consequence of the particular situation and external circumstances, of the individual who possesses

* View of the Constitution of the Church, p. 202.

them? It is perfectly plain, that a minister can be of no real advantage to his people, who, by reason of his holding another, and a distinct occupation, or by certain peculiarities in the *status* which he holds, is *incapacitated* for bringing his qualifications to bear on the specific object which has been marked out to him. And surely, upon every principle of equity, the church is entitled to judge of these peculiarities, and, as guardian of the religious interests of the people, is bound and "astricted" to do so?

But, in the *second* place, let us attend to the meaning affixed to the term "qualified," in the laws both of church and state. A "qualified person," or, as it is usually rendered in the statutes of the canon law, "*idonea persona*," is simply a person whom the church shall pronounce to be *fit* and *sufficient* for undertaking a pastoral charge. That every one to whom the church has given a license to preach, is, in consequence of this, presumed to be "qualified" to receive a presentation, is not doubted; but it does by no means follow that such a one is, *ipso facto*, "qualified" to undertake a parochial charge. A license extends no farther than the bounds of the presbytery which grants it,* and it is well known that every preacher must undergo a new series of trials before ordination. Preachers indeed are only candidates, *under probation* for the ministry; and it still remains with the church to say whether, and how far they are qualified to discharge it. The history and constitution of the church in this matter, place it beyond all doubt. In the First Book of Discipline, we find a great variety of terms employed, as synonymous with the word "qualified;" and each of them is indicative of the judgment of the

* Assembly Acts, 1694, No. X.

church, regarding individual candidates. "The superintendant and his counsel" are required to present, for election to a pastoral charge, "a man whom they judge apt to feed the flock of Christ"—"sufficient in their judgment for that charge"—"a sufficient man to instruct them." And they are required "to examine not only his learning, but also his manners, prudence, and habilitie to govern the kirke,"—"in order that he who is most worthie may be burdened with the charge."*

In 1582, the Assembly enjoins "particular presbyteries to examine such as are desirous to enter into the function of the ministry, and to provide such as they *find qualified*, to kirks."† The Assembly of 1593, the very year after the passing of the act under review, appointed visitors with commission, "to visit, and try the doctrine, life, conversation, diligence, and fidelitie of the pastors;" to see "if there be any slanderous person unmeet to serve in the kirk of God, unable and *unqualified* to teach and edify, and proceed against them."‡ In the plan, or "*plat*," for "planting churches," proposed by the Assembly 1596, it is made one ground of complaint, "that by reason of the collation of benefices *plenojure* to persons *no ways qualified*," great injury was done to the interests of the church. In 1597, his majesty, with the advice of the states in parliament, was pleased to pass an act, by which he "declares, that all and whatsumever bishoprics presently vaiking in his majesty's hands, which are yet undisposed to any person, or which shall hap-

* Dunlop's Confessions, Vol. II. pp. 524, 525, 526, 545.

† Assembly at St. Andrews, 24th April, 1582. Also, 9th October, 1582.

‡ Assembly, 24th April, 1593.

pen at any time hereafter to vaik, shall be only disposed by his majesty to actual preachers and ministers in the kirk, or to such other persons as shall be *found apt and qualified* to use and exercise the office and function of a minister and preacher.”* In the Assembly 1649, it was ordered that presbyteries should “proceed to the trial of persons elected, and *finding them qualified*, shall admit them.”† From the variety of expression employed in these several enactments, and we have only given a small specimen of instances, we may reasonably infer, that the church is constitutionally vested with the power of judging of the qualifications of entrants to the ministry, and that in forming her estimate, she is entitled to take into view *every circumstance* in the learning, the piety, the principles, the external situation, and the local peculiarities of the individuals concerned, which may affect their “aptness,” their “habilitie,” or their “sufficiency,” for the sphere to which they are appointed.

It is of great importance, likewise, to attend to the sense in which the term “qualified” was understood by the legislature, when it passed those acts by which the establishment of the Scottish Church was secured. From the modes of expression employed in these acts, we may fairly infer, that the civil law does not consider the mere holding of a license, or the mere act of ordination, as all that is implied in the qualifications of ministers for such charges as they may be presented to by patrons; but that it has committed to the Church an inherent power of judging *in every case*, of the *fitness* or *suitableness* of an entrant to any situation that may occur. In the acts of the parliament held at Edin-

* Act VI. Parl. 15. C. 231. 1597.

† Acts of Assembly, 1649, 5th August.

burgh in December, 1567, it is “statute and declarit,” “that all benefices haiving charge of saulis given be ye queen or onie utheris, utherwaies than be ye ordere of the Buike of Discipline is appointit, be decernit to vaik, and yat ye patronis may have privilege to present *de novo* personis *qualifit* and *habile*; sua yat ye kirke may be deliverit from unprofitable pastoris.” “Superintendants sall be appointit qhair need requires, and ordoure be provydit, how they sall be obeyit in thair office, and how they sall be *hable to serve in the same*.”* In the act made in favour of St. Andrew’s college, in 1578, it is held “as lesum, and permittit to the provost and others,” “to dispose whatsumever benefices, &c. erectit and given to their college to *qualifit personis, habile* to travel in schulis, kirke of God, and commonweal of the same.”† In 1581, the following very decisive statute was passed by parliament. “It is statute and ordainit, by our souveraine lord, with advice of this present parliament, that all benefices of cure under prelacies, sall be presented be our souveraine lord, and the laick patrons, in the favour of *able and qualified ministers, apt and willing to enter that function and discharge the duty thereof*.” In the act 1592, establishing the “trew religion,” we meet with the comprehensive expression, “qualifit persons, meit to enter in the functioun of the ministrie,” “and hable and qualifit ministris, apt and hable to enter in that function, and to discharge the duties thereof.”‡ On these different statutes, and there are many others to the same effect,§ we may ask this one

* Acts Parl. Scot. Vol. III. p. 37.

† Idem. p. 106.

‡ Idem. p. 545.

§ Idem. Vol. IV. pp. 19, 130. Vol. V. pp. 129, 400.

question, “ Could an ecclesiastical judicatory solemnly decide that a person was *apt* or *fit* to discharge the ministerial duty, who was in a situation that prevented him from performing what the law of the Church determines to be the precise *items* of that duty? or could he be regarded as willing to discharge the pastoral duty, who persisted in retaining an office which rendered its discharge impossible? The circumstances in his situation, which interfere with his *aptness* and *sufficieny* to do the duties of the clerical office, may be widely diversified, and it is plain that no law can prospectively define them; but no man will deny, that *to the Church*, and the Church *alone*, belongs the right to *judge* of these circumstances, and to decide accordingly. Indeed, the Church herself has explained her sense of the above acts, as well as of the extent of judicative power with which she is invested, by an act of Assembly 1602, appointing a commission to visit every parish in Scotland, and to make inquiry “ gif each pastor be resident in his parochine upon his manse and glebe, and to *inquire as to all other qualifications of the pastors.*” Here we find *residence*, or rather the capacity of residence, numbered among the “ *qualifications*” essential to a minister; and the Church claims a right to judge of this as well as of the *literature*, the *doctrine*, and the *life* of her ministers.

In the *third* place; Let us attend to the nature and extent of those *commands*, which the church has actually given to her subordinate courts relative to the qualifications of her members. In other words, what is the nature and extent of that satisfaction which the Church requires, as to the qualifications of those that are to be admitted to hold office within her bounds? In 1565, the Assembly, in their message to Queen Mary, declare it as their wish, that “ whensoever her

majesty, or any other patron, do present any person unto a benefice, that the person presented should be *tried* and *examined* by the judgment of the learned men of the kirke;" adding, that "if it be lawful to the patrons to present wham they please without trial or examination, what can abide in the Church of God but mere ignorance?"* That it was not the design of the Assembly to confine the trial of qualifications strictly to the literary attainments of candidates, must be obvious to every one who examines the places already referred to, as illustrative of the extensive sense in which the term "qualifications" has been used by the Church. Whatever may be the sense of the passage now quoted, there can be no doubt as to the meaning of the enactments which were passed at a more advanced period of the Presbyterian establishment.

In 1596, just four years after the act in question, and when "the kirke was come to its greatest puritie that ever it attained unto, so that her beauty was admirable to foreign kirkes,"† the following very comprehensive statute was passed, along with many others, relative to the internal government of the Church: "That the trial of persons, to be admitted to the ministrie hereafter, consist *not only* in their learning and abilitie to preach, but also in conscience and feeling, and spiritual wisdom, and namely, the knowledge of the bounds of their calling, in doctrine, discipline, and wisdom, to behave themselves accordingly with divers sorts of persons within their flocks; as namely, with atheists, the rebellious, the weak in conscience, and such others, wherein the pastoral charge lyeth

* Petrie's Church History, p. 345.

† Calderwood, p. 311.

most; and that they be meet to stop the mouthes of adversaries; and such as are not *qualified* in these points, be delayed till further tryal, and till they be found *qualified*. And because men may be found meet for some places, which are not meet for others, it would (should) be considered, that the principal places of the realm be provided of men of most worthie gifts, wisdom and experience; and that none take the charge of a greater number of people than they are able to discharge; that the Assembly take order hereunto, and that the act of the Provincial Assembly of Lothian, made at Linlithgow, be urged.”* Here it is plain, that the church courts are enjoined to inquire into something besides the general doctrine, literature, and life of candidates for the ministry—that the qualifications of the candidate for the particular place in view shall be specially attended to, and that no man shall be allowed to take upon him, without necessity, a greater charge than he is competent to manage, *the court*, and not the candidates, being the judge.

This act, with others of a similar nature, are renewed by the assembly at Glasgow, Nov. 1638, and ordered “to be ratified, and put in execution in every presbytery.”† The assembly at Edinburgh, August 1639, specially enact “that all ministers or entrants presented to kirks, be tried before their admission, if they be *qualified* for the places to which they are presented, besides the ordinary tryalls of expectants before their entrie to the ministry.”‡ In the assembly 1642, these acts are thus explained: “The meaning

* Acts of Assembly, at Edinburgh, 24th March, 1596.

† Acts of Assembly, 1638, p. 32.

‡ Idem. 1639. p. 8.

of the foresaid act is, not that an actual minister to be transported, shall be tried again by the tryals appointed in trying of expectants, at their entry to the ministry, according to the acts of the kirk, but only that he, bringing a testimonial of his former tryals, and of his abilities, and conversation, from the presbytery from whence he comes, and giving such satisfaction to the parochiners and presbytery, whereto he comes, in preaching; as the presbyterie find his gifts fit and answerable for the condition and disposition of the congregation, whereto he is prescribed. Because according to the act of the assembly, 1598, renewed at Glasgow, some that are meet for the ministrie in some places, are not meet for all alike; and universities, towns, and burghs, and places of noble men's residence, or frequencie of papists, and other great and eminent congregations, *and in sundrie other cases*; require men of greater abilities, nor will be required necessarily in the planting of all private small paroches, the leaving the consideration of these cases unto the judgment and consideration of the presbyterie, was the only intention of the act." The assembly approves the meaning and interpretation foresaid, and appoints the said act, according to this interpretation, to stand in force, and to have the strength of an act and ordinance of assembly in all time coming."* In the "form of church government" subscribed to by every minister of the church of Scotland, the sentiments of the church on this matter are thus expressed: "He that is to be ordained minister, must be duly qualified, both for life and ministerial abilities, *according to the rules of the apostle.*† He is to be examined and approved by

* Acts of Assembly, 1642. p. 4.

† 1 Tim. iii. 2—6. Tit. i. 5—9, &c.

those by whom he is ordained." "They are to proceed to inquire touching the grace of God in him, and whether he be of such holiness of life as is requisite in a minister of the gospel, and to examine him, touching his learning and sufficiency, and touching the evidences of his calling to the holy ministry; and, in particular, his fair and decent calling to that place." "*The proportion of his gifts in relation to the place unto which he is appointed, shall be considered.*"* By the act 1711, the *last*, be it remembered, that has been passed by the church on the subject, presbyteries are required to satisfy themselves "as to the *sufficiency and fitness*" of entrants, "*for those paroches to which they are called*"—and to show that the rule is designed to extend to ministers, as well as probationers, the act goes on to say, that "probationers and ministers, when ordained and admitted, should give sufficient proof of their piety, literature, *and other good qualifications.*"† I beg also to know what is the meaning of all the formalities prescribed by the church, and invariably gone through, in cases of transportation from one benefice to another, if it be not understood that the church is vested with the power of judging, in regard to the expediency of such transportations, on grounds either of a general or of a local nature? It is true, that in many instances, these formalities have degenerated into a mere form; but the very existence of a form proves the reality of the principles which led to its existence; and it is impossible to account for the fact as now stated, except on the supposition, that the church considers herself as possessed of inherent power to judge, not merely of the life and doc-

* Confession of Faith, p. 588.

† Acts of Assembly, 1711, sect. x.

trine of her ministers, but of every circumstance in their situation, by which their “aptness” for the ministry, and their usefulness in their respective stations, may be more or less affected.

But, in the *fourth* place, what has been the *practice* of the church from her earliest periods down to the present day, in regard to this matter?

When we find the assembly in 1572, depriving bishop Douglas of one of his ecclesiastical preferments—in 1576, deposing Mr. Robert Hamilton from the Principality of the new college—in 1581, ordering Mr. Arbuthnot to demit the Principality of the college of Aberdeen—in the same year declaring that members of “*anie of the colleges*” of St. Andrews were ineligible to the pastoral charge of that city*—we are naturally led to inquire what may have been the grounds of those several decisions? Not surely any thing connected with the moral and literary qualifications of the individuals concerned, but simply the incompatibility of the offices in question with the due discharge of the pastoral duties; and the judicative power of the church on this head was never questioned. In 1597, when we may suppose that the meaning of the act 1592, would be as well understood as at any time, two ministers presented to charges in Edinburgh, were refused induction, not on the ground of the want of ordinary qualifications, but because of their “youth and want of gravity,” and although the assembly, by a small majority, confirmed their election, there is not the most distant hint given, that the ground of the objection was irrelevant, or that the church was “as-tricted” from judging of it.† To come down to times

* See chap. iii. sect. iii.

† Spottiswood’s History, A. D. 1597.

more within our compass: In 1707, Mr. Thomas Bläck, one of the ministers of Perth, received a royal presentation to the professorship of Divinity, at St. Andrews; but the Commission of assembly that year, for reasons of expediency alone, fixed him to remain at Perth.* In 1720, Mr. James Dick was presented by his Majesty to the chair of ecclesiastical history in Glasgow; but the assembly did not see it for edification that he should leave his people at Lanark.† In 1726, we find the assembly passing an act to prohibit “the transportation of ministers from the Highlands to the Lowlands, without the consent” of the supreme court.‡ In 1740, the assembly refused to translate Mr. Mercer from Aberdalgie to Currie, on the express ground of “difficulties attending his call.”§ “This,” says Sir H. Moncrieff, “was a remarkable decision, and it furnishes a striking example, in which the assembly set aside a presentee, to whose life or doctrine no objection whatever could be stated.”|| In 1742, the assembly censured the presbytery of Gairloch for “granting acts of transportability” to their ministers, without leave of the parishes concerned.¶ In 1748, the presbytery of Paisley were ordered to set aside a presentee, and to appoint a moderation at large, because the mind of the parish was not declared decidedly in his favour.** In 1751, the assembly set aside a presentation from the crown to the parish of Biggar, expressly on the ground that there

* Records of Presbytery of St. Andrews, April 5th, 1708.

† Assembly Acts, 1720.

‡ Idem. 1726, Sess. 13.

§ Idem. 1740, Sess. 8.

|| Life of Erskine, p. 450.

¶ Acts of Assembly, 1742, Sess. 10.

** Idem. 1748. Records of the Presbytery of Paisley, 1748.

was no concurrence on the part of the people.* In 1761, the case of Dr. Blacklock came under the review of the assembly, and although decided in favour of the presentee, there can be no doubt that the infirmity under which he laboured, was unanimously allowed to be a fair and legal objection, and was overruled only in consequence of the high qualifications of Dr. Blacklock in *other* respects, and the peculiarities of his case.† In 1762, we find the assembly setting aside a presentation in favour of Dr. Witherspoon, to be one of the ministers of Dundee, not on the ground of personal disqualification, but simply because his continuance in Paisley was held to be more for edification.‡ In 1766, we find the assembly deliberating at length on the single objection to Mr. George Bruce, presentee to Dunbar, that his voice was rather weak to fill the church; and although the decision was in favour of the presentee, still the objection was held to be a fair and legitimate one, and had not Mr. Bruce's qualifications, in all other respects, stood so high, there is every reason to believe, that the decision might have been different.§ In 1772, the assembly appointed a committee of Gaelic ministers to "take trial of Mr. George Mark's knowledge of the Gaelic language, and to report," it being understood, that on the tenor of their report would depend the sustaining or rejection of him as presentee to the parish of Kirkhill.|| Mr. Mark was no Gaelic scholar, and,

* Assembly 1751, Sess. 9.

† Idem. 1761, Sess. 8. Account of the Debate in the Scots Magazine, 1761.

‡ Idem. 1762, Sess. 8.

§ Assembly 1766, Sess. 6th. Scots Magazine, 1766.

|| Idem. 1772, Sess. 7th and 8th.

as we hear nothing more of his case, we may infer that it was withdrawn before trial, in consequence of the issue of a case exactly similar, which occurred during the course of the same assembly. This was the case of Arroquhar, in which the following decision was pronounced: "The objection to the presentee of his want of the Gaelic language, sustained, and therefore set him aside as *unqualified* to be minister of that parish."* In 1794, we find the assembly reversing the sentence of the synod of Merse and Tiviotdale, and declaring "that in the particular circumstances of this case, the translation of Mr. Molleson from the parish of Walston to the parish of Dunsyre, is inexpedient; and, therefore, refuse to grant the said translation, leaving it to the patron of Dunsyre to present a qualified person to that parish, according to law."† In this case, there were no personal objections whatever to Mr. Molleson, who is

* Assem. 1772, Sess. 9th. In the case of the united parishes of Tullich-Glenmuick and Glengairden, the assembly 1791 permitted Mr. Brown, who had not the Gaelic, to be settled, but to this, very strong opposition was made by many of the members, and the *grounds* of the sentence may be pretty clearly gathered from the following order of assembly, which was immediately issued: "That as there are a *few persons* in these united parishes, who have not the English language, the General Assembly instruct the Committee on the Royal Bounty to appoint an itinerant, *having the Gaelic language*, to the said united parishes, with all convenient speed, instructing them at the same time to provide Mr. Grant, the present missionary," who had not the Gaelic, "in a situation equally comfortable." Acts of Assem. 1791, Sess. 5. In the assembly of next year, Mr. Peat, presentee to Gigha and Cara, was allowed to be inducted only in case "the Presbytery *find him properly qualified as to the Gaelic language.*" Assembly 1792. Sess. 6.

