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BEING THE SUBSTANCE

OF

A GENERAL DISSERTATION

CONTAINED IN

THE PRIVILEGES

OF

THE UNIVERSITY OF CAMBRIDGE,

AS TRANSLATED FROM THE ORIGINAL LATIN:

WITH VARIOUS ADDITIONS.

By G. DYER, A.B.

EDITOR OF "THE PRIVILEGES OF THE UNIVERSITY OF CAMBRIDGE," AND OF "A HISTORY OF THE UNIVERSITY AND COLLEGES OF CAMBRIDGE," &c.

WITH A PREFACE,

Giving some Account of the Dissenting Colleges in the United Kingdom, and of the London University.

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ADVERTISEMENT.

IT was reckoned more agreeable to the design of the writer of the following pages, to affix a title to them, which refers rather to the object to which they lead, than to the subjects of which they treat. Hence the word, Unity, is preferred to, Polity; which latter word, otherwise, would have been more appropriate to the work; for it might have comprehended whatever relates to the administration as well of the Literature, as of the Government, of an Academical Establishment.

It will be seen from the Preface, that the translation was undertaken to accommodate a few readers of "The Privileges of the University of Cambridge," who either might not be familiar with the Latin, or have no relish for English Latinity: while the reasons, which ought, perhaps, to have led the writer to publish it in English at first have now overruled the consi-

derations which induced him to attempt it in Latin. And it is hoped, that, if readers form their judgment both of the original and the translation not from particular expressions and detached passages, but from the general tenour, and ultimate design of the whole, they will perceive a liberality of intention, whatever they may think of the imperfections of the work, or of the blemishes of its interpretation.

PREFACE.

MOST readers, agreeably to modern practice, look for a preface to all printed books; though, perhaps, some may think, none should be printed, which require an apology: an opinion, however, which can only be partially true.

An apology will certainly be expected for a publication like the present: I feel myself, and very sensibly, that it is become necessary, though when presented, I fear it will be reckoned a somewhat singular one. For the original itself being a sort of preface to another work, "The Privileges of the University of Cambridge," and though, in the form of a General Dissertation, exhibiting, amidst a variety of other particulars, an apology for printing it,—the present prefatory Address must appear as a preface to a preface, as an apology for an apology.

There might, indeed, have existed, in former times, those who would have insisted, that no apology could be admitted for such a publication: the "Privileges of the University," with this "General Dissertation," appertaining to it, and here presented in an English dress, contains some matters, which, they might have thought, should not be made public. Both the work

itself, and this appendage, might have appeared to them,—though much too hastily,—to border on a violation of some Statute, and, intermeddling with established usages, to savour of indiscretion and arrogance: they might even have thought it a crime, and entitled to punishment.

But such are not the opinions of these times. The transactions of an English University can have nothing mysterious in them; and an acquaintance with them may answer many purposes of public and private utility. Under all circumstances, however, an apology must be made; and the best, the only one, which offers itself, must arise from a statement of the proper origin, and general design, as well of the work itself, as of the following Dissertation.

Several years ago, after I had been tempted to undertake a short History of the University of Cambridge, I accidentally met at a bookseller's shop with a manuscript, containing the Charters, and present received Statutes, with several other public Instruments and Documents relating to that Institution, all placed in chronological order from the earliest times. It had "*Statuta et Privilegia Acad. Cantab.*" written on the back: and on perceiving from a cursory view of its contents, that it might be useful to me, in the work, on which I was then engaged, I purchased it at a venture, without knowing at the time its full value and contents.

On showing these papers to my excellent

friend, the late Mr. Robert Tyrwhitt of Jesus College, than whom, as I knew well, no man was better acquainted with the Laws and Customs of the University, he immediately recognised the hand-writing, and desired me to leave the manuscript, adding, that when I called again, he would converse with me concerning the contents and the writer.

On my return to Mr. Tyrwhitt, he produced another manuscript, on the perusal of which, I perceived it was in the same hand-writing as mine. Mr. Tyrwhitt then informed me, that the scribe was Dr. Francis Sawyer Parris, who was formerly Master of Sidney College, and Vice-Chancellor in 1747; that it was an Index to the famous Collection of Charters, Privileges, &c. of the University and Town, completed out of the archives of the University by Robert Hare, Esq. in 1587; that Dr. Parris employed himself, while in office, in making an Index to that work, bringing it down, with various other documents, to a much later period; that he afterwards took a few copies for the service of his friends; that he himself—Mr. Tyrwhitt—possessed one, —though nothing near so complete as mine,— and that he was indebted to it for much of his knowledge of the Economy of the University.

Having thus collected, that this Index had been useful to a gentleman of so much knowledge, and exact judgement, as Mr. Tyrwhitt, I concluded it would not be less so to other mem-

bers of the University; and being persuaded, also, on a further perusal of it, that it might assist those who should at any time engage in historical researches, as it had me, I determined on printing it. And this is a plain account of the proper origin of the Work entitled, "The Privileges of the University of Cambridge," which I published in two volumes, large 8vo, in 1824, containing, indeed, as it turned out, a variety of my own papers relating to the University, but all, for the sake of uniformity, brought under one and the same title.

Such having been the proper origin of the book itself, the following epistle, which was a sort of illustration of it, may be said to possess the same. It followed the former, as the shadow its substance: and, as the former was written in Latin, it was natural to give the latter the same appearance, particularly, as it was designed at first almost exclusively for a learned body, and as some things introduced could be said better, and with more freedom, as I thought, in Latin, than in English. But the extreme length of it was unpremeditated; it was fallen into insensibly: it took in fresh matter which did not enter into the first view of the subject: —but as particulars are detailed elsewhere, they shall not be repeated in this place.

The above statement, intended for an apology, will serve also for an explanation, and is addressed more to general readers, than to those

who, to a certain degree, are the subjects of the Dissertation, who are at least addressed in it, the Gentlemen of the University: in the present case there is a call for explanation: "the Privileges of Cambridge" being frequently alluded to in the Dissertation, and, indeed, giving to it all its form and character; so that it is expedient for readers to come prepared, as it were, at the outset with their instructions, "least by not looking *before*, they should find themselves *behind*;" so as not to see the propriety of the pending remarks, nor the force of the leading arguments.

This account of the proper origin of "the Privileges of the University of Cambridge" will lead to an exposition of its General Design, and that of the following Dissertation. For they are both of the same kindred; and utility was the aim of both. I had feelings of respect for the place, not only as one, in which I had passed some years of early life, but where, having visited it regularly for several years since, I had received personal civilities and many literary favours. I wished to repay them, if I knew how, in the proper coin of the place. And had "the Privileges" been offered in payment separate from any allay of my own, it would, I believe, have been acknowledged as that proper coin, and obtained currency. However, the primary and more general aim was, on first engaging in the publication, to offer

to the members of the University what, it was thought, might prove acceptable to many of them, as being serviceable both for purposes of official business and University History.

Still the Privileges and Statutes of Universities are but as the badge of an order, or the costume of a limited spot; and poring over old Charters, at least to those who can derive from them no benefit, a dull, monotonous employment. They point out, indeed, the economy of the Institutions; but penetrating far into them is like taking a course towards a very Northern climate, during which you must pass through regions dreary and cold, habitable only by a few natives, and to them only delectable. Hence it becomes natural in the following pages, with the economy of such places to combine their literature; and these are of very different qualities; the one general, liberal, intellectual; the other partial, official, mechanical; the latter comporting more with the majesty of the mind, as the "*Rector humani Generis, qui agit atque habet cuncta, neque ipse habetur;*"—the former more according with its state of subordination and dependence; and, accordingly, the one opening into more pleasing views, and exciting the more agreeable sensations; the other leading by ways less luminous, less alluring, less interesting. But, let these matters be as they may, it being my leading aim to enter more at large on the less pleasing topics,—a wish was entertained

to bring the two into a sort of union, and, indeed, according to that leading aim, it seemed not only not desirable, but scarcely practicable, to separate them.

Hence the General Design of the following Dissertation is rendered twofold; economical, and literary,—each possessing its peculiar character, asserting its distinct claims, and opening its proper arguments; and it may happen, in such a combination, that we may think one entitled to our confidence and respect, while the other may appear calculated to excite our mistrust and disapprobation.

Our University-economy did excite my disapprobation; and the more seriously it was reflected on, the less I approved it. Some powerful recollections, too, were soon awakened; recollections of former times, when distrust and disapprobation were not only secretly experienced by me, but openly and publicly expressed. This allusion is made to what happened many years since, when during a residence in the town of Cambridge, I was encouraged by many respectable members of the University, as well as Protestant Dissenters, to expose what was not only reckoned by them a very prominent, but a very offensive, feature in our Academical system. From the opinion I then entertained I have never varied. Many public occurrences have confirmed me in them. And, though most of the persons here alluded to are now deceased or re-

moved from Cambridge, still my name, so far as it is known at all there, is connected with that opinion; and I did not choose to be stamped with the character of tergiversator, or to be thought a timeserver and sycophant. Indeed, there is a portion of respect, which every man owes to himself; and, whatever becomes of public opinion, he should seek to enjoy the satisfaction, which arises from conscientious conviction and personal consistency.

A further allusion is made to this circumstance in a following page.

Henceforward, then, mistrust settles into a dislike, disapprobation into more confirmed conviction, and the whole system of University Polity undergoes a critical analysis. This appears in the following Dissertation, or Literary Epistle: but this analysis, however strictly pursued, is not made without great reservation; with the respect due to the claims of literature, and to the honourable character of learned men. But, indeed, without some such distinction as this, the Privileges of the University could not have been conscientiously published, and ought not to have been favourably received: still the same general design is kept in view, that of utility: that design, is made even still more general: for what appears to be the greatest evil in our Academical discipline, being found to be in opposition to the liberties of the University, at variance with public opinion, and in violation

of the national interest, it is opposed with some seriousness; so that I only take higher ground, without losing sight of my object, Utility.

Whether the above short statement of the Proper Origin and General Design of the following pages is a proper apology for the publication, must be left to the judgement of others: but I should do justice neither to myself nor to the subject, if this preface were suffered to close without a few additional observations, connected with the object of the publication, and called for by the spirit of the times.

The remaining pages, then, shall be occupied by some remarks on certain facts relating to Academical Institutions; to which an allusion has been made in the following pamphlet, and which naturally presented themselves in the view taken of Cambridge University: they are properly connected with such facts; though they may be said not so much to have arisen out of them, as to have been realized and confirmed by them. The remarks are given here as a legitimate part of the subject, and as the proper *finale* of the present work.

The friends of civil and religious liberty might reasonably wish, that our English Universities were practically, what theoretically they are now pronounced to be in our Law Courts, *Civil Corporations*, and what they ought to be

according to the increased liberality of public opinion, *National Institutions*. This is the light in which they really are now considered; but this is a false light: Civil or Lay-Corporations, National Institutions they never can be, while Graduates are obliged to subscribe Articles of a particular Church, and its residing Members to attend its prescribed forms of Worship. Let the friends of civil and religious liberty wish what they may, results favourable to their wishes can be effected only by abolishing Subscriptions, and allowing more liberty in the choice of religion: the two ideas of liberty and subscription are not the extremes of lines, but opposites, and like parallel lines, can never meet. The University-polity, adapted to these times, must be one, which provides for the interests of all parties.

The idea may be thought visionary and difficult of execution; yet, I suspect, that a plan of comprehension requires nothing but the sacrifice of a few prejudices, and the renunciation of a little selfishness: the circumstances of our University-Towns are becoming every day more and more favourable to such a plan: for the various religious denominations are increasing, and abound in both towns; and were our Universities, as places of literary instruction, favourable to them, other denominations would, no doubt, settle there, and would be benefited by the literature; in their religious profession, they

would follow their own pastors; but in their literary, the Universities; and, though with a few varieties in the texture of their minds, and the visible differences of early education, they might become under a Vice-Chancellor, as, "one fold under one shepherd."

But be it so: let us continue our systems of restraint; let all plans of comprehension be treated as visionary; and all opinions but our own as evils, which ought to be crushed. It is unfortunate for this our polity, that it should be so uncongenial with these times, in which a spirit of liberality is pervading the nations of Europe; and when across the Atlantic, states and empires, just starting into political existence, are securing and consolidating it by fœderal unions and treaties of a free commerce: but, be it so. Light will arise out of darkness: and if our system will not concede to the times, the times will supersede the system: if our Universities will not accommodate the nation, the nation will accommodate and protect itself.

These hopes do not arise from simple surmises, the mere shapings of the imagination, but out of experience: experience will lead to experiment, and from experiment, meeting in this liberal age with less impediment, whatever may hitherto have occasioned its failure, will arise conciliatory schemes, and permanent establishments.

It is noticed in another page of this pamphlet,

that there now exists a College, in the North of Ireland,—sanctioned, too, by the Royal Authority, which admits students of different denominations, Catholics and Protestants: and many years ago there was a project, that too countenanced by high authority, for founding a College, or University, in Norwich, and, if I mistake not, in some other of our provincial towns.

Indeed, within my own memory, and knowledge, the late Rev. Robert Robinson, an ingenious and highly admired Dissenting preacher in the town of Cambridge, drew up a plan* for a College to be erected in or near that town: it was to have been called, the Baptist College: for, though there have been among the Baptists men of eminent abilities and learning, such as Drs. Gale, Ward, Foster, and Gill, and, though they have a College at Bristol, and a few exhibitions at Aberdeen-University, still Mr. Robinson was aware, that they were appropriated to students for the ministry; and that there was wanting a more general Institution for all the Faculties and Sciences: he wished, in short, that the Protestant Dissenters might enjoy all the literary advantages of a University, without being restricted to its religious forms. But, though the plan was laid with much pleasing care and ingenuity, and under many circum-

* in 1781. The Plan, &c. is in the Memoirs of Mr. Robinson, printed in 1796.

stances very favourable to its execution, it was never realized.

Dissenters of a different denomination realized, some years ago, Collegiate Institutions, at Warrington, in Lancashire, and Hackney, near London; but they were only temporary;—whether the failure was owing to the want of being incorporated; or of something like a fœderal union among the different Denominations; or of a proper Collegiate discipline;—but whatever the cause of failure might be, where Dr. Aikin, Dr. Priestley, Dr. Rees, Mr. Wakefield, and Mr. Belsham presided, it could not certainly be for want of talent and literature.

The Catholics have now a Collegiate House at Maynooth in Ireland, appropriated entirely to students of their own persuasion.

The Protestant Dissenters of the Independent denomination have Academies on a College model, at Northampton, Wymingly, Homerton, and Highbury. They are appropriated to students for the ministry, who are of the Trinitarian and Calvinistic Faith.

At York there exists, and has for several years, a Literary Institution called Manchester College. It approaches nearly in its literary pursuits, and the periods of its sessions, to Cambridge University: the Directors have lately, August 14, 1826, issued Circulars; according to which it appears, they have much enlarged and improved their system; making provision not

only for the acquirement of literary and scientific knowledge, as taught in our English Universities, but of the modern languages, French, Italian, Spanish and German ; and for preparing young men for commercial, as well as professional, life : of course, it admits lay students, as well as theological : the circular bears the name of no party ; and, of course, though the tutors are principally Unitarians, it seems to hold forth, that the advantages of this College will be accessible to students of all denominations.

In February, 1825, the Baptists published in London, a new "Prospectus of a College for the Education of Ministerial and Lay Students on a University-System." This was evidently formed on Mr. Robert Robinson's Plan. It was proposed, that the Seminary should receive Protestant Dissenters, Independents, as well as Baptists ; and that Classics, Mathematics, Moral Philosophy, and the Belles Lettres should be taught, together with Theology, Jurisprudence, and Medicine. Agreeably to the leading object of making it as conformable to an English University, as their different circumstances would allow, it provided, that in the choice of Tutors a preference should be given to gentlemen educated in our Universities. Thus far this project went : but it appears, that a union of interests, and a partnership in the expenses, were not approved by some gentlemen of each party ; so it was abandoned.

The London University, of which a Prospectus was published, May 6th, 1826, is the last Institution which remains to be noticed: and it is here noticed with more pleasure, as being the realization, the completing, and almost the perfecting of what was best in the preceding plans; and which, as it treads so closely in the steps of the last mentioned, may seem to have arisen in some measure out of it; and, perhaps, did, so far as the latter aimed to be a College on a University System:—but be that as it may, this scheme is so extended, so various, so free from the image and superscription of all parties; so easy of access, so simple in its economy, and at the same time so moderate in its expense, so liberal in its arrangements,—in short, so unlike to any thing among ourselves, that it may be deemed an original, and comes forth in all the freshness of a new creation.

The title, taken by this Institution, is a sign of the times, of the liberality of the present times. Something worse than prejudice and bigotry, intolerance and persecution, had long since raised a party-wall between Churchmen and Dissenters; the same also was a wall of separation to the Catholics. Indeed, for many years, till the Act of Toleration came, the Protestant Dissenters at Cambridge had been obliged to shut up even their places of worship.

And, indeed, in no places so much as University-towns, had there existed so many violations

of the rules of decency, and of the laws of the land, so many positive insults towards Dissenters of all denominations. This matter is ably exposed by Robert Robinson, in "A Lecture on a becoming behaviour in religious assemblies, preached and published at Cambridge, 1776." This has also been remarked by Robert Barclay, the celebrated apologist for the Quakers. Hence, prejudices so strong had subsisted with the old Dissenters of Cambridge, against Churchmen and Members of the University, that a covenant was entered into by the former, and made a condition of Church Membership, that no intercourse whatever should be held with them.

But these times are past, and such-like prejudices have perished with the occasions which fostered them: and the facts which gave birth to them, were the intemperate, disorderly practice of young men, in which particular Graduates, and the University as a Body, had no concern.

Other prejudices originated in a higher source, in the very administration of our Universities: ever since they have been made, what they *now* are, they have been unfavourable to those sympathies, which ought to subsist even between societies, which do not accord in all things. These sympathies did not exist; no spirit of liberality pervaded the Institutions; and, whatever esteem may be due to many learned and good men,

whatever respect due to science and literature generally, the ancestors of many of the Directors and Subscribers to the new University owed nothing to the ancient one itself as a *Corporation:* that has been like most other Corporations, more intent on securing its own privileges, and of guarding its own monopolies, than on promoting the cause of liberty and the general interests of literature. To such persons our English Universities were no *almæ matres;* on the contrary, their systems of exclusion became oppressive, and, so far as their operation could reach, entailed ignorance on their posterity.

But ignorance cannot be so entailed in such a country as this; light and knowledge have been breaking in upon it, like the light of heaven, and with light and knowledge the means of collecting and spreading them for the public good. This light and knowledge, too, have proved of a most liberalizing nature; they have removed prejudice, even while the occasion which generated it remains. Such is the spirit of the times; and it appears on the very front of this new Institution, the London University.

While light has been advancing, prejudice and bigotry have retired. And perhaps this sacrifice of prejudice on the side of the London University may be answered, in the course of time, by some sacrifices on the side of our old establishments. There is, there ought to be, in liberal Institutions a reciprocity of feeling, full of

benevolence, a spirit of generous rivalry stored with usefulness. The Directors of the London University, aware of the respect due to a succession of men of genius, and talents, and learning, in the English *Universities*, to the several branches of literature long cultivated by them, to the introduction of many improvements successively promoted, and the liberal encouragement held out to their members; aware of all this, the Noblemen and Gentlemen, presiding in this rising Seminary, seem ambitious to follow their predecessors, so far as is consistent with the claims of a more general liberty, the increasing light of the age, the interests of the present and future generations, and the relative situation of a University in the metropolis. Such seems to be the deference paid by the London University to any prior claims of Oxford and Cambridge: and we cannot doubt, that the period is approaching, when Oxford and Cambridge will become more national, and not blush to take a lesson from the silent, but powerful appeal of this new Institution.

It is here obvious to notice not only the propriety of providing such a Seminary in the metropolis, but almost the necessity of it, which cannot be better done than in the words of the Prospectus.

"The City of London is nearly equal in popuation, and far superior in wealth, to each of the kingdoms of Denmark, Saxony, Hanover, and

Wirtemburgh, each of which has at least one flourishing university. Supposing the annual rate of increase, in the last five years, to have been the same as in the preceding ten, the present population cannot be less than fourteen hundred thousand souls, of whom there are about forty thousand males, between the age of sixteen and twenty-one, the usual periods of Academical Education. Out of this number, it appears to be probable, from the parliamentary returns of the Property Tax, in the latter years of its duration, that from fourteen thousand to sixteen thousand are the children of persons, who can easily defray the very moderate expense of their attendance on Lectures in London. It may be safely affirmed, that there is no equal number of youths in any other place, of whom so large a portion feel the want of liberal education, are so well qualified for it, could so easily obtain all its advantages at home, and are so little able to go in quest of them elsewhere. No where else is knowledge so much an object of desire, either as a source of gratification, a means of improvement, or an instrument of honest and useful ambition. The exclusion of so great a body of intelligent youth, designed for the most important occupations in society, from the higher means of liberal education, is a defect in our Institutions, which if it were not become familiar by its long prevalence, would offend every generous mind. In a word, London, which for

its intelligence and wealth, as well as numbers, may fairly be deemed the first city in the civilized world, is at once the place which most needs a University, and the only great Capital which has none."

The knowledge which I possess of the leading views of the London University proceeds from the Prospectus of the Directors, as it appears in the London Magazine, New Series for August 1826. I am a mere "Formarum Spectator," not having the honour of even being a subscriber. This circumstance is added, though foreign to the purpose of these observations, for an opportunity of adding, that as my admiration flows more from public regards, than private feelings, these expressions of it are the result of disinterested respect and the purest conviction.

The system of Education, which is in the contemplation of the London University, comprehends the several branches of Science and Literature as taught at Oxford and Cambridge, together with those more peculiar to Scotland, or which are rendered necessary by the exigencies of the times, and more accessible to an Institution situated in the metropolis. This view of it cannot be unfolded better, than in the words of the Prospectus.

"The study of the law of England has for centuries been confined to the capital, where alone is a constant opportunity of observing its admi-

nistration in the Courts of Justice, and of acquiring skill in peculiar branches under private instructors. These exclusive advantages of London for the study of the Law will be enhanced by combination with Lectures and Examinations, while systematic instruction in law, and in general knowledge, will be rendered accessible to those who are now shut out from them, in common with the majority of the other youth of this capital.

"For the studies which are necessary in all the branches of the profession of Medicine, London possesses peculiar and inestimable advantages: it is in large towns only that Medical Schools can exist. The means of acquiring anatomical knowledge, medical experience, and surgical dexterity, must increase in exact proportion to the greatness of the town: at this moment the great majority of those who are called general practitioners, who take no degree, confine themselves to no single branch of the profession, but in whose hands the whole ordinary practice of England is placed, receive their systematic instruction from Lectures in London during one or two years; while many of them are attending hospitals. The annual average of such students is about seven hundred; many of the Lecturers have been, and are, men of very eminent ability. And the practitioners thus educated are, generally, most respectable for information and skill. It is no reflection on either

body to affirm, that medical education would be improved, if the teachers of most distinguished ability, who are now scattered over London, were gradually attracted to one Institution, where they would be stimulated to the utmost exertion of their faculties by closer rivalship, larger emolument, and wider reputation. To what cause, but to the present dispersion of eminent teachers, can it be ascribed, that the greatest city of the civilized world is not its first school of medicine?

"The young men who are intended for the scientific profession of a civil engineer, which has of late been raised so high by men of genius, and exercised with such signal advantage to the public, have almost as strong reasons as those who are destined for the practice of Medicine, for desiring that a system of academical education should be accessible to them, where they can best be trained to skill and expertness, under masters of the first eminence.

"To these examples might be added, the obvoius and striking case of commerce, which would be of itself sufficient to show the advantage of bringing literary and scientific instruction to the place where diligence and experience in liberal occupations are acquired. By the formation of an University in this metropolis the useful intercourse of theory with active life will be facilitated; speculation will be instantly tried and corrected by practice, and the man of busi-

ness will readily find principles, which will bestow simplicity and order on his experimental knowledge. No where can every part of information, even the most remote and recondite, be obtained so easily as in a city, which contains cultivators of all branches of learning, followers of all opinions, and natives of every quarter of the globe."

What is to form a peculiar feature in this system will be, the provision made in it for religious liberty: for the Directors, and Subscribers, being of different ranks, and of different denominations, most assuredly hold out, that the literary advantages of the Institution will be offered to students of all parties, to Catholics, to Protestants, and Protestant Dissenters, to Jew and Gentile, to all alike; that religious distinction will neither be the ground of admission, nor the cause of exclusion; and, that as the edifice is to be raised for the service of literature, that as the original material out of which it will be composed is of a mixt character, so much the firmer will be the cement, which will bind the several parts together.

For, as this variety forms the prominent feature in the plan, it also constitutes its principal excellence: where all parties are admitted, and no place is left for shackles and restraint, there will be left more room for principle and love:

> "But let restraint but come, sweet love anon
> Taketh its nimble wings, and soon away is gon."
>
> SPENSER.

The foundation being thus laid in principles so simple, yet so liberal, the building may be expected to rise up with proportionable dignity: this variety of character combined with a union of feeling will be its strength; and, while they continue, will require no addition or improvement in liberty, and can admit of no debasement; so true is it, that effects really great often proceed from causes apparently small: and as there is such a thing as doing too much, true wisdom sometimes consists in doing nothing at all.