† Assem. 1794, Sess. 5.

still the aged and worthy minister of Walston; but the assembly formed its judgment on considerations of general expediency, and leaving entirely the plain road of statute and "express law," took the matter into its own hand, and decided for all the parties concerned, on a general and comprehensive view of all the "particulars of the case." In 1800, the assembly were called to judge of the qualifications of Dr. Arnot to be minister of Kingsbarns, the presentee being objected to on the ground of his holding an office in an university at some distance from the parish. It was surely never doubted, that had the decision been different from what it was, it would have been equally final. In 1813, the assembly were called to judge of the conduct of the presbytery of St. Andrews in setting aside the presentation to Mr. Ferrie, on the single ground of his being professor of Civil History at St. Andrews. This was something different from an objection to life, or doctrine, or literature; and yet had the assembly decided differently from what it did, would not the sentence have been equally competent and equally final?

I consider these two cases last mentioned as precisely of the same general nature with that of Principal M'Farlane. When the cases of Dr. Arnot and of Mr. Ferrie came under review of the church courts, there was no "standing law" which declared in so many words, that "no minister shall be allowed to hold a professorship which is not situated within the bounds of his parish or its suburbs." The thing had appeared so plain to our forefathers as not to require a positive statute to regulate it. In the want of such positive statute, the debate turned entirely on the general complexion of the laws of the church, and particularly on the obvious meaning and design of the

laws which require the residence of a minister among his people. The argument then brought forward did indeed fail in carrying conviction to the mind of the Assembly; but did it ever enter into the head of any member to maintain that the argument was not *fairly* and *legally* grounded? Or was it ever breathed that the church had *no power* to judge of such cases at all? Or suppose that Dr. Arnot and Mr. Ferrie had wished to relinquish their chairs in favour of the country livings, might not the Assembly have found and declared it expedient that they should remain in St. Andrews for the greater benefit of the youth attending that ancient seminary? And was it ever questioned that the Assembly had a power to say, you shall either keep the one or the other, but you shall not be permitted to retain both? Now, there is an *express law prohibiting* such unions in the most absolute sense, and therefore there is no room for even *argument* in their favour. Strong as the case may be, it cannot be listened to for one moment, as the prohibition is absolute. In the case now before the courts, there is surely the same room for argument that there was in the other instances, *prior* to the passing of the statute of 1817. We cannot perhaps point to an *express statute* on the subject; but neither can we point to a statute which says, that a man who is deaf shall not be the minister of a parish. We can point to general principles which pervade our constitution. We can point to statutes which empower presbyteries to sit in judgment on *the whole circumstances* which affect the character, and conduct, and state of a presentee, and the "localities" of his situation. We can point to certain specialties in the case which render such an union as that proposed incompatible. We can show its injurious effects on the state of the church and

universities; and we can appeal to the church as the legal guardian of both.

We have hitherto proceeded on the assumption, that there is no *explicit law* that is applicable to the case of ecclesiastical pluralities, and that the church in deciding on such cases, has recourse to general principles, and to the spirit and genius of her constitution. The truth, however, is, that there is no want of law—plain, explicit, and established by practical precedent. What, we beg to know, are our church courts to make of the numerous statutes on the subject of clerical duty in general? of the numerous barriers which our constitution in church and state has enacted against secular avocations in ministers, and against the holding of a plurality of benefices? And what shall they make of those historical instances in which these statutes and enactments have again and again been applied to the case of academical offices, when conjoined with spiritual cures? If there is one chapter of our ecclesiastical history which is clearer than another, it is that which rehearses the sentiments of the church on such subjects as these. And is all this to go for nothing? And are all these statutes and historical facts to be consigned to the grave of oblivion? And are we henceforth to be told, and gravely told, that there is *no law* on the subject of pluralities? The plain matter of fact is, that there is abundance of law on every one of the topics to which this discussion relates; and it belongs to the courts of the church to look at that law—to examine its bearings—and to enforce its practical application. We have no *express law*, indeed, which says in so many words—the Principal of Glasgow College shall not be minister of St. Mungo's: and neither have we an *express law* which says in so many words—that the Rector of the Gram-

mar School of Glasgow shall not be minister of St. Enoch's. But there is no need for any such law in the one case or in the other. We have general principles applicable to both. We have standing rules of the church prohibitory of both; and the church is, in fact, guilty of *felo de se*, when she scornfully puts away from her the ample provision which her patrons and best friends have made for the preservation of her frame in healthfulness and vigour.

In addition to all that has been said, and as amply corroborative of our argument, we have the recorded testimony of the church herself, as to the power possessed by her courts on questions of this nature. In the Assembly of 1796, an overture from the synod of Perth and Stirling, "anent professors being ministers of parishes where they cannot constantly reside," became the subject of debate; when said overture was unanimously dismissed as "*unnecessary*, on account of the existing laws in church and state on the subject of residence."* Four years after, a similar declaration was made, not merely in regard to residence, but likewise in regard to the general duties of the pastoral office. In 1801, and in consequence of the decision of the previous year in the case of Dr. Arnot, a variety of overtures were brought before the assembly; when, after a very prolonged discussion, "the assembly, considering that the existing laws of church and state make sufficient provision for enforcing the residence of the ministers of the Church of Scotland, *and their faithful discharge of the duties of the pastoral office*, and having entire confidence that the presbyteries of this church will continue their vigilant attention to the execution of these laws, of which they are the constitutional

* Assembly Acts, 1796, May 26.

guardians, dismissed the overtures" as unnecessary.* In 1814, when the declaratory act on the subject of residence was passed, the opponents of that act met it with a counter-motion to this effect, that "in as much as the church courts have already sufficient powers to prevent any union of an ecclesiastical benefice with a professorship in a university, where the duties of the two are found incompatible, it is judged unnecessary *hoc statu*, to transmit to presbyteries any overture on the subject."† This motion, although it did not carry, was acquiesced in by all parties in the house; and the reason why it did not carry was solely the impression on the mind of the assembly, that something more was necessary in the shape of a declaration of the sense of the church relative to the law of residence. The last case of plurality which came before the review of the assembly was that of Mr. Anderson, the minister of Bellie, who had, besides his parochial living, the office of factor on certain estates in the north, by reason of which the duties of his ministry were neglected. What are the terms of the assembly's decision on this case? They are as follows: "The assembly think it proper to declare, that it is impossible they should not highly disapprove of the parish ministers of this church engaging in such secular employments as may be inconsistent with the full and faithful discharge of their spiritual functions: and the assembly recommend to the presbytery of Strathbogie, to take care that the pastoral duties be fully and faithfully performed in the parish of Bellie, and in all the other parishes within their bounds."‡

* Acts of Assembly, 1801, May 29.

† Assembly, 1814, May 26.

‡ Acts of Assembly, 1819, May 27.

Is it not clear, from this decision, that in the view of the assembly, the presbytery of Strathbogie would have been justifiable in declining to induct into the "parish of Bellie," or any other of their parishes, a minister, who, with every other qualification, was in the situation of Mr. Anderson, and by holding a secular office, disqualified for doing "fully and effectually" the duties of the pastoral office? In all these instances, there is distinctly recognised a power inherent in the presbyteries of this church to judge, not merely of the "life and doctrine" of the candidates for office within her pale, but of those circumstances in their actual situation of life which interfere with the "full and faithful discharge of the spiritual duties of the pastoral office;" and thus prevent the people from enjoying all those benefits from their ministry which the constitution of church and state designed to secure to them.

Against this view of the judicial powers of the church, it has been objected, that the supposition of such a power, is, in other words, to represent the mere whim or caprice of a presbytery, as the sole judge of the competency or qualifications of a presentee, and thus to subject the rights of patrons to a power over which they have no control. And, we would ask in reply, may not the very same objection be advanced against the right which all parties suppose to be vested in presbyteries to judge of the literature, the doctrine, and the morals of the presentee? Is there no room for caprice here? Has every presbytery exactly the same standard of measurement as to the kind and quantity of knowledge essential to a presentee?—as to the orthodoxy or heterodoxy of his theological creed?—as to the reality and vigour of his piety, or the correctness of his moral demeanour? In the

Assembly of May last, were not the charges of "whim" and "caprice" liberally thrown out against the reverend presbytery of Alford, although their examination of the presentee to the parish of Towie went not beyond the limits of doctrine, literature, and morals? The fact is, church courts must judge of the qualifications of presentees exactly on the same principles which they apply to every other case that may chance to come before them. Certain general principles are laid down for their guidance; and these principles they must apply to the best of their judgment, and according to the light of their conscience. If they err, it is nothing more than has been in all institutions since the beginning; and if they were not liable in certain cases to go wrong, where would be the necessity for courts of review? But to say that church courts must necessarily be influenced by whim and caprice in their judgments on presentation and induction, is a libel on the constitution of the church, and betrays only the littleness of spirit which could give rise to the supposition.

It has, indeed, been thought, that the legislature, anticipating such abuse of privileges on the part of the church, placed this effectual guard around it, namely, that "in case the presbytery refusis to admit onie qualified minister presented to them by the patrone, it sall be lauchfull to the patrone to re-taine the hail frutes of the said benefice in his awin hands."* And instances have been referred to, in which the civil courts have found, that "if a presbytery refuse to admit a person presented by the legal patron, for any other cause than a want of sufficient qualifications, and proceed to settle another, their

* Act, 1592, c. 115.

sentence has not the effect of giving the minister whom they settle a right to the emoluments of the benefice.* The erroneousness of the conclusions which have been drawn from this statute, may be very easily shown. In the first place, Even granting that the interpretation is a fair one, it still remains with the church courts to determine whether the presentee is a qualified person; and there is certainly nothing in the act which prevents the church from finding and declaring a presentee "unqualified" on grounds altogether distinct from those of doctrine, literature, and life. In the second place, the act 1592, as incorporating in it expressly the previous acts of 1567, &c. must be determined in its meaning by these acts. Now the act 1567 expressly declares, that "gif the superintendant and ministers refuse to admit the person presented by the patron," (supposed to "onie qualified person,") he, that is, the patron, "shall appeal to the General Assembly of this hail realm, be qhome the cause beand decyded, sall tak end as they decern and declair." Nothing can be more clear than that by this act, all questions between the inferior courts and patrons, as to the admission or non-admission of their presentees shall be finally determined by the Supreme Court, from which there can be no appeal. In the third place, In no case have the civil courts decided against the final sentence of the General Assembly when acting strictly as judges in the last resort, of the qualifications of presentees. It is only necessary to advert to the several cases usually referred to in proof of their complete inapplicability to the question before us.

The question came to be tried by the Court of Ses-

* Hill's Institutes, p. 203.

sion, so early as 1715, only four years after the act of Queen Anne, restoring patronage. In the case of the settlement of Kirriemuir, there was a dispute between two competing patrons. The church, without regard to the claims of either, settled a minister, on the call of the people; he happening to be, at the same time, one of the presentees. Lord Panmure, as the competing patron, brought an action of reduction before the Court of Session, when it was found, that the incumbent settled by the presbytery had the right to all the temporalities of the benefice, so long as the dispute between the patrons was unsettled; but the court did not give judgment as to the question, whether on Lord Panmure's making good his claim, the incumbent would be immediately deprived of his living, or the patron held entitled to present only on his death or removal.* In the case of Moncrief of Readie, 1735, against the minister of Auchtermuchty, who had been inducted, upon a general call of the people, without regard to the patron's presentation, the court found, that "when the presbytery set aside the deed of the lawful patron, and appointed another in place of the presentee," the patron might retain in his own hands the fruits of the benefice.† In the case of Dunse, Feb. 25, 1749, the presbytery had proceeded to settle a minister on a call of the people, while the question of declarator, as to the right of patronage, was pending before the court; but it is extremely worthy of notice, that the Lords, while they reduced the deed of the presbytery, rested the sentence on the single ground of their having proceeded in the face of an appeal to a civil court, on a

* Morrison, Vol. XII. p. 9950.

† Kilkerran's Decisions, Vol. III. Art. *Patronage*.

civil question; expressly declaring, “that the action of declarator *nowise affected the presbytery’s power of trying and admitting a minister.*” The presbytery had appealed, in their defence, to the act 1567, which gives the final decision to the supreme church court. This the Court of Session allowed; while, with great wisdom and discrimination, they limited the application of it to all questions relative to the *fitness or admissibility* of the presentee.* In the case of Culross, June 26, 1751, the presbytery fell into a similar error with the above, and in addition, proceeded to settle a minister in the face of appeals to the synod and assembly. The court decided, as in the case of Dunse, and on the same grounds, with this additional observation, “that the presbytery had proceeded to settle Mr. Stoddart pending the appeal (before the church courts) *contrary to their own rules*; and if the matter had been delayed till the General Assembly, the sentence of declarator, regarding the right of patronage would have been obtained;” and the civil question of the case having been thus settled, the church courts would then have proceeded regularly.† In July of the same year, the right of the crown to the patronage of Lanark was found good by the Court of Session; but it was not till 1752 that the question as to the right of the actual incumbent to the living became the subject of litigation. The court unanimously found that Mr. Dick, having been settled by the presbytery on the *bona fide* assumption that the right of patronage was vested in the family of Lee, had the legal claim to the emoluments. In the recorded minutes of this case, that part of the act 1592, which

* Falconer’s Decisions, Vol. II. p. 68.

† Idem, Vol. II. p. 258.

“restricts the presbytery to admit quahatsomever qualified persons shall be presented,” is interpreted as relating not to the judicial power of the church over the qualifications of entrants, but as designed simply to prevent a presbytery “*from settling a minister by a call, or any other way than by the presentation of a patron.*” The presentee may be set aside by the church; but the patron still retains his right to present a second time, and so on, as long as the prescribed period of six months lasts. The presbytery cannot take the right out of the hands of the legal patron; and on this principle a clear distinction is drawn between the cases of Dunse and Culross, and the case of Lanark. In those instances, there was only one patron claiming right, and the presbytery, disregarding his claim, proceeded to settle on a call from the people. In this last, there was a competition of claims, and the presbytery, led by precedent, sustained the presentation issued by the party who had been understood all along to have the legal right. Thus the Court of Session, by their unanimous decision in 1752, settled the point which had been left undecided in the case of Kirriemuir in 1715, and nobly sustained the rights of the Church.* The House of Lords, indeed, proceeding on an English interpretation of Scots statutes and usages, reversed their decision; but let it never be forgotten, that this famed decision does not so much as touch upon the right of the Church to be judge in the last resort of all questions relative to the qualifications of presentees, and their admissibility to office. In the case of the parish of Forbes, in the year 1762, the principle of the decision of the House of Lords was followed by the Court of Session, while

* Morrison's Dictionary, Vol. XII. p. 9954.

the right of the Church to decide on the qualifications and fitness of the presentee was preserved inviolate.*

Thus it appears, that in not one of the instances referred to, did the civil courts question the inherent right of the Church to sit in judgment on the qualifications of her intrants, and to give a final and irreversible sentence regarding them: nor, in the second place, does it appear that in any of these instances—and I have quoted all that are on record—did the Church give judgment on the qualifications of presentees, but rather on the legal questions connected with the right of patronage—a matter altogether remote from their proper jurisdiction.

In the case of Dr. Dick, at Lanark, for example, the sentence of the Assembly is thus expressed:—“The sentence of the Synod of Glasgow and Ayr, finding that Mr. Lockhart of Lee, who had given his presentation to Mr. Robert Dick, probationer, to be minister of Lanark, has the preferable right to that claimed by the town of Lanark, who had presented Mr. James Gray, minister of Rothes, in whose favour also a presentation from the crown was granted, to be minister of the said town and parish of Lanark, affirmed; and it is remitted to the presbytery of Lanark to consider the import of the crown’s right, and to proceed further to the settlement of the said parish, according to the rules of the Church.”† Here we find the synod, and afterwards the assembly, discussing the question as to the competing patrons; and moreover, the assembly referring to the presbytery of the bounds to “inquire into the import of the crown’s claims;” with the view, no doubt, of regulating their conduct in all future cases; but in the meantime to

* Morrison’s Dictionary, Vol. XII. p. 9954.

† Assembly, 1749, Sess. 4, 22d May.

go on with the settlement. These are plainly civil questions, not competent for the church courts to settle; and the same conclusions cannot be drawn from such cases as in regard to a question of qualifications of presentees. These last come under the cognisance of the church alone; the first are peculiar to courts of civil jurisdiction. And yet it is a very remarkable fact, that the Court of Session *unanimously* found the deed of Assembly to all intents final; and of course, that Mr. Dick was entitled to all the emoluments as minister at Lanark.*

What, then, is the plain meaning of the statute which empowers the patron to retain the fruits of the benefice? The act 1592 must be explained in consistency with the act 1567, which is incorporated with it; and as that act makes the sentence of the General Assembly on the qualifications of ministers final, the act of 1592 can only have been designed to ordain that the vacant stipend shall remain in the hands of the patron until the matter shall be settled by the Supreme Court. With regard to its application, the law expressly said, that it shall not go into the pockets of the patron, but shall be applied "to pious uses;" and since the act 1814, all such vacant stipends are placed at the service, not of patrons or heritors, but of the trustees of the fund for behoof of the widows of ministers and professors in the Church of Scotland.

* On the important case of Dr. Dick, there is a good deal of valuable and deeply interesting information to be found in the Appendix to Sir H. Moncrieff's Life of Erskine. The whole of this admirable work should be deeply pondered by every student of the history of our Church.

CHAPTER V.

ON THE QUESTION RELATIVE TO THE PRINCIPALITY
OF THE COLLEGE OF GLASGOW.

IF there be any reality in the principles we have been endeavouring to establish ;—if the pastoral calling be, from its very nature, incompatible with the idea of a multiplicity of avocations vested in the person of one individual ;—if the constitution, and spirit, and procedure of the Scottish Church are diametrically opposed to all pluralities, whether of benefice or of office ;—if those civil institutions which guard the religious establishment of Scotland, recognise throughout the same great principles ;—and if there be vested in the courts of the church a right and a power to apply these general principles in every case of presentation and induction to benefices ;—it follows, by necessary consequence, that in canvassing the question relative to the union of the Principality of the University of Glasgow with one of the pastoral charges of the city, the Church does not deviate from its prescribed line of procedure, nor venture, in any measure, to assume a legislative, in place of an executive province. As the appointed guardian of the religious rights and interests of the people under her charge, she is bound to look at every circumstance in the character and situation of her candidates for office which may interfere with, or seriously affect the due discharge of pastoral obligation ; and she is guilty of a most gross dereliction of public duty, if she tamely inducts into offices of great trust and responsibility, those individuals, who, she is conscious at the time,

are placed in such a situation as to be altogether incompetent to the adequate discharge of the duties to which they are set apart. The circumstances of such individuals may be greatly diversified, and no law can prospectively define them with minute and undeviating precision ; but it remains with the Church to apply the general law to them as they occur, and to judge accordingly. The presbytery and the synod of the bounds have thought proper thus to apply the law to the case of the union in question ; and in doing so, they have acted *bona fide*, in their judicial capacity as the appointed guardians of the Church within their prescribed limits. It now remains to inquire, How far the specialties, in the case before us, are such as to warrant the conclusion to which the presbytery and synod have come, that the holding of the Principality of the College of Glasgow is incompatible with that of a pastoral charge within the city ; and that the individual who occupies the former charge, is, however respectable, unqualified *in hoc statu* for executing successfully the duties of the latter ?

Were the question to be tried on the principles of general expediency and public benefit, it would be brought within a very narrow compass indeed. Its obvious bearing on the general concerns of literature, of religion, and of the church at large, might be exhibited in a very few simple and self-evident propositions. The *first* is, that literature may surely be expected to flourish most vigorously and most extensively, when the heads of our great literary establishments are left at liberty to give the full vigour of their minds to the concerns of those establishments, undistracted by the ceaseless cares and anxieties of an extended and populous city parish. The *second* is, that religion, in our large towns especially, may be

expected to flourish with most success in those parishes whose ministers, being well qualified in all other respects, are left at liberty to devote all their time, and all their energies, to the duties of their office. The *third* is, that the Church of Scotland must be elevated or depressed in the estimation of the public, exactly in proportion as her sons show an anxiety on the one hand, to discharge their duties with uncompromising fidelity; or, on the other hand, to grasp at her temporalities, and to monopolise her honours.

It may seem, indeed, altogether unnecessary to agitate a question which has been already set at rest by the solemnly recorded sentiments of those, who, of all men, must be held as the most competent judges of its merits. The unanimous verdict of the members of the Presbytery of Glasgow has been given *against* the proposed union, while the minority of members declare their reluctant submission to it on the plea of necessity alone. This opinion of the inexpediency of the union has been given, let it be remembered, by a court which comprises within its bounds *all the ministers of the city of Glasgow* and its vicinity, who, above all others, must, in common equity and in common sense, be held as by far the most competent to give any opinion regarding such a matter; as being best acquainted with the localities of the question, and the peculiar extent of duties, to which the Principal of the College and the ministers of the city are astricted. It has been given likewise by a court, a large minority of whose members showed every wish to induct the presentee, and who actually moved for his induction in the face of their own recorded disqualification; and who surely would not have entered such an opinion on the minutes, *ad perpetuam rei memoriam*, had they not been compelled by irresistible evidence to do so.

In a word, it is an opinion which was given after lengthened and serious deliberation—when the subject had been viewed on all sides—and its relative bearings examined with all the ingenuity and all the skill which principle and which interest can command.

SECTION FIRST.

On the Duties of a Minister of Glasgow.

It requires no great stretch of argument, and no lengthened research, to enable any man of common understanding, and of correct feeling, to decide the question on which the merits of the whole controversy must principally depend—Are the duties incumbent on a minister of Glasgow, and particularly on the minister of such a charge as that of the Inner High Church, sufficient to employ all the time and all the energies of the most highly gifted individual? The parish of St. Mungo's did in 1819–20 contain a population of 7431,* which in 1821 had increased to 8823.† Of the former number, the proportion of individuals *professedly* belonging to the established church appears to have been 5481.‡ Here then is a gross population of nearly 9000 souls, all legally and constitutionally under the pastoral inspection of a single individual; and *two thirds* of them really and avowedly the objects of his immediate charge. Over these he is solemnly set apart in that awfully affecting hour, when, in presence of God, the representatives of the church, and the assembled congregation, he declares, that “zeal for the glory of God and the

* Cleland's Enumeration, p. 6.

† Government Census, p. 33.

‡ Cleland, p. 6.

good of souls" has been his prime motive in accepting the call and undertaking the charge. And what *are* the duties which a pastor undertakes to perform to the people of such a charge? If the late eminently learned and universally respected Dr. Alexander Gerard is to be held as a faithful expositor of the laws of the church on such a subject, the very titles of his chapters furnish a satisfactory answer:—"The duties of the pastoral office—private duties respecting individuals—private instruction—private exhortation—counselling—visiting the afflicted—reproving—convincing—reconciling differences—care of the poor—private duties respecting lesser societies—visitation of families—catechising, &c.—public duties respecting a whole parish—preaching—presiding in the ordinary worship of God—administering the sacraments, and conducting public worship on extraordinary occasions—ecclesiastical duties respecting the church in general—exercise of discipline and government," &c.* If the late Principal Hill is to be held as a competent judge of this matter, the enumeration of the heads of his "Counsels respecting the Public and Private Duties of the Pastoral Office," may suffice as an answer to the question: "On public prayer—on the administration of the sacraments—on lecturing—on preaching—on visitation of families—catechising—occasional admonition and reproof—visiting the sick—care of the poor—alacrity and assiduity in serving our people."† If the late Dr. Wodrow of Stevenston, the grandson of the eminent historian, and the friend and biographer of Principal Leechman, is to be held as a fair witness, his short

* See Gerard's *Pastoral Care*, where all these topics are illustrated with great minuteness.

† Hill's *Theological Institutes*, Part III.

but comprehensive statement may be safely appealed to, as a testimony of no slender weight. "The duties of a clergyman in Scotland, regularly performed, as they generally are to this day, especially in country parishes, are very laborious. He preaches twice or thrice every Sabbath; catechises his whole parish annually, and visits them as often, in a pastoral way, by which is meant, a stated visit to every family, accompanied with a short exhortation and prayer. Besides these regular offices, he visits occasionally every distressed and dying person in his parish. Thus the pastor is considered as the common friend and father of his people, to whom they are accustomed to look up for advice in their spiritual, and often too in their temporal concerns; and he is accessible to them at all hours."* If Sir Henry Moncrieff is worthy of being retained as a fourth witness on such a subject, his short but luminous and comprehensive view of the pastoral office in the Church of Scotland, may be appealed to, as another satisfactory answer to the question. "In a large parish, where every part of the clerical functions devolves on a single clergyman, the composition of sermons, and the official duties of the Lord's day, are neither the only, nor perhaps the most important branches of pastoral labour. The visitation of the sick and of the dying, equally useful and consolatory, is a labour of perpetual recurrence; and it is in no country of Christendom more faithfully attended to than in Scotland.—But the private instruction given by the parish minister to the whole body of the parishioners, in their separate houses, and in their scattered villages, is a service still more extensively useful, and not less faithfully performed.—The general

* Leechman's Life, p. 14.

practice in parochial visitations is in substance this : in the course of every year, a clergyman is understood to visit the families of his parish individually ; when he catechises the children and the servants, and afterwards addresses, to all the members of each family, a solemn admonition on the subjects best suited to their conditions and to their practical duties ; which he concludes with an affectionate prayer for their temporal and eternal welfare. If there should be any thing in the circumstances of particular families, which appears to him to demand either advice or reprehension, he has in the course of this service fair opportunities of conveying the counsel which they have most need to receive, in the form least likely to prevent its effect. He converses with them at the same time on every subject, by means of which he can render his pastoral visits either gratifying or useful.—By this intimate communication with every class of his parishioners in their own families, if he manages it with good sense and delicacy, a respectable clergyman has perpetual opportunities of becoming thoroughly acquainted with their several characters, and with every circumstance in their conditions, of which he can avail himself in public or in private for their advantage. Without descending from his own situation, he comes from habit, as well as principle, to regard their interests with a paternal solicitude, and they are soon accustomed to look up to him as a friend or as a father ; as their enlightened adviser and guide, as well as their religious instructor and comforter.—Besides the visitation of families, a clergyman in the country is accustomed to hold regular diets of catechising in the several villages of his parish, where he meets as many of his parishioners together as can be easily assembled in one place.—In this department

of pastoral duty, an intelligent minister does not confine himself to the church catechism, or to any printed catechisms whatever; but while he pays as much attention to the catechisms in use as to see that they are familiar to the people, if he does justice to his office, his instruction is directed to every subject of religion and morals, which he thinks best adapted to their capacities and situations.—His catechetical questions, indiscriminately addressed to the old and to the young, embrace, as far as the time he must prescribe to himself will permit, whatever he can render level to the capacities of the people, or is calculated to enlighten them, in the history of the Bible, in the evidence, the doctrines, or the practical duties of Christianity. It is his object, above all, to make them well acquainted with the Scriptures; and, as far as he can assist them, to accustom them to refer to them readily.—In some parishes it is the practice, besides, to catechise the communicants separately; and the clergy are universally accustomed to converse privately with those who are admitted to the communion-table for the first time.—Without mentioning the care of the poor, or the management of the church discipline, which are chiefly devolved on the parish ministers, this is a general outline of pastoral duty, as it has been conducted in Scotland for more than a century. The labour of every year, and (speaking generally) of every parish, is substantially the same.”*

While the general plan of ministerial duty is thus sketched out, certain allowances must unquestionably be made for the local and other peculiarities of a parish, and something must ever be left to the good sense and prudent discretion of individual ministers.

* Life of Erskine, pp. 69—73.

But I have yet to learn that our church has prescribed one plan for *country* ministers, and another for the clergy of *towns*; and I have also to learn what those duties are which the latter are, by their situation, precluded from discharging. Modified, no doubt, their pastoral labours must be by circumstances; and discretion must be exercised in directing these modifications; but has a town minister no families belonging to his parish, or his congregation, whom he may pastorally visit? Has he no sick, no afflicted, no dying persons, whom he may instruct and awaken, and soothe? Has he no young persons to catechise, and no intending communicants to instruct and train? Does the dispensation of the ordinance of baptism never bring him into near contact with the parents of his flock, and is he never called to address their consciences in the language of instruction, and of spiritual advice and encouragement? Has he no cases of discipline which require the cognisance of the consistory of the parish, and the patient and prudent application of ecclesiastical law? Has he no opportunities for manifesting that "alacrity and assiduity in serving his people," which is so beautifully described by Principal Hill, as "*seeking out and embracing* those thousand nameless occasions of service, which can be reduced to no positive statute, but which no conscientious minister will disregard?" And has he not, in addition to the ordinary list of clerical duties, many avocations *more or less professional*, which take their rise from his peculiar situation, as the minister of a city parish? Schools of all kinds to examine—young men attending College, or the Divinity Hall, to watch over and encourage in their studies—religious and benevolent institutions to patronize—prisons, and hospitals, and alms-houses to visit, and spiritually to superintend—

acts of kindness to perform towards the widow and the orphan, the veteran defenders of our country, or the friends and relatives of such as are still engaged in her defence—acts of kindness which, although not immediately nor directly clerical, do easily and naturally coalesce with duties of a more spiritual complexion, by bringing us into more intimate contact with our people, endearing the tie which binds them to our hearts, and strengthening their attachment to that constitution, in church and state, which sheds such a kindly influence over all their interests?

I am not unaware of the apology which has been made for a city minister's acceptance of a plurality of offices. It is pleaded, that a city minister is *not responsible for the souls of all his parishioners*. In one sense, no minister is responsible for the souls of his people, because every man must answer for himself. But most assuredly every pastor is bound, by his ordination vow, *to do every thing in his power* to promote the salvation of his people, by preaching the gospel purely and zealously, and by the faithful discharge of all the other duties of his office. And shall we be told, and told without a blush, that in exact proportion as the numbers of a parochial population are increased, the extent of pastoral responsibility is *lessened*? That dissenters, or those who have voluntarily placed themselves under a different guide, are not, in the same sense, the objects of a pastor's care as those who professedly adhere to the establishment, is true; and yet, in regard to them, there are many offices of kindness which a minister of the established church has in his power, and is bound to discharge. It was well remarked by one of the speakers at the late meeting of synod,* that the "maximum of duty it was

* Mr. Graham of Killearn.

difficult precisely to ascertain;" but that the "maximum of human strength" it might be not difficult to fix. Are we then to draw the inference, that a minister who is placed over a parish whose duties are confessedly far too great for the strongest of human beings, may, with consistency and propriety, undertake *another* office, involving many important and laborious avocations? Is there one class of *ordination vows* for a town minister, and another for a country minister? And if a city pastor is unable to do all that he would wish, is he not bound to do all that he can? And is it not the very solemnity of the ordination vow, and the awful responsibility which it implies, which above all other considerations, will operate on a conscientious man, to prevent his entangling himself with the labours of a new and distinct charge, in a province lying far beyond the ordinary associations of a "pastor's walk?"

These surely are not the times when the hazardous experiment should be tried of crippling the active energies of a city pastor. When ignorance, and infidelity, and profanity, and insubordination, and vice of every name, are raging rank and wild around us—when the dense population of our larger manufacturing and commercial communities is so liberally proscribed, as the great focus of such enormities—when the eyes of our enlightened statesmen are intensely fixed on the scheme of national reform, by means of a religious instrumentality—when every thing in the moral and political aspect of our country, and of the times, warns us against removing the ancient landmarks which our fathers have set—these surely are not the times when the distance between a minister and his people should be widened, and the influence of his pastoral ministrations weakened, by a multiplicity of

avocations. Surely there is nothing in the present state of the city of Glasgow, which requires that its parishes shall be disfranchised of their unalienable right to the labours and anxieties of a “*whole minister* :” and is there any thing in the “localities” of St. Mungo’s parish which demands that *it* shall be thus dismantled? Is its legal provision so small as not to *afford* a “*whole minister*?” or is its population either so *good* as not to *require*, or so *bad* as not to *deserve* one?

It was in the year 1809 that the presbytery of Glasgow, after due and serious deliberation, gave it as their unanimous opinion that three additional parish churches were absolutely necessary for the city; and they memorialized the magistracy on the subject. At that time, there were eight parish churches, besides chapels, to a population which, two years after, was exactly 58,334.* Since that period, two additional parish churches have been erected; but the population has increased to 73,796;† so that the deficiency, in proportion to the population, is *greater* than it was before. To remedy this deficiency, several chapels have either been erected, or are in the process of erection; and there is the fair prospect of a large accession to the ecclesiastical provision made for the people of the Barony parish. The subject of additional church accommodation indeed has, at no time, been absent from the serious deliberation of the magistrates and presbytery of Glasgow, for the last fifteen years. And in the knowledge, and under the impression of such facts, was it any matter of surprise to find the latter of these bodies, declaring by their solemn deed,

* Government Enumeration, 1811.

† *Idem*, 1821, p. 32, Cleland’s Edition.

that the parish of St. Mungo required, for its spiritual superintendence, the talents, and time, and unre-mitted energies of the most highly gifted individual? Would it not have appeared very strange and unaccountable, that in the face of their own repeatedly-recorded judgment—of their frequent solicitations to the patrons for additional accommodation—of their cordial concurrence in the erection of chapels, and the loud and long-continued appeals of some of their most distinguished members, on the want of clerical provision for the wants of the people,* they should, after all this, agree *simpliciter* to give their solemn sanction to a deed so utterly at war with all their avowed principles? Would not this have just amounted to a public acknowledgment that all their previous complaints on the want of ecclesiastical provision were groundless; that the clerical charges of Glasgow were not sufficient to occupy one man; and that an accession to the number of pastors was not called for by the circumstances of the case?

SECTION SECOND.

On the Duties of the Principality of Glasgow College.

Having thus adverted to the nature and extent of the pastoral charge committed in trust to the minister of St. Mungo's parish, let us now attend to the required avocations of the Principal of Glasgow College. If it be true, as has been again and again affirmed, that the Principality is a mere "*sinecure*," and that the discharge of its duties is only an "*amusement*,"

* Mr. Lapslie's Letters to the Magistrates; Dr. Chalmers' Christian and Civic Economy, &c.

and that a “clerk, for a few shillings, is competent to do them all”*—then, indeed, the merits of the question at issue are materially changed. Even on this supposition, however, it would remain a matter of very grave inquiry, How comes it to pass that a well-endowed office should have been continued so long, while the duties attached to it are so trifling? How is it that the offices of Lord Rector, and Dean of Faculty, which have some very important duties involved in them, should be *unendowed*, while that of Principal, which is a “sinecure,” has been placed on a footing of respectability? How comes it to pass that during a succession of years, when the college of Glasgow comprised only a few hundred students,† no attempt was made to conjoin the Principality with a clerical charge, whereas now, when the students amount to at least 1500, and the concerns of the college are multiplied proportionally, it is discovered that the office is a sinecure, and that its few routine engagements may be easily overtaken by any one of the ordinary pastors of the city?

Let us even grant, for the sake of argument, that the duties of the Principality are not very numerous, nor very irksome;—they have still the effect of adding to the already overgrown burden laid upon the shoulders of the ministers, and of withdrawing their attention, to a certain extent at least, from their immediate avocations. “I care not,” says Dr. Chalmers, “by

* Presbytery Report, July 1823, p. 13, 58.

† In 1797, when the Statistical Account of the university was drawn up, “the average number of students of all denominations was considerably above 600.” Stat. Account, Vol. XXI. p. 32. In 1702, they amounted to 402. Id. p. 27.

how small a fraction it is that the duties of the Principality add to the duties of the clergyman. Though only one tenth part of the whole, it is tantamount to the annexation of 800 people to his now unwieldy and unmanageable parish."* In the present state of our country, and especially of our manufacturing population, when so much has been attempted, in order to relieve the ministers from every avocation which does not belong directly to their sacred calling, and when every thing is to be deprecated which tends to divert their attention from their peculiar engagements, such an union as the present is to be looked upon with jealousy and suspicion. Had the Principal no other avocation than that of *doing the honours of the great university corporation*, we might discern, even in this comparatively easy task, the operation of a principle that is inimical to the right discharge of pastoral duty. The entireness of the minister's official calling is broken in upon. His mind is constantly liable to be taken up with concerns that are foreign to it. There is *something about* the office of the Principality that unfits it for coalescing harmoniously with the minuter and more humbling departments of a faithful minister's daily walk. The concerns and the demands of each must not unfrequently come into competition; and when, at one and the same instant, the dying inmate of a garret or a cellar petitions for a pastoral visit, and an illustrious stranger arrives to see the university, we may be enabled to form some idea of the practical results of such a competition.

But what are really the duties demanded of the Principal of the college of Glasgow? In the charter

* Chalmers' Speech at the Synod, p. 14.

of endowment by the city of Glasgow, in 1572, and confirmed by act of Parliament, 23d January of the same year, it is required that of the fifteen persons, (including bursars) of whom the college consisted, "the first shall be Professor of Theology, and in that science deeply skilled, and shall be called Prefect, or Provost, or Principal of the College." In the *nova erectio* by king James VI. in 1577, ratified by Parliament, 1587, usually considered as the Magna Charta of the university, the duties of the Principal are thus defined: "The Principal" (Gymnasiarcha) "ought to be a man of piety and sound morals, to whom the whole college and its individual members must be subject, and to whom we commit the ordinary jurisdiction over every person connected with our college. It behooves him to be well instructed in sacred literature; qualified to open up the mysteries of the faith, and to explain the hidden treasures of the divine word; and with this view, he must be well skilled in the ancient languages, and particularly in Hebrew and Syriac, whose professor we appoint him to be; for, as truly becomes us, we desire that the study of the sacred language should be promoted among our subjects, in order that the fountains of the Scriptures, and their mysteries, may be more correctly laid open. Therefore we give it in trust to our said Principal, that with the view of exhibiting to the whole college, in his own example, a pattern of diligent industry, he shall each day employ one hour, at least, in prelection, and shall teach theology one day, and the sacred languages the next, alternately; but on the seventh day, he shall be free from his ordinary duties, that he may preach to the people of Govan." The special reason assigned for this last appointment, is, that since the college is

to be sustained by the tithes of that parish, "it is but reasonable that those who ministered to them carnal things, should partake of their spiritual things, and not be wholly deprived of the bread of life, which is the word of God." The charter then goes on to say, that in order to the due discharge of his official duties, "the Principal shall reside within the college, and shall not travel farther than Govan, without liberty granted by the Rector, Dean of Faculty, and other members of the faculty; and if, without liberty regularly asked and obtained, he shall sleep three days out of the bounds of the college, he shall vacate his place."* It appears, from the records of the college, that the Principal continued to discharge all the duties of a Professor of Theology, and of Oriental Languages, till 1640, when, by order of the visitors of the college, appointed by the General Assembly, Mr. David Dickson was nominated as conjunct Professor of Divinity, along with Principal Strang. Mr. Dickson's appointment was ratified by parliament on the 11th Sept. 1641 at the express "desyr of Dr. Jhone Strang, (principal) that meanes might be used for furnishing the university with ane competent number of professours."† In 1642, Mr. Robert Baillie was translated from Kilwinning to be third professor of Theology and Biblical Literature; and he held this office for about ten years. This third professorship appears to have undergone ma-

* These extracts have been translated from the originals, copies of which may be found in a "Collection of papers in the mutual action, Mr. Muirhead against the College of Glasgow;" a document which throws a great deal of light on the history and constitution of the university.