Agreeably to certain ideas entertained of what a National Institution should be, an examination is made in the following pages of the polity of our English Universities, in reference to the principles of moral, religious, and civil liberty, much too to those of the theory and sometimes to the practice of the English Constitution. Liberty is understood to be the fair inheritance of every Briton; and, though there exist among us many circumstances, which may cool our zeal, and cause servility, still those principles, so far as they operate,—and it is to be hoped they do still operate to a considerable extent,—will be the springs both of public and private virtue among us: these will produce, in a natural course, liberty of thinking, and liberty of speaking, on all affairs, which relate to the administration of government, and even on the defects, as well as the excellencies, of the English Constitution: and if, as Englishmen,

we are justified in examining the theory and practice of our Constitution and Government, we are surely still more to be justified in examining the polity of our Universities, in which we are all, in like manner, interested, but which is not of so high an origin and such paramount distinction.

These opinions, or some very much akin to these, were imbibed at an early period in College They were confirmed, as I have elsewhere stated, during a residence for a considerable time in our two University towns, and still further by acquaintance, enlivened by personal civilities, with several inhabitants of the towns, and members of the University; they were connected with the idea of a National University combining the interests of different denominations. This idea, thus connected, as it seemed to be, with a theory of moral, of civil and religious liberty, appeared clear, obvious, unavoidable, so natural, as to be, if not a part of it, which perhaps it is, at least as a corollary, fairly deducible from it. Indeed, the idea of a National Institution—such as an English University professedly is—which does not admit to a participation of its advantages persons of different denominations, is a solecism in terms; and without a due consideration of the political and religious character of the times, wherein our Universities were brought into their present state, it must excite a degree of surprise, amounting to wonder and amazement.

Such a state of things, however, does practically still exist; though from the liberal inquiries which have been since indulged, from the thirst for knowledge which every where prevails, and from the claims of all parties, which are now better understood and admitted, it requires no stretch of candour to believe, that such a constitution of things would not now be proposed, or if proposed, be admitted to be put in execution.

But to return to the following Dissertation: The readers of it will easily perceive, that it relates entirely to our English Universities, and more particularly to that of Cambridge; that as it arose partly from a relation to that University, humble as it has been, and partly from a former relation and present friendships with several worthy Protestant Dissenters of that town; and a wish, at least, that a literary union had existed between them was analogous to the affections entertained for them. For our intellectual ideas, if grounded in truth, have a correspondence in our moral and natural feelings, in our sense of justice and benevolence; and the speculations which arise from them, however romantic they may appear,—and existing circumstances may often render them really so,—will be accompanied with their regular, proper, proportionate degree of satisfaction. Now as our Subscriptions are in fact those obtruders, which render such hopes delusive, and give an air of romance to ideas the most natural and reasonable, as they

clearly appeared to be the barriers, which some will not suffer to be removed, and which others will never suffer themselves to pass,—it fell in my way, as it has of many others, to remonstrate against them, and—as these are but part of a system—to examine the whole of that system; though—as subscription to articles is the more serious, prominent, and appalling part of it—to examine that with something of more minute attention, and earnestness of conviction; to consider the several branches of it, and the parties concerned in it, the theory out of which it proceeds, the authority which gives it sanction, together with the powers which ought to remove it, and the obstructions, which prevent its removal.

But, though this Dissertation had not for its object any newly created Institutions, yet was it accompanied with a strong conviction, as well from the testimonies and protests of former times, as the necessities of the present age, and the evident deficiencies of our endowed Establishments, that others must arise; and, though it possessed, originally, something local, it became natural, in the event, to give it a more general direction.

And here in taking leave of readers, it is easy to foresee, with respect to the *manner* in which the political and economical part of the following work is treated of, that one class may reckon it forward, petulant, disrespectful, presumptuous; others may think it uncalled-for,

unnecessary, unprofitable, supererogatory. Even those, who may not altogether disapprove the principles, may not approve so free and ample an exposure of them. They may ask, *Cui bono?* For here I am reminded of what a Cambridge-Academic of great talents declared to me,—and it had long been the opinion of many other Cambridge-men of learning,—"that the University stood in need of a thorough reformation, and that he thought nearly on the subject of subscription to articles as I did; but that the cause was hopeless." Well, be it so: Say, that our system of economy in all its parts must be persevered in; suppose it agreeable to the wishes of our Universities and of our Government, that our subscriptions should be *perpetuated*; and that as it was in the beginning of James the First, and is now, it ever shall be;—suppose all this, though I am supposing what is impossible, still one aim of this Dissertation would not be wholly defeated; nor need a failure in a cause so beyond our reach, and which is even deemed hopeless, create either disquiet or disappointment.

With respect to the London University, to which a reference so direct has been just made, no particular reference could have been made to that before; for, although the idea may have existed in some minds long since, and some of its peculiarities been generated very naturally from the Scottish Universities, still no proposals

relative to it, appear to have been advanced till very lately. The Latin Dissertation, inserted in "The Privileges of the University of Cambridge" was published long before any scheme for a University in the metropolis had been proposed, or any thing tending thereto been realized: and even this English version was entered on before I heard of any such intention: The Latin Dissertation and English version of it relate entirely to Cambridge. It will, however, easily be credited, that on hearing that a University in the metropolis was actually under consideration, a new spring was given to my mind: for, though on my first appearing on the arena of discussion, my attention was wholly engaged for the honour of my own *alma mater*, and the zeal displayed in the cause of her *Literature* may be in the character of her true knight, and to some may even appear sufficiently chivalrous; still with respect to her *Polity*, I did, as it were, throw back my gauntlet against her: and it now is become matter of joy and triumph, that what may be reckoned visionary and unmanageable at Cambridge and Oxford, is deemed reasonable and practicable in London; for, as it has already been observed, the peculiar feature in the character of the London University, in contradistinction to those of Oxford and Cambridge, is, that by the constitution, the very formation of it, literary advantages will be open to people of all denomi-

nations, and that in matters of religion, students will be left to parental care, to the instructions of their proper pastors, or the dictates of their own consciences.

The *primary* design in printing "The Privileges of the University," and the ensuing Dissertation, has been stated ; still there is one, which may be called a germinant one, one which naturally and almost necessarily sprang out of it, and which readers, if they please, may consider its final aim. This had in its view not so much what is, as what in the revolution of human affairs might be: for "the mind is its own place," and, where it cannot be satisfied with present realities, it is apt to look to remote possibilities, and to refresh itself with its own creations.

Here, however, there was no occasion to call in the assistance of the imagination. For from what had passed in former times, in this country, as well as from what had passed before my own eyes, it was easy to foresee, without pretending to any extraordinary degree of prophetic vision, that new Institutions would arise in England, better adapted to the natural wants of mankind, to the present state of civil society, to the improvements which have been made in Science, and to the genius of a free government, than our ancient institutions now are; which amid many things, that are excellent, desirable, and even enviable, are still wanting in others, on which the happiness of such a country as this

materially depends. And here occurred the Roman Historian's memento, which, however, for the reasons stated above, could not have been offered to Mr. Brougham, Mr. Campbell, and the other enlightened directors of the London University: "*Hoc illud est præcipue in cognitione rerum salubre et frugiferum, omnis te exempli documenta in illustri posita monumento intueri: inde tibi tuæque reipublicæ, quod imitere, capias: inde fœdum inceptum, fœdum exitu, quod vites.*"

A few words remain to be said of the following Epistle, considered as a Translation.

It was engaged in, then, in part, during a long and dangerous illness, from which no one entertained any expectation of a recovery; and it was pursued with feelings corresponding to that conviction,—as being the last tribute of respect, which I was likely to pay to literature, as the last humble offering which I could lay on the altar of liberty. But the *ruling passion* was so strong upon me, that had I been called to leave my post, I was in hope to have engaged a gentleman to take my place: and, as it is, I am indebted to that judicious person for an entire translation of two sheets, and for other civil attentions.

As to my mode in translating, many liberties are taken in the translation, which, it was conceived, an interpreter would be justified in taking with a work of his own. The whole Dissertation has been divided into sections.

The Latin original was accompanied with very copious notes; for where many discussions were entered on, which admitted of much argument, many positions advanced, which have given birth to considerable controversy, and, where the cause of liberty might have been endangered by dubious appeals to antiquity, it was reckoned expedient, to accompany the whole with substantial authorities. But, to save time, and for other obvious reasons, it was deemed prudent, and more in character, to leave out the notes in the translation. The few, which are added towards the end, were thought necessary in their respective places: great latitude of interpretation is indulged in throughout; omissions and insertions are made as they fell in with my views, or suited my convenience. The additions in the latter part are very numerous, and sometimes of considerable extent.

It is scarcely necessary to add the following observation: for it will easily be credited without any declarations,—that this Translation was not intended for those gentlemen, to whom the original was addressed. Those learned persons, should they condescend to peruse such a work, do not require a translation, and to propose it to such would be an example of the most futile vanity, of the grossest and the most senseless impertinence. It was engaged in, as stated in the Advertisement prefixed to these pages, to accommodate a few of the readers, who might

not understand the original: in general, too, there are gentlemen, who, though not of the academic body, are persons of the best learning, and the correctest taste, great admirers of the ancient languages, in their classical purity, and who are therefore not over-fond of English Latinity. They may, perhaps, give the hearing to a Parr or a Porson; but such acts of condescension they exercise with caution; and hence,

> "Quis leget hæc? . . . .
> Vel duo, vel nemo."

Still the reflections were the result of no little thought, and some, it was hoped, of a useful tendency; and, though this is not the first time I have attempted to write on certain academical matters, still, as it is likely to be the last, I wished to express myself with all possible explicitness, and the utmost perspicuity. Indeed, I am not sure that the task of translation was not undertaken somewhat in a spirit of mortification, in a way of penance, as an *amende honorable* to English readers, for covering sentiments, which I am willing to hope are strictly British, with a foreign, Roman dress.

To these reasons for the occasion of the present version, which are of a more general nature, may, perhaps, be added another, which is of a more particular and private one.

The "History of the University of Cambridge," and "the Privileges" are not to be considered as complete narratives, nor as uniform

biographies, but rather as historical sketches, and loose fragments. Viewed as memorials, they were necessarily liable to frequent, unavoidable omissions; through the successive deaths of the members, requiring constant additions; and, through the literary pursuits, the laws, the customs, the manners, the antiquities, exhibiting regular intermixtures, and endless varieties. There are some writings, which in their very nature are miscellaneous; they appeal to the candour of those, for whose service they were more immediately intended, and do not admit of regular, systematic criticism. Such are those of our Woods, Lelands, and Hearnes; and there is no account of Cambridge beyond scraps and fragments.

And, independently of all this, circumstances occurred in the way of the above works, very unfavourable to uniformity of design, and completeness of execution; and of this an account was given in an "Address to the Subscribers to the Privileges of the University of Cambridge," printed in 1823.

"The Privileges of Cambridge" was, to speak the truth, not one of those compositions, for which are required as a whole, "A Beginning, a Middle, and an End;" but rather a "Medley or Collectanea, or to take a modern phrase an Ana," which may follow as a rule (quite the reverse of that laid down by Aristotle for a Tragedy,) to begin, as "chance may direct, and to

finish at the writer's pleasure:" it was brought together, as circumstances admitted, as opportunities offered, as leisure and health allowed, and as utility might seem to require.

But, after all due concessions, and acknowledged imperfections, it may be said, without the hazard of a contradiction, that the two works alluded to, when taken together, give such a view of the History and Constitution of the University, as had not been given before; and that they contain more useful documents than are to be met with in any of its previous Histories; which, indeed, is saying but little, where so little had been done.

This little flourish of words, however, (as some may call it,) relating to the "Privileges of Cambridge" would certainly not have been ventured on, but for the circumstance, which furnished another occasion for the following translation.

A friend pointed out to me some time since, in a periodical publication, certain observations on the above-mentioned work, which proceeded, if I rightly recollect, on principles applicable only to regular, uniform, compositions, not to a collection of Charters and Statutes, to disjointed remains of academical antiquity, to mere notices, and memoranda for biography, with poetical sketches, and scraps of criticism; in short, to a Collectanea, or Miscellanea Critica, a natural appendage to the History of a University, such as "the Privileges" professedly is.

The writer, I think, allowed me (a generous

concession truly, only made for insidious purposes) to possess a little of a tame sort of honesty; and this is more than I can allow him. For, when he says, he had exercised his patience by reading through the whole book, I am pretty confident he uttered an untruth. He pays a sort of compliment to my Latinity, though at the expense of my English. Yet, whether he was competent to criticizing the "*Dissertatio Generalis*" or not, I am confident, he never read it: for had he read it, and been competent to criticizing it, such a critic would, no doubt, have made his attack, though it had been only to show, that he possessed some little dexterity, as well as malignity: nor could he have failed to censure the political part of it, which is the principal, the largest part, that, indeed, to which the literary is only preparatory: he strains an article of vulgar abuse out of my own concession: but I repeat with confidence, this lick-spittle critic never read the "*Dissertatio Generalis.*"

He can return, then, to a task, which he left unfinished. The literature of the University he may venerate as much as he pleases; he is not called upon to defend that: and, in the present case, merely pointing out blemishes in the writer will only show his own feebleness; vulgar abuse will but prove his cowardice: let him if he has courage and competency defend the system, which is here assailed; or, if he has honesty, let him concede, where he cannot defend.

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ERRATA.

Preface; *page* xvii. *line* 20, dele *Northampton,* and insert, *line* 22, " the Methodists also have similar Institutions."

p. xxx. *l.* 17, dele *and*

p. 12, *l.* 23, after *than,* insert *those*

p. 48, *l.* 8, after *various,* add *persons*

p. 77, for *morals,* read *religion*

p. 127, *should be* 129, &c. to the end

p. 145, *should be* 143.

GENERAL DISSERTATION, &c.

ADDRESSED TO THE GENTLEMEN OF THE UNIVERSITY OF CAMBRIDGE.

I. *Introduction.*

FACTS which are derived from ancient writings, claim their peculiar prerogatives; and it suits not their gravity to be contaminated with certain modern practices; such as are exhibited in some of our Dedications, which are too commonly inflated with flattery, and grow wanton with the hope of gain: besides, neither does the present argument admit of such forms, nor does the present occasion require them. He who addresses you is no celebrated author of some original work, nor is he one of the host of compilers, but an Editor only: nor are ye men, willing to be taken, as with birdlime, by the artifices and mere blandishments of words.

Let Rhetoric have its privileges—of enticing men's ears with the smoothness of its phrases, of striking with the splendour of its figures, and, at the same time, of diverting princes and other great men from their ordinary pursuits:—let Logic, also, be allowed its privileges—of encompassing itself with subtle distinctions, of making artificial far-fetched syllogisms, and, in its eagerness for victory, rather than for truth, like the

Sophists mentioned by Plato, of making the less appear the greater cause.

Let also Poetry be allowed its liberty—of abounding with delicious thoughts, of being luxuriant in fictions, and of bearing away the admiration of all mankind; since the Muses, as the ancient poets are accustomed to talk, have a license for acting to the full extent of their powers.

Lastly, let its proper province be claimed for History, one more luminous, but at the same time more sober, and more full of authority. Let it in matter be weighty, in reflection serious, in words not redundant and lavish, but, like one who points the way to a traveller by his finger, let it rather be stored with examples entitled to credit, and with things worthy of remembrance, than with fictitious arguments and frivolous ornaments. Let this be considered as its immediate office,—to recall past times and past events, and to place them before the eyes; nor should it be debarred from amusing and delighting, so it be with moderation: but principally, and agreeably to its very profession of relating facts, let its object be, to profit and to instruct; nay, even when mixing profane with sacred things,—for antiquity in its earliest reports has many fables,—to draw out the very strength and marrow, as it were, of words; to search after truth, and, if it possibly can, to find it; and, while giving support to truth, to unfold it; to consult rather the public interest than private; the conviction of the wise, than the credulity of the vulgar, and the benefit of future times, than the vanity of living patrons.

Such are the points, which should be kept in view, and attained by History; such its supreme laws; otherwise, while affecting to appear a searcher after real facts and ancient manners, or of being a guide to

philosophy, to virtue, and religion, it must appear to be altogether counterfeit, or a babbler, at once empty and profane.

II. *Nature of "The Privileges of Cambridge."*

With regard to these poor attempts, they can scarcely be considered as even fragments of Histories; but with respect to you, Gentlemen of the University, the editor feels pleasure in presenting them, such as they are, with due humility to you: and he beseeches you not to treat them rashly, nor to consider them of no account; but that you would receive them, in some sort, with the same benevolence and liberality, with which you are accustomed to foster the labours of your fellow-collegians, and, indeed, as some of your members formerly treated his: and the more the obscurity of his name may sink their value, or diminish their weight, so much the more let the splendour of your own names yield them support, and give them a useful tendency.

It appeared to the editor,—to speak freely his mind,—that there existed many reasons for presenting these "Privileges" to you: not, because having been formerly fostered in the bosom of Cambridge University, and now, at length, returning to it, he would with too much confidence, and with a species of arrogance, demand admittance to our ancient *Alma Mater*, seize her, as it were, with too much familiarity, and expect in return that she should embrace him and his as her sweetest treasure, after the manner in which a former Greek professor, Joshua Barnes, once flattered himself:

> "The venerable Granta call'd me son:
> You are my fathers, and I call you so;
> And now present you with my own dear child."

He knows himself better: and calling to mind certain opinions of his, which are not now formed for the first time, and which were never propitious to him, together with his manners and habits, which are so little academic; being, indeed, one who has started aside from his central point of the University into circuitous regions,—recollecting all this, he can approach you only with the language of your poet, Cowley;

> "Oh! Mother, feel towards me no stepdame's hate;
> Be not thou cruel, but leave that to fate."

But what shall he say? When some Genius, whether good or bad,—for he knows not what to call it,—first suggested to him, as if whispering in his ear, that these papers should be submitted to you, he was for some time in doubt: he reflected at how great a distance the pursuits of his life threw him from such attempts; and, indeed, that nothing should be offered to you, but what was wrought up with genius, and replete with learning: yet this same Genius, or whatever it may be called,—so disinclined was he to the task,—seemed to urge him, as though a voice issued from some oracle, that reasons in abundance were favourable to the design, and that nothing, indeed, forbade it; for that, in fact, they had in view no private interest; that they came forward with no personal complaints; that they aimed to provoke no theological or political disputes; that no honours were sought after; no rewards expected; and, in short, that every thing here related to yourselves; that what was strictly your own property was but returning to you; and, that what thus aimed to approach you with respect, you would not dismiss from you with illiberality.

And, indeed, that this little work is not unworthy of your names, nor unsuited to your offices, nor foreign to your studies, appears on the very face of it; being, as it were, a dish of various sorts of fruits, but exhibiting nothing either of a trifling character, or of an unprofitable tendency. It yields a strong flavour of antiquity; is now for the first time spread open for every one's inspection; presents to your eyes the discipline of our ancestors; brings out the arcana of our University, thoroughly examined, and seriously corrected, as they have been, by learned men; arranged, too, in proper order for every one's use: in short, whatever may be thought of the character of the work itself, and whatever, you yourselves being the judges, of some of the laws and institutions of the University, promulgated therein, still are they to be confirmed and proved by the testimony and authority of these same learned men.

That to Cambridge-men, particularly if residing at Cambridge, this book will have its uses; and with respect to others, not residing there, will assist their recollections,—who will deny? It calls to mind what is past; it places in a clear point of view what is present; to those proposing to investigate what is little known it will render aid; to those particularly wishing at any time to investigate the History of Cambridge critically and attentively, it will afford the greatest pleasure and the most solid advantage: for from this spring the whole history of Cambridge is, in fact, derived; which if you pass by with neglect, where will you find any thing better or more sure? Nay, in passing by that, truth is immediately lost sight of: you would search for mere cisterns; and should you find any, they would be empty or broken,

which can hold no water,—nothing, in short, but monastic frauds, and historiettes of fables.

This volume is entitled, "The Privileges of the University of Cambridge," as relating to its Rights and Laws; and with no impropriety might have been called, Annals, Chronicles, Fasti, or any other name, more relating to history. For the said volume may be taken as an Historical Index, or Directory, or University Register; and, as you know, true chronicles are the sure clue to history.

III. *Ancient History deficient in faithful Chronicles.*

Whence is it, that ancient history, as well among the Northern and European nations, as among the Asiatics, overflows every where with coarse deceptions and fabulous prodigies? Is it not, because being led astray by genealogical, mythological, and astrological fancies, it hurries on wildly without faithful guides, running every where and at random through inconstant vortices and lawless excursions? Hence the superstitions, and perverse institutions, of the Druids; at least according to Cæsar. "Nor do they—the Druids—think it lawful to commit their customs to writing, though in their other concerns, whether of public or private consideration, they commonly use Greek letters." The same writer, speaking of the Gauls, observes: "They all proclaim themselves to be sprung from Pluto as their father; which account, as they say, they received by tradition from the Druids." Hence, in like manner, among the Greeks,—to whom, notwithstanding the arts and sciences are so much indebted,—that load of fables,—under which, we must confess, lie buried some serious truths,—that massy heap of devices, running from Ouranos down to Ulys-

ses, as it was made up by the Cyclic and Cyprian poets, as they are called, though now, their writings, with the exception of a few fragments preserved by Proclus, are entirely lost. The truth is, none of these people had annals, or, whatever they had of the kind, was so covered over with traditions, that genuine facts were quite lost sight of: History becomes, as it were, a mere wilderness; and, should we ever so wish to hunt after truth, we should,—as the proverb speaks, —miss the game.

With respect to the Grecian states—the people of Athens, indeed, made their boast, that they surpassed, by a great distance, all the others in antiquity: and they, perhaps, said what was true; since they, on account of the narrow limits of their country, the barrenness of the soil, the rare occurrence of seditions and emigrations, had always,—to use their own language,—been possessed of that country. Thus, at least, this eloquent, this inventive people, these original inhabitants of the soil, as they called themselves, gave out in their own behalf. Hence it was, that the ancient Athenians used to bind their hair with grasshoppers made of gold: for the further they could appeal to antiquity, the deeper they were involved in mystery; the more they pretended to be investigators of their own history, the more they proved themselves to be inventors of fallacies, and believers of old wives' stories.

IV. *Grecian Chronology.*

Nor, indeed, was Herodotus, the father of history, as he is called, nor Homer, the father of poetry, the first who fabricated and gave out these fictions,—though Herodotus himself does most foolishly ascribe them to Homer and Hesiod. It is, indeed, true, that

Homer did not set these matters right: nor, indeed, according to the opinion of Fred. Aug. Wolfius, could he, because, as the same Wolfius states, the Greeks had not in Homer's time attained the prompt faculty, and ready familiar use, of letters, either in reading or writing: and in such-like testimonies, he does but,—as the proverb speaks,—water his own gardens from Josephus's springs.

It might be wished, that this most celebrated man, Wolfius, had been as conspicuous in his Latinity, as he was luminous in talent, and profound in learning: it may be thought too by many, that some of his opinions concerning Homer, and the tardy progress and prompt use of alphabetic writing among the Greeks, incline somewhat to heterodoxy, though to us they appear to possess some truth: but be these things as they may, if in those observations made by him on the common use of the art of writing he is not altogether erroneous, what conclusions are to be drawn on some other matters is pretty plain.

With respect to the Greeks, then, the case seems to stand thus: This people, at the first, made certain inscriptions on stone and wood: but even this was done later, than some suppose. The most ancient of all the inscriptions,—we are speaking only of the Greeks,—as mentioned by Herodotus, Aristotle, and Pausanias, if we choose to follow the above-mentioned writer, are later than the age of Homer; so far were the Greeks, according to him, of having any thing like annals.

With respect to Greek Marbles, we have in England two remains of venerable antiquity; of which, one,—called the Sandwich Marble,—belongs to the members of Cambridge University; the other,—the Parian Chronicle,—to the University of Oxford: both

far later in antiquity than the Sigean: the former, namely, the Sandwich Marble, is older, perhaps, by a hundred years, than the latter, the Parian Chronicle; and what is written on it is of a much later date than the inscriptions just mentioned; and to our present subject it but little appertains, —containing an Athenian Bill of Charges for the sacred Feast at Delphos.

But the Arundelian Marble is professedly a Chronicle; beginning with Cecrops, 1582, though not engraved till 263 years, before Christ, according to Selden, long after Homer. We are, indeed, not ignorant, that some hold the authority of this Parian Chronicle to be but small, nay who consider it altogether spurious; nor, whether it may be spurious, or genuine, has it with our business much concern. Its fidelity we at least by no means assert. It is sufficiently fabulous: and, at the same time, contradicts, by its statements, that arch-mystographist, Apollodorus: and as to Apollodorus himself, as the Cyclic writers were fabulous in verse, so was he,—running from Ouranus down to Theseus,—in prose.

Whence then was this Chronicle, be it what it may, derived? From others, perhaps, of a superior age. Do you ask, whence these latter were obtained? We reply, not from writings, of which the Grecians had little knowledge; but from what greatly preceded all their chronicles, from the traditions of antiquity, and the dreams of their poets: so that Greece, ignorant of its own history and common origin, but endued with a genius pre-eminently subtle, and, imbued, at length, with the arts and sciences of the Egyptians, as it did not want the will, so did it not the power, of fabricating almost every species of invention. Hence sprang that saying of Pliny concerning the Greeks, "There is no lie so impudent, which cannot be borne out by

their testimony;" a saying which at length passed into a proverb,

" ——— Whatever lying Greece
Durst give for genuine History."—Juv.