† Acts of Scots Parliaments, vol. v. p. 396.

ny fluctuations, in consequence of the crippled and constantly changing state of the college funds. In 1716, it was converted into a professorship of Ecclesiastical History; and with this designation it has continued in regular succession till the present day. In 1709, a regular professor of *Oriental Languages*, was first appointed; and thus was at length completed, after slow and painful steps, the theological faculty of the university of Glasgow.

Now, the great question which naturally arises out of this historical sketch, is, Did the Principal continue in the active discharge of his duties as a Professor of Theology, after the addition of a *second* and a *third* Professor in the same department? and was it then considered, and has it all along been considered, as a constituent part of his official duty to do so? In answer, we beg to state the following considerations:

In the *first* place, the charter of erection expressly requires that the Principal shall teach theology; and there is no evidence that he was ever regularly released from the obligation to do so. An express statute, enacted by the highest authority in the state, must be held as binding, so long as the same power which enacted it, does not see meet to change or to annul it, and this would hold good, even although in point of fact the duty had been allowed to fall into desuetude. In the present instance, there is no evidence of the Principal having been released from this duty; but on the contrary, there is abundant proof, from historical testimony, that it was *never intended* to release him entirely from this important part of his official labours. For,

In the *second* place, we can appeal to a regular series of historical documents, in proof that the Principal was all along not *officially* and *nominally*, but literally

and truly, a professor or teacher of theology. It is not necessary to go farther back than the year 1640, because then, for the first time, a plurality of theological professors was appointed. We have seen that in addition to Principal Strang, Messrs. Dickson and Baillie were appointed as *second* and *third* Professors of Theology, in 1640 and 1642. Now, if ever there had been a time when the Principal was to be released from the active discharge of professorial duty, this was the time. The students did not exceed *thirty*; and two ordinary professors of Theology had been appointed for their superintendence. And yet what is the fact? We appeal to the authenticated records of the college as affording decisive evidence, that Dr. Strang continued to teach during the whole period of his incumbency. We appeal to the printed acts of the General Assembly of 1647, where we find that Dr. Strang's "*dictates*," or heads of theological prelections, became the subject of inquiry and animadversion, and after due examination, "the clerk is appointed to re-deliver Dr. Strang's Dictates unto him," as a testimony that the assembly were satisfied with their orthodoxy, and that he was at liberty to proceed in his professional career.* We appeal to the particular account given by Baillie, in his letters, of the manner in which he and his two colleagues divided the system of Divinity amongst them, so as most effectually to attain the great object of a complete theological education. "For the present," says he, "Mr. David teaches on Monday and Tuesday before noon, his excellent analytic commentaries on the text of Scripture. On Friday morning he teaches *precepts for*

* Assembly Acts, 1647, Sess. 23.

preaching, and cases of conscience, and attends the young men's privy homilies. The *Principal* dictes on Thursday betwixt 10 and 11, and on Friday, betwixt 11 and 12, has notes on the hard places of Scripture. All he does is very well and accurately; only the length is the pity," (by this he means the *shortness* of the exercise) "but," he adds, "in this it is reason that he has his will, for no Principal in Scotland teaches onie time, and he hath a charge beside would *kill an ox*. He attends every Tuesday afternoon the private diatribes. For me, I have taught Hebrew every Monday afternoon, gone through Buxtorff's Epitome, and dictated notes on the texts at the end. By the end of the second year, I hope to close my Hebrew notes, so that my third year may be for Chaldaic, Syriac, and Rabbinic. Every Thursday betwixt 11 and 12, I dict of the *controversies*. On Wednesday, I take paragetic diatribes."*

It would appear that both Mr. Baillie and Mr. Dickson were in the practice of officiating, not as the regular pastors of congregations in the city, but as "ministers of God's word," preaching the Gospel, and assisting in sessions and presbyteries in all matters of discipline and government. It seems that this comparatively limited exercise of ministerial functions, was held by the college faculty as incompatible with the due and full discharge of their academical functions, for on the appointment of Mr. Robert Ramsay, who resigned his charge of the Inner High parish, on his election to the Principality, an act of the Senatus was passed discharging the Principal and Professors of Theology, from interfering henceforth in any of the

* Baillie's MS. Letters, A. D. 1643.

ordinary affairs of the ministry, in order that they may devote themselves with greater earnestness and effect to their appropriate work which is said to be “of such great weight, that the greatest parts, and most diligent labours of the ablest men are hardly sufficient therefor.”* In various succeeding periods, the statutes and minutes of faculty suppose evidently that the Principal was a *teaching* professor; as, for example, in 1705, the Senatus “considering that it was the custom in the best times to have two professors of Theology, besides the Principal, though the number of students then was not so great as it is now,” resolve to take measures for having the deficiency supplied.† From this period, down to the time of Principal Leechman, the history of the college affords demonstrative evidence, that the teaching of theology was not only held as part of the duty of the Principal, but was actually performed by him in conjunction with his colleagues. For several years after his appointment, Dr. Leechman continued to lecture;‡ and the reason of the discontinuance of this part of his official duties is not assigned by his biographer. Certain it is, that in 1796, the members of the university themselves did not consider this department of duty as either unnecessary, or as having fallen into desuetude. In the very valuable account of the university, drawn up by Dr. Reid and Professor Jardine, at the request, and with the review of the other members, and published in the statistical account, we have the following short but comprehensive statement. “For the peculiar education of churchmen, there are *four*

* Faculty Minutes, 1651.

† Faculty Minutes, 1705.

‡ Life, p. 77.

professors—the Principal who is *primarius* professor of Theology, and has besides the superintendence of the whole college; and the respective professors of Theology, of Oriental Languages, and of Church History. This last is also lecturer on Civil History.”*

In the *third* place; Let us attend to the *reason assigned* for the slow progress which was made in the scheme for constituting the theological faculty as it now stands. It is extremely worthy of notice, that the reason assigned for the slow erection of these theological professorships, is not the idea that they were unnecessary or undesirable, but simply *the want of funds*. Principal Baillie, whose authority is unquestionable, tells us, in his history of the transactions of his own day, in which he forms a leading part, that the college gave their consent to the establishment of a “Professor of Divinity” in 1640, “for now they had means enough.”† In 1664, the royal visitors report, “that there will be required at least another professor of theology, another professor of humanity, &c.” “which the university formerly had, and by the erection and foundation ought to haiv, but cannot for the present possibly haiv, through want of revenue yearly.”‡ In 1691, the faculty considering “that it was the practice and custom of the university, in the most flourishing time, both of this church and college, to haiv *two professors* of theology, *besides the principal*, and considering, that the present state of the university is such as the rents cannot allow such stipends to the said professors as they formerly got, and were

* Stat. Acc. vol. xxi. p. 30.

† Baillie’s MSS. Folio, in Bibl. Coll. Glas:

‡ Report of Visitation, 1664; inserted among the papers relative to Professor Muirhead’s case, 1808.

reasonable and fit for them to have, yet the urgent state of the Church doth not the less require the same; and considering, that it may be hoped some reverend and learned men may, in consideration of the present pressing need of the Church, the more willingly undergo that charge, with less outward encouragement, until the university shall be in a condition to better their stipends:" therefore the faculty proceed to elect two professors of theology, to whom they assign the stipend formerly allowed to one, "to be equally divided betwixt them; hereby declaring, that as soon as the university shall by any new fund be enabled to enlarge their salary, they will readily and reasonably do the same."* In 1707, the parliament of Scotland recommended the state of the Scottish universities to the notice of Queen Anne; and in consequence of this, Principal Dunlop was sent to London, in name, and by appointment of all the universities of Scotland, to make application in their favour. A gift was obtained from her majesty, one of the items in which, was a sum allotted for a Professor of Oriental Languages, in the college of Glasgow, and accordingly such a professor was nominated.† Thus it appears, that in the progress of things, all the departments originally combined from necessity in the office of principal, were subdivided among so many independent professors; and yet it appears, from the university records, that the number of divinity students, down to the latest of the above periods, never exceeded fifty. Now, we would ask any man of plain understanding, whether it is consistent with common sense to suppose, that all these strenuous exertions, on the part of

* Records of the University, 25th February, 1691.

† Faculty Minutes, 12th Jan. 1709.

the college, were made, and that all these grants, obtained with difficulty, were bestowed, for the purpose of reducing the principality to a "mere sine-cure?" The whole aspect of the procedure must convince us, that these "adjunct professors," as Baillie terms them, were designed not to *supersede*, but to *aid* the principal in the discharge of his arduous duties, that the work might be better done, on the principle of the division of labour. The new erections are expressly said to be "*besides*" or "*in addition*" to "the principal," who held all along the office of *primarius* professor of theology; and the slight sketch which we have drawn, may give us some idea of the importance which was attached by our forefathers to the faculty of theology, even at a time when the number of students did not average one-fourth of their present number. To use the expressive words of the college faculty on this subject: "It may conduce to the glory of God, to the good and advantage of the church and state, and to the honour and interest of this university, that the theology be *well* and *fully* taught."*

But it may be said, that supposing the principal to have been released of his professorial labours, he still

* Faculty Minutes, 25th Feb. 1691. It is well worthy of notice, that in the £300 granted to the college of Edinburgh by king William, £100 was expressly appropriated to a *second professor of theology*; and the town council entered on their minutes a formal protest against the misapplication of this sum to the professorship of public law. Council Register, for the year 1707. The second professorship of theology was altogether distinct from that of ecclesiastical history, which had been founded *five years before*. Council Register, Vol. XXXVII. p. 664. It thus appears, that the theological faculty at Edinburgh, was designed to contain the same number of members with the other universities of Scotland, namely, *four* professors.

continued to officiate at Govan, and that this, along with his superintendence of the college, constituted his chief employment. *The supposition is set aside by plain facts.* The reason why the principal was required to preach at Govan, has been already quoted from the *nova erectio*. It is well known, that for a long time the revenues of the college arose almost exclusively from the teinds of the parish of Govan, first granted to them by James, in 1577; and as there was thus no provision made for the support of a minister in that parish, the principal was bound to supply the deficiency.* So soon, however, as the funds of the college were increased, this union of offices was dissolved; and that upon grounds highly honourable to both parties. In 1621, during the time of principal Boyd, a visitation of the college was held by James, Archbishop of Glasgow, Chancellor, the Rector and others, when a minute was drawn up and inserted in the University Register, to the effect, that having found by long experience, and the unfeigned confession of principal Boyd, that however diligent the principal might be, he could not consistently, with the full discharge of his duty in that office, be minister of the parish of Govan; and therefore it was resolved and decreed, that *in all time coming*, the principal and his successors should be exonerated from preaching at

* It was greatly to the credit of principal Melville, that when offered by Morton, in 1576, the "rich parsonage of Govan, a benefice of 24 chalders of victual, providing he would not insist in the course against bishops," he nobly rejected the proposal; but used all his influence, and successfully, in obtaining a grant of it to the funds of the college.—Calderwood's History, p. 74. As there was a *tack* upon the teinds for 19 years after this, the college did not profit much by the grant till that period was ended.

Govan, that they may devote their “*whole study*” and “*time*,” to their proper avocations—such as “*public doctrine*,” “*private colloquies*,” and conferences with the students, and the “*government of the college*.”* At the same meeting, a stipend was modified to the minister of Govan, out of the teinds of the parish, with the manse and glebe. Although the resources of the college were at this time far from affluent, a competent living was assigned by them out of *their own property*; a sacrifice, which they could not have been expected to make, had it not been from a conviction of the necessity of such an arrangement for promoting the interests of religion in the parish, and of learning in the university.

In the *fourth* place; If there ever existed a reason why there ought to be *two* Professors of Theology, besides Church History, and Hebrew, the same considerations of expediency exist at present with tenfold strength. The number of theological students has been rapidly multiplying of late years; and the due superintendence of their studies will fully occupy the attention of two professors of theology. If the theological department in the colleges of Aberdeen, comprises *four* professors; and if a strong desire for a *fifth* has been expressed by those most competent to judge, at a time when there were not above 25 students regularly attending,† shall *three* members be held sufficient for the same department in a university

* Records of University, 1621, and Stat. Acc. Vol. XXI. p. 24. Want of access to the original records of the college, puts it out of my power to give the *ipsissima verba* of these minutes, or to quote others to the same effect.

† Stat. Account, Vol. XXI. p. 139. Account of Marischal College.

containing *six* times the number of students? If at St. Andrew's, 30 students furnish occupation to *four* professors of theology, surely 200 at Glasgow may do the same.* Is there no room for the exercise of all the learning and talent of the ablest man, in the examination of the theological students; the hearing and criticism of their discourses; and the private superintendence of their conduct and studies? and will not the great objects of a *school of theology*, and the interests of the Church at large, be more effectually advanced by the labours of *two persons* well qualified for the office, than by the labours, however valuable, of *one*? If there do exist endowments sufficiently ample for a *completely organized theological college*, like that of St. Mary's at St. Andrew's, why should not the Church of Scotland claim her rights, and avail herself of all her advantages? "Let us attend," says Professor M'Gill, "to the number and state of Theological Students in this country; let us consider how important it is both to the spiritual and temporal interests of the nation, that this part of professional education be properly conducted, and then ask ourselves, if the duties appointed to the Principal by the constitution of the College, can be spared—or if one

* When St. Mary's college, St. Andrew's, was reformed by Melville in 1580, there were appointed *five* professors of theology, of whom the principal was one. The number was afterwards reduced to *four*, and so it has continued till the present day. "It was," says no mean judge, "the most liberal and enlightened plan of study, which had yet been established in any European university." Dr. M'Crie's *Life of Melville*, Vol. I. p. 245. The scheme of St. Mary's was taken from the model of Glasgow; and hence we may form some idea of what the comprehensive mind of principal Melville designed, by a complete course of theology to make, as it was termed, "*a perfitte theologian*."

Professor of Divinity can suffice for such an object— or if, when such additional means are within our power, they should not be employed? Let us consider only the years of attendance, so properly required of the candidates for the sacred ministry, by the Church of Scotland; and the different ages, and degrees of progress in knowledge and attainments, which must exist among them; and then say, if the same lectures, and modes, and kinds of instruction, are suited to students in such different circumstances? Such a plan is not only absurd, but, in many instances, it is ruinous. And is it of no importance, that time and patient attention be employed in daily examinations of these different classes of students, on the subjects of instruction and the objects of their studies? Is it of no importance that exercises of various kinds, suited to their progress and the design of their professional education, be appointed and directed? Is the communication of knowledge all that is necessary in a teacher? Are there no habits to be formed; no fitness of character and spirit; no right direction of talent, facility, and excellence in execution, to be aimed after? Can even knowledge be attained without you employ the means to insure attention, and thought, and inquiry? And is the personal acquaintance of the teacher with his students, his private advice and directions, his friendly and kind, yet constant and vigilant superintendence, of no importance? To these, add only the laborious and exhausting duty of hearing and criticising the public discourses appointed by the church, extending often to above two hundred in the course of a single session; and then let us determine, if any plan of instruction, which deserves the name, or is in any degree commensurate with the objects of an education for the sacred minis-

try, can be carried on fully and effectually by one individual."

To the professorial duties of the principal, let us add those other official departments, to which the constitution and statutes of the university astrict him. The superintendence of the secular affairs and interests of a great corporation, of a multiplied and complex order, connected with the conduct and interests of various individuals, and leading to matters of daily occurrence which require attention and investigation—the superintendence of the general interests of *education* within the university, and of the manner in which the rules are observed, and its important objects are carried into execution—the oversight of the *conduct* both of masters and students—the employment of wise and prudent means to correct and remedy what is wrong, to prevent the growth of evil, and to encourage every good design—the preservation of the proper business and discipline of the college at large, and of its varied compartments—the weekly address to the students of the whole college, of what has been technically termed a *sacra lectio*,* illustrative of truths the most important to mankind—"Let all these duties and avocations be combined—and let the time and studies, due to general literature from the Head of a college, be added—and then say, if this be a *sinecure*; and if a principal engaged in such multifarious duties, and with a mind occupied in the discharge of them, can indeed be in a situation to discharge fully and successfully, the great and numerous spiritual duties

* The *sacra lectiones* of Archbishop Leighton, while principal of the university of Edinburgh, remain a lasting memorial at once, of the purity of his theological sentiments, and the classical elegance of his Latin style.

of a minister of the gospel, and in a parish so extensive and populous as that of the High Church of Glasgow.”*

Let it not be said that the statutes which bind to these varied duties are antiquated and obsolete. The most valuable of our civil statutes are antiquated, and most of our religious privileges are coeval with them. But a statute does not lose its binding obligation when it acquires the venerable-rust of ages. In the case before us, the constitutions of the college come to us recommended by all the authority both of earlier and of later times.

In 1727, a royal commission was appointed to inquire into the state of the university of Glasgow, and to enact such regulations as its actual circumstances might render necessary. This commission was composed of some of the most enlightened men of the kingdom,† and the wise and salutary regulations which they passed, have for nearly a century been held as “standing laws” of the university. Their opinion of the ancient statutes of the corporation does not seem to have been so very low, as that of some modern reformers. After enacting their own statutes, which

* Report of Presbytery, p. 33.

† Their names as appended to the “act,” dated at Edinburgh, 19th Sept. 1727, are as follows: James, earl of Findlater; Archibald, earl of Ilay, keeper of the great seal; George Ross, master of Ross; James Erskine, of Grange; Andrew Fletcher, of Milton, (two of the Senators of the College of Justice, and the latter afterwards Lord Justice Clerk;) Charles Areskine his Majesty’s Solicitor General; Patrick Grant, of Elches, advocate, (afterwards Lord Elches;) John Campbell, late Provost of Edinburgh; William Wishart, Principal of the College of Edinburgh; William Miller, one of the Ministers of Edinburgh; and James Alston, Minister of the Gospel at Dirleton.

appear to be very salutary and wise, their decret thus ends: “ The commission does hereby *statute, enact, appoint, and ordain*, that the rules and articles above written, and every of them, be obeyed, practised, and punctually observed in all time coming, by all and every person concerned in the said university; and shall be deemed and taken for laws and statutes; and have the full force, strength, and effect thereof; and *declare all laws, statutes, and rules formerly made not inconsistent herewith, to remain in full force.** There is one part of the act of this commission, which requires to be particularly noticed, as highly creditable to their principles and feelings. “ The commission recommend it to the masters of the university, to observe the regulations of *former visitations for inculcating upon the students the principles of the Christian religion.*” In compliance with this recommendation, we find Dr. Francis Hutcheson, giving a weekly lecture to his students on the evidences of Christianity, making use of Grotius as his text book—Mr. Clow, the professor of Logic, lecturing to his class on the truths and general duties of religion—and principal Leechman addressing the youth of the university on Sabbath evening, and at other seasons, on the most important of all their interests.† Nor has this good practice gone entirely into desuetude even now; and yet the avocations of each professor, when the students are so numerous, may render it difficult to attend to their

* Act of Commission, regulating the University of Glasgow; published in the appendix to the Process of Declarator, 1775, 4to. p. 8.

† The benefit which principal Leechman had derived from attending the religious lectures of Dr. Hutcheson, is particularly noticed by his biographer. Wodrow's Life of Leechman, p. 8.

moral and religious interests so fully as might be wished; and therefore it seems to be a wise and salutary measure as enjoined by the statutes, that the duty of addressing the whole university on the most important of all interests to man, and of taking the moral and religious superintendence of the college, should be devolved on the Head or Principal of the Institution, whose lessons of wisdom, of experience, and of piety, may tell with salutary effect on the juvenile mind, and through the blessing of heaven, leave an impression never to be effaced.

Of the light in which the venerable Principal Leechman contemplated the duties of his exalted situation, some idea may be formed from the following sketch of his biographer:—"It was impossible for a mind so conscientious and so active as his was, to enjoy much ease in his new station, entrusted as he was with the oversight both of the morals and literature of such a numerous society; and having a peculiar trouble from his office with the superintendence and administration of the various branches of its revenue, more complicated and considerable, on the whole, than that of the other Scottish Universities. This trouble was doubtless increased, from his having been little accustomed to business during his former life.—Besides, he did not confine himself to the ordinary routine of duty connected with his office; but entered warmly into every scheme for the benefit and improvement of the society suggested by other professors, and prosecuted some schemes of his own suggestion. He gave a lecture, for some time, once a week, to the students of divinity, which he was entitled to do as *primarius professor*; and during the session 1763, and several following sessions, he gave weekly lectures to the whole Uni-

versity, I believe, upon the Sunday evening, when they were disengaged from their peculiar studies;—lectures upon various subjects, such as the design of academical institutions, and the conduct incumbent both on the masters and scholars to answer this design; upon self-knowledge, as subservient to this, as well as to our general conduct in life; upon the wisdom and benefit of early piety; upon the excellency of the Scriptures;—with some other lectures formerly delivered in the Divinity Hall, and now adapted to a more mixed audience. These lectures were remembered and spoken of afterwards, as excellently calculated to inspire young minds with an ardour both for literary and moral improvement, and to stimulate them to strenuous exertions in this steep but pleasing path: to guard them against the influence of the spirit of scepticism and licentiousness, very catching in the present age; and to prepare them to make a manly stand, in their riper years, for truth, virtue, liberty, and every thing important to mankind. Several of the students, who attended these evening lectures, still remember the deep impressions which they made upon their minds at the time, the increased attachment to study, and the exertions excited by them.—His house was open to students in every walk, when the conversation usually turned on subjects of learning and taste, and contributed to their improvement. The students of theology he naturally considered as more under his patronage than the rest; and he laid himself out to be especially useful to such of them, as chose to cultivate an acquaintance with him, by drawing them out into an easy unreserved conversation, tending to open and enlarge their minds; by directing the course of their reading; and freely giv-

ing them advice, with a candour and persuasive warmth in some sort peculiar to himself."*

It has been maintained, and justly maintained, that the head of such a great literary establishment as that of the University of Glasgow, ought to be one of the great lights of literature; and that, in an age like the present, when an unseemly disunion has been made, or supposed to have been made, between religion and literature, it is highly expedient and desirable, that these interests should be concentrated in the person of one man, whose labours in the united cause may be of incalculable importance to the church and the country.† All this is unquestionably true; and it furnishes a very good reason why the Principal should be a man of character and talents; a clear-headed and sound-hearted Christian; and a distinguished Christian minister. But it is not easy to see how it goes to prove, that the principal of a college should also be minister of a populous parochial charge. Most assuredly, the head of Glasgow University, while he has the courage and the ability to discharge all the

* See Sermons of Principal Leechman, with Life, by James Wodrow, D.D. Vol. I. pp. 76—80. As Dr. Wodrow does not assign any reason why the Lectures of the Principal were discontinued many years before his death, we may be allowed to conjecture as *one* reason at least, that about the year 1765 began those violent contests between Professor Anderson and the Principal, relative to the management of the University corporation, which had the unhappy effect of rending the college into parties; alienating the minds of its members from each other; and crippling their means of usefulness. In these contests, Dr. Leechman took a leading share; and it is well known that they distracted his mind from more important pursuits, and disturbed the tranquillity of his later years.

† Speech of Patrick Robertson, Esq. in Report of Synod, p. 27.

official duties of his station, is expected to take a more expansive survey—to look abroad into the world of science and of religion—to make frequent incursions into the republic of letters—to watch the progress of truth and error—to encourage the march of sound Christian literature—to check the growth of unsanctified philosophy—and to stand forth as, in the best sense, “the defender of the faith.” With all this, I most cordially and cheerfully coincide; while I would just venture to question the fairness and the competency of the conclusion which has been drawn, that in order to enable the respected Principal to shine as one of the great luminaries in the republic of letters—and to labour in the united cause of religion and literature, and to lay an effectual embargo on the growing infidelity of the age, and to curb the licentiousness of our youthful literati—you ought by all means to conjoin with his Principality, the ceaseless toils and the ever-anxious cares of an “already unwieldy and unmanageable parish.”

SECTION THIRD.

On the Duties of the Ordinary Visitors of the College of Glasgow.

As the most grossly erroneous views have been entertained and circulated on this point, it will be necessary to place it in its true and undisguised light. Let it be remarked, then, that, in addition to that general power of superintendence over all schools and seminaries of learning, which the laws of the land have committed to the presbyteries of the Church, there has been a special privilege, bestowed by royal and parliamentary grant on the presbytery of Glasgow—

the privilege of having one of their members specially constituted an ordinary visitor of the University. In the charter of endowment by the city in 1572, as ratified by parliament in the same year, the office of visitor is conferred on "the Rector, Dean of Faculties, along with the Baillies of the city of Glasgow for the time being;" and they are expressly empowered to meet regularly twice every year, "to visit the college in its head, as in its members, that they may correct all abuses, and retain or depose, according as they appear to discharge or to neglect their duties; to see that the property designed for pious uses may not be alienated or squandered; that all matters connected with the management of the college be administered honestly, and *bona fide*, according to the charter; and that the surplus revenue, after paying all expenses, shall be appropriated to the most necessary uses of the college, at the will of the visitors with the advice of the Principal." In the "Nova Erectio," granted by king and parliament in 1577, similar powers are granted to the visitors; but, in place of the "baillies of the city," the trust is committed to the "minister of the parish" along with Rector and Dean. "The masters of the college alone, with the steward or factor (economus) shall be required to render an account of their intrusions *four times in the year* to the Rector and Dean of Faculty, and the *minister of the city of Glasgow*, who shall take care that all things be examined in the exactest manner; and *whose consciences we also solemnly address*, that they may see that all matters be managed in said College rightly and agreeably to our intentions, and that by their own authority they *reduce all things to order*, and four times a year shall subscribe these presents, which then only shall be held as authentic: and with their advice whatever

remains of surplus revenue shall be applied to the necessary uses of the College," &c. Some doubts having arisen relative to the constitution of the College, and the *extent* of the powers of the visitors, an action of declarator was brought before the Court of Session, when it was "*found and declared*," in two separate decisions, bearing date 1771 and 1772, that "the visitors of Glasgow College, to wit, the Lord Rector, and the Dean of the University of Glasgow, and the minister of the city of Glasgow *have the power* of seeing that *all things* in the said College be rightly administered, according to the intention of the foundation charter of the said College, called the *Nova Erectio*, granted by king James VI. in 1577; and according to the statutes enacted by the royal visitation of the College," (in 1727,) "and that they, the said visitors, have the power by their own authority, to reduce all things into order, in so far as is agreeable to the said charter and statutes." In one of the decreets, that of 1771, it is specially found "that the Rector and Dean of Faculty, and the minister of the town of Glasgow, are, by the said foundation charter, appointed visitors of the said College, by whose advice and consent only, or of a majority of them, all the surpluses of the College revenue, after paying the masters salaries, and other standing burdens, are to be disposed, and applied to pious and necessary uses in the College: and, therefore, that, in all time coming, all acts and deeds whatsoever of the said administrators in disposing of such surpluses, shall be held to be null and void, unless they bear that they were done by the express consent of the said visitors, or the majority of them. THAT, according to the said foundation charter, the *Principal and Masters*, as administrators, are *bound* to lay the accounts of their admi-

nistration of the revenue of the College before the said visitors for their examination; and that without the approbation of the said visitors, the said accompts shall not be held valid and authentic.”* In all this there is surely something more than the formal business of “docqueting accounts:” and, even granting that the power of the visitors extended no farther, the trust, in this limited form, is one of very great magnitude and importance. In the case of a large funded corporation like that of the University of Glasgow, it is surely of great moment to the country, that the funds shall be duly applied to the ends pointed out in the charter. No man questions the national importance of the parliamentary inquiry instituted into the management of the funds of charitable institutions in Great Britain; and the weight of responsibility which was attached by parliament to the duties of *visitors* has been clearly evinced by the fact, that every literary or charitable establishment which has *special visitors* provided by their established charters is *exempted* from the review of the commission: and it is plain that, on this principle, the funds of the College of Glasgow can never come *under any other review* than that of the visitors.† With regard to the “application of the surplus revenue,” there can hardly be conceived a more important trust committed to any

* Process of Declarator, 1775, App. p. 9.

† The other Universities of Scotland appear to have visitors specially nominated with powers more or less extensive. In St. Andrews, they are the Rector, with two Assessors chosen by himself, “*a lawyer and a theologue.*” Dunlop’s Confessions, Vol. II. p. 557. In King’s College, Aberdeen, they are the Rector with four assessors, chosen annually by the College. Stat. Acc. Vol. XXI. p. 61. In Marischal College, they are the Chancellor, Rector, and Dean of Faculty. *Id.* p. 107.

class of men. The "surplus revenue" of the College of Glasgow has amounted from time to time to very large sums; and the statutes ordain, that these shall be applied, *at the sight of the visitors*, "to pious and necessary uses within the College." We accordingly find that from time to time, this fund has been applied, and most correctly applied, to the *augmentation of the salaries of the members of the College*—the establishment of *lectureships* on various branches of science—the erection of houses for the professors, and of additional buildings for the accommodation of the classes; with a variety of other purposes, equally salutary and equally agreeable to the design of the statutes. And is it of no importance "that the country and the church shall have something to say in such appropriations?"

But we pointedly deny, that the power of the visitors extend no farther than to matters of finance. By the original charters of 1572 and 1577, as explained by the decreets of 1771, 1772, a general superintendence of all university matters has been committed to them; and their visitorial power seems to be precisely the same as that of the royal visitors of 1727, with this difference, that they are not empowered to make new laws, but simply to see that the existing statutes are obeyed. Their right to the possession of this extensive power was indeed disputed before the Court of Session, when the declaratory act was *sub judice*. But how was it met by the court? We have seen the terms of the act; let us now look at some of the reasons assigned by their Lordships for passing it, and these will explain the meaning and designed extent of that act. "In order to explain the nature of the general power now claimed by the Visitors, it will be proper to men-

tion some facts. By the charter of Nova Erectio, the Principal ought to give lectures for one hour at least every day, except Saturday and Sunday. *Itaque dicto nostro Gymnasiarchæ committimus, quo sedulatis exemplum diligentia sua subministret.* The language and sciences taught by every Professor are marked out by the Nova Erectio, and by the statutes of the last royal visitation; so that the provinces of the Professors are accurately defined. A Professor may, by connivance, desert his office with impunity. The College records may be carried on in a different manner from that ordered by the statutes, and the majority may refuse to alter it. A Professor may refuse to possess the College-house which belongs to him, and he may hinder another to inhabit it; by which means it will suffer greatly. The Factor may be a year too late in settling the College accompts. He may not give a right bill of arrears, and he may not keep a ledger, contrary to the order in the statutes. Now, these are a few examples of things illegal and hurtful to the College; and yet, if no general power belongs to the visitors of seeing that all things be rightly administered; if the visitors are to be restricted to what alone relates to accompts, the very intention of instituting the College may be frustrated, and the public revenue may be ruined. *The Principal's office may, by mutual connivance, be turned into a mere sinecure.* A Professor, with a majority on his side, may invade the province of his colleague; or he may desert his duty entirely. The records may be kept in such a manner that the Visitors cannot discover the mal-administration of the Principal and Professors. A College-house may be allowed to go to ruin; and the Factor may every year pocket the College money. And yet it may be said, that the visitors have no-

thing to do with all these things; because their power, by the last Declarator, extends only to the surplus money, and to the examination of accompts; it is submitted therefore, whether the power of the Visitors does not extend likewise to such cases as are now supposed; and this claim is founded upon four things. The words of the charter—the practice—the utility of such a power—and the incapacity of the Visitors, supposing them possessed of it, to do any hurt; while, at the same time, they may do the greatest good to the College. First, in the words of the charter already quoted, if *omnia* relates only to the balancing of accompts, why is there such a formal appeal to the visitors as a court of equity; *Quorum etiam conscientias appellamus, ut omnia recte et secundum nostram intentionem administrata esse videant?* Why, instead of *omnia*, was it not said, *omnia proficua vel emolumenta in dicto Collegio?* And why, when it was so easy to find other expressions, were such only fixed upon as convey an authoritative power, and a power of a general nature, *ut omnia in ordinem sua auctoritate redigant?* It is certain, from the records and deeds in the charter chest, that the Visitors have actually exercised this general power, in many instances, ever since the grant of Nova Erectio. Thus the deeds of the sale of the College lands and houses, the deeds of borrowing and lending money, the tacks of tythes, and even the elections of the College Factors, are made with the express consent of the majority of the Visitors. 3dly, The utility of the general power now claimed is manifest; because the Principal and Professors may connive with each other, so as to neglect their duty; and because they may have a fellow-feeling with the Factor, so as secretly to pillage the College revenue. ‘Corporations,’ says Judge Blackstone,

Comment. B. I. ‘being composed of individuals subject to human frailties, are liable, as well as private persons, to deviate from the end of their institution; and for that reason, the law has provided proper persons to visit, inquire into, and correct all irregularities in such corporations, either sole or aggregate.—If this is the case with regard to other communities, such as burroughs royal, &c. where the administration is frequently shifted through different hands, much more may it be expected in the affairs of a College, where the administration continues during life.’”*

It was on these reasons that the statute of declarator already quoted was founded; and is the right and privilege thus conferred on the visitors a “trivial or unimportant one?” Such was not the opinion of the university itself, in 1672, when wishing to dispose of some part of their property, and aware that the ordinary visitors would not have readily given their consent, they found it necessary to apply to Parliament, to take the right of controul, *in that instance*, out of their hands, and to grant the desired permission.† And is it of no consequence whether the church shall, or shall not *retain a voice* in the proceedings of these visitors? Let it be recollected, that of the three visitors nominated by the charter, the Rector and the Dean of Faculty are both of them chosen by the members of the university, and are removable at pleasure. The minister of the city is the only visitor who is *strictly independent* of the college. Let it also be recollected, that there is *only one clerical* visitor nominated by the charter; and *that one clerical* visitor is

* Process of Declarator, 1775, pp. 120, 121.

† Acts Parl. Scot. Vol. VIII. p. 68.

the minister of the city—a designation which answers only to the *minister of the Inner High church*, as representing the minister of the original parish of Glasgow, and possessing all the other rights and emoluments of that office. And is it to be supposed, that the crown and parliament of Scotland would ever have thought of appointing the minister of the High church to be a visitor of the college, if they had supposed it possible that he could be at the same time a member of the very corporation he is appointed to controul? Such an union of offices was never contemplated either by the church or by the state; and the *incompatibility* of their respective duties it requires no lengthened comment to explain.* That the minister of the Inner High church has been in the practice of executing the duties of visitor is well known to those who have paid any attention to the affairs of the university. A regular record of visitations is kept and duly subscribed by the visitors; and, on several occasions, their interposition has been of essential consequence to the permanent well-being and respectability of the college. I need only refer to the voluminous process regarding the funds and general management of the university,

* About seventy years ago, a curious case of incompatibility occurred in England, in the case of the collegiate church of Manchester. The Bishop of Chester is by law appointed visitor of that establishment, and it so happened that he held the office of Warden, or Principal of the College at the same time; and in one particular case which chanced to occur, the British Parliament required "to interpose" on the "*ground that at present there is no other visitatorial power in being.*" Burn's *Eccles. Law. Art. Colleges*, Vol. I. p. 326. In order to prevent such an occurrence in future, an act was passed "empowering *the king* to visit the collegiate church of Manchester, during such time as the wardenship of the said church is, or shall be held *in commendam* with the bishopric of Chester." *Act of Parl. 30. Geo. II.*

carried on by Mr. Anderson, the Professor of Natural Philosophy, Dr. Reid, and other professors, against a majority of the faculty, in 1775, 1776; first before the Court of Session, and afterwards before the Court of Visitors, to whom it was referred by the Lords, as the competent judges *prima instantia*, and by whom a comprehensive decret was pronounced, on the 12th October, 1775, embracing a variety of points connected with the management of the university.* The Principal, and one or two more endeavoured, by reclaiming petitions, to obtain an alteration of the decret; but as they did not venture to appeal to the Court of Session, their objections were repelled, and the decret thus became final. The visitors who pronounced the decret were, Lord Cathcart, Lord Rector; Dr. Corse, minister of the Tron Church, Dean of Faculty; and Dr. John Hamilton, *minister of the city*. Owing to circumstances, the Rector could seldom attend, and the great burden of hearing the pleadings, and attending to the whole process, devolved on the two clergymen; and to them the college must ever feel herself under signal obligations. Now, suppose that at this time one of the visitors had been annihilated, by being merged in the person of the Principal, what would have been the result? *No court could have been held*; or, if it had been held, would it have been decent for the Principal to be judge in his own cause, and a cause too, in which he was *the party arraigned*? Or if the Rector and the Dean happened to differ in opinion, as was not at all unlikely, who was to give the casting vote?†

* The history of this process may be seen at great length in a quarto volume published by Professor Anderson, in 1778, entitled "Process of Declarator, 1775," &c.