The most ancient Greek MSS. which have come to the knowledge of the learned, and which have been accurately examined by them, reach not, in the opinion of the most sagacious inquirers into these subjects, perhaps, beyond the third century, if so far; we add, *perhaps*, for we should not speak of that as a certainty, which is only a probability;—nor is the age of the Greek language concerned in this dispute.

The question concerning the origin of the Greek alphabet is, indeed, curious, as also is the history of its progress. It is also of considerable length, and beyond the limits of our present investigation: though we may be allowed to conjecture, that if it was derived from Cadmus, that is, a Phœnician origin,—and that it was so, is very clearly manifest from that most celebrated, and ancient Sigean inscription,—it would not follow, that Greek annals must be traced to the same source. For, if the Greek mythology was in part of foreign extraction, their annals, had they possessed any, would of necessity have been their own.

In the mean time, it does not escape us, that there are writers, particularly some Platonists, who are disposed to give to Fables themselves a moral and theological, as well as a natural and animal, interpretation, speaking as philosophers; nay, who are pleased to receive them as divine: nor do we mean to dispute with such philosophers, nor to pronounce, as from a professor's chair, that they are, *toto cælo*, in a mistake,—this only being granted us, that where mythologies most abound, there faithful annals will be proportionably less: and, that the fact is so, the

course of history very clearly proves : for—and be it observed, that we are not speaking of mythologists, properly so called—even their historians, while treating of matters of antiquity, while professing to give clear narratives of what is past, nay, when desiring to point out the events of their own times,—in short, whatever they attempt, present their readers with little else than reports from ancient tradition, or the results of their own observation and experience ; but they make no appeals to faithful monuments, they gain no credit from chronological arrangement, they confirm nothing from the authority of books antecedent to their own times. Such is the course pursued by their historians; so that, when they write of things which occurred in their own times, and under their own eyes,—being accustomed to proceed in this way from a want, from an ignorance, of annals,—they report nothing from calendars or registers of former times, but every thing is done, if not quite confusedly, yet without any chronological harmony.

V. *Roman History and Chronology.*

The preceding observations relate to the Grecians; and much the same must be made on the Romans. And, indeed, how can it be otherwise ? Had not the two people the same alphabet, the form, the number, the expression being nearly the same ? Almost every thing of these as possessed by the Roman language, is common to the Greek, and affords a proof, that they are of one family, that they had a common parent. To every learned person this will be clear, on comparing together the Characters of the Beza MS.—that most ancient Greek MS. of the four Gospels and Acts of the Apostles in the public library of the University of Cambridge—with the

Latin corresponding to them, and placed at the side; or the Copies of those most celebrated MSS. of Virgil—*Fac Similes* as they are called—in the Vatican and Medicean Libraries compared with Greek MSS. Though, indeed, all the ancient Greek and Latin MSS. betray a wonderful affinity one with another, at least those which are written in capital letters,—as those of the greatest antiquity all are,—most clearly proving, that the original characters of both languages were derived from the same Oriental source. Besides, the same mythology was common to both nations, as will appear on comparing but cursorily the *Scriptores Græci antiqui Historiæ Poëticæ*, and the Theogony of Hesiod, with the Metamorphosis of the Roman fabulist, Ovid. Did not, too, the arts and sciences, as the best and most accomplished judges have decided, flourish later with the Romans, than with the Greeks? Nay, were not the Romans borrowers from the Greeks? and did not the use of letters obtain a later introduction among the Romans?

To which let it be added, that the early computations in the Roman History are little more to be relied on than in the Grecian. It has been deemed surprising, that the most striking, and primary epoch in the history of the Romans,—the time of building their city,—should not have been more clearly ascertained, there being no less than seven opinions among the critics on that subject: on this a learned and grave writer suggests, "that it might have surprised us more had it been otherwise, considering either the darkness of their history, or the unequalness and irregularities of their computations." In truth, what has been said of the Greeks, may in some measure be said of the Romans,—their History comes before their Chronology, and the early part of it is a mere fable.

VI. *Egyptian Chronology.*

But let us take heed, lest we founder in the very port. Perhaps, the Egyptians and Asiatics managed these matters better. About the Chaldæans thereis too little certainty of information: the spurious Berosus is no less fabulous: and what is related of the Phœnicians, and ascribed to Sanchoniathon, is equally fallacious. But, indeed, there are some, and those well versed in antiquarian research, who, following the Greek and Latin writers, have been strenuous in referring to the Egyptians the first principles of knowledge, and also the commencement of the use of letters and writing, as derived, according to them, from the hieroglyphics: as if that people, as Horapollo says of their country, produced and animated all things. They maintain, that the Egyptians, on account of the peculiarities of their soil, and the periodical overflowings of the Nile, carefully studied astronomy, and were the first who invented the year, which they divided into twelve months, from observation of the zodiacal signs, of thirty days, with five additional ones every year. They add, that as, from these causes, the Egyptians became the most accurate observers of periods of time, so also, through a long series of dates they were the most faithful chroniclers of events: and that, as to sacred and mystic matters, not only did the Greeks borrow their deities from Egypt, but the Hebrews also took from them their numerous rites and ceremonies: so that in this nation at least, they might say, the abundance of mythology was not that, which occasioned a defect in their chronology.

VII. *Hebrew Chronology.*

Such are the things, which we find related of the Egyptians: but no small number of the learned, and

many theologians, unless we are much mistaken, both Jewish and Christian, have held a very different opinion. These, deriving every thing from the Hebrews, maintain, that, as the ancient language of the Phœnicians was the same as that of the Hebrews, so also the ancient Hebrew letters were the same as the Phœnician; that the Egyptians were large borrowers from them, imitating their modes and manners, though but as children do those of men.—They hold, that we must look to Moses for the origin of letters, as first revealed on Mount Sinai, and described by the hand of Jehovah, proceeding from that light which could not be looked upon—from the fiat, "Let there be light, and there was light"—being evidently—they are Chishull's words—" of divine workmanship and invention, and worthy of that almighty God, who fashioned our mind, face, and eyes."

Moreover, according to the opinion of many of the learned, an opinion immediately connected with this last, the Jews have the most authentic chronicles and the most faithful historical records. In the Hebrew annals, therefore, they think, they can make a sure footing: and, in fixing the festivals, the generations of the patriarchs, the sojourning of the Israelites in Egypt, the years of the Judges, nay even the creation of the world, they produce a Sacred Chronology—as Archbishop Usher and Petavius the Jesuit do—from the very beginning, as a faithful guide, a rule or register of dates, and, setting mythology aside, as the sure and only elucidation of ancient history:

. . . . " Veritatem
Dumos inter et aspera
Scopulosis secuti vadis."

VIII. *Comparison between the Hebrews and Egyptians.*

So these proceed. Others take a different course: for there are some, and those no common men, but writers of great repute, who maintain, in opposition to all this, that the Hebrews derived almost every thing from the Egyptians. They assert that there was a striking agreement between them and the Egyptians, in their tenets of belief, in the precepts which directed their actions, in various rites and ceremonies; and, what is more to the purpose here, as connected with chronology, in their division of the year, months, and days, both the Israelites and the Egyptians having a double year, civil and sacred,—and many other marks of similarity closely connected with this question. At all events, it appears certain beyond doubt, that we must come to one of two conclusions,—either that the Egyptians were, if we may so say, *Hebraized*, or that the Hebrews were *Egyptianized*. So Kircher holds: and many Christian theologists agree that it must be so: nor are the learned Jews desirous or able to disprove it.

But whatever may be the belief of the learned on these points, we cannot directly, of necessity, and, as it were, in argumentative series, hence draw settled conclusions regarding the Hebrew chronicles. What has just been said of the Greeks, may almost equally be said of the Israelites: namely, that though they borrowed some rites and ceremonies from the Egyptians, their chronicles were necessarily peculiar to themselves: and if the Egyptian chronology be false and erroneous, it will not thence follow that the Hebrew annals are destitute of truth. This could by no

means be rightly asserted. The premises may be good, and yet the conclusion might be false.

If we are to put faith in the Jews, what is to be said of the other Asiatics, and of the Egyptians themselves? If the chronicles of the former are to be admitted as genuine and worthy of credit, those of the latter must necessarily be rejected as false. If one proceed in the straight line of truth, and the other turn in obliquity from it, as each takes a contrary course, they can never both meet in harmony. In the outset, what discrepancies are found in their registers! In their progress, what discord in their dates! What an amplitude and extent in the history of particular events and single reigns—immense, and almost infinite, far exceeding the bounds of the Mosaic account! If yet, notwithstanding all this, from a very remote period they were acquainted with letters,—and that they were, all antiquity testifies,—if they understood the zodiac, and knew the planetary movements; if they possessed all the materials and helps of chronology, and if they appointed their priests as the depositaries to guard their sacred writings,—and such advantages have been the boast both of the Chaldeans and Persians, as well as the Indians and Egyptians,—what is to be said? . . . . . You will reply, "*Omne ignotum pro magnifico.*"

That on the above-mentioned points much of the inconsistency and contrariety of opinion has arisen from an ignorance of the most ancient languages, is well known to every academic: of the ancient Egyptian—we do not speak of the Coptic—and of the Babylonic not a tittle is known; and, perhaps, not much of the hieroglyphic. Doubtless you do not forget, that those who treat of Egyptian and Chaldaic matters take very different parts; maintaining,

that the Egyptian letters, inscribed on the pyramids —at least as Herodotus relates—either never existed, or entirely vanished in later times; that Chaldaic astronomy savoured more, perhaps, of astrology, as it is called, and imposture, than of science: and, if it be admitted, that there is a certain correspondence and agreement between the ancient cosmogonies, Chaldaic, Egyptian, Persian, Indian, Greek, and Hebrew, that still their chronologies vary from each other, and are as different as possible from the Hebraic. To some, who of late explored Oriental history with great industry, and, perhaps, some success, it has appeared probable, after all, that the great periods of time and far-extended histories of the Indians and others, are little more than the revolutions of the sun, the moon, and the planets.

IX. *Relation of the preceding Observations to the present Dissertation.*

But on these points enough: and having, perhaps, transgressed our bounds, we ask pardon. We hope we shall be excused by academics for turning over these matters, so well known to most of them; not mentioned, indeed, so much for their sake, as for the purpose of refreshing our own memory, and as a check against too much forwardness. Indeed, they insinuated themselves into our mind gradually, though not unawares, in a natural sort of order, as it appears to us, whilst meditating on the present subject, rather than hastily babbling at a venture, or busying ourselves in useless and ostentatious researches.

Let then the statements above be taken for examples, that in proportion as the chronicles of ancient nations were more defective, their histories necessarily more abounded in fabulous tales; and, that the

more authentic and better proved the chronological materials are, which we possess, so much the deeper will the foundations of true history be laid, so much the more majestic the superstructure, which may be raised; the better will all the parts fit and be jointed together; the examples will be safe and encouraging; the descriptions—not unlike the natural ornaments of edifices—clear and beautiful: the whole structure will not be artificial, or dangling, as it were, in the air, but duly and firmly fixed as by some binding law of nature, Truth herself having laid the first stone: and —to return, at length, to what more immediately concerns our present business,—while meditating the right way to Cambridge History, we have ourselves been taught thereby, and shall continue to be taught, that it is to be derived from those true chronicles, which are preserved in your own archives; and that we, in presenting to your fidelity this "Book of Privileges," wholly derived from them, shall make, at least to those Cantabrigians, who either now are, or may hereafter become, curious about the History of Cambridge, an agreeable and useful offering.

X. *Reply to certain Objections.*

But, in truth, we fancy, that we hear some starting objections against us in the very outset—that our hopes are disproportionate to our matter—that those are grasping and largely extended, while this is slender, little adapted for common use, and more than requisitely academic. But we hope it will not prove altogether so. We freely confess, that what we have to offer are but brief notes, or memoranda, marking only points of time, and not, like the Annals of Tacitus, or the Commentaries of Cæsar, giving a full and ample narration: yet still are they such points, from

which, as a centre, all true histories are drawn, which strike off into the right direction, and take a wide range; they are of small pretensions, diminutive, even in appearance, yet they bear with them the most useful records, the most uncorrupted evidences, so as to be the clearest and the strongest vouchers. They may, indeed, if you like, be called a key, small and unpolished, but which, in the hands of those who know how and when to apply it properly, will open the most directly to the greatest opportunities and surest advantages.

Nor can it with justice be objected, that these records are not ancient enough to be valuable, like wine, which has more flavour of the wood than of age: for they are most assuredly ancient; nay some of them, of which we shall give a longer account elsewhere, claim to be older than some of the learned would like, perhaps, to admit. We shall not, on the present occasion, trouble ourselves with the controversies of Caius of this University, or of Twine and Antony Wood of Oxford, in their disputes about the very early antiquity of the Universities of Cambridge and Oxford. We shall be satisfied with what Crevier says of the Academy of Paris: "Il n'est pas possible de fixer par des dates précises les commencemens, soit de l'Université de Paris en général, soit de parties qui la composent, des magistrats qui la gouvernent, des principaux attributs qui la caractérisent. Les reserches sur tous ces points ne ménent en aucune façon à une origine claire et determinée; et les premières mentions que l'on rencontre dans les monumens historiques, n'en contiennent point la création et l'établissement, mais en supposent l'existence." The same, or very nearly so, may be said of our University of Cambridge. The first charter, indeed, which can be

considered true and genuine, clearly appears of the time of Henry the Third. This is still kept in the Tower of London. If any can be produced of an older date than this, we should like to see it brought forward. But, this by the bye, and let it suffice: for from this period the stream of the Charters and Privileges of Cambridge flows clear and pellucid, confined within certain bounds and banks; and if this be not the extreme line and limit, it can nowhere be marked to a certainty. Upon the charters and statutes themselves, whether royal, papal, or academical, we cannot at present make any nice disquisitions: some will not be reckoned of any sterling worth, at least by those who think with us: others, on account of the matter itself, will not be much valued by men of sense; indeed, not at all, unless, perhaps, as affording some aid to history. Such as are now in use and refer to more modern customs, may, probably, render assistance to those filling public offices; and such as are no longer observed, and, from a change in times and manners, are now neglected and suffered to fall into disuse, may still gratify the curious, who delight in collecting the fragments of ages gone by. If some are of an uncouth diction, and of a style, necessarily, more official than classical, many, nevertheless, as might be expected, are of a better vein, and having received a more careful polish from very learned men, possess such a spirit of elegant Latinity, that they may please and delight men of the most refined taste.

XI. *The History of Cambridge.*

And here, if we take occasion to speak a few words —perhaps we may say more elsewhere—about our History of Cambridge, we hope you will pardon us.

Additions and corrections pertaining to it are subjoined to this volume. We confess we have erred in some points: and, in such a variety of matter, that we should have sometimes erred, who can wonder? Those possess a right of censure, who are fitted by learning to correct or assist others; and to those learned men, who kindly admonish their fellow-labourers of their errors, the highest respect is due. As for those, who from malice, or a vain opinion of themselves, or for purposes of gain, are ever eager to attack others, let them enjoy the gratification which their censures can give them;—a pitiful set of fellows, who the less they have of genius, or learning, or industry, or love of truth, or love of liberty, are the more desirous of giving themselves consequence by their garrulity and petulance;—"Let such stay at Jericho, till their beards are grown." By such men and their devices we shall not suffer ourselves to be detained, hastening on, as we hope we are, to better matter.

XII. *Appeal to the Candour of Cambridge-men.*

Doubtless, there will be among you, gentlemen of the University,—as we certainly know there have been,—many of a more penetrating judgment, men more studious of good morals, than covetous of emoluments, and of a genius so much the more liberal and candid, as they are more conversant in these studies; friends to the University of Cambridge, and to mankind at large, rather than lovers of themselves, who might be considered very honourable opposers—if they chose to oppose at all—who in more serious mood may object to us, having, perhaps, formed some apprehensions, that ensnared by the love of the present undertaking, or with too much reverence for you,

we are about to become unseasonable and extravagant panegyrists of what deserves no praise; nay, to turn admirers of some things, entitled to censure: evidently forming their opinion by comparing what has been said elsewhere, as they think, sufficiently commendatory, with what the title of the present work, "The Privileges of Cambridge," may seem to promise. It is, therefore, our wish to treat of those same things as in their presence: and if, through being limited by the narrowness of the times; if through being confused by different opinions of different men, who have gone over the same course,—we seem to feed a controversy, or to entertain any doubt, we shall leave it to such men's sober and candid decision. Contentions and barking disputations are but little to our taste: but, as to search after truth "in the groves of Academus" could formerly give us pleasure, so now, at length, to find it there would be our great delight.

It is proposed, then, to consider the present subject,—the Privileges of Cambridge,—in a series of observations on its present constitution, its literature, its charters and statutes, and to take a more particular view of some things which concern the discipline and economy of that body, as parts of our civil community, in reference to the theory of the English Constitution, and to the guardianship and direction of the British Government.

XIII. *Censures which have been passed by some on our present Universities.*

In the first place, then, it does not escape us, that there have been, and are still, persons, who have much censured such kind of institutions as those now under consideration, at least so far as they are privileged and exclusive establishments, such as are now those long

established in the two counties of Oxford and Cambridge. Such men there certainly have been; and their opinion was formed, if we properly understand them, not from the little regard which they had for science, but from their great desire to see it more generously amplified, and more widely extended; and further, from their thinking, that such-like privileged institutions favour rather some private, than a public, interest; the studies peculiar to parties and professions, rather than those arts, which for their liberality and general efficiency should be called the best: but—as they were wont to profess—they were so far from feeling a love for ignorance, and a reverence for rusticity, that they could have wished to see elegant literature honoured in every place, philosophy rendered accessible, in some measure, to every individual, and colleges raised and established in all the greater cities of Britain.

The preceding objections, then, against Universities, have been urged against them not as literary institutions, but as too privileged;—not as insusceptible of much real good, but as in their present state, too restricted and confined for the public benefit.

There may, perhaps, be among you, some ready to say, that this is a picture of a mere monster, the abortion of some unfortunate, diseased times; or a little more politely, a mere new Atlantis, or Utopia. Be it so: this is not the place—whatever our opinion may be—to agitate the question: suffice it, for the present, to have hinted, that such opinions have been thrown out, and by some of your own members, and even proclaimed at St. Mary's, your own church. But, as some will rejoin; all this was in tumultuous times, when there is apt to be a certain rush into controversies, according to each man's prevailing bias, a

conflict of all sorts of opinions; and it would be strange, if amidst these tumults, inconsistencies did not arise, and extravagancies even abound.

But, to say the truth, in more tranquil times,—even in our own,—and among those, than whom you will scarcely find any persons more attached to you, there have existed men, who, no less than those just mentioned, have thought, that our founders would have better consulted the interest of the British state, in the establishment and proper direction, as well of good learning, as of morals and true religion, had they provided, that the *Light* and *Sacred Cups* now appropriated to these favoured institutions, should have been more widely and extensively diffused, even through all the counties of England; rather than, as they now are, disposed of, as it were, in a corner, and circumscribed within the limits of one or two places.

XIV. *Defence of our Universities made by others.*

"But proceed," you say; "for what is all this to the purpose of our institutions?" And we ourselves confess, that we are about to contemplate things fixed and determinate, not floating in the clouds, but subjected to this our earth. And you immediately urge, If some things in these foundations were from the beginning by no means perfectly correct,—as human devices are not apt suddenly and all at once to glide into the most exact order;—if other things are become corrupted and degenerated,—as the very best things sometimes decline to the very worst;—if many things are antiquated and covered with the rust of age,—as time is ever hastening to spread his rust over every place;—if you grant all this, still you, at the same time, strenuously insist, that many things, which yet remain, are worthy of praise, and valuable; many things full of the

wisdom and good counsels of our ancestors; many things improved by the studies of the moderns and our advancements in science;—if besides, as you, perhaps, may still further urge, a few things less perfect, nay things which clearly call for reformation, still remain,—they may be suffered to remain by the greatest and best Being, to teach us, that, after so many good counsels, which have come to naught; after so many attempts of the most excellent men, which have been wholly frustrated,—time itself, though working silently, is, after all, the best and the most powerful reformer: and amidst all objections we shall pay the respect due to such expostulations.

XV. *Greek and Latin Literature.*

As to what regards our present Universities, as they now exist, there may be possibly some persons ready to object, that they resound with too much Greek and Latin; that they, at least, are more engaged in foreign languages, than is becoming, or than is necessary, in a British Athens. Such objectors, however, we suspect, are not often found among your own members, or your own students, unless there be some—we hope very few—who, given up to the gratification of their appetites, or the dreams of indolence, must be very incompetent judges of the Greek and Latin languages, and of the method best fitted to the service of the Sciences. To such critics, who have neither eyes nor ears, it would be idle to engage in a controversy upon literature. On the objections of more reasonable men it may not be out of place to offer a few observations.

It may be objected, then, that the Greek and Latin are *dead* languages; that for the present times they are not necessary, and that for ordinary use they are

too artificial ; much perplexed with their contortions, transpositions, and ellipses ; unattainable without great labour ; and unproductive of proportionate advantages, when the knowledge of them is obtained.

XVI. *Defence of the Greek and Latin Languages.*

But, some of you would reply, Let those who would make this objection, not move too fast. For, how can the Greek language be properly accounted dead, which is still living in the Mediterranean and Ionian Islands, and through the vast regions of European Turkey ? in its grammatical forms, and primitive sense, indeed, somewhat changed ; but with respect to the letters, retaining the ancient pattern, and preserving most of the words in their original signification ; adding to this, that where the Romaic, as the modern Greek is called, is the vulgar tongue, the ancient Greek is by no means lost. And with respect to the Latin, how would they call that a dead language, which in some parts of Europe is more in common use than among us ? And, when in the languages of Italy, Spain, Portugal, and France, the ancient Latin may be so easily discovered, and sensibly distinguished ?

It is admitted, that these languages do not follow exactly the same order and the same logical method, which we and some other Europeans more commonly do ; though this method is not altogether peculiar to them, (the Hebrew uses transpositions and is very elliptical,) and admits of a just defence. For by this method they assist the morals and genius of men, whose wants languages ought certainly to supply. For man is not less an animal, than an intellectual, being : and this very method called artificial, though not so necessary in the daily intercourses of man with man, yet is often found

even in them, and that too in all languages. But in writings, whether prose or verse, it shines forth most strongly; and frequently it is not only graceful and elegant, but eminently useful: it exercises and draws out the various powers of the mind; but much more it kindles up or calms the passions, by turning men aside from ill-boding intentions, or by urging them to pursue any matter of moment with truer endeavour and stronger force; for the whole power and arrangement of language have these ends in view: so that what in this matter is accounted art, is by no means opposed to nature; it is no impediment, but rather a support; and while yielding a gracious support renders nature more ample and capacious in the choice and arrangement of words, no less than in the construction of sentences; so great is the power, so extensive the operation, so beneficial the variety, which are to be found in NUMBERS.

On the subject of the Latin language, generally, there are some good observations by a person not more fitted to public offices, than practised in the elegant arts, and endowed with probity of morals, one formerly of this University,—Sir William Temple. He speaks to this effect: "The modern languages, the Italian, Spanish and French, are but imperfect dialects of the noble Latin, intermixt at first with the crude words and terminations of barbarous nations, by whose incursions the Roman Empire was overwhelmed, together with the ruins and terminations of the Latin tongue; while the Latin tongue, decorated with the spoils of Greece, was composed and constituted by the meditations and exercise of the most illustrious people, which have been committed to the records of history."

Who, too, does not feel with our Bacon, "that it would be useful, if all the Academies scattered over

Europe would contract a more open alliance and closer intimacy?" And, who does not see, that such a familiarity and medium of intercourse can be no otherwise formed than by means of a language which is common to all? And, indeed, who of you does not, in fact, know, that the learned, who have for many years past been communicating with each other, and consulting concerning the arts and sciences, have entered on this course, and that the Latin language has been constituted, as it were, their Mercury, the messenger of the Gods? Who, then, you will ask, can hold this language in low estimation? Or what man, really learned, or desirous of learning, can help judging of it as an acquirement eminently useful, and almost necessary; and which, as a faithful administratrix, and companion of the way, has adapted itself to the various purposes of science?

Nor should we stop here: for to one who diligently weighs this matter it will appear, that great acknowledgements for great benefits received are due to the Greek and Latin languages:—for, in truth, not only through them, as so many conduits, have the arts and sciences, derived from their Eastern springs, flowed down to us; but, unless as they go before and point out the course, the Western nations, even with respect to their own history, are all barrenness and dearth: "for every thing, perhaps, relating to them,"—these are the observations of Sir William Temple,—"which reaches beyond seven or eight hundred years, if those writings were taken away, would have been buried in obscurity." Of matters which run out beyond this space of time, and more particularly of what relates to us Britons, *separated from the whole world*, all things are less known to us, in proportion as they have been less treated of and confirmed by them.

Such-like topics are general: they are obvious to

every one; and before academics it is not necessary to dwell on particular points. What need is there of going at large into the innumerable elegances, the copiousness, the variety, the sublimity of the Greek language? of dwelling on philosophers and mathematicians, on poets, orators, and historians; in short, on that long race of distinguished writers on every art and science, who flourished in ancient Greece? Their praises have been repeated again and again in every university of Europe, over the whole Christian world. You, gentlemen, by your right of office to admonish and exhort the British youth, are in the habit of strenuously urging them to these studies, and of repeating to them,

"Nocturna versate manu, versate diurna;"

And with respect to such-like pursuits, no less delightsome and agreeable, than useful and honourable, you are in the habit, by golden prizes and sacred cups, given to excite emulation and a sense of honour, of stimulating the young men of Cambridge to the study of both these languages:

"Quamobrem, pergite, ut facitis, atque in id studium, in quo estis, incumbite, ut et vobis honori, amicis utilitati, et reipublicæ utilitati esse possitis."

To these should be added another sort of argument; since to these more general considerations theologians may offer their particular arguments. For all assemblies of Christians, how divided soever into different parties on their peculiar doctrines, possess a general agreement in the love and respect which they have for the writings called the New Testament, or Covenant: so that of this pursuit—the study of the Greek language—all Christians will be prepared to exclaim

"Hanc video, sed pulchra colo, quæ cerno per ipsam."

Thus, then, stands the matter. Had these pursuits been the occasions of the neglect and abandonment of others, which modern experience may draw forth and teach, which daily practice may approve and require, they would have been entitled to little praise. But this is not the case. Of late years, philosophy has been applied to the service of the arts and manufactures of the country; while mineralogy and other branches of natural history, political economy, and our common law, have also risen into notice; to say nothing of those public examinations of under-graduates, which are now finally settled in both our Universities.

XVII. *Improvements made in the Universities.*

Of some literary improvements, which might naturally come under consideration in this place, notice has been taken elsewhere—in the History of Cambridge;—so, in passing, some hints may be dropped on what has occurred since that publication. Among the Oxonians, then, their honours and prizes have been bestowed on those who are inquisitive into our ancient mother tongue, the Saxon; there has been founded among them a Saxon Professorship *; and what that can do, has been done. In like manner among you, a learned person—than whom, while living, no one more honoured you,—Mr. Robert Tyrwhitt, has munificently held out encouragement to the study of the Hebrew language; and, what he bequeathed at his death, will, it is to be hoped, by inciting under-graduates to its study, give it firm and durable support: for the funds, which he with so much liberality bestowed, you have with no less judgment applied.

Thus far then as to classical pursuits, and to objections made to the Greek and Latin *languages*, en-

* It has since occurred, that notice was taken in the History of Cambridge, of the Saxon professorship at Oxford.

couraged, as they now are, in our Universities. Still, however, there remain some objections, relating not so much to the Greek and Latin languages themselves, as to the *writers* in them, as being pagans, exhibiting, as objectors say, divinities with religious rites and fables, together with lawless amours; a morality all profane, and contradictory to their sacred books. Hence it was, that the primitive Christians were forbidden to attend the dramatic representations of such heathen writers: and hence some of the Fathers remonstrated against their compositions: "Nonne ego in te lego tonantem Jovem, et adulterantem?—Et vide quemadmodum se excitat ad libidinem divino magisterio." *Augustinus*. Hence too in more recent periods, such books in Latin as Terentius Christianus by Cornelius Schœnæus, and in Greek as the Metaphrases of Serranus, re-edited by a late student of one of your colleges; publications made with the direct intention to supply the place of the heathen Greek and Latin authors, with dramatic representations, histories, psalms, and epigrams, versified out of the Jewish and Christian Scriptures: and, on a similar principle proceeds Henry Stephens's Address, written in Greek to Christian schoolmasters: all, indeed, approving the Greek and Latin languages, while censuring the writers in them;

> "Non hic amore demens adolescentulus,
> Pudenda coram jactitabit crimina;
> Nec fabulosus quispiam Deus, viri
> Mentitus formam, amantem fallet conjugem."

But as such-like things belong rather to mythologies than languages, they do not properly come into consideration in this place.

XVIII. *Objections to the Study of the Mathematics; accompanied with their Defence.*

There may be other objectors, who may be equally serious with you, on the subject of Mathematics. —Of those who may object to your Physics and Mathematics, there may be some—young men, who talk ignorantly, like young men;—some, who being devoted to the Muses, as they are called, and the *Artes humaniores*, if not prompted by the inconstancy and intractability of enthusiasm, or the frowardness of a too delicate genius, may be said to have their minds pre-occupied by other more favourite studies;—some, Theologians, from respect to their creeds, and, as they think, from no ill-timed prudence, or an earnest desire of abstracting themselves to their study of Divinity; and, lastly,—others, and even some Mathematicians, from their regard to Philosophy, from the very love and respect which they bear to Mathematics. Of each of these in order.

He, who through mere ignorance objects to any particular studies, does but,—to borrow a phrase from our schoolboy book,—chatter like a magpie, *pica garrit;* he utters sounds with his teeth and lips, but gives out no distinct words, none, which can be ascertained by a sure articulation. Now man is characterized not by his voice, but by his reason: but, as it is said of philosophy, what it knows, it knows well; so of ignorance it may be said, what it knows not, it knows not at all: and an argument derived from ignorance deserves only a similar argument, an appeal to ignorance.

Further, those who form their judgments from some powerful exuberance of poetic genius, from feelings over-delicate, or from minds pre-occupied by

other studies,—what do they say, but, that "the Muses and rural scenes please them beyond every thing else;" or that Logic, Rhetoric, History, Politics, or whatever else is preferred by them to Mathematics, is their delight? But where a question is started concerning the beauty, the liberality, the respectability, or the utility of any art or science, mere assertion neither proves nor disproves any thing; and, as there is no disputing about particular tastes, so are no general conclusions to be drawn from them.

In what some object, in behalf of Theology, we see the less, in proportion to the more ample provision made by your founders for what tends this way. Are not almost all the Heads, and Tutors, and Fellows of your Colleges, Theologians? Are not the offices and employments assigned to them clerical; the various benefices bestowed on them ecclesiastical? The established lectures, the professorial duties, the public prayers, and the sermons both at the University church and in the College chapels,—do not these, with Mathematics, as it were, interspersed among them, all breathe of Theology? Nor are we much affected by what some object, that Mathematics is apt to lean to Heterodoxy; and that as some, under this plea, formerly opposed the Aristotelian Philosophy, —as others did afterwards the Cartesian Principles,— so at length on similar ground some opposed even the Mathematical Principles of Newton. Though, indeed, as by the force of Mathematical arguments the gravity of Theology receives but little increase, so neither by the overstrained confidence or absolute impotence of it, in this case, could the value or the dignity of Mathematics suffer any diminution: nor is it, if we mistake not, more an opposer of truth, than Logic, or Metaphysics, or than History: indeed, by seriously

employing itself in reflection, in inquiring, in connecting together its propositions and arguments, so as to bring out clearly its demonstrations, it gives an evident elevation and powerful direction to the mind. Such, then, is in reality the aim of Mathematics, to direct and to elevate the understanding, so as to give a more ready entrance to truth : this is its method, its profession ; and should a Mathematician, by the force of his arguments, happen to disturb the dreams of superstition, the reveries of Metaphysics, or the ravings of enthusiasm, it would not of necessity follow, that he would thereby do any harm to that religion, which has its birth in the understanding, which produces conviction in the conscience, which corrects bad habits, and rests quietly in the heart.

XIX. *Theology not to be defended by Mathematical Arguments.—Other objections to Mathematics.*

But to speak more clearly to this point. Those seem to have wandered wide of the mark, in this argument, who have been for placing the *Demonstration of the Existence and Attributes of the Supreme Being* on a Mathematical basis ; nor less those, who have been for explaining and illustrating his nature by Algebraic ratios, and Geometric proportions : so, at least in regard to them, have judged many of your own men of learning, Bishop Law and others : for though, say they, this Geometric way of proof, by the analogy of the composition and resolution of ratios, possesses in matters relating to the arts and sciences great force, the nature of God, which surpasses the human sense, is beyond their reach. That cannot be ascertained by Geometric proportions,—which can be brought under the laws of sense,—nor be resolved by

ratios and proportions, nor circumscribed and divided by any measures of quantities: and it is not more beyond the reach of Euclid's rules, than of the arguments *à priori*.

By clearly discerning, and seriously weighing these matters, it was, that a man of great authority in your schools, Dr. Paley, for the demonstrations which he thought should be deduced of the attributes of God, marked out a course, as ye know, very different. Leaving the arguments of the high *à priori* way, as it is called, as not adapted to his subject, he pursued with great skill that broader, safer, and more certain one, called the *à posteriori*, which the works of nature point out to us, and which the human understanding can follow and comprehend.

With respect to another objection to Mathematics, viz. that your time is too much occupied, in it, there has been a controversy very lately started among your own Mathematicians, as there had been some time ago, recommending a union of Classical literature with Mathematical.

The different societies of learned men are agreed, that all the arts and sciences, which relate to human life, have a certain common chain, and are bound together by their relation to each other; that they mutually support and assist each other; and that to each, its appropriate honours are due. This was shadowed forth by the mythologies and hieroglyphics of antiquity; as where the Muses are made to consist of nine, all sisters, as, in like manner, were the Graces; the leader and attendant of these latter in the dances being Venus, and of the other the God of intellectual and musical harmony, Apollo. The same harmony was pointed out by that most elegant fable of Cupid and Psyche: and, in like manner, among

the Egyptians, seven letters inclosed within two fingers indicated the Muses; and the Cynocephalus, an animal of a mixed nature, letters and literature: and for the same reason, the Cynocephalus was sacred to the partaker of all learning, Mercury.

Some learned men, whom we had lately in our eye, clearly perceived all this; and, notwithstanding their ardent love for the Mathematics, were unwilling from that other part of literature, called classical and the more elegant, to withhold their homage and respect: they even wished to see it placed, and at no great distance, near Mathematics itself; and with this view, as some thought, most worthy of praise, they wished to offer a Grace, as we have already noticed, to the senate: they, indeed, well knew, that by the munificence of your benefactors, prizes not a few, as well in private colleges, as publicly in the University, were regularly distributed to those, who in poetical, historical, rhetorical, and theological prolusions and exercitations among their fellow-students came off the victors; and this, so far as it went, they much approved. But they looked for greater things: they wished that leave might be given for classical and other branches of useful learning, to sustain its proper character, in the public examinations, and to receive their appropriate honours at the time of taking degrees: adding, at the same time, that the two gold medals given by the Chancellor, however honourable they might be considered, could not extend to all graduates, or rather, indeed, had nothing at all to do with Degrees *.

And, probably, these advocates were led to their

* While the Latin text of this work was in the press, the important improvements alluded to were actually going on in the University.

opinion by the following, among other, arguments; that as among the Oxonians many of the fooleries, which had been long practised in their schools, had, at length, been got rid of, and Mathematics been allowed to have an honourable seat near the *Humanities*, it was in like manner to be hoped, that Classic Literature, with those studies which are usually connected with it, would among the Cantabrigians, in like manner, and with equal opportunities for success, be permitted to obtain its distinctions and rewards; and, that as the latter softens the manners of mankind, and serves the common purposes of civil life not less, and some think even more by its humanity, than the former by its severity, and that as, indeed, Classical Literature is the support and the ornament of mathematical, both, under the protection of their bountiful mother, should be equally cherished, and join hands together; being, perhaps, almost persuaded that they heard the Muse, the Goddess of the Humanities—if in speaking on a classical subject we may be allowed a little classical levity—supplicating the senate in their behalf;

> "Nolite sinere per vos *artes liberales*
> Recidere ad paucos; facite, ut vestra auctoritas
> Meæ auctoritati fautrix adjutrixque sit."

XX. *Objections to certain Parts of the Mathematics in the Way now taught at Cambridge.*

But to proceed: there have been others, and now are, among your own members, and those, according to your own judgement, men of ingenuity, much commended for their knowledge both of Geometry and Algebra, who, though greatly admiring those branches of science, cannot in all things follow your method in teaching them. They do not object to teach-

ing Mathematics systematically; nay they think, that nothing should be taught in the way of a *course*, and in a systematic order, more than Mathematics, and according to some system approved of by the highest and most general opinion of learned men; at least till something better should be clearly discovered, as being ascertained and confirmed by them; but they fear, that every thing now received systematically is respected too superstitiously, while some things, perhaps, of happy invention, though in a somewhat different direction, are passed by without the slightest notice; well remembering how religiously the name, with every opinion, of Aristotle,—a name, within certain limits, still entitled to respect,—was looked up to both by Cantabrigians and Oxonians: these persons, with their admiration, mingling something of censure, and complaint, acknowledge Geometry to be the best teacher of Logic and the most safe guide in the pursuit of the sciences; and Algebra they readily acknowledge is a science remarkable for its perspicuity, and full of elegance: but they think, that as well in your explanations of the former as of the latter science, there is more obscurity in your academical books, than necessity requires, or than decency should permit; more uncertainty, than suits doctrines to be referred to the senses, and experience, or than is consistent with the subjects themselves, and with consequently less of pleasure accompanying them, than there ought to be, in things, which should allure and captivate the young mind. Add to this, that they think, the Mathematics, which you teach, attempts some things, which are not of its jurisdiction; such as what goes to explain the cause of motion and light; with certain other things, which relate to the heavenly bodies. Mathematical demonstrations on subjects which de-

pend on them they greatly approve, and religiously respect; but such things, they maintain, are beyond their power. Euclid and Newton they consider as almost divine men; but not so divine, as not to be liable to err; nor could they over either chant what some poet has over Homer:

Αστρα μεν ημαυρωσε, και ιερα κυκλα σεληνης.

Nor scarcely what another says:

Ει Θεος εστιν Ομηρος, εν αθανατοισι νεμεσθω·
Ει δ' αυ μη Θεος εστι, νομιζεσθω Θεος ειναι.

XXI. *The Writer's Apology for treating so freely on the Mathematics, and his Reasons for dwelling so long on Literary Subjects.*

But, while addressing Academics on such subjects, we wish the reader to understand, that we are not undertaking to enforce or recommend any thing for the *practical* observation of Mathematicians, nor even of young men, who may incline to Mathematical studies. Let every one attend to his own department: and us to what we deem ours. We have, indeed, in some sort assumed a character here, and spoken in the person as it were of some of your Mathematicians. This was all which we had in view; to make it appear, whatever some may think of pure Mathematics,—as it is called,—and of those who by their great devotedness to the study of it, abstract themselves from human affairs, that we hold Mathematicians in the greatest respect, and according to our sphere, Mathematics itself, as explaining and illustrating the works of nature, and as showing and demonstrating its laws and powers, and Physics, as that which assists and promotes the sciences derived from the senses and the

intellect; always keeping this in mind, that we are not in this place making a dissertation on Mathematics, nor entering into controversies with Mathematicians, but that every thing hitherto advanced by us about literature, has only, according to our own manner and distinct province, been treated of rather historically, or narratively, than scientifically or disputatiously.

And thus much for literary matters: and, to speak the truth, we have detained the reader so much the longer by our admiration of certain things which have preceded, in proportion as with some things, which follow, we are less pleased: not being altogether ignorant, that there have been persons who consider and describe as oppugners of the truth, and as the spoilers of the ingenuous arts, those, who on subjects not very certain entertain any doubts, or from subjects not very useful or agreeable make any detraction, confounding together the τα οντα and the τα μη οντα.

XXII. *On the Political or Œconomical State of our Universities.*

The subject which next offers itself to our consideration, is of that kind which is called *political* or *œconomical*, concerning which not many words will be looked for, perhaps, in this place, particularly, as in the Privileges of Cambridge, which this work contains, some things of this nature are exhibited much at length, and as it would be prudent—as some may think—to say here nothing at all, lest we should be thought desirous of fishing on the dry earth, or of hunting in the open sky, or of flying over the waves of a stormy sea. But, where our destinies seem to lead, we follow, and our mind seems scarce possessed of self-direction. For some Genius, either good or bad, as

heretofore, so again, now calls us forth, and Conscience, whether well-directed or phrenzy-stricken, urges us on.

But let that Genius dictate what it may, some distinctions should be made by us. We should guard against confounding inquirers with accusers, apologists with enemies, and friendly conferences with the animadversions of malignant censurers, or biting satirists. And why should we not? Who will accuse a person of things transacted many years before he was born? Posterity must be allowed to examine the acts and institutions of former ages, to compare them together, to weigh them well, and to deliver on them a free opinion, so it be with modesty, with justice, with benevolence, with humanity; but, as every man must be charged with his own faults, and his own virtues, so must every age: and as the people of the present times should form their judgement of those who went before, so should such as come after form their judgement of us. The law does its work, and in passing, often leaves some bad effects behind: but the ages which succeed may be upright and free from blame; and unless they refuse to remove the dirt and rubbish collected, to bring accusations against them would be a crime.

Nor are we altogether ignorant by what a chain men are accustomed to be holden to the schools and academies, where they passed their youthful days, where they cultivated useful learning, where they obtained flattering distinctions and proud honours; affections these, which are taught us by nature, are confirmed by experience, and cherished by contemplation: when such-like objects—as our early schools—are present to our sight, they are viewed with a pleasure, which partakes of gratitude; and, when they are absent, that remains; the love of

former times even glows to old age; and if we happen to visit such abodes, or only as from a distance to contemplate them, we are apt to express ourselves in the language of religious veneration;

"O! tu severi religio loci,
Quocunque gaudes nomine.—"

XXIII. *Men not to be blamed for examining ancient Institutions, or even their own particular Communities: and may censure defects in them, without disrespect to the members.*

But to what does all this declamation tend? To this: to make it appear, that with respect to these affections, though they are perhaps, in themselves, and to a certain extent honourable and pious, it would be rash to say of them, what the proverb says of that wayward, inconsiderate, Fugitive Boy, the Cupid of the Poets, viz: that "Love is blind," and that it is impossible to love and be wise.

Who of you does not recollect the manner in which Thucydides, the celebrated writer of the Peloponnesian War, conducted himself towards his fellow citizens, the Athenians? On comparing together the Speeches delivered by the ambassadors of the Coreyræans and Corinthians with those of the Athenians and Lacedæmonians, it will be clearly seen, that the Athenians themselves, seized with a too great lust of government, were the occasion of that most lamentable war, and that with them rested the blame of it: So it appeared to Thucydides: and the light of Truth, so resplendent in his history, made it "a perpetual inheritance,"—κτημα ες αει, to borrow his own phrase, —more than the profundity of its sentiments, and the eloquence of its language. Amidst such avowals can we suppose, that the same Thucydides did not love the Athenians?

On the contrary, of Athens he seems to have made his boast, and to have forestalled something of glory by prefixing the name of Athenian to his Work, his History beginning thus—"Thucydides the Athenian wrote this history of the Peloponnesian war;" and in that admirable Funeral Oration, which the said historian puts into the mouth of Pericles, when writing in form, and order, he says every thing agreeable, every thing liberal, every thing benevolent, of Athens.

On the other hand, Dionysius of Halicarnassus, being a Rhetorician, no less than an Historian, even censured Thucydides, because he rather blamed than praised, the Athenians, because he did not tickle their ears with enticing words, and because he thereby had not consulted the true grace of history: as though an historian did not belong to mankind at large rather than to any particular city, or had a province distinct from the delivering of the truth. On this stupid, arrogant censure of Dionysius our Hobbes of Malmesbury has delivered the most merited castigation, and has, in a manner, lashed him almost to death.

As to these our literary academias, will any one deny, that Francis Lord Bacon, a man, who for soundness of judgment was almost without compare, possessed for them a very great love? Yet did he in all the Universities of Europe existing in his time, our own, as well as foreign, point out many defects and wants. Will any one say, that by Erasmus, who courted and visited our English Universities, no less than those on the Continent; who by his genius, his eloquence, and his learning, in a great measure put their barbarism to flight; who, though a foreigner, was honourably adopted by Cambridge as a sort of Fellow and Professor; will any one say, that such seats of literature were not contemplated by him with feel-

ings of due respect? Yet did this same Erasmus seriously deplore, and even bitterly attack, certain evils, which were too common among them.

And, to come nearer our own times, who will suspect, that Mr. Robert Tyrwhitt and Dr. John Jebb, with that most respectable assemblage of Academics residing at Cambridge in their time, and petitioning for the removal of Subscriptions to Articles of Faith, at the time of taking Degrees, did not venerate their *Alma Mater*, and greatly desire to see her in a sound and flourishing condition? Or Mr. Wm. Whiston and Mr. Wm. Frend, notwithstanding the serious contests which they had with the Members of the University?

And who can for a moment suppose, that Mr. Locke, and Dr. Richard Newton, and Dr. Vicesimus Knox, with many others, had not the same feelings and the same sentiments towards their *Alma Mater* of Oxford? Yet did Locke—for to say nothing of the severe things advanced by others, Locke shall speak for the rest—after considering some happy occurrences in his time, under the Revolution of 1688, openly and honestly avow to King William, "If your Majesty does not reform the Universities, every thing will go back again."

Did not all these distinguished men possess a high love for literature? Who, indeed, doubts it? Nay, further, if we mistake not, they complimented and congratulated themselves with the *name of Academic*; and, in proportion as their love of science was more ardent, the greater was their desire to see the seats consecrated to it as perfect as possible. And, indeed, many things which they wished to be corrected, have been amended and carried to some height of improvement. You, too, have lived to see the fruits of their labours, and the sight has rejoiced you. Such men will live in your affections; they will live

again, as it were, in the memory of future ages ; they will flourish in the recollections and congratulations of all good men ; they will be ever present with you as witnesses to the truth, as examples of virtue ; they will, at the same time, excite a good hope, that if other such men, in the lapse of years, should arise, they will not be considered as opposers of literature, or as enemies to good order.

XXIV. *Opinions of certain Persons on the Political Character of our Universities.*

But to return to our point. To any of you, Academics, who may have seriously considered this subject, the Privileges of Cambridge, and to any others, who having no interest in them, may only cursorily look into them, it will, perhaps, appear, that what we call the *political* or *œconomical* History of Cambridge, is not only of some length, but involved in considerable difficulties ; and that a thorough examination, or, indeed, a bare enumeration of its several parts is beyond our reach : though, indeed, what our powers, or our sentiments may be, is of no great consequence : for we are going to deliver more generally the sentiments of others.

In the first place, then, it does not escape you, that Hobbes of Malmesbury, with others, used to assert, that what we call Universities had their origin and derived all their authority from the sacerdotal power of the Popes, being founded at first, so they thought, as castellated towers for the protection and defence of the Romish Church ; nor, that some others,—of the Catholic faith,—long entertained an opinion, that our English Universities would return to the same government and discipline, from which, under the pretext of reformation, they had departed. Of the latter

number, if we are not mistaken, was our Hare, the compiler of these *Privileges:* so we conjecture from the manner in which he begins, as ye have seen, his Register, "To the honour and glory of Almighty God, our Lord Jesus Christ, the Saviour of the world, and of his glorious and most blessed Mother, the Virgin Mary, and of the Saints in heaven, I, Robert Hare, Esq. dedicate this book of Privileges, and other matters relating to the generous and immaculate University." We infer this, from the zeal which he discovered in this work: it was, indeed, no light undertaking, yet he engaged in it without any fee or reward, except the thanks of the two Universities; for he compiled the Privileges of Oxford on the same scale: and in a book, which lies in MS.—in our possession—written with great study, about the time of Hare,—as is clear from the hand-writing,—the anonymous author so expresses himself that he cannot be misunderstood: full of confidence, that the Romish faith and ancient manners would be restored to England, he lays down and describes, with great effort and much thought, the laws and customs, which would prevail, both in the government of the state and of the Universities, under that imaginary *restoration*.

XXV. *A different Statement made of the Political Character of our Universities.*

But, in strict truth, we cannot agree with Hobbes, and some others, in every particular on this subject; but rather with Crevier, the Historian of the University of Paris: for on considering the ancient history of Universities generally, and, more particularly, the Privileges and earliest Charters of our own,—whether they are forged or genuine, on which we are not inquiring in this place,—they seem to hold out, that

they were first derived rather from kings than popes, and afterwards were made the occasion or pretext for obtaining others. Perhaps, the true opinion is, that kings and popes held communications with each other on the subject, each giving, and, as it were, intermingling, his distinct authority, as the greatness of the occasion required ; kings giving charters and endowments, with the power of holding in mortmain ; the popes confirming them, and granting what are called Bulls, by their sacerdotal authority. With respect to those, who think, that these academical establishments will return again to the Catholic party, few, probably, will come to the same conclusions with them, if they consider, how things were settled from the beginning of the Reformation ; and, indeed, if the unsettled state of things for some time led any to form too great expectations of this kind, they soon vanished into air : and the spirit and temper of the present age, as well as what is called the British Constitution, as fixed and confirmed under King William, has now left such an occurrence not only improbable, but next to impossible.

But, if the foundations of Universities are in some degree concealed, the heights which they have reached are easily seen, their manners and customs are known to all ; for it is clear, that these literary institutions were much subjected to the papal See,—so great authority had the religion of our ancestors,—that papal charters—bulls—were thence given, that liberties and indulgences were thence dispensed ; and, as the other universities of Europe had been bound by the double knot of civil and ecclesiastical authority to the pontifical chair, so also were, in some measure, the courts of the University of Cambridge ; for though the royal was the supreme law, still the civil law pos-

sessed its authority there, and the Roman See retained the power of imposing its constitutions and scholastic decretals.