† As additional instances of the interference of the visitors in

It will not do to plead that the minister of the city of Glasgow may resign his power as a visitor. Even if the minister of the city were willing to set an example of disobedience to the highest authority in the land, he is not at liberty to do so. An essential right of the church is in question—a right conferred on her by royal boon—and of that right no individual member is at liberty to deprive her. The presbytery of Glasgow possess a vested right, of the highest importance, in the person of one of their members, and they have a title to see, and are bound to see, that the privilege shall not be lost through his indifference or treachery. If he neglects this part of his official duty, he exposes himself to their censure: and if he persists in neglecting it, they are entitled to *depose* him for doing so. The Moderator of the synod of Aberdeen, is by charter vested with the right of sitting and voting as a judge, in the election of a professor of Divinity in King's College, Aberdeen; and would the synod hold it as competent for him to tell them that, for certain

matters of importance, and with the view of bringing "things into order," we may notice, that in the year 1776, the Faculty having agreed to make out some additional buildings for the use and ornament of the College, the ordinary visitors "stopt the execution by their authority," until some previous inquiry had been made as to the state of the revenue, and the general management of College concerns. See "*the Process of Declarator, 1775, 1776,*" p. 266. It is also well known, that within these few years, the question relative to the sale of the patronage of Govan was judicially referred to the judgment of the visitors, whose decision, *though opposed to that of a majority of the Faculty*, was final. Had the Rector and Dean of Faculty chanced to take opposite views of the question, what would have become of the visitorial control? It is obvious that, in this case, Principal Taylor, although "*minister of the city of Glasgow,*" could not with propriety have interfered; as in fact he did not.

private reasons, he did not choose to exercise the right? Would they not insist that in that case he shall vacate the chair, or in some other way subject himself to the censures of the church? By the law of the land, every parochial minister has a right to vote, along with the heritors, in the election of schoolmasters, and in the regulation of the hours and wages of teaching; and if a minister take it upon him to become *parochial schoolmaster himself*, and thereby, or for some other reason, denude himself of the right conferred on him by law, would the Presbytery of the bounds have no right to interfere, or would they voluntarily countenance such flagrant innovations? If the church is not to guard her own rights and privileges against invasion *from her own members*, who is to vindicate her cause, and what security has she for the *permanence* of her most valued possessions? They are placed at the mercy of “every capricious element in human nature,” and are “left to lie prostrate and afloat on the current of incidents, liable to be carried whithersoever the impulse of appetite may direct.”

But we are not left to general principles, and to common sense on this subject. We have an express act of Assembly, prescribing the line of duty to be pursued in all matters which affect the interests of the church, particularly in reference to Universities. As it is not an “*old and musty statute*,” nor a very long one, we shall quote it entire: “Edinburgh, 23d May, 1719, Session 9th.—The General Assembly, considering how much it is their duty to do all that’s in their power for promoting religion and learning in this church, do hereby instruct their commission carefully to advert to every thing whereby they may contribute to the flourishing of the sciences and good literature, and to *the propagating of*

religion and loyalty in universities; and particularly, that they diligently enquire what privileges and interest the judicatures of this church, or the ministers thereof, have by the constitution of the several universities and colleges, and by the laws of the land, with respect to the settlement of the ministers and professors in them, which the General Assembly hereby appoints their commission by all just methods to maintain inviolably; and improve towards the promoting of the fore-said interests of true piety and learning; and that, for this end, they receive and give all due encouragement to whatever applications may be made to them, for this effect.”*† Looking at this enactment in the light in which every such statute must be contemplated, it may be fairly inferred, *a pari*, that the commission is bound to “maintain inviolably,” the interests which “judicatures” or individual “ministers” may have by law, in the management of the funds of the colleges, and their general administration. But we need not the aid of such an inference, fair and reasonable as it is. The visitors of the college of Glasgow have by law the control over the surplus revenue; and to what purposes must this be applied? and to what purposes has it, in fact, been applied? The records of the college assure us, “that a large proportion of it has been applied, from time to time, to the establishment of Lectureships, on a variety of most important branches, in almost every department;” and these Lectureships

* So it stands in the printed act; but it is obviously a typographical error; and Mr. Gillan has very properly corrected it “*masters and professors*,” as comprehending *all* the members of the universities, by whatever name they may be called,—Professors, Regents, Lecturers, &c. See “Gillan’s Abridgement of Acts of Assembly,” p. 315. 2d ed. 1821. .

† Assembly Acts, 1719, No. XII.

have, within these few years, been transformed into regular Professorships in the university. And is there not here “a right and a privilege” possessed by the visitors, and consequently by the minister of Glasgow, as one of them, “with respect to the settlement of masters and professors in the university;” and a “right” too, conferred at once by the constitution of the college, “and by the laws of the land?” And is there not here “a right and a privilege,” which the church is expressly enjoined “to improve, towards the promoting of true piety and learning?”

But there is something peculiarly important in the “right and privilege” thus conferred on the clerical visitor of the university of Glasgow. “The college of Glasgow was destined, not only for the interests of learning, but of religion. One of its great objects is expressly declared to be, the education of young men for the church, and the advancement of sound morals and true religion. Statutes and rules are accordingly appointed for these purposes. Ecclesiastical teachers, with certain privileges, and under special rules, are appointed; and the piety both of public and private benefactors has been displayed, in various endowments to promote the cause of religion, and assist young men of talents and piety, in the prosecution of their studies for the sacred ministry. In such circumstances, was it not wise and equitable, and with a direct and important design, that one of the visitors was appointed to be a clergyman; and one who, by his office, must live in the neighbourhood of the university? Was not this necessary, to give to spiritual objects their full weight and security; and to give to ecclesiastical persons, and rights, and regulations, a fair proportion of regard among the superintendents and judges of the affairs of this college? And shall

we, who are called to promote the general interests of religion, but particularly its interests within our own bounds—shall we, with our own hands, destroy this important security; a power so beneficial; vested in one of our own number; one constituted, as it were, our representative in that venerable university, for watching over, and maintaining such momentous concerns? Or can it seriously be said, that *this is no concern of ours?*"*

SECTION FOURTH.

Additional considerations.

In addition to the views which have been exhibited, as illustrative of the incompatibility of the proposed union between the pastoral charge of St. Mungo's parish, and the principality of the college, there are a few miscellaneous considerations which require to be noticed, as corroborative of the argument.

In the *first* place; The union of the principality with the parish, goes to effect an important change on the constitution of the presbytery of Glasgow. From the earliest days of the college, and of the presbytery of Glasgow, the principal of the college, being an ordained minister, has had a place in the latter of these courts, as a constituent member. From 1577, down to 1621, he had an independent right to a seat in presbytery, as minister of Govan; but from the period of the disunion of these offices, down to the present day, he has retained his place in the capacity of doctor or professor of Divinity. The professor of Theology, properly so called, has a place on the same footing;

* Dr. M'Gill's Speech, Presbytery Report, p. 40.

and these two are the only representatives of the university who have legally and constitutionally a right to sit and vote in all the ecclesiastical judicatures of Scotland. In the "list of all the parishes and presbyteries of Scotland," extracted from the roll of the General Assembly, and appended to the "Abridgement of the Acts of Assembly," drawn up and published in 1721, by "John Dundas of Philipstown, procurator for the church, and principal clerk of her General Assemblies," we have a list of such members as form constitutionally the presbytery of Glasgow. After enumerating the seven parishes of the city and Barony, and the ten parishes in the country districts, he adds to the list "The principal, 1—The professor of Divinity, 1," making in all just 19.* Now, although some may think that the annihilation of a parish, or of a minister is a very trivial thing, it cannot surely be matter of wonder, that the body to which the member constitutionally belongs, and has belonged from time immemorial, should view it in a light somewhat different; and should feel the pain occasioned by the disruption; and should remonstrate against every attempt to inflict such a wound. No man will deny, that had a crown presentation been issued, requiring the presbytery to make an addition to their number, by the admission of the professors of Church History and Oriental Languages to a place and vote in their judicatory, it would have been perfectly fair and legal in the presbytery to call in question the power to do so; and to reject the mandate summarily, as an infringement on their chartered rights. A few years ago, when Principal M'Farlane was Dean of Faculty in the university of Glasgow, an attempt was made by

* Dundas' Abridgement, p. 284.

the crown to place a professor of Natural History on the chartered foundation of the college. Did the Dean and other members of the college Faculty tamely yield to this, and make no opposition? Far from it. They rejected the presentation as *ultra vires*, and after a long and violent litigation, obtained a decret in their favour from the Court of Session.* And would they not have done precisely the same thing had the attempt been made to *diminish* the number of members, instead of making additions to it? Had a presentation been issued, for instance, in favour of the Professor of Astronomy, whose office is nearly a sinecure, to be, at the same time, Professor of Church History, both being in the gift of the crown? And surely it is a matter of some consequence to the presbytery, and the church at large, that a constituent member of so much importance and value as the principal of the university shall not be annihilated, or merged in the person of another member. In a body consisting of a limited number, the extinction of one member becomes, in any combination of circumstances, a great evil; and multiplied cases must occur, in which the presence, and advice, and vote of such a member as the principal of the university, may become of essential importance. There are not indeed any "patrimonial rights" to be affected by the dismemberment, as there were in the case of Professor Muirhead; but there are "rights" and "privileges," of a different order, which, to a conscientious lover of his church and his country, must be at least equally dear. A change is superinduced on the frame and constitu-

* Professor Muirhead was, by the decret, found entitled to be a "professor in the university," but not placed upon the "foundation of the college." See "Papers in Process," &c.

tion of the judicatory. One of her most conspicuous seats is left perpetually vacant; and her remanent members sustain a proportionate loss. And is this not one reason, among others, why the church should make a solemn pause before she gives her deliberate sanction to such an infringement?

In the *second* place; We may notice the effects of the proposed union on the statutory provision which has been made by the university, for the religious instruction and improvement of its members. By the university statutes, confirmed and illustrated by the enactments of successive commissions, appointed by royal authority, the charge of the discipline, the morals, and the religious improvement of the students at the university, is devolved, in the first and highest instance, on the principal. Now, even supposing that the charge thus devolved, was so general and undefined in its character, as to leave a very great deal to the discretion of the Principal, still it would be no easy thing to comprehend, how the trust could in any proper sense be executed by a person, whose "*maximum of strength*," has been already exhausted by the pastoral charge of a parish containing 9000 souls. But the statutes of the college, while they leave much to the discretion of the actual occupants of office, have not left *every thing* to discretion. They point out what shall be the *duties of the Sabbath*, especially in regard to the public worship of God. They require the students of the university, with the Principal and respective professors at their head, to attend divine service regularly in the church attached to the college. This place of worship, it is well known, was originally the Blackfriars, or College Church, and thither the members of the university were regularly in the habit

of resorting, for the solemn services of Jehovah, during a series of successive generations. About fifty years ago, a chapel within the walls of the college, was appropriated for the exclusive accommodation of the professors and their families, with the students, and others connected with the establishment: a chaplain was appointed by the faculty; and the regular attendance of students has been enforced by law. In fact, the attendance usually given by many of the professors is exemplary; and it is a very fair subject of inquiry, Has a dispensation from attendance been at any time given by the university to the principal? If not, the regulation is equally binding on him as on the other members of the college, and the enforcement of this and similar statutes may be among the "*all things*," which the *ordinary visitors* are by statute and "declaratory acts," required and empowered to "*reduce into order*."

It would be a mere waste of time and of words, to attempt a formal proof of the high advantages which might be expected to flow from the regular and solemn attendance of all the masters and students of the university, on the public ordinances of religion. We all know the temptations of a great city; and it is not to be concealed, that within the classic walls of a university, and even amid the highly honourable and useful pursuits of elegant literature, there are many circumstances, which must induce, in the minds of pious parents and guardians of youth, no slender apprehensions lest the higher and more interesting concerns of eternity, should, like "*old and musty statutes*," be left to sink into desuetude. "And can too much importance be attached to those wholesome regulations, which require that the day of God shall be

reverently observed and hallowed—that regular attendance on divine ordinances, shall be given by all the members of the university—and that the numerous students, at a distance from home, and removed from parental instruction and inspection, shall not be left, amidst the dissipation of a populous city, to turn into a season of folly and of vice, that blessed day, which is devoted to the highest concerns of human beings.”

So jealous has the Church shown herself to be with regard to the moral and religious interests of universities, as well as of their literary advancement, that it would be endless to quote or to allude to all her enactments on the subject. We may notice a very few, as a specimen; and let it not be forgotten, that to “presbyteries it belongs to see the acts of assemblies put in force.”* In 1638, we find the General Assembly appointing a visitation of colleges by commission; and the matters to be inquired into, are those “which the act of Assembly at Edinburgh, 21st June, 1567, and at Montrose, 1595, September 9th, do import.” And what may these be?—“to try and consider the doctrine, life, and diligence, of the masters of the colleges—the discipline and order used by them—the estate of their rents and living; and where they finde abuse, to reform so far as they are able; such things as they cannot take order with, being remitted to next Assembly; and to report to next Assembly what they effectuat.”† This statute, which was first passed at the era of the complete legal establishment of the Church, in 1567, and afterwards revised and renewed, within three years after she received her *Magna Charta*, in 1592, has

* Second Book of Discipline. *Of Elderships*.

† Calderwood, p. 309.

been uniformly held as the rule of university visitations, since these periods; and it is a remarkable fact, that from 1690, down to 1725, there is scarcely *one* Assembly which does not appoint a commission to inspect and to report on the state of the universities. But farther; we find the Assembly, 1645, prescribing the course of study which ought to be pursued, and enacting rules of discipline.* We find the Assembly, 1647, recommending it to all universities, “to be careful to take *account of all the scholars on the Sabbath day*, of the sermons, and of their lessons of the catechism.”† And the same Assembly, recommending to synods to take account of the observation of the overtures for visitation of schools, and advancement of learning.”‡ Nor was this “unwarranted interference,” as some would term it, confined to those times of “turbulence and usurpation.” In the year 1705, “the General Assembly recommend to regents and masters of colleges, that no person, especially bursars, be graduate, but upon a clear evidence of sufficiency of their learning, and good behaviour after strict examination. And sick like recommends it to masters in universities, and all other instructors of youth, that they be careful to instruct their scholars in the *principles of the Christian reformed religion*, according to the Holy Scriptures, our Confession of Faith, or such books only as are entirely agreeable thereto: as also recommends it to *professors of theology*, that they take very particular notice of the piety and Christian carriage of their students, &c.”§ By act, 1707, April 12th,

* Assembly Acts, 7th February, 1645.

† Idem, 1647, Session XXVIII.

‡ Idem.

§ Idem, 5th April, 1705.

we find them recommending it to the several universities to transmit by their commissioners to the General Assembly, overtures for the establishment and advancement of piety, learning, and goodness, in the schools and universities.*

In order to remove the impression on some minds, that the cognizance of such matters belongs to the supreme court alone, acting by special commission, we have just to read one of the latest acts on the subject, and one of the most comprehensive. It bears date, 23d May, 1711; and among other things, enacts as follows: “The General Assembly recommends to the several presbyteries within whose bounds colleges or universities are,” “to take special notice of what is taught in them, and that nothing be taught therein, contrary to, or inconsistent with the Confession of Faith of this Church, or to the worship, discipline, or government of the same; and to observe the morals and conversation both of masters and scholars; and that they apply first to the faculty of universities, or colleges for redress, and in case any difficulties do occur to presbyteries, which they cannot overcome, they are appointed to lay the same before the synod of the bounds, General Assembly, or commission thereof, who are to consider any representations that shall be laid before them by presbyteries with relation to these things, and to give their advice and assistance therein.”† The Assembly has ever been alive to the great principle, that religion and true learning must stand or fall together; and the Church of Scotland has all along taken a very particular concern in the right discharge of academical duties, and

* Assembly Acts, 1707, Session V.

† Idem, 1711, Session XIII.

has constantly manifested that concern by a regular series of enactments.

In the *third* place; In addition to the duties of the principal, as required by the statutes, and as implied in the very design and nature of his office, there is one very important department of labour, which, although not specifically required, must be allowed to be of essential importance to the interests of the university. The nature of this department of service, will be best understood by means of a short quotation from the Life of the late Principal Leechman, "The papers entrusted to me," says Dr. Wodrow, "comprehend the substance of most of the lectures he delivered in the university; not only from the Theological chair, but lectures on Ethics, Jurisprudence, Church History, &c. for he taught these classes occasionally, at the desire of his colleagues, after the death of their proper professor, before the vacancies were supplied."* When a vacancy occurs in the course of a session, or when any one of the professors happens to be laid aside for a time, from sickness or other causes, it must be of very high importance to have an individual within the walls of the university, who can readily undertake the charge, and prevent the interests of the university, and of the pupils of the class, from sustaining an essential injury. It is indeed a "labour of love;" but it is such a labour, as every conscientious man will be wishful to undertake, and no real friend to the establishment, will rashly and unadvisedly load the principal of it with such a measure of *extraneous* duty, as to put it effectually out of his power thus to serve his friend in the time of need, without neglecting other duties still more important. To lay an embargo

* Life and Sermons, Vol. I. p. 100.

on some of the best feelings of our nature, and to oppose an impassable barrier to the exercise of these feelings in acts of kindness and sympathy, is not consistent with the character of a spiritual court, nor with the regard which is due to her members.

In the *fourth* place; There is another consideration to which no little importance ought to attach. In every case of a particular nature that comes under review, sound philosophy, and a regard to public good, requires that we should *generalize* the principle which the case involves, and consider its application on an enlarged scale. Let it be remembered then, that every decision which is given on a question of plurality, goes either to *lessen* or *increase* the tendency so inherent in human nature, to aspire at a monopoly or engrossment of offices, without a due regard to the adequate discharge of their respective duties. If the plurality of offices in the case under review, shall receive the solemn sanction of the supreme ecclesiastical court, what is there to prevent it from becoming a precedent in all time coming? and what are the specialties of the case, which may prevent it from being applied in aid of all future claims of a similar description? I am not certain whether it is competent for the same individual to hold *two professorships* in the same college, where the duties are not incompatible, and especially when one of the chairs is a mere sinecure; but I see no reason why the professor of Astronomy, who gives no public lecture—or the professor of Moral Philosophy, whose official duties must long ago have become comparatively easy, by frequent repetition—or the professor of Ecclesiastical History, and of Oriental Languages, whose avocations are of a sacred nature, should not be allowed to accept of presentations, and so become ministers of the city or

suburbs? Nor can I see why any one of the ministers of the churches or chapels of ease in the city and vicinity, may not be permitted to better his circumstances, by accepting one of the easier professorships. Nor is it easy to divine the reason why the road to promotion in the Church, should not be laid equally open to the masters, and especially the *Rector* of the High School—or to any of the poorer members of the faculty of medicine and law—or to the superintendants of private academical institutions. And why, we beg to know, shall such a tempting bait be held out to the clergymen of towns and their suburbs, while all their country brethren, however eminent their qualifications, or however small their parishes, or however limited their means, shall for ever be debarred by a stern and peremptory law, from looking with a wishful eye to a share of the spoil? Reasoning on the ordinary principles which govern human beings, we would find no great difficulty in proving, by the most incontrovertible evidences, that in many instances the “incompatibility” of offices and of duties, will be much greater in the former case, than in the latter. Here is a city clergyman with his ten thousand parishioners, and living, it may chance, at the distance of two or three miles from the nearest point of contact with them, (for so far may the “suburbs” extend,) and yet he is allowed peaceably and honourably to take possession of a lucrative and laborious office in the university of the place. *There* is a country brother—say at Rutherglen, or Cathcart, or Carmunnock, or Govan; who might, by a little ingenuity, so arrange his parochial affairs, as to undertake a university office with at least *equal consistency*, and yet dare not dream of it, because an imperious law forbids. The ministers of St. Andrew’s Church, Edinburgh, with their 15,000

parishioners; or the ministers of St. Cuthbert's, with their 50,000; or the ministers of Leith, with their 25,000; may be permitted to take possession of the most difficult offices in the college of Edinburgh, without any attempt to prevent them; while the ministers of the smaller parishes of Libberton, or Corstorphine, or Currie, or Cramond, are incapacitated for accepting even a *sinecure* place in the same university. Is this fair? and is the Church tamely and passively to give her sanction to such inconsistency?