XXVI. *Our University-courts regulated more according to the Forms of the Civil Law, than of the Common Law of England.*

Such an administration of the affairs of the University,—by its civil law proceedings,—has to various been displeasing; not because they denied, that many of the principles, reasons, and grounds of the civil law were, in sundry respects, clear, depending on general arguments, and worthy of constituting, as they do, a great part of the law of nations, nor that it is often written with elegance, nor that as a code it is often humane and stored with a variety of learning, nor that its study and proceedings have wonderfully engaged the nations of modern Europe; but because they were not pleased, that the *forms* and *proceedings* of our common law, of the law of the land, which our great Charter and the British Constitution favour before all others, should give place, in our academical courts, to the forms and proceedings of the civil law; which being formed into a body, at a time, when the Romans had passed under the yoke of slavery, are less favourable to the cause of freedom: for as time, in his course, often consumes what we could wish to abide, so also do certain forms of our law-courts, some of the best principles of the laws themselves.

XXVI. *Difference between the Civil and Common Law.*

On the nature and principles of the civil law, several authors of distinguished learning among your own members have, as you well know, written at large;

and on their steps it is not necessary to press too closely in the present place. Suffice it just to hint, that the further the forms and proceedings of the civil law recede from those of the common law of England, —and they do very much,—so much the greater praise, on weighing the pretensions of each in an equal scale, have the latter obtained, and merited, over the former;—an observation, however, this, which relates principally to the forms and proceedings in our courts, rather than to many of the English laws themselves, which are, in truth, bad enough. This has been shewn by many Academics, particularly, in former times, by an honest man, Lord Chancellor Fortescue, and not long since elegantly, and from British history, by Bishop Hurd, formerly of Cambridge. These writers have made it appear, that the English laws have been kept clear of the impure mixtures of the canon and Cæsarean laws, and that of our more ancient English kings,—as well as of the Tudor family, and that of the Stuart line—those who inclined the most solemnly to despotic power, did in proportion favour more earnestly the civil law; and, in short, that the civil law itself is at variance with those liberties, wont to be claimed, according to their constitution, by Britons: and, hence it was, that, in reference to the introduction of the civil law, our ancient barons, with one heart, and one voice, shouted "*Nolumus leges Angliæ mutari.*"

But, not to seem,—if we may borrow the language of Persius,—to have been dreaming too much on this two-crowned eminence—the ~~canon~~ common and civil law,—or at least, not to appear to make a boast of having dreamt there, we shall but notice here a single circumstance, which is this, that according to the civil law, "the will of the prince gives being and force to law;" a dictum, which was always grating to the ears

of Britons; "for" to borrow Judge Fortescue's words, "the statutes of England cannot be made in that manner, they not being passed at the will of the prince, but by the consent of the whole nation."

Influenced by these, and other considerations of a kind similar to these, there have been some persons among your own members, and others, who were not members, but who have, perhaps, voluntarily separated from your community, or been directly expelled from it, who have thought, that some things called Privileges of Cambridge, are, with respect to them, and others, no privileges at all; and that, with respect to yourselves, they are dangerous ones, δωρα αδωρα. Recollecting these things, and, to speak the truth, not differing from them very widely in opinion, we were desirous of searching into the very marrow, as it were, of truth, on this subject; at the same time to assure ourselves, in what such a state of things had its origin; and, beginning in principles and facts, to make the whole business pass before our own eyes, and before the eyes of others, who, if there should be any such, might entertain opinions on these matters not dissimilar to our own.

XXVIII. *Incidental Allusions to certain Statutes, and some other Matters of University-Regimen, and to Controversies relating to them.*

While we were revolving these things in our mind, the case seemed brought to this issue. The polity of our Universities is, in some respects, of a nature peculiar to itself, and, indeed, possesses more of law than pproerly belongs to places of literature. But, as we have University courts, it is to be lamented, that, in the constitution of them, the foundation was not laid rather in the principles and forms of the mu-

nicipal law of England, than in those of the Roman civil law. The heights to which these institutions have risen, would thereby have exhibited an aspect to our manners more appropriate, and shone with greater lustre; the more pleasing to the eyes of Britons generally, as more resembling the constitution of our civil state; they would have been less subject to the cavils and complaints of opposers; would have stood in less need of the flatteries of Academics, because commended and admired, and worthy of being commended and admired, by the prompt assent and cheerful suffrage of all good citizens: the dissensions and contentions, often amounting to warfare, which so abounded in the early part of the history of our University, would not have taken place; the rights of our Cambridge magistrates could not have been invaded; the liberties of Academics would not have been violated; the consciences of students and graduates would have been left unshackled; for it was on the authority of a civil law principle, that certain serious impositions were introduced: all things, perhaps, to say much in few words, would have redounded more to the glory and felicity of our University, as they certainly would to the true interest and sensible gratification of the British State.

But, although such-like matters are now only incidentally mentioned, it may be proper here to add, that as various objections have been made to our civil and canon law polity, so also serious controversies have followed relating to them, and other matters rising out of them; while some have objected, that what time has antiquated should be seasonably examined, and openly abolished. Such-like controversies have been raised, with others of a more literary, academical nature; and these latter have been carried

on with better effect. Others, again, were of opinion,—as most thinking men still are,—that certain matters were of too ecclesiastical a cast for academical students, and were too much pervaded by the spirit of the civil law to be acceptable to the true-born Briton: and on these latter so unfortunate circumstances has arisen what we feel more immediately as our own primary concern, and we might add, personal, were it not at the same time a general, grievance.

Yes! these matters last alluded to—we allude to our subscriptions to thirty-nine Articles of Faith,—to many persons engaged in controversies, have appeared the great evil in our present system, though they may wish to be of the number rather of those, who do not forget their own errors, than of those, who are for accusing and condemning others. We are the creatures of circumstances; and as different men's minds become, by their different course of education, their settled habits, their distinct studies, and personal connexions, differently constituted, they will form different associations in their ideas, receive a different bias in their actions, and a different rule for their consciences: and, as every man's mind is, as we say, himself, so must "every man be fully persuaded in his own mind." And, if "it is not in man that walketh to direct his own steps," still less can he the minds, the actions, and the consciences, of others.

And here a controversy may be conceived to be started by some persons, relative to the light in which the violators of certain statutes are to be considered: to which the reply has been ready; that the vice-chancellor at the end of the term, by virtue of his official and ecclesiastical office, has the power of absolving,—as he does,—at the end of the term, the violators of certain statutes; that some royal orders and

acts of the senate are somewhat mitigated by the decrees of the masters ; that to a principle of civil law is allowed all its force, " that what for many years is not acted upon is rendered obsolete ;" and that in our Colleges, as well as in our Universities, " what the universal consent of those societies allows to fall into disuse, is assigned to oblivion."

These are understood to be among the privileges of Academics. Although, therefore, certain objectors just alluded to, may not cordially congratulate them on such privileges, they must not hastily, and in the gross, condemn them. Willing, however, as they may be, to enlarge their own views on this subject, and to stretch their candour to the utmost point, it must still be felt, that an apology for men, acting under given circumstances, implies no defence of the erroneous systems, no approbation of the established forms, which govern them. It is the want of timely, salutary reforms, which gives occasion for temporary expedients ; and it might be devoutly wished, that the discipline of an enlightened body did not require them. At all events, no apology can be intended for the continuation of a practice—our subscriptions to the thirty-nine Articles of the Church of England, —which as it will be hereafter made the ground of a distinct, often-repeated, long-continued complaint, so will it be accompanied with the protests of many excellent and learned men.

XXIX. *Further Considerations on the Civil Law, in the Polity of the University.*

These allusions are, however, many of them, premature ; but the subjects appeared of a nature so serious, as to justify a few aberrations. Readers will, therefore, please to consider them as a parenthesis.

Our present business is with the civil law *in relation to our Universities*: and how much their œconomy breathes of the spirit of that law, what has already been said, will shew; what will hereafter follow, will explain more clearly: it will likewise more fully shew the constitution and political state of our Universities.

Here might be taken into consideration the Exordium of Queen Elizabeth's Statutes, which how much it is both in form and principles after the manner of Justinian's exordium to the Institutes, has been hinted elsewhere. It was enough for her Majesty to say, "mandatum necessitatem facit," and the whole was settled, the whole of the polity, discipline, and literature, of the University, fixed by royal authority. The same view is to be taken of King James's Letters and Orders imposing subscriptions, which, though delivered with a semblance of courtesy, possessed enough of the style imperatorial to demonstrate, and they were given, that Academics might understand,—to use his own words on another occasion,—"what a king could do in the plenitude of his power."*

XXX. *On the Senate and Caput.*

We now turn, and with all due respect, to the Academical Senate.

There are those who are in the habit of admiring this Academical Senate, which, consisting of two houses

* While this sheet was in the press, two or three pages of the writer's copy were mislaid. As they contained matter adapted to this place, particularly the testimonies of Lord Coke, Judge Hales, and Judge Blackstone against the civil law polity of our Universities, they will be given at the end of this pamphlet. In the mean time, see the Introduction to Blackstone's Commentaries.

of regents and non-regents, with a chancellor or vice-chancellor conjoined to them, resembles, as they think, the British Senate, composed, in like manner, of two houses of nobles and commons, with a king as supreme; and hence it is, perhaps, that some accustom themselves to call our University, a Literary Republic.

In the mean time there may be others, who equally respect this Academical Senate, according to its proper dignity, and even admire it, yet can they not, should they ever so much wish, admire every thing belonging to it. For example, the Caput of Five,—as it is called,—consisting of one doctor in theology, one in law, one in physic, one non-regent, and one regent, together with the vice-chancellor, they cannot altogether approve. Considering them, indeed, as representatives of the different faculties and ranks, of which the Senate, in the aggregate, is composed, we, perhaps, may view them in their proper office, as the guardians of the privileges of each, as the watchmen, "ne quid detrimenti respublica capiat." But, in asserting their peculiar privileges, what does this Caput of Five, in fact, assert? Thus runs the statute: "These have the authority in every Senate, and in every congregation, to determine with respect to the reception of all petitions before they can be brought before the whole body of the Senate;" so that those Graces only can be approved, and proposed to the regents and non-regents, which these five all give their consent to, and no other; "and if any thing is prayed, or granted, which is not first approved by their judgement and assent, it is null and of no authority, unless it is otherwise provided for by our statutes."

From these premises we perceive, that this Caput is what the Grammarians call "the Verb," wherein lies, as they say, the whole power of speech, and with-

out which no sentence can be formed: for, if the assent of each of the Caput is not granted, whatever may be supplicated, it is all over with the Grace; the congregation is in vain; there can be nothing moved, nothing done. What British senators would approve such a power; which, if a similar one was lodged in four or five of their own members, might destroy all their authority? Who could be in love with that excess of prerogative, which would go to overthrow entirely his own liberty? What senator, in his individual character, either of the House of Lords or Commons, could extol a council of five, when a single one of them could reduce the whole Senate to nothing; not, indeed, by retarding the body, when in motion, but, what is more, by preventing it from beginning to move, and suppressing it altogether?

Let us not wonder, if there have been, in this Senate of most learned and respectable men, those who have considered this Caput, thus acting, as no natural part of their body, but rather as what is called an excrescence, swelling and puffy, rather than beautiful, hostile to the liberty of the Academical Senate, so perfectly hostile to our notions of liberty, that in the British Senate there is nothing which is like it—*nihil simile, aut secundum.*

In the Senate of the British republic each legislator claims his peculiar and distinct right of moving, of proposing, of bringing in bills; the Senate, in its congregational capacity, the right of deliberating and consulting in common, as becomes legislators, about to act for the good of the State. If they choose out of their own body to form a committee, they can do so: but for what purpose should they constitute one? Think you, that it would be with a view that such committee should be authorized to determine whe-

ther any of them should have the privilege of making, or of not making a motion, of deliberating, or of not deliberating, of resolving, or of not resolving? This, assuredly, would ill comport with their dignity. What is, then, the office of such committee? To make inquiry into all things which relate to the subject under consideration, to bring forward any facts, with which they may be well acquainted themselves, to give an account of what they may have learned from others, to compare together the result, and, after thoroughly sifting the whole matter, to submit it, in its complete form, and the utmost perspicuity, to the House, whether of Lords or Commons. What next? The House itself forms its own judgement: and, should the business proceed and terminate otherwise, the privileges of the British Senate would scarcely be reckoned among its ADMIRANDA!

And, in truth, these things, at the very outset, wear an ill-omened aspect. For, what shall we say? Nay, rather, what have not many of the Senate said? What if the whole Caput were possessed of integrity? May it not err in judgement? Is all wisdom lodged in this Caput of Five? Is there none in the Senate, in its aggregate capacity? What now if, one of the Caput only prove corrupt? Would he not perplex and confound all his assessors? Their councils, though the very best, would he not lay prostrate? Will men, so prone to be too partial to themselves and friends, always consult for the good of others? May they not be apt to prefer the interest and glory of their own Colleges to the honest counsels and just expectations, though they were even of the great majority, of the Senate? May they not consult the order of the prince, or the beck and wish of the prime minister for the time being, before the honour of the University, the interest of sound learning, or

even the increase of virtue and religion? There are, we well enough know, those, who think, that this very Caput may become the vortex, in which the most desirable privileges of the University may be greatly endangered, and even quite absorbed.

It is not necessary to bring forward examples of the exercise of this power before Academics. They appear in due course in the public business of the Senate: and it is matter of grief, and a trial of patience, that hence have sometimes arisen obstructions, which have prevented some very serious and learned men from offering their opinions to the Senate, and debarred them from an opportunity of giving their suffrages according to their consciences, and on subjects, perhaps, of the greatest consequence, relating either to the progress of literature, or the institution of youth, or the purity of morals and true piety. With whatever meditations they have delighted themselves at home, with whatever good counsels they came stored into the Senate, they obtained nothing of their end, although it was well-known to them, that the greater part of the Senate was favourable to their honest endeavours: and thence it came to pass, that, though they felt the grievance, they endured it; much displeased, that no way was left open to their virtuous exertions; but, at the same time, unwilling to lose their labour and study, they gave up the cause, and became silent.—And thus far of the Senate and Caput.

XXXI. *On Subscription to the Thirty-nine Articles.*

Concerning those topics, to which some allusions have already been made, and in the continuation of this discourse, some further inquiries remain to be

gone into, and which we call *political* and œconomical, the matter is various, put together at different times, and to be defended or opposed, should any one choose to defend or oppose them, by different reasons and arguments: part of them is plainly of a higher age, which prudent men, through modesty might not venture to engage, nay, to which, for their antiquity, they may think some respect is due. The other part is manifestly of a later period, which these same wise and liberal-minded men may not think of great value, but rather a great loss, ruinous props, or base contaminated vessels, or as the *dii fictiles* of the place, which, although placed in golden temples, ought to be unbound, pulled asunder, and with our utmost strength to be destroyed.

This, then, we wish to be understood of those subscriptions to certain political, metaphysical, and theological dogmas, about which have arisen—as is customary on obscure and important points—long controversies among learned and pious men, vague doubts, wide differences, and subtle distinctions of opinions. But for the truth and authority of these points, all of you must be bound by the solemn obligation of an oath, whether young students taking the first degree of honour, or advancing to the higher distinctions. Indeed, subscription is twice required, if the same graduate be elected a Fellow of any of the colleges. And for the degree of Bachelor in Divinity, or of Doctor in any faculty, subscription is likewise repeated. All these subscriptions we owe to the Letters of King James to the University, containing the directions delivered some of them "first with his own mouth, then with his own hand."

With what term shall we designate such subscriptions? What opinion have men of high consideration

held of them? Why, they style these attempts *innovations*. They drew their first origin—so, as we remember, they used to declare, and, as it appears from these Privileges, rightly—not from the ancient statutes of our founders, not from the legislative authority of the realm, nay not even from the public decision and sanction of the Academic Senate, but, as appears from what has been stated above, from the royal pleasure merely, from the mandate, as we before stated, of James, the *tyrant* of England—which term, however, we do not wish to be received in its modern sense, with a notion of *cruelty* attached to it, but as the τυραννος of the ancient Greeks, for a *sovereign;* yet, at the same time, it seems more applicable here, as James, and also all the Stuarts, and the Tudors before them, deserting the usages of Britons, and imitating the Roman Emperors,—when the liberty of the Romans was destroyed,—set up their own arbitrary decision in place of the law in matters both civil and ecclesiastical:

"Hoc volo, sic statuo, stet pro ratione voluntas."

And hence those calamities which oppressed and overwhelmed two of James's successors, Charles the first and James the second.

XXXII. *A Comparison made between the modern and ancient Subscriptions and Oaths.*

Those famous Royal Letters, and Three Articles*,

* As, however, this Address in its present form may be read by some, who are less conversant with these matters, or may not have so ready and easy means of reference, it has been deemed advisable to add the Three Articles here:

I. "That the King's majesty, under God, is the only supreme Governor of the realm, and all other his Highness's dominions and countries, as well in spiritual or ecclesiastical things or causes, as temporal, and that no foreign prince, person, prelate, or potentate,

it is unnecessary here to set before you, gentlemen of the University; they are well known to you: there is not *much* of them, as you well know, but they embrace *many* points; inasmuch as they contain not only the oaths of Supremacy and Abjuration, but require an approbation of all matters included in the Church-of-England Liturgy, and an assent to the 39 articles (of 1562,) as in all points agreeable to the word of God. The Royal Letters, as we have said, appear in this work; and, that we may have the king's three *darling* Articles *always* in view, they are set forth in our Excerpta from the Cambridge Statutes.

But, not to lay ourselves open to an accusation of rash assurance, and lest the inexperienced in these matters should think that we indulge in empty declamation, and speak not soberly, it will not be foreign to the purpose to take a review of the Letters of James, and the Three Articles, and search into the *ancient* customs of our *Alma Mater*; that, on a comparison of the more recent with the most ancient, it may

hath, or ought to have, any jurisdiction, ecclesiastical or spiritual, within his majesty's said realms, dominions, and countries.

II. That the book of Common-Prayer, and of ordering of Bishops, Priests, and Deacons, containeth nothing in it contrary to the word of God; and that it may lawfully be used; and that he himself will use the form in the said book prescribed in public prayer, and administration of the sacraments, and no other.

III. That he alloweth the book of articles, agreed upon by the archbishops and bishops of both provinces, and the whole clergy in the convocation, holden at London in the year 1562; and that he acknowledgeth all and every the articles therein contained (being in number 39, besides the ratification) to be agreeable to the word of God.

We whose names are underwritten do willingly and *ex animo* subscribe to the three articles before mentioned, and to all things in them contained.

Excerp. e Stat. Acad. Cantab. p. 35.

clearly appear how the matter stands. Refer, then, if you please, to those documents of James's; and do not take it amiss, that we have published the ancient statutes which bear on the point. They stand thus:

Of oaths of Scholars on first coming to college, Stat. 114. "They shall take an oath of all and each of the scholars of the age of fourteen years, and upwards, within the term of their coming to the University, viz. *to yield obedience to the Chancellor* *.

From inceptors no subscription to articles of faith used to be required. The ancient statute runs thus: A Statute on the presentation of Bachelors reading in Civil and Canon law:—"They shall be presented to the Proctors, who shall forthwith take of the same their corporal oath, that they will read and continue the same reading according to established custom."

Respecting degrees in general, the ancient Stat. 27 runs thus:—"Be it ordained that no one hereafter in this University be admitted to any degree, unless on his admission he be willing besides to swear, that he will be obedient to the Chancellor of this University, for the time being, and to the Vice-Chancellor, so long as he shall abide in the same."

Nor, indeed, from any officer whatever was any other oath required except that which regarded the faithful discharge of his office; as follows:

"In admission to any office whatever we decree, moreover, and ordain, that no privileged person hereafter be admitted to any office in this University, unless previously to his admission he shall, before the Chancellor, or the Vice-Chancellor, and Heads of the University, take oath to this effect, that he will faithfully

* It is grievous to say, that at Oxford subscription to the thirty-nine Articles is even now required of under-graduates.

execute that office, and will fulfil all matters appertaining to such an office effectually and without fraud."

Such were the proceedings of our ancestors.—But as far as regards modern practice, doubtless, you will say, that we are beside the mark a little, making statements which are not strictly accordant with downright truth. And we admit this. A young man, indeed, on taking his first degree at Cambridge is now-a-days only required to subscribe himself a *bonâ fide* member of the Church of England. This was from the indulgent concession of the Academic Senate: and, as some think, the Senate has thereby done all that it could do, and that what it has done is sufficient.

But to this what do very many rejoin? They urge, —and we confess that they draw us over to their opinion,—that this indulgence savours more of an illusion than of liberality, more of prudence than of mildness, more of wantonness and trickery than of real justice,— that it is, indeed, according to the common saying, a mere distinction without a difference.

Why, Are not all *in statu pupillari*—as they are wont to put the question—required to use according to custom the forms, and creeds, and prayers of the Church of England? Are they not bound to receive the Lord's Supper according to the rites of administering it in the Church of England? And he who subscribes, that he is *bonâ fide* a member of the Church of England, what else does he subscribe—only more fully—but that on what as a mere youth he professed, he is now of an age competent to give his judgement; that he now *in foro conscientiæ* believes, and in sincere faith professes it? To be "*bonâ fide* member of a church" signifies the same thing as if a person should say, that he entirely receives all the

dogmas of that Church, and approves with his whole heart its discipline and authority: so that what he there somewhat covertly acknowledges is in fact the same as what, on advancing to a higher degree, he is understood more clearly and openly for himself to declare of the three before mentioned Articles of James;—though what before he had by a sort of shorthand only hinted, he then brings out with a bolder shading and a firmer outline. Add to this, that each and all of the Thirty-nine Articles are then to be subscribed in the *literal* and *grammatical* meaning.

So much for these matters. We hope, that it has been gathered from these observations, that it does not discuss the question with reference to those who are about taking clerical orders: another species of argument should be used in that case. We do not meddle, in the smallest degree, with sacred matters: let those engage in affairs of the church, whose concern it is. This little discourse is wholly concerned with the Universities. Nor let any one inquire of us how all this can be? by what arts and arguments can a young man, employed in other studies from his boyhood to youth, and for the three preceding years with you; pursuing his own or following the pleasures of others, or however else engaged, very little devoted to theological learning; how he can become so skilled, so ready, so religious, so expert in unravelling minute theological points, that of a sudden he should start forth, as if he were fit to wield the sceptre in the realms of Theology? It is not for us to resolve these questions; but rather to propose another, more simple, but at the same time more serious: Upon what authority are these restrictions imposed? A question to which we fear that Hooker himself, of power-

ful judgement, or the great Warburton, or the ingenious Paley, could not have given a direct, satisfactory answer.

We, on our part, find an abundant supply of materials, as well in the nature of the subject itself, as in the reasonings and arguments of others, not silly upstarts, not worthless fellows and rash disturbers, taken at random and zealously pressed into the cause; but those who rank amongst the learned and most weighty, the warmest lovers of peace and religion: these men seem to stand by us, and voluntarily lend us their friendly aid. Furnished with the arguments, and encouraged by the authority, of such men, we seem to obtrude nothing from our own scanty stock, but to derive all from their abundant stores, to draw from the fountain of their pure consciences. And thus, indeed, near forty years ago, in the days of our youth, did we act with these gentlemen of your University. And truly we ought to thank Almighty God, that we made those efforts, with whatever success, at that turn of life, when the conscience is usually more tender, the mind less engaged by worldly considerations, and, if it be worse furnished with experience and example, is more stubborn in its purpose, and not easily shaken and turned from its object. Again, then, we maintain, that these Subscriptions are neither "Consistent with the Natural Rights of Mankind, nor with the Powers of the Human Mind, nor with the Principles of the British Constitution, nor with the Precepts and Doctrines of Christianity" *.

What is strange is often true. To one who recalls ancient practices to mind—of these we have given examples,—it will appear, that these academic stipulations, which are called Subscriptions, were the

* The title of a book first published in 1789: 2nd edition in 1792.

more wisely settled by our ancestors, the more simple they were in their matter; and, when they were less joined and connected with things not generally pertaining to arts and faculties. In every thing there is some natural peculiarity, some particular relation, to which appropriate arguments and counsels are to be applied: and it were very much to be wished, that, when any change in customs or manners took place, on such occasions a salutary advance had been made, and that admirable course to all excellence pursued, which we are used to style a Reformation—or, if you like, a disunion from the sacerdotal dominion of the Pope—and an appropinquation to that true Republic of letters, civil, general, and national, about which we perceive that some amongst us make no little bustle. But what is the case? On a close inspection we fear, that in some of our movements we shall plainly seem to have retrograded, or to have turned from bad to worse; as though the Reformation looked more at Property than at Religion. Erasmus was accustomed to complain, that oaths among the Christians of his time were more rigorous, more abundant, and, at the same time, treated with more levity, than among the Heathens, and that those who took up the profession of the seven liberal arts unbecomingly, swore rather according to custom than according to conscience: and, in his reproof and condemnation of these tricks he speaks at some length. What would he have said, had he seen them grow more abundant in our Protestant Universities, than they were in the Catholic ones of his time! What if he had minutely dissected our Subscriptions, and had weighed them according to each proposition sworn to, with his peculiar sagacity! Who would not wonder, that our University, at the time when it was more ecclesiastical, nay Popish, was more

liberal and more civil; and, when it became less ecclesiastical, became less civil and less liberal! The change in ancient practices, in this point of discipline, is to be regretted. For though, we admit, that alert driver, the Pope, always kept the reins in his own hands, still he slackened them as he went over this ground. Might not our *Alma Mater*, in the presence, as she was, of men well versed in our laws and institutions, have justly answered to King James, attended by his counsellors and flatterers, and offering his dearly beloved Articles with his own hand,

"Moribus antiquis stet res Romana!"

Might she not, proudly conscious of some of her customs, have indignantly exclaimed for herself and her sons: "We are unwilling that the Laws of the University should be changed?"

XXXIII. *The University not an Ecclesiastical, but a Lay, Corporation.*

In addition, it must be observed, that our University, according to modern opinion, is lay and civil, not ecclesiastical. Nor may it be said of this opinion, that it is unsound—*tinnit; inane est*. This is no assertion of ours: the thing is perfectly clear, and openly declared in the King's Courts. The words of a writer, who at Oxford itself delivered publicly many very excellent observations on the English Universities, strongly bear on this point: "All these corporations—Colleges,"—says Blackstone (i. 18.), "are, strictly speaking, lay, and not ecclesiastical, even though composed sometimes of ecclesiastical persons only." The same will apply more strongly to our Universities, which are nothing more than a union of colleges. Chief Justice Mansfield makes use of nearly the same words.

This being the case, why should we force young stu-

dents, being laymen, and literary associates, to act as if they were ecclesiastics? It is nearly the same as to require of those who apply to be admitted members of the Academy of Painting, to play an air on the harp, or of the Antiquarian to cut a caper, or of the Theologian to turn an epigram. Let Pythagoras remind those who were going to enter his mathematical school of the principles of Geometry by his motto:

Ουδεις αγεωμετρητος εισιτω.

The inscription in that case was properly characteristic, and placed as a warning; but such exclusion is improper in the instance before us. Some Democritus, if he wished to make us laugh, might commend us to the Montpelier College of Physicians, where the students, as we have read, used to be required to declare that they had not been artisans, and to bastardize themselves. But in this business we must act gravely, well knowing what many of the wisest among you, what all belonging to foreign Universities have thought of these Subscriptions—that they are a sort of monster,—the "man's head upon a horse's neck," of Horace,—well worthy of being ranked among nature's prodigies.

XXXIV. *Comparison between modern English Universities, Foreign Universities, and ancient Academies, with respect to Tests—Oaths.*

It appears, then, from our ancient Statutes,—nor does any thing in these Privileges make against it,—that particoloured, and alien subscriptions were not imposed by our ancestors. Such was formerly the condition in which our *Alma Mater* stood, as yet a stranger to these oppressive burthens. Those who have toiled in the vineyard here, laborious workmen,

and well experienced in University matters, after having radically searched all things which bear on this point, and minutely, as one may say, dissected and examined them, seem to have found out and brought to light nothing which countenances this rule of discipline. Without doubt it is clear enough, that our Universities had particular powers vested in them, to quiet, put down, punish, and expel, the contumacious and rebellious; but in our search for truth among these theologico-literary thickets, we could not find, that they exercised the pitiful casuistry, of imposing articles of this sort, or had a sophistical and cabalistical power to condemn as aliens, and eject from their society, such members as refused to sign them. The Christian world contentedly, perhaps, and too carelessly, slumbered at ease on the infallibility of the church; and before any one was admitted into the priesthood, he would be examined on various points as to life and doctrine; indeed, a student in Theology would have entered on a particular course of study, as with us; all which is, perhaps, reasonable and natural, as in that case his views were directed to the church.

For the regimen and modes of foreign Universities, we instance the French, German, Italian; and it may be allowable to adduce the Spanish also. Each of these was termed a general place of study, of which, as it seems, the Parisian was the most ancient. With some pride on this score, its learned historians Duboullai and Crevier give their testimony, that this was a national University, and that privileges of the Faculties, as they are called,— namely, Theology, Law, and Physic,—were less ancient than of *Arts* and *Nations* (so styled), that is, collegiate assemblies from different provinces. And among these you may look in vain for such-like sacerdotal and imperative stipu-

lations, and privileges granted on conditions of subscription.

The same account is given of the University of Vienna, which was styled "the Archigymnasium of all Germany, the mother and nurse of the most excellent learning and knowledge," by far the chief of the other Universities of that age. On the plan of the Parisian, it had its four Nations, of Austria, the district of the Rhine, Hungary, and Saxony; each choosing its own Proctors, and voting according to the rank of the Faculties. We have heard similar accounts of Cologne, the Athens of Germany, the *Colonia Agrippinensis*, where at a remote period—in 1388,—a University was erected, "for the common good," formed on the same rules, and endowed with the same rights and privileges, as that of Paris. In like manner, as it appears, the Italian Universities, of Pisa, Bologna, Padua, and Sienna, were founded. On the same plan also were the Spanish, at Salamanca, Seville, and elsewhere, called *Collegios mayores*. They were, we confess, afterwards wretchedly subjected to the power of the Inquisition; their books were exposed to the *Index Expurgatorius*; and the Universities themselves, as those before mentioned, yielded obedience to the decretals and bulls of the Roman Pontiff. The nation was one, and, as it now is, Catholic; very different from ours, in its present state, which has been most justly styled by Voltaire a Nation of Sects.

But, however these evils might exist,—and evils most certainly they were,—they were ecclesiastical, and not academical:—and even we have had our Inquisitions for heresy, Courts of High Commission, and Star-Chambers, which have nothing to do with our present question. For unless it appears, that in entering upon, and proceeding, in degrees, and undertak-

ing professorships, other exercises, other requisitions, other oaths were proposed enjoining what was not exclusively proper to each,—as arts to the graduate in arts, laws to the lawyer, medicine to the physician, theology to the theologian,—if this does not plainly appear, the question falls to the ground, and our argument prevails.

That those matters at the commencement were so laid down as we have said, is confirmed by what afterwards ensued in foreign Universities, and was made known to all. Cardinal Bentivoglio describes the state of the Universities of Douay and Louvain, and calls the latter the most ancient of all in Flanders, and eminently devoted to the Sacred See: of theological compacts of this sort, however, he says not a word. How free the Palatinate was from such discipline is shewn by a letter of Lewis Fabricius of the Academy of Heidelburg to Spinoza, by which the Elector offered the Professor's chair in the University to that celebrated philosopher; and by the answer of Spinoza himself to the illustrious Fabricius: an invitation truly worthy of the Elector! an epistle worthy of a Christian! a refusal worthy of a philosopher! But how idle all this, how fruitless, nay, how nearly unintelligible, if to obtain the professorship, those impositions must have been submitted to, which are enforced in this country!

Who can be ignorant, that it was customary of old, as well for the English and Scotch, as those of other Protestant countries, to become students in Catholic Universities, and to graduate in them? Our celebrated Harvey, at the age of nineteen, was a student of medicine at Padua in the year 1602, and there took his degree of Doctor. In a similar way, Andrew Balfour, a very famous Scotch physician, having devoted himself entirely to medical studies, and

having undergone examination by each of the Professors, first took his degree of Bachelor, then of Licenciate, and afterwards the highest, of Doctor, at Caen in the year 1661. With what ardour, indeed, and in what crowds, students flocked to the University of Paris from all parts of Europe, and how ready the Parisians were to accommodate them in the arrangement of their pecuniary expenditure, Crevier clearly and triumphantly informs us.

Nor was Cambridge less liberal OF OLD: and also at the revival of letters she invited learned men from other countries, and enrolled them in her records, as well for the sake of receiving their aid in her studies, as giving them a share in her honours, her privileges, and professorships. Such were Bucer, and Fagius, and the learned Erasmus. The latter, as you know,—before the mandates of James had interposed their authority,—was made Margaret Professor of *Divinity* in the year 1510, and according to custom, had previously taken the degree of Master of Arts, or Doctor. Of the former, one was professor and teacher of Hebrew; the other, of theology: and the bones of both rest in your University.

And thus much concerning the Academies of Europe, and of the course pursued by them in conferring literary advantages, and degrees on foreigners. But, while we are speaking of ancient Institutions, we cannot but have in our recollection, in what honour both you, and the other European states, hold ancient Greece; concerning which, perhaps, so far as respects the various fortune of literature and the habits of their schools, we should have known more, if time had not envied us a book, ascribed to Aristotle. But from that celebrated Funeral Oration preserved in Thucydides, we know enough of Athens,—the most liberal nurse at

least of the Arts and Sciences, if not the inventress, —to be assured, that their academical institutions were, so to speak, general, in the most liberal sense, Universities. With respect to that Athenian Oath,—on which Bishop Warburton has so strenuously exerted himself,—and the argument depending on it, they are, if we mistake not, to be referred to magistracies, public offices, and civil rewards which were to be obtained; and with respect even to these, as it appears to us, Warburton's argument will not in all things hold good: but with respect to academical honours, and all the advantages, means, and opportunities for literary improvement, it does not affect them in the slightest degree. There was a conflux of people of all nations to the public schools of Athens: and, indeed, having "*a City which was common to all nations,*—την πολιν κοινην παρεχοντες,—and not excluding even their enemies from their military schools,—wherein they might even have learned arts which they might employ against themselves,—how could they have expelled their own citizens from their academies for the arts and sciences?"

Of the Romans, on such particulars, little, perhaps, is to be known, but what we learn from the writings of Cicero. From them we gather, that the first literary exercitations of the Romans agreed with those of the Athenians, the philosophical schools of the former with the academies of the latter; and the letters received so freely and liberally from the Athenians, the Romans could never have delivered with a sparing and illiberal hand to their own people. For the Romans were before all things influenced by the love of liberty, a participation of honours and privileges was rarely disjoined among themselves, and never to be violated with safety: to foreigners, in-

deed, they were for a long time illiberal, but, at length, they conferred military rewards on them, and bestowed the rights of citizens. How then could they have denied them academical accommodations?

But to what does all this tend? To exhibit, not a levity of words, but the weight of facts; not the rashness of affirmation, but the dignity of argument; not the boldness of conjectures, but the force and authority of examples; not, lastly, to oppose ingenuous men, consulting for the public good, but such as consult for the interest only of themselves and their party, praying, at the same time, the great and good God, that we may be able to distinguish between kings merely regal, ruling by their own authority, and kings political, ruling with a parliament and law; and that we may rightly discern at how great a distance kingcraft often lies from true wisdom and common experience.

Let every king and every magistrate governing politically a free people have their appropriate authority and honours. But in these, as in all human affairs, a certain moderation ought to be preserved. Though, indeed, we are not ignorant, with what stupefaction kings were accustomed to be approached by their subjects. The French exhibited their king, Louis XIV. as that perfect prince, whose image Xenophon had pictured in Cyrus; and our people proclaimed James I. as Solomon, and placed him next to Jesus Christ. Oh! you flatterers, you servile herd, that surrounded majesty! Oh! priests, who offered before it the incense of abomination! Oh! philosophers, who ensnared the common people with crafty words, causing princes to run mad with high-sounding titles! James was evidently *too much a* mere king,—ruling by his own authority,—not a political king. He lived in those times, in which the nations of Europe, having set aside

those illustrious examples of popular liberty, and legitimate society, which the Greeks and Romans had set before them, had been reduced to a savage and barbaric polity. What man, with any character for understanding, would now venture to say of such a prince's mandate, as this relating to subscription, that, like the laws of the Medes and Persians, it should never be set aside?

Of those Oaths, with which, as with so many thorns, these Subscriptions are hedged round, we are unwilling to speak, whatever we may think, too seriously, not professing the Cabalistic or Casuistical science. On this subject are pendent many knotty points, of which not choosing to attempt the unravelling, we leave to those who are curious in the civil law, the ancient canons, and the decretals of Gregory.

But we are speaking here as Englishmen; and, as such we venture to maintain, that an oath, though taken under any particular authority, is not valid *in præjudicium juris superioris*, in opposition to, and to the prejudice of, a higher law and authority; that, if it is lawful for any one, in any case, to take an oath from mere form and custom, it is more worthy of endurance in a case, where merely natural and civil rights are sought; and, that if he does not act religiously who takes the oath, the authority which imposes it acts far more profanely, than he who, perhaps, with something of inexperience, complies with the forms of it. We solemnly, and with the strongest feelings of conscience, protest, for ourselves, against all such-like Subscriptions; leaving others, while things continue in their present state, to their own judgement, and to their own way of expressing it. We ask not, what we should think of those who comply with these Subscriptions and Oaths *pro formâ*, but what of that public

authority, which suffers civil matters to be confounded with religion? what of that polity, which invites, which urges, which, we had nearly said, in some cases compels, these Subscriptions and Oaths *pro formâ*?

XXXV. *Of the Political and Religious Character of James I.*

And, in truth, these Oaths and Subscriptions will derive no weight of authority, were we permitted to look narrowly into the habits and manners of those who first exacted them. On what James's religion was *in foro conscientiæ* we form no judgement, and make no inquiry. What he was in the common intercourse of life, his friends were ready to testify; nay, the king himself testified, with what levity, with what familiarity, with what impiety, he was in the habit of using the sacred name of God,—that name which the Jews thought it almost blasphemy, in their common intercourse, even to mention—a practice, which is held in horror by most people, became with him an ordinary habit. What sort of a man he was in the presence of his people, and in the administration of the kingdom, is sufficiently known to every body, by his public acts. While yet in Scotland, he lived in habits of the greatest familiarity with the Presbyterians, and courted the Calvinists; when in England, at a time when Episcopacy was got into vogue, and Arminianism was beginning to be popular, he paid his service to the Episcopalians. Yet did this same man, by commissioners sent to the Synod of Dort, persecute the Dutch Arminians with great fury; nay, he would not suffer his own clergy to expound in their literal and grammatical sense what they had previously with an oath subscribed to in that sense.

What must be said of his regard to his coronation oath? It appears to us, if what that good chancellor Fortescue assigned as the true reason why some of the kings of England made war, as it were, against the laws of the land, was applied to James, that something must be subtracted from his religion and his reverence for an oath. For as Henry VIII. and Queen Elizabeth had before governed the people of England by proclamations, acts of supremacy and dispensing powers, so did not James by his imperial mandates, by his ecclesiastical courts, his *constitutiones ecclesiasticæ*, and canons?

And, further, to one, who seriously considers the state of the kingdom under the Tudors and Stuarts, and with what facility the public religion underwent its changes, we fear it will appear, that the age which we are apt to call the reforming and "fanatic," ought to receive something of the mark of impiety, as ages, which did not "reverence an oath," as ages, which rather trifled with religion. For it is manifest, that the public worship of those times was too political to be called religion, at least such a religion as reigns only in a pure conscience. The public religion had in the course of a few years undergone, as it were, a revolution three or four times, and was soon to undergo other changes. So that, what Erasmus exclaimed of his age, we may recognise as applicable to these: "Sift well the articles which are sworn to, and the persons who take upon them a public magistracy, and so conduct themselves in it, as though they had sworn to perjure themselves. How often do emperors swear, before they receive the sacred crown! How often do princes engage in leagues under an oath! And how often are their oaths broken through by perjury!"

And thus much for James, and the morals of his age.

XXXVI. *By what Rule James acted in the above Matters.*

As we have all along spoken of James as the sole author of the *Order* for all to subscribe the above-mentioned Articles on taking any degree,—which Order was delivered in 1616,—it may be recollected, that there was another rule for subscription, less extended, which had taken place previously, viz. in 1613, applicable only to Bachelors of Divinity, and Doctors in each of the Faculties. The form of subscription was the same in both cases; but there was actually a Grace brought in for the latter, and it passed into a Statute, so as to have, at least, the appearance of the legislatorial authority of the senate. But all *this* begun and ended, as the Grace indeed expresses, in a Royal Letter. It was all settled under the king's sole authority: the Grace, therefore, and the Statute were matters of course, mere formalities, as the king well knew, and the senate were not ignorant.

With respect, however, to the Rule for *all Graduates* to subscribe the three *darling* Articles of James, this seems to rest with the Royal Order exclusively. There does not appear to be the semblance of the legislatorial authority of the Senate accompanying it. There does not occur, at least, any trace of a Grace or Statute in our Book of Privileges giving it the sanction of the senatorial body, which doubtless there would have been, had any such instrument been noticed in the Proctor's Book. But, indeed, James knew that there was no want of it. It was enough: the king had given the Order.

The truth is, James felt, after all, on what ground he stood, that the University was established in the principles of the civil law, and was to be governed by its

forms; and he gave ample proof, as well by his public proceedings, as by his private amusements,—as in his encouragement given, before the University, to the once celebrated Latin comedy of Ignoramus,—how much to his taste were the principles of the civil law. He felt and acted as king of the University, and thought, that he possessed the supreme visitatorial power of every particular College, and of the University generally. And it is manifest, by his *Regiæ Literæ*, and Injunctions given to the University afterwards, that he directed the discipline, the literature, the manners, and religion of the place by the same civil law-authority, by which Queen Elizabeth gave the Statutes. On this ground stands the law for Subscription, at the time of taking degrees.

XXXVII. *Complaints that may be urged by different Persons against this Practice of Subscription.*

It has already appeared, from what has gone before, on what principles the Universities in general managed these affairs in former times, and more particularly with what liberality the *Mater Alma* of the University of Paris conducted herself, and how she afterwards exulted and triumphed at her own œconomy.

At how great a distance from such liberality do our *Matres Almæ*, the Universities of England, stand! How serious and just a complaint may be brought against them!

It might be urged by many, who, though brought up in the church of England, and very fond of its prayers, may have little relish for the five points of Calvinistic doctrine contained in the Thirty-nine Articles; it might be urged by all classes of Dissenters, to whom the discipline of the church of England in sacred matters is by no means pleasing; it might be urged by

the Catholics, who are averse to the supremacy of the king in ecclesiastical matters; and, to say every thing, in one word, it may be urged by all, whether Christians or not Christians, who are estranged from the church of England.

It might be urged by all such as are resident in the University, whether in the state of undergraduates, or waiting to take a degree; and by all who have been resident elsewhere, and sojourn in the University at any time for the purpose of taking degrees; many of whom might complain, that they must subscribe from form what they do not understand, or what, the more they do understand, the less they approve. Lastly, foreign Universities might urge their complaint against it, for, recollecting their own liberality in academical matters towards our countrymen, they might expect a just interchange, a fair reciprocity of advantages.

Having already reported what we have heard of the Universities in former times, we think it the less necessary to review in this place what concerns the modern: and, indeed, gentlemen of the University, you well know, that things are managed better with them; that licences of this east are not required in them; that in taking degrees such theological subscriptions are not imposed on young men, neither in European, nor American Colleges, nay, not in those of Scotland, nor of Dublin.

And, how justly the nobility of our own country, and even continental princes and nobles might take offence, was sufficiently shewn in two examples, of no very distant occurrence, and which we have often heard mentioned; the one of a noble duke,—the late Duke of Grafton,—to whom when, advanced to your highest office, of Chancellor, the University wished to give, in addition, the honorary degree of LL.D.

This honorary degree, however, was rejected by the noble Duke: and why did he reject it? Not because he slighted academic honours—which he shewed at the very time he respected, and had been just even soliciting—but because he could not approve those too theological subscriptions, imposed on all who are about to graduate. Nearly about the same period, a Polish Prince,—the illustrious Poniatowski,—then a young man, and very desirous of going through a course of honourable studies, visited Cambridge. He was, indeed, attached to your literature, as well to the more elegant, as the more severe parts of it; nay, as we have heard, he was even desirous not only of pursuing the studies of this place, but of seeking its prizes and rewards in academical order, as suited to his age. But he did not reside there long: he left you with reluctance, and returned to his own country, taking with him from among you a teacher of your literature: so greatly delighted was he with your arts and sciences; so little did he like your polity and theological restrictions!

Of the above examples, as we received them from good authority, we cannot doubt the reality; and we are led by them to make a remark or two on honorary Degrees.

XXXVIII. *Honorary Degrees, and wherein they differ from Literary ones.*

And here this deserves to be noticed, that the Statutes concerning the Chancellor relate only to the mode of his election and the nature of his office; that what concerns the Nobles, and the Statutes "concerning Granting Graces," and the Grace "determining who are to be accounted Nobles," relate only to the "Academical Terms" as they are called, to the Forms, Customs, and Exercises in the Schools, in regard to

which there is a Dispensation in favour of Nobles. All these Statutes passed in Elizabeth's time before the addition of James's Mandate for his Subscriptions; and in those Statutes there is no mention of any such-like subscriptions as those just mentioned. With respect to James's new Mandate, it should seem, that he meant it to be taken in the most general and unlimited sense; and that, whatever other new Statutes might afterwards be made, or whatever interpretations were to be put on old ones, this Mandate was to be hedged round with a *salvâ regiâ auctoritate, et in quemlibet gradum.*

But it should be understood, that we have been speaking all along of Degrees in general; and that, however the matter stands with respect to what we have just stated, the question concerning Honorary Degrees is not a very serious one; nor do such Degrees much interest us. For those who receive them derive no great benefit from them; and those who obtain them not receive no injury. We have been considering such as relate to literary matters, to be pursued according to scholastic discipline, to Degrees to be obtained in academic order, and the advantages, which are usually connected with them; viz. such things, which not being honorary, are so much the more literary and merely civil, useful to men for the various purposes of life, and so commonly to be required of some who fill public offices, that they may almost be pronounced necessary; those who receive them obtain with them many facilities and conveniences; those who do not, subject themselves to many impediments and incapacities; so that the matter on which our question turns, may be considered to be of the kind, of which Cicero speaks; "*Multa enim sunt civibus inter se communia; forum, fana, porticus, viæ, leges, jura, judicia, suffragia, consuetudines præterea, et*

familiaritates, multæque cum multis res rationesque contractæ.

These things being considered according to their proper dignity, we are persuaded, Gentlemen, that you will not say, these practices have been handled by us with too much severity, nor in a spirit of bigotry; there being, we doubt not, among you now, as formerly, many ingenuous, ingenious, pious, and learned men, who are of the same judgement with us: and on their testimony we might leave our cause to rest.

XXXIX. *The present enlightened times require an amelioration in our present Tests.—Mr. Tyrwhitt's Grace for abolishing Subscriptions.*

It will be readily perceived, that difficulties meet us in the way, as the matter at present stands, as well with respect to the ground taken in this business by modern subscribers, and the powers of the existing administrators, as to the rule, by which we should examine them. We shall, therefore, presently vary the question, and endeavour, as we proceed, to take a stricter, higher, and more comprehensive view of it.

We are convinced, that you have had among you, and still have, many, who have turned these subjects seriously in their minds, being cultivators of a pure conscience, encouragers of good discipline, dispensers of liberal learning, guardians and tutors of our generous youth, who are well assured, that the cause of liberty is at once the cause of God and of virtue; and who admit, with Gregory of Nazianzen, Νεων ευπαιδευσιν ειναι κοσμου ανακαινωσιν: such men will of necessity perceive, that the present times not only require, but demand, and almost supplicate for, something better, than the present institutions furnish; and yet, as they are well informed, so we are not ignorant, what is once

planted, and has taken root, is not easily to be plucked up, particularly when having been once established by authority, it becomes sanctioned by custom.

Hence some learned men of the Universities of the same opinion with us on this custom have yet added, "that the cause is hopeless."

But surely this ought not to be: surely, if there was not wanting a disposition, in the proper quarters, there could not be wanting power. The way is open: as the constant return of times, and regular opportunities of place, often excite us to examine more accurately, and review more seriously, the business immediately before us; so there is a season, in which men abstract themselves from their ordinary concerns, and, as it were, refresh their minds, by contemplating and weighing past transactions; in which leisure hours, and, if we may so speak, extemporaneous occasions, are offered for looking forward to what may be future, and for devising plans, by which such things, as have too long been very badly managed, may be set on a better footing, for the time to come.

No, Gentlemen, the case ought not to be considered as hopeless. We seem to see a light breaking out amidst darkness; and, if a "new race of men has not descended from heaven," still the present is an enlightened age: the spirit of liberal inquiry, which has gone forth in Europe, the ardent thirst for knowledge which at present distinguishes our own country, and the manifest disposition for literary improvements, which has lately appeared in our two Universities, prove this æra, not to be one of men *ουδεν ποιουντων*. As among the Oxonians, the many fooleries long practised in their schools—already alluded to—have been happily turned into ridicule and banished from them; so also have you recently brought forward reformers;

and in the same field, in which Dr. Jebb so bravely and honestly, though defeated, contended, you have succeeded: all the difficulties, which were formerly conjured up, have readily given way. How could we wish, that other men may hereafter revive that contest—ἱερον αγωνα, if any one is so—in which Mr. Robert Tyrwhitt stood forward so nobly; and that in the progress of time, ομοθυμαδον καρτερουντες, they may triumph! We seem to see that excellent man present, with his eyes fixed, and his fine ingenuous countenance, with firm intentions, but the most benevolent feelings, standing now before the Senate, and presenting the Grace—as he formerly did present it—in due order, as follows.

"*Placeat vobis, ut illi, qui munera scholastica in regiis statutis contenta expleverint, in posterum sibi concessum habeant gradum in aliqua facultate suscipienda, etsi tribus articulis in canone tricesimo sexto comprehensis non subscripserint;*" a Grace this, well deserving to be written in your Book of Graces, and which, or something similar to it, will certainly be inserted there at some future period. For, though we may not defend any Utopias of our own, and though we are but little skilled in soothsayers' lore,—of some such Grace as this—whoever shall have the honour to introduce it—we venture to speak prophetically:

"————Venient annis
Secula seris, quibus oceanus
Vincula rerum laxet, et ingens
Pateat tellus, Tiphysque novos
Detegat orbes, nec sit terris
Ultima Thule————"

XL. *Quære, as to the Right of administering the present Religious Test.*

Still, however, it does not escape us, that at the time, when the above Grace was agitated, some uni-

versity-men spread about rumours, that the Senate had not the power entirely to abolish the aforesaid test; although, provided it preserved the spirit, it might somewhat alter the letter; that it was thought, in this respect, limited in its capacity, being bound under a *salvâ regiâ auctoritate.*

To this it is rejoined by others, advocates for the privileges of the Senate, that either it had no authority for altering the letter of the test, or that it possesses the power of extinguishing the spirit of it, and of annihilating it entirely. But, say they, this learned assembly possesses both. They suppose, that the Senate made the antient statutes, and has the power of making new ones: and that, as there is no statute of the Senate—as we have already noticed—which has enjoined this test, on all graduates, no person, acting in any official capacity, has any right now to administer it.