But the fact is,—let the principle of such pluralities as those we are opposing be once sanctioned, and there will be no great difficulty in overleaping the boundary of 1817, formidable as the barrier erected by it may appear. The same ingenuity which has succeeded in proving, that one and the same individual may take the charge of 9000 souls, and at the same time manage the concerns of a great university corporation—that one and the same individual may at once be a *visitor* and the *subject to be visited*—that one and the same individual may attend with the students in the College Chapel, and yet be preaching in the High Church, at one and the same instant; may easily succeed in proving that Cathcart, and Rutherglen, and Carmunnock, and Govan, and even Kilsyth and Kirkintilloch, are comprehended within the indefinite term of the “*suburbs of Glasgow;*” or that Corstorphine, and Cramond, and Currie, and Collington, and even Dalkeith and Musselburgh, all belong to the no less indeterminate designation of the “*suburbs of Edinburgh.*” “Thus, the evils of pluralities may be extended to every quarter around us. Thus will indifference and neglect of duty, succeed to the diligence and zeal for which the Ministers of Glasgow and neighbourhood have been distinguished; and the sad consequences of a neglected

and disgusted people, will become every day and every where apparent. Education and learning will be also neglected, in the institutions once celebrated for the excellence of their teachers. Harassed with a multiplicity of cares, and of duties which they are unable to discharge, they weariedly perform the customary routine of instruction; and have neither time nor inclination for the duties of education, nor for the pursuits of literature and science. Our country no longer enjoys the benefit of their genius and their labours; and religion and learning sink together under the deadening influence of this engrossing system."

SECTION FIFTH.

Objections answered.

I. "After all your reasoning from abstract principles, and from ecclesiastical law," it has been said, "has not the thing now condemned as impracticable, been actually done? Do not many such cases of plurality exist? are not their duties faithfully discharged? and have not the duties of the particular offices in question been sedulously performed by the same individual?" In reply, I would observe, in the *first place*, that it is by no means sufficient to prove that one man has done the work of two or more. The question still recurs, would not the work be *better* done upon a different system? We find a Melville doing at Glasgow the work of *four* or *five* professors. We find a Knox and a Henderson doing the work of two or three ministers. We find a Witherspoon and a Dwight occupying the places of three or four teachers in their respective seminaries. *Necessity* and casualties of time

and place, will tolerate what, in other circumstances, would be scouted with disdain. Have we not all heard of the division of labour? and has not the progress of mechanical invention been wonderfully accelerated by means of the judicious application of the principle? I do not question that one man might contrive to make the body, and the head, and the point of a pin; and the article produced might be equally adapted to its intended purpose; but our Birmingham brethren find it more expedient to employ three or four individuals on the construction of this little article of trade. Where there is an absolute and irremediable want of the means, necessity must take the lead, and men will content themselves with a part, when they cannot succeed in obtaining the whole of their wishes. But where ample provision has been made for two offices, to be filled by two men, where is the principle, either in morals or political economy, which requires us to sacrifice all the advantages of a division of labour, for the sake of a little paltry monopoly?

I have all along taken it for granted that the revenues of the Principality of Glasgow are amply sufficient to maintain its respectability. They amount, on an average of ten years, to between £500 and £600 per annum.* If an augmentation is necessary, as perhaps it is, by all means let it be got: but why seek that augmentation out of a benefice, which has been appropriated, by law, to a different purpose? and a benefice too among the richest which the church has to bestow. The faculty of the college have pointed out a much more

* Principal Leishman's income never exceeded £190 per annum. Dr. Wodrow's Life, p. 81.

suitable source of augmentation: "Another very necessary and proper use of the surplus of the revenue, is the augmentation of the salaries of the Principal and Professors, so as to enable them, in some degree, to maintain the rank in society which they held at the period of their institution, and suited to the changes which have taken place in the value of money, and opulence of the country. In this way, in the course of the last thirty years, the salaries of the Principal and Professors have been at different times very considerably augmented; and in case the improvement of the country should be as great and progressive for the next twenty years, as it has been for the last, the Principal and Professors, under the legal controul, will reasonably look to the same surpluses as sources of still further additions to their income."* By the "legal controul" here noticed, is meant the control of the visitors, to whom it belongs to judge of the "modification and locality" of all augmentations to the members of the university, and who may exercise this power oftener than once in *twenty* years. The effect of the proposed coalition of offices would just then be, to take so much from the patrimony of the church, and to add it to the revenue of the university.

But, in the *second* place, we question the truth of the averment, that in any one instance, the duties of two offices have been done by one man, even in any measure of tolerable exactness. What would become of the fame of some of our most renowned heroes of the church, were they made to stand on their *status* as humble and laborious parish ministers? Men of rare and splendid endowments there have been amongst us,

* Information for the Faculty of Glasgow College, p. 83. 1808.

and these men may have held pluralities of office ; but have the private and less conspicuous walks of pastoral ministration been filled by them with the same patient and painstaking diligence, as by their less gifted brethren? In regard to the offices in question, no attempt has ever been made to discharge the duties of both by the same individual. In one instance only, did the union exist ; and in that instance, while the duties of the one office may have been discharged with honourable fidelity, those of the Principality and of the visitorship, *according to the view which has been taken of them*, were certainly not performed. “ *De mortuis nil nisi bonum.*” With this adage I cheerfully concur ; and not one word of reflection would I cast on those great men who have done, or attempted to do, the duties of such united offices. Let us take it for granted, that it is all true as has been said, that they all executed to a wish the various avocations of pastoral duty, while they contributed to enlarge and to adorn the literature of their age. Let there be no question also, as there is none, regarding the high talents and qualifications of the gentleman more immediately concerned in the case before us. The Church of Scotland has had, and we trust still has, her *Admirable Crichtons*—her sons of rare and singular endowments, and long may it be so : But, in legislating for the Church, or, as in the present instance, in applying the laws, we must form our calculations, not according to what *may be* in particular instances, but according to the ordinary average of human things : and that average we find it not difficult to determine.

Of the cases adduced as resembling the present, there is not one that exhibits an exact parallel. In Edinburgh, there is no great university corporation, of whose interests the Principal is the appointed

guardian,* the salary allotted to the office is trifling;† and the charges of the city being mostly collegiate, and with a small population, are easy, when compared with those of Glasgow.‡ And yet we would decidedly contend, that the interests both of literature and of the church, would be far more extensively and solidly promoted, were the office restored to its original state, and were the men who hold it to discharge its duties unincumbered with a pastoral charge. When Robert Rollock was appointed “first professor and Principal” of that university, it was not intended that he should be a pastor of a particular congregation at the same time. In consequence of a petition from the town, the presbytery consented to his preaching the “morning lecture” in one of the churches;§ but it

* According to the statutes 1627, the Principal was required to take a general inspection of the college; to see that the masters did their duty; that order and discipline were observed; to visit and examine the classes when he saw cause; to say prayers every morning and evening; to give a *sacra lectio* to the whole students once a-week; to superintend the matriculation, and to promote the general interests of the college, by his influence and authority. There is not a word said about his *teaching Divinity*, or any thing else; and it is obvious that the most laborious part of his office was at an end, when the scholars ceased to live together in the college, which took place long before 1700. See Records of Town Council, 1628, and Crawford’s History of the University, p. 112.

† Rollock’s salary, as Principal, Professor of Divinity, and minister in the East or High Kirk, was 500 merks, (about £25 Sterling). Records of Council, 1587. The Principality is now worth about £150 Sterling.

‡ The population of the High Church of Edinburgh, with two ministers, is 2563; that of the High Church of Glasgow, with one, is 8823. Government Census of 1821.

§ Records of Presbytery of Edinburgh, September 5th, 1587; and, says the Town, “he preached to us in *our great need*.” Records of Town Council, 1591.

was not till more than ten years after that he “was admittit to be ane of the aught ordinar ministers of the burgh.”* The reason is worthy of being noticed. Rollock had, contrary to the opinions of his best friends, acquiesced in a resolution of the royal visitors of the colleges of St. Andrew’s, that doctors or professors of Theology should not be allowed to sit in church courts, as having no fixed pastoral charge. In this way, “he virtually stripped *himself* of the right to sit in ecclesiastical judicatories; and in order to escape from the operation of his own law, he found it necessary to take a step which violated its ostensible principles, by undertaking the additional duty of a fixed pastor of a particular congregation.”† His successor, Mr. Charteris, had no pastoral charge, but merely preached the morning service in the East Kirk.‡ In 1620, Mr. Sands, one of the regents, was elevated to the Principality; but as he was not a divine, it was necessary that some other person should be appointed to the chair of Professor of Divinity. The Rev. Andrew Ramsay was elected. The duties of Principal and Professor of Theology were thus disjoined for the first time, and this arrangement has been adopted ever since.§ In consequence of this change of system, the duties of the Principality have been greatly reduced in point of extent, and yet we find, that the magistracy of the city were not very readily disposed to conjoin the office with that of a regular parochial

* Records of Town Council of Edinburgh, Jan. 25th, 1597.

† Records of Town Council, 28th Sept. 1625.

‡ History of the University of Edinburgh, vol. 1. p. 119.

§ Idem, p. 141. In 1690, an attempt was made to give Principal Rule a share in the duties of the Theological chair, but it did not take effect. Hist. Univer. Edin. p. 328.

minister. In 1625, King Charles was pleased to issue an order of council, by which the magistracy were empowered to make such arrangements as “that the town shall have eight ministers in the whole, and of that number,” adds his Majesty, “the *principal of the college shall always be one.*” What does the Town Council say to this? “The town,” say they, “shall have eight ministers in the whole, *over and besyde the principal of the college*, who shall not be reckoned in that number, and exempt in all time coming from the charge of an actual minister within the burgh.”*

From this period, down to 1703, the Principals, although generally admitted *ministers of the East Kirk*, do not seem to have had any parochial charge. *Nor does it appear that they had any additional salary on this account.* In 1704, Principal Carstairs having undertaken the duties of a ministerial charge along with his office in the college, was allowed by the council *six hundred merks* of additional salary.† Previous to this time, the Principal merely preached the *morning service* at the High Church; leaving all the details of pastoral duty to his colleague in that charge. From the year 1704, to the present day, the Principality has been held by one of the parochial ministers of the city.

The *professorship of divinity* in Edinburgh, small as its emoluments have always been, was not designed to be held along with a parochial charge. Mr. George Meldrum, minister of the Tron Church, appears to

* M'Crie's Life of Melville, vol. II. p. 118.

† Council Register, Vol. XXXVII. p. 129. The salary of Principal was now fixed at 1600 merks, (£80 sterling,) so that Carstairs would derive from both offices an income of about £110 sterling.

have been the first who united the two; and he “ consented to make trial of it only for one year, upon the express condition, that if he felt the *additional duty incompatible* with the faithful discharge of his functions as a parish minister, he should be at liberty to give in his resignation. The council, however, rather than dispense with his services, offered him an assistant who should perform the more laborious part of his parochial duty, such as catechising, and ministerially visiting his flock, with which he at last complied.”* Finding even this modified plan inconvenient, the patrons of the college, on presenting Mr. William Hamilton to the chair, as successor to Professor Meldrum, “ resolved, that he should have no ministerial charge, that his attention might not be distracted from what was now to be his sole business.”† In 1718, a proposal was made, to allow the professor of divinity to undertake a pastoral charge, but it was set aside by the council, on the ground, that “ having such weighty employment on his hands in his present election, he cannot be thought *willing* or *capable* to discharge even *half* a ministerial charge.”‡ In 1754, when Dr. Robert Hamilton was appointed to the chair, the patrons adhered to their regulation, that upon being elected professor of divinity, he should demit his office as one of the ministers of the city, which he accordingly did.§ The contemptible salary affixed to the office, has rendered its union with a charge of late years absolutely necessary; and yet no enlightened friend to the literature of his country and his church,

* Hist. of the University, Vol. II. p. 8, 9.

† Idem, p. 98.

‡ Council Register, Vol. XI. p. 166.

§ Idem, Feb. 6th, 1754.

will hesitate to acknowledge, that the disunion of such offices, when it can be had, is infinitely preferable.

With regard to the other two theological chairs, it is worthy of remark, that the professorship of Oriental Languages, was not held by any one of the ministers of the city till 1792, when the present Principal of the university was appointed conjunct professor along with Mr. Robertson.* The chair of Ecclesiastical History has been held by the minister of a parochial charge since 1737, when Dr. Patrick Cumming, one of the ministers of the city, was appointed. The funds appropriated for these professorships are so small, as to render such unions necessary; but such necessity cannot but be lamented by every lover of literature and theological science. And surely where, as in Glasgow, the endowments of all these offices are ample, the church is wanting to her own interests if she does not avail herself of these advantages.

With regard to Aberdeen, in King's college the Principality is held alone, and, with a single exception, has always been so.† The Principal of Marischal college, while he holds the office of professor of Divinity, the emoluments of which are altogether inadequate, *has no pastoral charge*. In consequence of a particular arrangement, made by the Town Council many years ago, he holds the office of minister or lecturer in the college, or Grey Friar's Church; and the whole amount of his duties in this relation is the delivery of a lecture or sermon every Lord's day.‡ In St. Mary's College, St. Andrew's, the Principal lectures regularly on Theology, while he holds a parochial

* Council Register, p. 366.

† Statistical Account, vol. xxi. p. 100.

‡ Account of Marischal College in Stat. Acc. vol. xxi. p. 129.

charge; and this is the very union which was expressly condemned by the assembly, in the case of Mr. Robert Hamilton, so long ago as 1576. It ought to be remembered, however, that the pastoral charge there is collegiate; and that the population of the whole parish is not much more than one-half* of the High Church of Glasgow, over which one minister presides. The Principal of St. Leonard's college is officially minister of a parish containing 513 souls.† And why was he so constituted? The reason is this. St. Leonard's college being entirely a philosophy college, its head could not exercise the duties of a professor of Theology, and therefore could not have a seat in the presbytery. In order, therefore, that it might be secured that in all time coming, the Principal of St. Leonard's should be a clergyman, and entitled to be a member of church courts, a sort of nominal charge was given him. It is also worthy of remark, that the emoluments of the united offices are barely sufficient to sustain the respectability of the station.

There is one remark which applies to all the universities of Scotland, and which the slightest review of their history cannot fail to suggest. It does not appear that in any of the universities, our forefathers ever attempted to unite a parochial charge with an academical chair, except in the case of Divinity professorships. And even with regard to these, not only was no chair held by any clergyman who had a church living at a distance; but that the patrons were extremely jealous of their being held even by parochial ministers on the spot, and, when this did occur, the minister was

* 4,899, Government Enumeration, 1821.

† Idem, 1821.

generally relieved from the ordinary routine of parochial duty. The union of church livings with the professorships of general science, such as Logic, Moral Philosophy, or Mathematics, or the Languages, was a thing never contemplated. I believe the nomination of the late Dr. Blair to the Professorship of Rhetoric and Belles Lettres, was the first step in the progress towards such an union; and however ably many of our clerical professors have discharged their duties, we may be permitted to remark, that the professor could have done his duty, *not worse* without the church; and that the clergyman would have done his duty *far better* without the professorship. Such unions, for which the plea of necessity can never be urged, although they may be overlooked by the church, we hold as at war with her spirit, and as subversive of the essential principles of her constitution. The reason why they are tolerated seems to be, that a very different standard, both of academical and clerical duty, is now adopted from what was recognized in the days of our fathers; and we may safely aver, that until the standard shall be raised above its present level, the interests of religion and of literature must continue to decline.

Among the Dissenters, the want of funds renders an union of Professorships of Divinity with pastoral charges necessary; and yet it is well worthy of notice, as highly creditable to the body concerned, and as a testimony in favour of our argument, that for many years the General Associate Synod contrived to support a Professor of Divinity exclusively devoted to the duties of that office.* At this present moment,

* Mr. Paxton, the learned author of a very valuable work entitled "Illustrations of Scripture," was, for many years pre-

there is under the deliberation of the Synod of the United Secession Church, a plan of theological study embracing five great departments, each to be occupied by a distinct professor; and yet the departments of Ecclesiastical History, and Oriental Languages and Literature, do not find a place in their arrangements. The scheme is by far too extensive and complex to be easily reduced to practice; but the proposal of such a scheme gives us some idea of the enlightened sentiments at present prevalent among our dissenting brethren, respecting the necessity of a most complete system of theological tuition. "When we trace," observes their committee, "either in historical documents or in the works of foreign professors of divinity, the variety of branches which belonged to the course of theological education in the Genevan, French, German and Dutch Universities, particularly the high place assigned to the Holy Scriptures as subjects of critical and textual elucidation; when we connect with this survey an enlarged and liberal view of the plans of tuition presently followed in many respectable seminaries, both at home and abroad, in England and America; and when, in addition to these considerations, we reflect on the necessity which all who are inducted into the sacred office have felt of prosecuting the study of divine things in channels scarcely indicated by the previous course of preparation; we are irresistibly led to the conclusion, that great and important improvements may be made on the system of theological education."* That the Secession body

vions to the union of the dissenting bodies, Professor of Divinity to the General Associate Synod.

* Papers ordered to be printed by the United Associate Synod, September, 1823.

would hail with enthusiastic exultation any practicable expedient by which the talents and labours of several learned men might be exclusively devoted to the prosecution of such an extended plan of theological instruction as that sketched out by them, we may consider as self-evident. The prospect of such a thing being ever realized among them is very remote; and in the mean time the work must be necessarily confided to certain ministers, *whose pastoral charges are regularly supplied by the Synod during the continuance of their annual labours in the Divinity Hall*. The advantages of such an extended system of theological tuition are fairly within the reach of the Establishment; and is not the Establishment wanting to its true interest when these advantages are overlooked? And when our Dissenting brethren are treading close upon us in the career of literary and theological acquirement, is this the time for the Established Church of Scotland to sacrifice her pre-eminent advantages for the culture of the literature of theology?