Further, it is urged, that as the Mandate was delivered by an arbitrary Prince, in times bending with servility, for local and temporary purposes, without any legislatorial sanction, and, apparently, in defiance and mockery of the University Senate,—that such a mandate has not now, and indeed, never had, any legal force; that it should, in the present period, be treated as a mere obsolete form, and ought long since to have been buried in the oblivion, to which other unseasonable practices are now consigned, in the Colleges, and in the University.

Happy would it be for us, if this public nuisance, this national disgrace, could be disposed of so easily! But as, notwithstanding the liberal aims, and honourable wishes, of many enlightened, good men, there are likely to remain others, who, under pretence of fears for the Established Church, of respect for the Government, and of securing the Privileges of the University, would

still make objections to any further attempts at reformation, we shall proceed to take *our more comprehensive view* of the authorities concerned in it, and interested in its due consideration.

XLI. *On the Powers of the Senate and Heads.*

Certainly the Senate is "the Council of all the Colleges, of all the Arts and Sciences, of the whole University"; and, as ye know, "the Chancellor with the consent of the whole"—as the Statute, *de Officio Cancellarii*, reads—"has the liberty of making new statutes, for the improvement of learning and the preservation of what is becoming and honourable among the students";—yet with the proviso, "that they detract nothing from the Royal decrees, and impede not the operation of them":—so that amidst the Act for bestowing privileges on the Senate, the *vox imperatoria* is distinctly to be heard; the claim of the Prince is paramount; and by the spirit of Elizabeth's Charter, her two bodies of Statutes, and all the Royal Instruments downwards, including those of Charles the Second,—the Chancellor and the whole legislatorial assembly are distinctly subjected to the royal authority.

With respect to *doubtful* matters, the Statute runs thus: "If any thing doubtful or ambiguous arises in these our statutes, and sanctions, it shall be explained and determined by the Chancellor and majority of the Heads of Colleges, by whose determination and interpretation we will that all the others abide."

Hence it is clear, that the Senate can do much,—if the Caput will but give it leave; for, from what has already been said, it appears, that it can do nothing, unless the Caput permit it to consult in common.

And we have already collected, that the greater part of the Senate was favourable to Mr. Tyrwhitt's Grace, that the Vice-Chancellor was certainly not averse to it, and that the Chancellor himself very greatly approved it. But, forsooth, the Caput interposed its "Veto." In like manner, when Dr. Edwards wished to propose in 1787 his Grace for abolishing Subscriptions, that most troublesome Caput entirely frustrated his intentions.

We have thereby been taught, with all due respect for that learned body, the Senate, not to rate it beyond its proper faculties and strength. By the Royal Statutes, it is clear, that some things it has no licence to do, though it should have the will; and by the Caput's "Veto," there are others—as we have already said,—nay, that, without the permission of the Caput, it can do nothing, whatever it may wish. Since, then, there are some doubts, some difficulties resting on this subject, we leave other persons to form their own judgement upon it: let us only be allowed to admire such academics, as have been for wrenching, as the saying is, the club from the hand of Hercules. In the Government there is certainly an authority, which rises superior to that of the Academical Senate,—the authority of the High Court of Parliament of the United Kingdom. This, as they think, can suppress these indecent restrictions, can remove these most offensive grievances, can entirely unloose these most dishonourable fetters. In that *Magnum Concilium Regni*, say they, it is certainly vested to support in due form corporations in their just rights; but, at the same time, it most certainly belongs to that Court to see, that the members of those corporations do no injury to the state.

There may, perhaps, be among you some, who

from respect to the Academical Senate, and, at the same time, to the Supreme authority of the Empire, could, in a spirit of moderation, wish, that the two authorities would combine their individual strength; and, that after a conference and consent made between them, and the abolition of the present formula, they would supply its place, by one better suited and accommodated to the nature of the case, referring only, as in former times, to Academical obedience, or to the Arts, Sciences, Faculties, and moral Character.

XLII. *The Office and Duty of Supreme Visitor.*

But, be these matters as they may, every authority claims its proper weight. "In appeals in University causes"—as they are called—they are Judge Mansfield's words,—"after application to the Court of King's Bench, the cause returns to the University Statutes, if it relates to the University; to the Colleges, if it relates to the Colleges: and the decree of the Visitor is final." So great is the power of the General Assembly of the University, and of the Visitors of Colleges.

But with submission to this great man,—and it does not escape you,—besides the ordinary authority of the Senate and Masters, or of the Chancellor, Vice-Chancellor, or of Visitor, whether he may have been a Bishop, a Legate *a latere* of the Pope's,—as formerly,—or the Chancellor, or the King himself, in the office of Founder of any particular College, there is a power superior to all these, which does, in fact, give them the faculty of moving at all, and can repair its strength when it begins to fail. This is like the muscles of the human body, which excite the different parts and members to perform the proper functions. This is, as it were, the spirit; and, when even life seems to

fail, this can restore it, as its Creatrix, and last hope ;

.... opifex rerum, et,—*Deo favente*,—mundi melioris origo.

This must be all understood to be spoken of that *extraordinary authority*, which claims to itself the prerogative of creating, of reforming, of restoring things, of repressing great injuries, and of removing great opprobriums ; namely, of that last resource, which is called, the authority of the *Supreme Visitor*.

There are, doubtless, many now dispersed over Britain, and probably not a few residents in the University, according to whose wish it is, that this supreme authority would honestly and officially apply itself to this course, which has been so long postponed, and lost sight of. For it can scarcely be expected, that the Caput of Five just now mentioned, which, a few years back, brought forward its most offensive "Veto", would act less obnoxiously in future, unless it should please the supreme authority to interfere. Should that be favourable to reformation, they think,—nothing is clearer,—that the Caput would soon give their unanimous vote for it: though, indeed, should this authority interfere, it would act without supplicating, and without wanting the good will of the Caput.

Concerning this authority some disputes were carried on formerly. Some affirmed, that as Societies and Corporations derived from the King the origin of all their privileges, so does the office of *Supreme Visitor* of right now rest with the King—simply regal, or monarchical, not political, with a Parliament, —or a legal, limited, supreme magistrate. To this point go the arguments of a writer, who in defending James II.'s proceedings at Magdalen College, Oxford, wrote a long Dissertation entitled, "The King's Visitatorial Power Asserted ;" 1688 : and the

University of Oxford itself had in 1647 enforced the same argument.

Others thought, that this power belonged of right to the King, but to a limited one, with a Parliament, not to a simply regal or monarchical one; while others again, referred it to the Supreme authority of the State, wherever it was lodged. On this latter side of the question was the famous Mr. William Prynne, Barrister of Lincoln's Inn, formerly of Oxford. He laboured to prove, that this authority resided in the Supreme authority of the State—in the Parliament;—and Prynne himself had been appointed by Parliament Commissioner, for visiting the University of Oxford. Prynne, however, was not averse to a King, so he was not an absolute, but a limited, one, as is clear from his very elaborate speech, delivered in the House of Commons, for entering into a treaty with Charles, and from his Tracts on the Supremacy of Parliament.

In the Book of Privileges, traces of this power are frequently recurring: the office, indeed, itself is not distinctly mentioned, as the other offices are both in the statutes established, and in the course of the business executed by the officers; though it is to be known and distinguished in momentous periods and dangerous occurrences. But let us trace the truth of this matter a little more closely to its source.

It will, perhaps, appear to those, who but cursorily peruse the Book of Privileges, that the Charters, Bulls, Indulgences, Concessions, Letters Patent, or by whatever name the several public Instruments are called, which confer Privileges on the University, are to be derived either from Kings or Roman Pontiffs. Of those derived from the Roman Pontiffs, since the Act for the Incorporation of the two Universities has set them aside, we stop to make no remarks, nor

of any created by the University: and of those received from our Kings, we must speak with some caution.

The particular period of time, and the course of proceeding, under which many of these Privileges were first granted, cannot be recognized and discerned very accurately. Some of them—like other matters which relate to the early beginnings of many human transactions—are involved in darkness, and can be spoken of only from conjecture, and uncertain knowledge. This, however, is clearly to be understood, that most of those Instruments were prepared at a period, in which, as is well known, the nations of Europe every where, and among others our own, had been subjected to the Canon and Civil law: for among us, from the time of Stephen for 200 years downward, the Civil law had been in high repute. All that was to be found of learning rested with the priests; and even that consisted almost entirely of the Roman and Canon laws. Some of them were, however, doubtless formed before the Civil law had been admitted into this country.

Many of these Instruments were made in those times, which have been called the irregular periods of the English Constitution. The Privileges shew themselves more clearly in the times of Hen. III., Edw. I., Edw. II., Edw. III., and Rich. II., but are not spoken of as then first created or bestowed, but as already existing; relative to which periods, there are many disputes about Parliaments; periods, in which some of the nobility, who had been cited by the King's writs to one Parliament, were, perhaps, not summoned to the succeeding one, and were ever afterward omitted; and the names of all cited were sometimes omitted, so that their names are not now known. On these and other subjects many controversies have been agitated, as

there have been, and still remain with some persons, doubts concerning the origin and power of the present House of Commons itself.

It is, however, deserving notice, that many things, which were done by royal patent in those times, as though by the royal authority alone, were really done in parliament, although in the public instruments there is no mention of such acts: but what particular academical privileges might be so granted, we shall not stop to inquire, nor, perhaps, would it be easy to ascertain. This, however, should not be passed unnoticed, that instances occur, in very early times, in which the authority of parliament is more clearly seen in matters relating to privileges, and petitions are presented to parliament from the University, as from a society or corporation; though for our own parts we confess, that we are not of those who approve all things granted, whether by the royal authority, or en plein parliament. It is, however, certain, that the Act alluded to—5 Rich. II., and others might be mentioned—was not only passed in full Parliament, but was introduced with the greatest solemnity. And such things seem duly to indicate, that our University is not to be considered, so regal, as not at the same time to be parliamentary; nay, rather that it is, and ought to be, as well under the government and authority, as under the protection and guardianship, of Parliament; and all this may be equally said of the University of Oxford, and similar examples might be produced relative to it.

But, with respect to both, we should notice, before all Acts, that for incorporating the two Universities—13 Eliz. c. 29.—For it is well known, that Corporations are made by Parliament, as well as by the King: and, indeed, the King himself in creating Corporations

does in reality act not in his personal and private, but in his public and political, character, as a King, with a parliament: otherwise with his person, the King himself—who is also a corporation—*would die*.

And this Statute of Parliament is very suited, as an example, to our purpose. For this, indeed, is the act, as things now are, which creates, confirms and perpetuates, *in re, facto, et nomine*, the universities as corporations; and we have dwelt the longer in disentangling these knots, lest we should seem here, or elsewhere, to favour the arbitrary measures of James II., by which he attacked the just privileges of the Master and Fellows of Magdalen College, Oxford—in the exercise, not the violation, of an established duty —that too royal, that simply monarchical principle, in defending which a writer before mentioned calls in this very office of the *supreme* visitatorial power: and we are the more desirous of looking into the subject rather narrowly, to make it the more clear to ourselves, where this supreme visitatorial authority is really lodged, what is its proper character, and what are the services to which it may, and ought to be, applied.

Many, no doubt, there will be, more prompt than we are in unravelling this gordian knot, nay, who will say, there is none at all in the case. And every one possesses his peculiar faculty. We are somewhat more cautious; so much the more, perhaps, as having been taught by certain transactions past some years ago; we mean, when to a petition of many undergraduates of this university to the Vice Chancellor to abolish, or suspend, their subscriptions, it was replied by him, that it exceeded his power; and when gentlemen, also, of the senate seemed to think, that it did not rest with the senate. We are solicitous about the evils; uncertain, about the remedies; while, amidst

our much doubting, other circumstances present themselves to our consideration.

For certain it is, that our first charters and bulls are forgeries, and these were made a sort of stepping-stones to others; nor is it clear, at what time, or by what persons, some of the statutes of our several colleges and of the university were made; though it is probable the former proceeded from the founders or persons appointed by them; the latter, perhaps, by the academical senate: the rule, therefore, of the law, "that the same power is required for dissolving an obligation, as for creating it," must not, perhaps, be hastily applied. Nor, are all things advanced by writers before referred to, to be admitted too soon; indeed, they are not true. For they say, that no one but the King can make a visitation of the universities; when yet it is abundantly clear, that bishops, archbishops, popes through a cardinal, chancellors, nay the vice-chancellor, and the parliament have made visitations: nor, indeed, is it clear, that more Kings of England than two have transacted business in our universities in the public character of supreme visitor, except by Commissioners: of private visits, of course, we do not speak.

Mr. Prynne of Oxford, the barrister, already referred to, who was appointed one of the Commissioners for visiting that university, and for his superior acquaintance with our public writings made keeper of the records in the Tower by Cha. II., has made some observations on the duty of visitor, as also has Lord Chief Justice Mansfield, as above; and each according to his respective office. The latter in his "Decisions of Civil Causes," is speaking only of the special and local visitor, who over each college presides as judge. It was not his business to form determinations on the *extraordinary*, viz. the *supreme visitatorial power*, which

rules over, provides for, and governs each college separately and the university collectively, not less than it does the whole British republic. That is the power, which really creates, confirms, and perpetuates: that is it which removes what is become obsolete, repairs what has fallen into decay, introduces new practices, and can, as it ought to do, adapt all things to the manners, customs, literature, and religion, of an existing people.

This authority is discernible in the various pages of the Privileges, but more particularly in those which relate to the abolition of popery in this country, and on its return, during the reigns of Hen. VIII., Edw. VI., and Elizabeth: and, unless we rightly take these matters, we should not be prepared to admit the *Legal Decisions* of Lord Mansfield.

XLIII. *A Parenthesis, illustrative of some things which have preceded, and which may answer the same purpose to what will follow.*

And here, perhaps, it will be correct to take along with us, that, as the giving of Charters and making of Statutes, the issuing of Mandates, Injunctions, and Orders, beyond the due course, and some beyond the reach of academic authority, as these must be all resolved into so many examples of the exercise of the supreme visitatorial power, so is that power the same, and its effects the same, whether administered personally, or by deputation. When a Pope's legate *a latere*, or an archbishop, as *alterius orbis Papa*,—as in popish times—made a public visitation here, still it was under a permission of the royal authority: and, in the instances just mentioned, all was done, under an authority specifically granted, *pro vice Regis*. Thus Lord Cromwell, in Hen. VIII.'s reign, the visitors in Edw. VI.'s, Cardinal Pole in Queen Mary's, and

and Lord Burleigh in Elizabeth's, were all public visitors, for reforming whatever they deemed abuses, whether academical or ecclesiastical. Each did but act as vicegerent of the royal authority, as commissioner from the *supreme* visitatorial authority.

In Ayliffe's History of Oxford there are three formulæ relating to that University, or declarations of the exercise of this prerogative; one respecting a College, the others the University. The former is entitled *Prohibitio Regis, &c.* (Ric. II.) *Archiep. &c. de Collegiis Visitandis;* in which, in behalf of Queen's College, he forbids any authority to interfere in the statutes of that College, or to depose the archbishop of York, who had, from the foundation of the College, been appointed its visitor. The King speaks in the highest tone, as *supreme* visitor, and as one defending his royal prerogative, declaring that all interference in these matters from any ecclesiastical authorities, any disobedience to this prohibition, would be *juris sui enervatio, et coronæ suæ exhæreditas.*

Of the two Commissions for visiting Oxford *University*, one is, "*Commissio Regis Edvardi Sexti ad visitandam Universitatem Oxon: quibusdam Delegatis data et concessa.*"

This Commission, delivered *plenissima et summa auctoritate per absolutam et regiam potestatem*," and executed "*vice et auctoritate Regis*," extended to morals, to the abolition of former Statutes, and to the giving of new ones, to the application of certain of their finances, to the re-establishment of the study of the Civil law; in short, to every thing implied in a thorough reformation of all the Colleges and of the University.

The other Commission was issued in the name of the Parliament, and is entitled "*Citatio Delegatorum*

Parliamentorum ad visitandam Academiam," and was delivered, "*vigore cujusdam Specialis Ordinationis Supremæ Curiæ Parliamenti jam sedentis,*" this being then the ruling power of the empire, and in that character possessing the supreme visitatorial power over the Universities. Of these Commissioners the famous William Prynne was one; and it was in the defence of the Parliament, in this character, that this learned man wrote his Tract on the *Supreme* Visitatorial Power.

This *Citatio* is a summons to the Masters, Fellows, Scholars, and all the officers of the place, to appear before the Commissioners in the House of Convocation, *ob morum reformationem, ejusdemque Academiæ debitam reformationem.* No notice is here taken of any specific alterations, though certain ordinances were made, and it was in the contemplation of Parliament to give a new body of Statutes to both Universities.

XLIV. *Some Things in the Privileges, in their Origin illegal, though since confirmed in the gross by Act of Parliament.—Complaint of many Academies against the present Polity.—The real Querela Cantabrigiensis—which requires the Interference of the Supreme Visitatorial Power.*

But to leave our digression.—You well know, Gentlemen of the University, that many eminent men among you, as well of the profession of the law as of divinity, and Oxonians as well as Cantabrigians, have thought, after well considering the matter, that some things ordained, both with respect to private Colleges, and the University, were illegal: and they were so unquestionably in their origin: and we should consider them so still, did we not recollect, that they

were since confirmed by Act of Parliament, and that your literary Corporation possesses some *peculiarities*. For on comparing together what Chief Justice Mansfield advances on Universities *specially*, with what he elsewhere decides of Corporations *generally*, in civil causes, we fear it will be found, that there exist, in the courts of the former, some matters, which are scarcely reconcileable with our Common law, or with the Civil: suffice it to refer to him, where he says, "He"—the visitor—"does not proceed by the rules and forms of the Common law, but he suffers a party *allegare non allegata, probare non probata*." But these, and other things of the like kind, we leave to the judgement of such as excel in juridical literature.

With respect, however, to such things as fall more properly under our consideration, this distinguished person, we confess, places us,—as the saying is—between *sacrum et saxum*. There were, it seems, certain men of St. John's College, who thought that the power of the visitor of that College had been extended in too arbitrary a manner to two engrafted Fellowships, and it was impeached in the Court of King's Bench. There was another question argued relating to a Fellow-Commoner, who had been expelled from Queen's. In the arguings on these cases, the advantages of a "*Forum Domesticum*," the visitor's court, were much insisted on, and the necessity of its powers being absolute,—not, after judgement given, referrible to the King's Courts—"that the Statutes could not be admitted as evidence to impeach the sentence, and enter into the validity of it there; that the King's Courts, if the Visitor does not exceed his jurisdiction,—by which we suppose him to mean, if he acts within the rule of the Statutes, or bye-laws,—have no cognizance, no superinducement; but that the visitor is the only person to be

applied to, and moreover, that his judgement is final." This was Lord Mansfield's decision; and the Court seems to have been of the same judgement with his Lordship.

Now Corporations have the power of making bye-laws, which, however, should not be contrary to the Common law, the common benefits of trade, the particular interests of its members, nor to the general rights of the commonalty; and, if they are, they may be superseded by the King's Courts; and we have several examples in Lord Mansfield's Decisions, pronouncing bye-laws of Corporations to be null and void. Still it seems to be different with respect to Colleges and Universities. These, as we have seen, are civil Corporations; and their Statutes, Graces, Decrees, Mandates, and the like, are its bye-laws, by which they are regulated and governed. And, not to notice how the privileges of the University have encroached on those of the town and Corporation of Cambridge, it would be no difficult matter to produce instances in which some of its own learned members have thought their *property* invaded; in which the right of private judgement has been encroached on; in which the liberty of the press has been, in their persons, violated; and the liberty to instruct youth has been subjected to a licence: of such-like cases examples in abundance could be produced, in ancient as well as more modern times,—to pass over those of more common, more general concern—yet if there should be any Statute or bye-law, shewing it to be of academical usage, and the visitor decides according to that, his decision is final: there is no appealing to the King's Courts, no legal remedy: Lord Mansfield's Decision seems to amount to this.—And here it may not be improper to add, that one of the most prominent, and, at the same time, the most objectionable features of the present Academical œconomy can-

not be reconciled to an Act of Parliament, passed in Edward the Sixth's reign; yet there is a statute for it, and it is supported by a separate *Rule* of Elizabeth's, and academical usage *.

But, as to the manner of managing such arguments, we leave that to other persons; we leave them to complain of those Statutes,—whether in private Colleges or in the University,—which they may have thought to bear hard on themselves as individuals, or on parts only of your literary Corporation; of Statutes, contradictory to each other; of some covered with the rust of antiquity, yet many in number, and to be subscribed by all, who are members of your Collegiate Corporations, and of the larger Corporation of the University, and at Oxford, even by many inhabitants of the city,—on these subjects, Oxford and Cambridge gentlemen, as already remarked, have written their thoughts. Such matters being too various to be treated of here, we pass them over; as also such things, —whatever they may be,—which being hedged round with a *regia auctoritas*, may be placed out of the power of the Senate, of the Masters, Visitors, and the King's Courts: passing over such-like matters, we shall confine ourselves within our own limits, which are sufficiently wide. For our cause is that of ingenuous youth, of Undergraduates in general, and indeed, of the whole Academical body: it is, or ought to be, the real *Querela Cantabrigiensis*. For does not, as some of the most excellent men of both Universities have often asked, this question relate to the progress of philosophy and polite literature, to the preservation of civil liberty, to the restoration of University-discipline, to the probity of the morals in youth, to the grace and majesty of the University, and even

* For the celibacy of the Fellows: in opposition to the Act of Edw. VI. allowing ecclesiastical persons to marry.

to the dignity of the state? finally, does it not, they ask, relate to the authority and strengthening of sincere religion, and the purity of conscience, which ought to be consulted, and, before all things, to be preserved? Those persons have not scrupled to call our present Subscriptions, no less justly, we fear, than emphatically, Θεομαχια και Χριτομαχια. And they have further testified, that such impositions do not injure only particular persons, and particular counties,—as Oxford and Cambridge,—but all the other counties of England; as, if any one will go over the subject, he will readily perceive. For streams from these English Academies, as from springs, being poured forth, flow widely abroad, and whether salutary, or pestiferous, as their course is daily increasing, overspread the whole nation.

And, shall we say, that there is no tribunal, before which such a complaint can be heard, where it can be remedied? But such a power there is, if it would but exercise itself; and this is what we have called the Supreme Visitatorial Power over Academical Corporations, for the purpose of liberalizing them, according to the light of the times, and of reforming existing abuses.

Every office hath its peculiar character: and this now mentioned, is that of the judge, whose duty it is to end these strifes. If that Quinqueviral Caput should continue in future to pursue the course, which hitherto it has pursued, it will be an *Imperium in Imperio*, a society distinct from the Senate, different from the Corporation, raising itself above them and beyond them; it will be enabled to wrest from the hands of the Senate all liberty of action, so that should they wish to abolish our Subscriptions, they would have no power to do it: but should the Senate have the power and not the will, they would thrust a dagger in their own bosom: and, in either case, it becomes the

duty of the supreme visitatorial power to support the Republic of Letters. This power itself should interfere in our Academic Councils, not by petitioning and *supplicating*, but by ordaining and putting an end at once to such abominations.

And let not these expressions be thought to savour of asperity, and as being those of one who has forgotten the respect due to the Senate, and who now growing severe has forgotten also his former concessions. By no means. In the present state of things, whatever it may be,—we must repeat,—may he who believes our 39 *articles* subscribe them, and enjoy the full benefit of them ; and let him who subscribes, without believing them, know how to avail himself of the alleviations which may be offered to him: but, as we must beg leave also to continue repeating, the thing itself admits of no concessions, is entitled to no indulgence. Whatever respect we may owe, and feel for persons, none is due to injurious usages and arbitrary mandates.

And, if we are not greatly mistaken, the whole course of the business, in which we are now engaged, involves in it, not only what is an evil in itself, but what is full of mystery and perplexity. For, what if those ingenuous youths, before mentioned, had petitioned that supreme visitatorial power?—with whom, we doubt not, it rests, entirely to abolish these grievances —might not some persons, in their zeal for Academical discipline, have rejoined, that these same young gentlemen should be directed to the Statutes and Academical authority, to which, at their matriculation, they had already subjected themselves? Add to this, that if any two, or any twenty-two members, of this Academical Corporation should have appealed either to the King's Courts, or to this very supreme authority; might not such persons as are versed in the maxims

of the civil law have urged, that two, or twenty-two persons, are not the Corporation itself, and that a University or Corporation can only act by its Syndic? On well weighing, therefore, these nice points, we feel ourselves to rank with those, who betake themselves to the spontaneous, self-moving energies of this visitatorial power, as to a city of refuge.