II. The conduct of the Presbytery and Synod, in declining to sustain the presentation of Principal M'Farlane *in hoc statu*, has been stigmatised as "disrespectful to the Sovereign." And is there nothing disrespectful in the proposal made by the minority, as a kind of *set-off* to the resolution adopted by the respective Courts? "They at the same time express their decided disapprobation of such union of offices in the person of any individual, and that it shall not be considered as a precedent to authorise any such practice in future."* Here is something, indeed, very like a marked disrespect to the Sovereign;

* Presbytery Record, July 2, 1823.

and it is worth while to notice the relative situations of the parties in the contest. The majority held that they had constitutionally a right to judge of such unions as that proposed, and they gave judgment accordingly. Their judgment may have been right, or it may have been wrong. This is not to the purpose—their having given it *bona fide*, could not be wrong. But how stands the minority? They held that the Presbytery had no right to touch the question at all—that it involved a *jus tertii*, and that it remained for them just to implement the will of the patron; *and yet*, in the face of all this, *they gave a judgment*, and a most sweeping one too. Moreover; the majority, while they gave judgment, *assign certain reasons* for it, and of the competency of these reasons the church courts must judge:—the minority give judgment, *but assign no reasons* for it whatever; and surely this is not very respectful. Still further; the majority limit their decision rigidly to the *case in hand*, as with that only they had to do;—the minority extend their decision “to *all such union of offices*,” and to “*all such practice in future*.” Finally; if there is any thing disrespectful in the deed of the majority, there is certainly no appearance of disrespect in the words employed;—but can we say as much for the resolution which was proposed by the minority? They yield to the royal mandate; but they *growl at it*—and “express their *decided disapprobation*;” and, pretty significantly, warn against “any such practice in future.” They are willing to pass this *faut pas*; but let those who have committed it take care again. In short, the Presbytery and Synod have taken the plain and open high road of constitutional procedure; while their accusers have gone out of their way to aim a hit

at what they profess at same time to hold as constitutional and legal.

It is easy to revile where argument fails; and a parallel case just presents itself, which it may be profitable to examine. In 1808, a certain “*radical*” university thought fit, *brevi manu*, to set aside a royal presentation to a certain chair, on the “frivolous” pretext that it had not passed the privy seal of Scotland; and that, in fact, the crown had no power to issue such a writ. Among many other arguments employed by the presentee and his supporters, (for he also had a minority in the Senatus,) this was one, “*disrespect to the crown;*” and it is reiterated in very strong terms, over and over again, “resistance to the mandate of the sovereign”—“the college has contumaciously refused to receive and admit the king’s presentee”—“the Lord Rector, Dean, Principal, and Professors of our said university, in contempt of our royal mandate, most wrongously and unjustly refuse, or at least delay to admit”—“hostility to one of the undoubted prerogatives of the crown”—“the undignified spectacle of resistance on frivolous, if not capricious grounds, to the beneficent and well-directed efforts of the crown, for the improvement and extension of the sciences”—“a vaunted privilege of controul over the crown and its advisers”—“a privilege of controul, to which *majesty itself*, in one of the most beneficent of its functions, was bound to stoop”—“usurpation illegal and intolerable”—“capricious and interested opposition”—“they have indecorously rejected a legal presentation from the crown, to a most unexceptionable presentee,” &c.* And who may have been the mem-

* Information for Lockhart Muirhead, A.M. in an action against the Faculty of Glasgow college; and for the minority of

bers of this radical court, so rebelliously disposed, and, of course, so *justly* characterised? They are as follow:—Henry Glassford, of Dugaldston, Esq. M. P. late Lord Rector; the Right Honourable Archibald Colquhoun of Killermont and Clathic, M. P. Lord Advocate for Scotland, present Lord Rector; *Dr. Duncan M'Farlane, Minister of Drymen*, Dean of Faculty; Dr. William Taylor, Principal; Dr. William Meikleham, Professor of Natural Philosophy; Dr. James Jeffrey, Professor of Anatomy, &c. &c. *These are the men* who have been guilty of this grievous outrage on the respect due to the sovereign. It is but fair to listen to their calm and dignified reply; and it may be received *mutatis mutandis*, as a triumphant vindication of the presbytery and synod in having ventured to agitate the question before us. “On the merits of the question,” says Dr. M'Farlane, and the other members of the Faculty of Glasgow college, “it is the right of every individual in this country freely to discuss before this court, any exertion of royal prerogative by which his patrimonial interest, or other legal rights are affected; and in no point can our constitution be viewed to greater advantage than when the parties in a lawsuit are, the crown on the one hand, and a corporation or individual on the other, and where such is the independence of our courts of justice, and the impartiality of their decisions, that the rights of parties are discussed with the same freedom as if the litigation took place between two private individuals. Nor is it to be considered as any mark of

said college,” &c. 1808. These papers have appended to them the name of gentlemen whose “respect for the sovereign” is so well known as to require no evidence to prove it; the late Lord Rector of the university of Glasgow, Francis Jeffrey, Esq.

disrespect to the sovereign to discuss his prerogative in a court of justice. He is bound by the law, as well as the meanest of his subjects. His prerogative is equally subject to ordinary investigation as the claims of any individual in the community; and if any exertion of it infringes the rights of others, it can only have proceeded from misapprehension on the part of his advisers.”*

As the charge of “disrespect” and disaffection to the interests of the crown was repeated again and again by the opposite party, the Faculty of the college found it necessary thus to express themselves in another part of the process: “They have endeavoured both in this and in their former information, to confine their argument entirely to the point of right and of law which occurs; and to abstain from throwing out any reflections on the conduct of the defender, or declaiming on topics which might tend to irritate, or to hurt the feelings of their opponent, but could have no effect on the merits of the question, with regard to the legal rights of parties. They might have expected, that the same line would have been followed by the defender, and that he would have even descended to argue an important point, without thinking it necessary *to impute to the pursuers unworthy motives* for agitating it, or to blame them for having taken measures in order to set at rest a question, on which the constitution and the future welfare of the church of Scotland depend. They shall not however answer what has been said on these topics, both because they are unwilling to say any thing which might possibly tend to keep up irritation between them and the defender, to whom, in the performance of his duty as ‘Principal’

* Information for the Faculty of Glasgow college against Lockhart Muirhead, A. M. 1808, p. 44. This very able paper was drawn up by the late Lord Reston.

of the university of Glasgow, they wish all manner of success, and will readily afford every facility in their power; and because they feel confident, that ‘the Assembly,’ so far from blaming them for bringing this important question under discussion, will be of opinion that they were imperiously called upon to submit to the consideration of ‘the Assembly, a matter’ which viewed as a precedent for future appointments of a similar kind, cannot fail to be attended with consequences the most important to ‘the church’ and the university of whose rights they are the legal guardians.”*

Will it be said that the question, in the *present* instance, does not respect *patrimonial interests*, and “legal rights?” We maintain most strenuously that it concerns both. Has the church no right to see that the provision made for her by law shall be duly appropriated to her ministers? Has the church no right to see that the visitorial power given to her by charter, shall not be hastily and without cause withdrawn? Has the church no right to see that a change shall not be made on the constitution of any of her courts, without her consent? Has the church no right to see whether ministers shall do their duties, and shall not be placed in such circumstances as virtually to incapacitate them for their efficient discharge? And are not the questions which are necessarily involved in these claimed rights, questions about “patrimonial interests” and “legal right.” If these “interests” and “rights” are not to be held by all her sons as infinitely more valuable than any private patrimonial claim, whether of a corporation or an individual, on what ground do

* Additional information for the college, p. 35. This paper has appended to it the respectable name of the present Lord Pitmilley.

we expect that the church of Scotland shall retain her place and her dignity as an independent establishment?

And *who* is the constitutional guardian of these rights and privileges of the church? Most undoubtedly it is the *sovereign*—not indeed as the “head of the church,” but as the “defender of the faith;” as the pledged and sworn patron of her institutions; and the high “conservator” of her privileges. It is in this character that the king of the united kingdom acts, when immediately on his ascension to the throne, he takes a special oath that he “will inviolably maintain and defend the true Protestant religion, with the worship, government, discipline, *rights* and *privileges* of the church of Scotland, as established by the laws made there in prosecution of the claim of right.”* And is it not in the same character that his Majesty regularly presides by his Commissioner in our General Assemblies? And is it possible that the sovereign of these free kingdoms can take it amiss that the members of the church of Scotland are true to her cause? that they value their privileges so highly as to think them worth the contending for? that their ambition shall ever be, to render her instructions as profitable as possible to the whole people under their charge? The interests of the sovereign and of the church are one, and *they* are not the staunch friends of either, who attempt their disunion. It is of some consequence to advert to the manner in which the General Assembly, which, as the supreme court, may be expected to exhibit a perfect model to all inferior judicatories, has acted when the rights of the sovereign and those of the church chanced to come into collision. I shall not go back to the

* Coronation oath for Scotland, as appointed by the Act of Security.

more barbarous days of our forefathers, when the rights of the crown and the laws of politeness were equally ill understood. I shall look back only a few years, and take up two or three cases, which a mere reader of our annals cannot fail to discover. In 1773, we find an "Appeal of his Majesty's officers of state, for his Majesty's interests," unanimously dismissed, and Mr. John Playfair ordered to be settled in the parish of Liff and Benvie, on the presentation of Lord Gray, and in the face of a claim of patronage on the part of the crown.* In 1782, the case of two competing presentees for the parish of Crossmichael came before the Assembly, when that venerable court thought fit to pronounce this seemingly unceremonious sentence, "remit the cause to the presbytery of Kirkcudbright, and appoint them, in case the competition in the civil court shall not be determined by the 12th day of August next, to proceed to the settlement of Mr. Gordon's presentee."† Here the claims of the crown are summarily dismissed; and a precise date is assigned to the sovereign, beyond which the claims of his presentee shall not be respected. In 1798, the Assembly order the presbytery of Brechin, "to refuse to sustain the crown presentation to Mr. Gary, in respect that he is not qualified, according to the rules of the church."‡ The "law" by which Mr. Gary was found not qualified was passed so late as 1779; and although it limited, to a certain degree, the rights of the crown as a patron, neither the crown, nor any other patron were so much as consulted about it. Here then we find the assembly taking their stand on an internal

* Acts of Assembly, 1773, Sess. 8th.

† Acts of Assembly, 1782, Sess. 8th.

‡ Assembly, 1798, May 28th.

regulation of their own, and unhesitatingly telling their sovereign, that although he has been pleased to present an "ordained minister," he turns out, after all, to be "an unqualified presentee." It is unnecessary to multiply examples. If the presbytery and synod have been "disrespectful to their sovereign," the pattern has been set them by their *alma mater*, and her they are bound to imitate.

III. It has been asked, Why did not the presbytery of Glasgow interfere to prevent the union proposed, when in 1803, the late Dr. Taylor of the High Church became Principal of the college? To this I would reply in a very few observations.

In the *first* place; Whatever may be our opinion as to the conduct of the presbytery in this or in any other instance, it will not, and cannot affect the real merits of the question. If the inferior court overlooked in this case the substantial interests of the church, that surely is no reason why the synod and assembly should overlook them too.

In the *second* place; A presbytery is composed of many members, and these are constantly changing; and it would be unreasonable to suppose that no change of sentiment or procedure should take place during the lapse of twenty years. Did the presbytery of St. Andrews pursue exactly the same course in the case of professor Ferrie, in 1813, that they had adopted thirteen years before, in the case of Dr. Arnot?

In the *third* place; Has the progress of public opinion no influence on the members of ecclesiastical courts? And has there been no change in the public opinion regarding this very question of pluralities, within the last twenty years? The subject, it is well known, has been discussed repeatedly in all the courts of the Church; and decision after decision has been given upon it. The Assembly of 1800, sanctioned a

plurality, implying non-residence; the Assemblies, 1814, 1815, and 1817, either by declaratory acts, or by something still more decisive, put a negative on all such unions, however special their circumstances may be, as evils of great magnitude to the Church. And was it ever heard of that the Church was charged with vacillation, or with an improper spirit, because her representatives have acted in ways so very opposite on these different occasions? And shall a presbytery be blamed, because her members were not inattentive to this progress in public opinion, but actually shared in it?

But, in the *fourth* place; The presbytery of Glasgow were never before called to *judge* on the question relative to the union of the principality with the High Church. Dr. Taylor was a member of the presbytery previous to his elevation to the principality; and although it would have been perfectly competent for the presbytery to have interposed their interdict in the shape of a libel, still every one who knows any thing of church law and proceedings, knows that this is a very delicate and formidable instrument to deal with; and why blame the presbytery of 1803, for literally doing that which the minority proposed that they should do in 1823; namely, tolerate the thing this once, but with an understanding “that it shall not be considered as a precedent to authorise any such practice in future.” The union in Dr. Taylor’s case was passed over, that an experiment might be made of its tendencies and effects; and now, when for the first time the courts are called to *judge* of the thing, and to give or withhold their sanction to it, shall we attach blame to the presbytery, because, after the experience of so many years, they have now found out that all such “practices” are bad; and that no more “precedents” must be allowed? A decision at all events

they *must* give, one way or other; and the union they *must* either solemnly sanction, or deliberately set aside. In the former instance, the thing was allowed to pass *sub silentio*, or *per incuriam*.—Now, the presbytery are called upon either to give the solemn seal of their sanction to the thing, or to testify their disapprobation of it.

In the *last* place; The same charge of inconsistency may be brought against the advocates for the union, as well as the opponents of the measure. *They too* did not say one word against the union of the principality and the charge in the case of Dr. Taylor; but when his successor in both, presents himself to their notice, they, after due deliberation, discover that such union of offices in the person of any individual, “deserves decided disapprobation,” and they discharge all such practices in future. *Both sides* have at length made a discovery; but they differ in the conclusions they draw from it. The one class have found, after the experiment has been fairly tried, that the union of offices is an evil, and therefore they decline to sanction it; the other have found the very same thing, but have resolved *still to sanction it*, for what reason is not assigned. In the one case, there is a manifest change of sentiment since 1803, while the practice continues the same—in the other, there is a change equally palpable, but this change of sentiment accompanied by a corresponding change of practice. And shall the *consistency* of the former be loudly and clamorously applauded, while the *caprice* and *changeableness* of the latter, shall be held up to public execration? Shall the men who improve in sentiment and *practice too*, be censured? while the men whose sentiments are improved, while their *practice remains the same*, shall be hailed with the plaudits of unqualified approbation?

APPENDIX.

No. I.

REASONS of complaint laid before the Assembly, 1780, in the case of Professor George Hill, by the Rev. James Burn of Forgan :—

“ 1st, That Mr. Hill having declared his intention of retaining his present office, along with that of second minister of St. Andrews, the Presbytery, by their sentence, declare their disapprobation of retaining both, and have thus given their sanction to a *most dangerous innovation*, and as it unites a civil and sacred office in the same person, which ought, according to the laws of the church, and of all good policy, to be kept distinct.

“ 2d, There will be an unhappy interference in discharging the duties of each office. Each office has been thought sufficient employment for one man, and to each a more than common livelihood is annexed, greatly exceeding that which most of the ministers of Scotland do enjoy, both united making an income of between £300 and £400 per annum.

“ 3d, A measure of this kind wears a discouraging aspect to our probationers, as it vests in the person of one what might prove a sufficient reward for the merit of two, and open to them both a door to honour and usefulness.

“ 4th, Annexing the office of Professor and Minister, tends to hurt the widows' fund.

“ 5th, As all monopolies are hurtful, and therefore justly hateful in the state, so pluralities are no less so in the Church; and ought, therefore, to be carefully prevented, as productive of many mischievous consequences, which no human sagacity can foresee, but such as at first might be easily remedied, though not so easily removed when once they have taken place.”

No. II.

REASONS of dissent from the decision of the Assembly in the case of Professor Ferrie, May 28, 1813, subscribed by Principal Brown of Aberdeen, and many other members:

“ 1st, Because it appears to us, that the incompatibility of the offices of Professor in the University of St. Andrews, and of minister of Kilconquhar, had, by reason of the distance of the places, been completely established.

“ 2d, Because it appears to us, that, by reason of such incompatibility, either the one or the other of these offices must become a complete sinecure, or that while the duties of neither can be fully discharged, the objects of both must, in a great measure, be deserted or frustrated.

“ 3d, Because it appears to us, that from this decision of the venerable Assembly, essential detriment may result to the Church, to the Universities, and to the community at large, by tending to render inefficient both the academical and pastoral offices, and introducing an opinion, which cannot fail to have the most mischievous effects, that such offices are intended not for the benefit of the public, but for the private emolument of their possessors.

“ 4th, Because it appears to us, that, by a decision attended with such consequences, the moral sentiments of the people must inevitably be injured, while their understandings are led, on the one hand, to suppose that the most solemn obligations may be annulled by the prospects of private advantages; and, on the other, that no clear principle of professional duty or obligation can ever be established, and that by such means, they may be gradually tempted to adopt the most pernicious laxity, with regard both to the principle and the fulfilment of the most sacred duties.

“ 5th, Because it appears to us, that no general sense of the representatives of the Church was expressed by the sentence from which we dissent, it having been carried by the very small and most unusual majority of five votes.

“Signed W. L. Brown. Adherents, the Rev. David Dickson; Wm. Dalgleish, of Scotsraig, Esq. elder; the Rev. Dr. Andrew Stewart; the Rev. James Thomson; the Rev. Mr. Richardson; Benjamin Mathie, of Glasgow, Esq. elder; Professor Jardine, elder; Daniel Vere, Esq. Advocate, elder; John Campbell, Esq. elder.

“N.B.—Reasons of dissent were also given in by the Rev. Dr. Singers, and subscribed by a considerable number of adherents.”

No. III.

SENTENCE of the Presbytery of Glasgow in the case of Principal M'Farlane, 3d July, 1823, as affirmed by the Synod of Glasgow and Ayr, October 15th, 1823:—

“The presbytery, having considered the peculiar circumstances attending the case of the Presentation to Dr. Duncan M'Farlane, Principal of the College of Glasgow, to be minister of the High Church of Glasgow, Find, that the parish of the High Church of Glasgow contains a population of inhabitants requiring the undivided time and exertions of the most active minister,—That the duties of the Principal of the university are of great extent and importance; and, if faithfully performed, also require the undivided talents and labours of the most diligent individual,—That the union of the office of Principal with that of the minister of the High Church of Glasgow, while it is injurious to the interests of learning and religion in the university, is incompatible with the full and successful discharge of the duties of minister of the High Church Parish,—That both offices being well provided for, and having ample funds, from which an augmentation may be obtained, if judged to be necessary, and no want existing in this Church of ministers and preachers to fill each office with respectability and success, there exists not the slightest plea of necessity for so injurious a union of office in the same person,—That, farther, the minister of the High Church is one of the

three visitors to whom the superintendance of the funds and conduct of the college of Glasgow, is intrusted; the only visitor not elected by the university appointed to be a clergyman, and more especially interested in its spiritual and ecclesiastical concerns,—That, therefore, to induct the Principal to the charge of the High Church, is to destroy this important provision, as no person can superintend his own administration; to render the meetings of visitors generally nugatory; to deprive the college of its only ecclesiastical superintendant; and to remove one of its most important securities,—That, though the late Principal was in possession of both offices, it is to be remembered, on the one hand, that the presbytery had no control over his admission into the college, and, on the other, that it would have required a much more difficult process to have made him demit a pastoral charge to which he had been previously inducted, than to resist a presentation to the same charge when it is legally vacant,—And, farther, that this is the first time on which the Presbytery has been called to carry into effect a measure, which, in their opinion, is dangerous to the interests of both religion and learning. On these grounds, joined to a deep sense of the general danger arising from pluralities of office in this church, the presbytery judge it to be both inexpedient and incompetent to proceed on the Presentation laid on their table to Dr. M'Farlane, in respect that he appears to them, *in hoc statu*, an unqualified presentee; and they did, and hereby do, refuse to proceed on the said Presentation, and appoint intimation to be given of this sentence to the officers of the Crown, that a new Presentation may be issued in favour of a qualified presentee."

FINIS.

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