Judge Blackstone, as all gentlemen of the University know, has written much on Universities and Corporations, and has spoken also of visitations: and how luminously, how elegantly, how copiously, how learnedly he has commented on the Theory of the English Law, it is not our business to descant: but he was an Academical lecturer, not a reformer, nor an investigator of that peculiar office, which we have called, supreme visitor. This for certain was not the end which that admirable lecturer had in view; nor perhaps did it belong to his office to consider it. How well soever he has written on our Universities, and however admitting, as he does, the *legal* defect in its constitution, yet being in the very presence of his *Alma Mater*, it was more to his purpose to admire her learning, and to add to her literary stores, than to revive old Statutes, and impugn her established Privileges.

Now the present question does not relate, as we have stated already, to the office of the Visitor of Private Colleges, either general, or special, filling the places of their founders, nor of the Metropolitan; nor would it intrude upon the authority of the Senate, in giving some new Statutes, and interpreting others. On these matters it was not meant to raise any doubt; the visitors have their proper courts, their proper jurisdictions,—as also have the other authorities,—and that, provisional causes excepted, as we have seen, is summary and final; though even that

power is *conclusiva per legem, non contra legem:* and there are cases, in which the King, with his Council, or the supreme visitatorial power of the kingdom, rises above all visitors, and acts alone. We propose returning to this subject, after some observations to be introduced in the next chapter.

XLV. *History of Universities.—Short View of the Royal Statutes. — Alleviations of their literal Strictness.*

To our Statutes some allusion has been made already, though we *professedly* abstained from going into details: nor do we propose now to enter into particulars: but they are grounded on a similar authority, and are of collateral obligation with our Royal Mandate and 39 Articles. The rules, too, which direct them, are likewise in the Book of *Excerpta*, which is in all our hands, and are bound on all our consciences. There appears, therefore, to be a natural connexion between them: so, to avoid leaving a chasm in our narrative, and not to fall too abruptly on our main object—on which, when we arrive at it, we shall dwell at some length,—we shall here take a view, though a very short one, of the Royal Statutes.

Those institutions, which we now call, mysteriously almost, with a *charm* annexed to the word, Universities, were nothing else in their origin, but societies, to which, according to the Roman civil law, it was permitted to hold certain properties in common, to have a common chest, and a Solicitor or Syndic, through whom, what was to be transacted and done, might be transacted and done: from whence they were called Corporations. Of those Societies, or Colleges, or Corporations, which, when increased and collected into a body, and, as now, by an appro-

priate and peculiar name denominated, Universities, we have attempted to speak more at large elsewhere. Suffice it to remark in this place, that such institutions, however at first made up, existing, as they did, in turbulent times, and acquiring strength more by fraud and superstition, than by true religion and just authority, grew up *sensim sine sensu*. For in addition to that influence, which the name of a *Corporation* naturally brings with it, *Religion* also added its own proper weight; and, though antiquity, which had involved all things in darkness, may among other things have rendered the first origin of the Privileges, Statutes, and Offices of the Universities obscure, this is clear, that certain privileges were granted to ours, and that Statutes were in ancient time given to it by kings, popes, bishops, chancellors, and founders of colleges, or their representatives. These, at least, all had their appropriate prerogatives and jurisdictions; and the king in a superior, and more emphatical sense, had his, as in a certain sense, the founder—he having formed them into Corporations—of them all.

This state of things went on progressively, in the monastic, and, as they are called, the *dark* ages, in which philosophy and the elegant arts were in a languishing state, in which few could either write or read, when even the most learned would say, "It is Greek, we do not understand it,"—when the civil and canon laws were in full force in the courts and schools,—till Duns Scotus, the most *obscure* Doctor, appeared the greatest Theologian; and Aristotle—scarcely, indeed, to be called Aristotle, being so latinized, mutilated, and corrupted—became the greatest philosopher. From these fountains were derived that learning and that philosophy, together with those Privileges and

Statutes, corresponding with them, which flowed down to Cambridge; and she hence seemed to herself *Academiarum maxima;* while science, the real science of antiquity, growing pale, as it were, through a length of years, and scared by a dissimilitude of manners,—as if a thick body of clouds intervened,—suffered a long eclipse.

This darkness the *new learning* did in part disperse. Customs, hitherto held in veneration, fell into disuse; and thereupon Statutes more accommodated to the existing state of things were required in our Universities; and, as the old ones, so covered with obscurity, and contrary to the *new learning*, reached the time of the good youth Edward VI., the preface to the Statutes made in his reign rightly begins with declaring, "that *the ancient Statutes are obscure, unintelligible, semi-barbarous;*" and that others, more intelligible, fashioned more according to the condition of the times, and to the practice of the new learning, became requisite.

All this was agreeable to that natural and just principle, "that when manners change, the laws also should change," both in our Colleges and Universities.

Various innovations were accordingly introduced under Edward, Mary, and Elizabeth, both in our Colleges and Universities; and, at length, under the latter, that code of Statutes which now remains entire; some old ones having been retained, others purged and new modelled, while other old ones were rendered altogether null and void, and many new ones incorporated. This code of Statutes, being an improvement of her first Statutes given in 1559, Queen Elizabeth put forth under the Broad Seal; but they were not confirmed by Parliament, as most of our charters are (Eliz. c. 13), supported *regia auctoritate*, Eliza-

beth proceeding in this body of Statutes on the same principle, and by the same rule, as Justinian in the Institutes: "*In hos quatuor libros easdem Institutiones partiri jussimus; ut sint legitimæ scientiæ prima elementa; in quibus breviter expositum est, et quod antea obtinebat, et quod postea desuetudine inumbratum imperiali remedio illustratum est;*" for, adds his annotator, "*hæc clausula confirmat Institutiones, et eas habere vim legis jubet.*"

These Statutes, however, were not properly *accepted* by the University, they were *forced* upon it.

From this short view may be seen how great the subject under consideration is. For in this collection of the Privileges of Cambridge, appears the code of Queen Elizabeth's Statutes, together with all the other public instruments relating to the University, and which retain their present authority in it; upon which questions not a few, and some of no light moment, have arisen among many learned and good men, worthy, as they have thought, of the consideration of the supreme authority of the state. We, too, have been sometimes almost led to think, that this little Dissertation ought to have been prefaced in different words, and, however humble our situation may be, to have been addressed to that supreme authority.

Be that as it may, the matter now stands thus.—If in the reign of Edward VI. the existing Statutes of the University were thought deserving to be set aside, as being, on account of the change which had taken place in our literature and manners, *OBSCURE, scarcely intelligible*, and *almost barbarous*,—do not the Statutes given by Elizabeth now nearly come under the same predicament? It must be granted, that there are many things to be found in them, which ought to be still kept in view, and are useful still to gentlemen

of the University; being such things as come into daily use, and are necessary in the discharge of public offices and the performance of public exercises; but with respect to other matters, they are many of them of a very different kind. Are not the studies now to be pursued, the lectures as now read, the manners and customs, together with many things, which relate to forms, to times, and places, very different now from those which are presented in this Book of Privileges—on public lecturers—on the times of lecturing—on the books to be read—on the hearers of public lectures—on the course of studies,—and on many other subjects?

But what shall we say? Oxford and Cambridge writers have again asked, Are there not many things in those Statutes, which, according to modern usages, are now scarcely to be understood, and are in a manner barbarous? Why should we use many words? There are those, who accuse these very Statutes of levity, as made too much under the influence of private passions, and as partial, intruding on property, and private judgements, and at the same time as cruel, impracticable, and nugatory, requiring brick to be made without straw; and of such-like charges the writers alluded to have given examples in abundance. Thus have argued many, who have wished to see our Unisities thoroughly reformed. But if Statutes which are now become antiquated, cannot be entirely abolished, they ought to be revised and repurged; so that old laws may no longer be at variance with modern manners, like tares among wheat. For admitting, say they, that our ancestors derived those benefits from them, which they had in view, we should consider that which was done, enough, for the time, and well done: but the end being answered, what can be more inopportune, what more absurd, and full of madness, than still to

offer them to acceptance, still to perpetuate them, still to *sanctify* them! "They are *dead*"—granted some of them are truly so. Should we then say of dead things, as of dead men; *mortua non convitianda; de mortuis nil nisi bonum.* But these dead things can come to life, and, as occasion offers, have sharp teeth.

As an example of what might be said on this head, we remark, that a member of one of our largest Colleges observes, "that there was not a single Statute among those of his College, in which there was not some one clause or other, which is not truly, or which can be, observed:" and elsewhere, speaking of the terms of a certain oath, he adds, "that it consists of nine paragraphs, which if you except two, or at the most, three, the very best men could not fulfill." And this, if we recollect right, was the College, in which one of the Fellows—one of the seniors, if we mistake not—urged, in a sermon * preached in the College Chapel, that there was a Statute of their College in direct opposition to a University Statute, and both given by the same Elizabeth; so that if he obeyed the College Statute, he incurred the penalty for violating the University Statute; and was, indeed, liable to expulsion both from the College and University.

But with complaints against these Statutes let us unite congratulations. For here, as in the ordinary perplexities of life, with serious, substantial difficulties, are intermingled temporary, accidental alleviations. No man surely is expected to perform impossibilities: and, in the present case, palliatives have been discovered for the evils, which have not received a perfect cure. Some Statutes are allowed to pass into just oblivion, by long

* It should be, in Extracts from the University and Trinity College Statutes, *prefixed* to a Sermon, &c. By Robert Garnham, B.D. 2nd edit. 1794.

disuse, and the general consent of these corporate bodies; and others by positive abolition, or by the qualifying interpretations of the Masters of Colleges, are now considered either as modernized and ameliorated, or as entirely set aside. In the matriculation oath, there are provisions, somewhat liberally made—*quantum jus fasque est*, and *quantum in me est*,—as also in the oath of the Inceptor in Arts, were it not marred by that senseless, impracticable clause—"*Hujus Academiæ statum et dignitatem tuebor* quoad vivam; *meoque suffragio atque consilio* rogatus et non rogatus *defendam*." But, to speak the truth, oaths of mere form—as this kind of oaths is commonly made and considered—seldom become the rule of future life. Conscience takes no interest, and feels no trouble, about them; and, should Subscribers, in some after-period, have any secret misgivings, they may be reminded of that just rule of the civil law—the law of the University Courts—that an oath taken in any particular court has no obligation *in præjudicium curiæ superioris:* and, we suspect, that the laws of reason, of common sense, of the civil code, and the law of the British Constitution, will give their verdict against any unintelligible, impracticable law in our Statutes. But, after all, should they at some future period entertain any doubts on the purity of these Statutes, and venture to open their mouths against them, they may take refuge in the Vice-Chancellor's ecclesiastical absolution; which is here copied from the interesting trial of Wm. Frend, A.M., who had been accused in the Vice-Chancellor's Court of publishing a libel; and it was delivered by the acute defendant into the same Court in bar of sentence:

"*Absolutio in Fine Termini.—Auctoritate nobis commissa, vos absolvimus ab omni negligentia, forisfactione, seu transgressione statutorum, privilegio-*

rum, et consuetudinum, et Deo et sacramentis Ecclesiæ vos restituimus in nomine Dei Patris, et Filii, et Spiritûs Sancti.

This Absolution does not occur in our Book of Privileges, nor in our *Excerpta e Statutis Academiæ Cantabrigiensis*, nor in some other books of Ceremonies, relating to Cambridge: this we must consider a defect; but, as is well known, it is regularly and officially delivered. The provisional grace *in cautelam jurantium et levamen* is found in most of them.

But enough of the complaints against Statutes; and, perhaps, more than enough, though in their present state they are a great evil. Our complaint is of the greater evil; which being more prominent in appearance, and more pernicious in its influence, ought to receive our primary regard and most conscientious consideration:

> "Why should we sin, and mangle ev'ry line
> In rev'rence to the sins of thirty-nine?" POPE.

But, before we take a view of the specific nature of this evil,—by an investigation of the meaning of certain articles contained in the *Regium Mandatum*—let us briefly consider the doubts and difficulties, which are in the way of removing it.

XLVI.—*Doubts, relative to the Right of abolishing Subscription.*

Here it does not escape us, that our observations on the supreme visitatorial power have already run out to a disproportionate length, and, perhaps, may be a little circuitous: but, as we have confessed, that they were entered upon more with a view to satisfy ourselves, than to inform others, there will be less call for apologies. We are for ascertaining where the jurisdiction resides which is capable of suppressing an

evil: and it already has appeared, that a Vice-Chancellor, —in the case of petitioning undergraduates,—declared it did not rest with him—that certain of the Senate have insinuated, it was not vested in them—and, that the Caput—as we have seen—has the statutable prerogative of coming forward *in limine* with precocious resolutions, and positive preventions. Hence, then, doubts may have arisen in our minds; and, if there is any room for them, they have not been removed, nor diminished, by what a learned academic, the late Dr. Parr, by letter, not long since avowed to us,—"Our Universities require a thorough reformation—I think as you do on the subject of Subscription—but the cause is *hopeless*."

Now where any doubts may exist, on the right of interference in correcting abuses, there may naturally arise difficulties and delays in the way of removing them.

But whatever doubts there may be as to the limits of the Senate's rights, and whatever difficulties from the obstructive prerogative of the Caput, there can be none on the absolute, independent right of the supreme visitatorial power, however faint the expectations in any quarter may be, or whatever difficulties may be thrown in the way of its timely regard and successful application; for, as formerly brought prominently forward to public view, it bore on it the stamp of royal authority.

Further: The civil law principle—*Initium et Finis legum a voce principali procedit*—is certainly the basis of our present Statutes as a code of royal law, and the civil law process predominates in our Courts, with the exception of some things peculiar to these singular establishments: still on considering, that an *English King* was one, who did not act *without*, but *under*, the authority of law, who ruled not *mera regia potes-*

tate—that this nation had from time immemorial its *Concilium Magnatum*, its *Concilium Regni*—that, in the Saxon times, this Council sat in the same house with the King,—and that, after the Conquest, the greater barons still continued to form the King's Great Council, though called up then by a *particular*, as they had formerly been by a *general*, writ;—taking all these circumstances into consideration, we may presume, that our ancient Kings, in adopting any great measures relating to such-like literary Institutions, would act not altogether in their own name, but with the advice of this their *great Hereditary Council*.

Further: Although the word, *Parliament*, is comparatively of late usage, the *thing* was of very remote antiquity; and our Universities come into clear light under the third Henry, though their origin is veiled in some obscurity: but in the reign of Edw. I.,—Henry's immediate successor,—that is, when towns and boroughs were first directed to send Representatives to the Great Council—as the Knights of the Shire did—two for each County, there is then full proof of the Parliament's jurisdiction in academical transactions; as particularly in the "*Petitio Universitatis in Parliamento facta*," &c.; and even accompanied with a *non obstante Prohibitione; cui responsum est, sicut habet Universitas Oxoniensis, sic habeant*. In the reigns next following of Edw. II. and Edw. III., we have various *Acta in Parliamento*, relating to the University, *coram nobis et Concilio nostro*, &c. These were issued with the usual royal signature, *Literæ Patentes, teste meipso;* and, as it appears that letters so signed were yet frequently passed in Parliament, though not declared to have been so, it is probable, that other royal instruments relating to the University were of a similar kind. And the Act for

incorporating the two Universities passed in the reign of Queen Elizabeth,—who yet made such a flourish with the royal prerogative,—fully shews, that in legalizing and protecting these literary establishments, she knew the weight, and felt the force, of an Act of Parliament. This, too—a Parliament—the good people of England have always been accustomed to assert, and to this in their emergencies and difficulties have been proud to appeal; and, since its boundaries have been more clearly marked out and its powers are more distinctly ascertained, it now stands on its proudest eminence, in the progress of the British Constitution, as, the three estates, of King, Lords and Commons, as the supreme authority of the State. It might, therefore, be inferred, that the supreme visitatorial power in our Universities now, *in facto*, as well as *de jure*, resides there: and that on any great occasion, which would justify their interference, it would be the joint duty of the High Court of Parliament to appoint Commissioners, wise and good men, who might advance such improvements as from the light of the times, and the present state of our Universities, might be thought expedient.

Finally: As it appeared, that the University's interests, and the nation's interests are so materially affected by things, as they now are; and, that as correspondent duties are incumbent on the legislature generally, so are there some more particularly attached to the House of Commons. This is, avowedly, a House of the Representatives of the People, and, as such, is, and ought to be, the protector of the rights of every member of the British empire. The Universities, too, send up Members—two for each place—to this House. On recollecting all this, it was natural to presume, that there were some peculiar claims on

that House, to consider any matters, which might be a stigma on their Universities, and a disgrace to the country; the present Subscriptions being, we must continue to insist, hostile to the liberties of their constituents, creating an invidious and injurious monopoly—conferring only on privileged persons literary accommodation and municipal advantages, which ought to be common to all good citizens; derogatory to the spirit of a free people, destructive of pure and undefiled religion, as being productive of insincerity, and obstructive of private judgement and the rights of conscience. Such are the Subscriptions imposed by an arbitrary prince, and unsanctioned by parliament. Now in the same manner as the Common Law of England takes the precedency of the Civil, where, otherwise, there might be a danger of their clashing, it might seem just, and legal, and constitutional, that an Order of the House of Commons, as representatives of the people, and protectors of their interests, should supersede the arbitrary Mandate of a too imperatorial king.

After all, should it be thought, that a mandate, which a King issued, a King only can annul, and that the abolition therefore of Subscription requires the exclusive exercise of *the Royal Prerogative*, still there might remain one course to be pursued by a House of Commons, which would be, as in similar cases, to introduce a Bill, for a Petition to be presented to the Sovereign, for a Commission to be appointed to take this matter into serious consideration, and to follow it with proper regulations. For, if an entire renovation of our Universities may not be expected (though they unquestionably require new Codes of Statutes), still this reformation ought not to be delayed: this long-continued tax on the human under-

standing ought to be immediately repealed: it is imperiously called for: and it may be thought, by whatever means it should be effected—whether the royal mandate should be suffered to pass into silent neglect, and to rest with the bats and the moles, or be obliterated by a Grace of the Academical Senate, or, at once, strangled by an Act of Parliament, or an Order of the House of Commons, or the interference of the Royal Prerogative—whatever course should be taken, if the good work were but effected, there would be left room for mutual congratulations, and the approbation of the lovers of truth, of the friends of liberty, of all honest and good men.

And these our *doubts* and *difficulties*, if they have not brought our feet to stand on holy ground, neither have they led us into the land of Faëry:—we have been led by sincerity, and are in search after reality.

XLVII. *On the Meaning of certain doctrinal Articles of the Church of England.*

But, to return to our Subscriptions. Such is the course, which things had taken for some time back—we wish they were now much better—and those who please may call them trifles; but, indeed—nothing is plainer—these trifles lead to great and very serious consequences.

Our argument, as it will appear, is but little concerned in the truth or falsehood of the propositions to be subscribed:—Why, then, it may be asked, *need* we hold a conflict, concerning the *literal*, *grammatical*, and *theological* sense of the Thirty-nine articles? And it might be justly asked; the matter turning upon this; to wit, that the propositions to be subscribed are out of time and place; to the condition of the subscribers, and the occasion of subscribing, not at all

—to borrow a term from logic—correlative: or what necessity, they might continue to ask, for insisting on the formula to be subscribed, when, as we have shewn above, whether we swear, that we are in truth members of the Church of England, or to the authority of the King's Letters, or to the truth of the Thirty-nine articles, it leads to the same result? But, whatever course we take, whatever our opinions may be on that subject, let us beware, lest we rather prompt young minds to turn away from the study of truth, than to be forward in the pursuit of it; for, as the proverb says, the well, which is often stirred, and out of which water is frequently drawn, becomes better; but stagnant waters become putrid: let us beware, too, generally, lest we commit an injury on the genius of Britons, who, though at first so covetous of liberty, are not less prone to error; their genius being not unlike their climate; "*Anglia si non ventosa, venenata.*"

But, thus much concerning these matters, which so far as we have hitherto treated of them, have been questions connected rather with economy and polity, than with metaphysics or theology. Yet, though it may not be expedient to divide and nicely cut into parts all the Thirty-nine articles,—which, too, are not contained in the Book of Privileges,—and to search into the meaning of each of them, nothing need prevent us from subjoining what follows, which, if considered as an episode in a poem, will, we hope, obtain indulgence from the reader.

The dogmas, contained in these articles, are either doctrinal, disciplinarian, ecclesiastical, or political. Of the disciplinarian, ecclesiastical, and political the sense is sufficiently clear: and, though some of the doctrines are profound and difficult of comprehension, yet the terms of them are simple and one; though, at the same

time, it is easily to be perceived, that these, when divided into their various propositions, are not for every one to understand correctly, and to subscribe heartily, *ex animo:* this requires a good stock of theological knowledge, a prompt acquaintance with history, the acuteness of a critical judgement, and a strict exercise of an upright conscience.

But the argument is very different concerning some other of the articles. In these the controversy turns on the very meaning of the terms: for while some persons derive from them the doctrine of Free-will, others can perceive nothing in them but absolute predestination; while others, leaning to the two doctrines, use so to interpret them, that those, who are now called by divines Arminians and Calvinists may be held bound and join hands on the same doctrines.

In examining this matter, we beg leave to solicit, as before, the reader's candid interpretation of our aims, and not to condemn us too hastily: we must repeat "we judge no man;" we censure only injurious customs; we oppose only irrelative impositions. And as illiberality is not the character of the present times, so is it not consonant with our own dispositions, nor with the object, which we had originally, and have still, exclusively in view: the various persons, who receive these Articles, taking different views of them, will, according to their different interpretations and modifications, take a different course, in satisfying their own minds.

For certain it is, that different persons *have* formed, and *do* still form, very different opinions of the terms of these Subscriptions; and of the stipulations thereby made. Some have supposed them merely articles of *peace*, to be taken in a general way, for personal acquiescence, and political expedience; not necessarily

involving considerations on their truth: others consider them as designedly left *open*, for the discretional interpretation of persons of various sentiments; others have maintained, that several meanings may be put on one article,—as, for instance, "On the Descent of Christ into Hell,"—which are all true; some insist, that the articles, comprehending what are called, the "five points," are to be understood as Arminian, Free-will doctrine; others, receive them, as Calvinistic, Predestinarian; others again, as just hinted, as a two-fold doctrine, embracing both Free-will and Predestination: some contend they are to be admitted not, as originally, *ex animo imponentis*, but according to the present times, *ex animo administrantis*; while others think themselves justified in taking their own interpretation of them, whatever that may be. We may have occasionally met with persons possessed of religious affections, and favouring peculiar opinions—which too they maintain to be those, which they are required to subscribe—who yet have not heartily approved subscribing them. But they subscribe they say, with a view to ministerial usefulness, not from a feeling of worldly interest or of political expediency. They think, they can be more useful in a professional line, as public teachers in the Church, by subscribing, than by rejecting, them.

The number of those who, as things now are, will take these articles in the gross, as a mere matter of form, will unquestionably be very considerable; nor do we mean to interfere with the rule by which they act, or by which they evade all responsibility and obligation.

We profess ourselves to be of the number of those, who think, as will appear, the Articles more immediately under consideration—the "five points"—to be Calvinistic: and so far we consider doctrinal mat-

ters; though we wish it to be understood, that we are entering on the following statement not so much in a spirit of mere curiosity, not so much from a fondness for disputation, not so much from a desire to elucidate any particular dogmas, as with a view more strongly to enforce, what has been already suggested incidentally, the impropriety, the inexpediency, the impolicy, the incompetency and total irrelevancy of the present tests; the utter inconsistency of subjecting lay corporations to these theological restrictions; of entangling the candidates for honours, merely literary, or privileges merely civil, with conditions so irrational and disproportioned, with doctrines, so foreign to the occasion, and, in our judgement, so rigid and barbarous. But, leaving others to their own judgement, and not presuming to scrutinize into their consciences, we proceed to our statement.

XLVIII. *On the Predestinarian Doctrines contained in the Thirty-nine Articles.*

In proof, then, that the doctrinal articles on the "five points" are to be taken with a meaning of absolute predestination, or in the Calvinistic sense, as it is now called, we beg leave to submit to our readers the following statement.

The writings of Archbishop Bradwardin and Wickliffe, the precursors of the English Reformation, clearly deliver this doctrine. Many controversies, indeed, they maintained against the authority of the pope, indulgencies, transubstantiation, and the frauds of the monks; but, at the same time, they defended absolute predestination against the free-will of Papists and Pelagians; and from their springs, as is well known, our reformers watered their gardens. No book breathes

this doctrine more strongly, than Archbishop Bradwardin's famous book "*de Causa Dei.*" These two eminent men were for certain Predestinarians; as no less certainly were those after them, whom we more peculiarly call, the Reformers. The celebrated Catechism put forth by Dean Ponet, under Edw. VI., and sanctioned by the authority of the King and Prelates, gives its testimony to this; and the Latin version of this Catechism by Dean Nowel under Elizabeth, bears the same testimony. This is also proved by the "*Harmony*," and "*Concord*," of Confessions; namely, that chain of doctrines, by which the reformed Churches mutually bound themselves to unity and uniformity of the Faith: all and each of these Confessions breathe the predestinarian doctrines; and the Creed of the English Church is to be seen among them. This is further confirmed by the very writings of the men, who, under Edward and Elizabeth, were received as the exemplars of orthodoxy: such were, not to produce too many examples, that Column of the English Church, Bishop Jewel, under Edw. VI., and that *Malleus Hæreticorum*, both Popish and Puritan, Richard Hooker, under Elizabeth. Calvin himself does not follow more closely the principles of Predestinarians in his *Institutiones*, than Hooker does in his Sermons at the end of his Ecclesiastical Polity. Why need we appeal to other examples?—though others, and those in abundance, are at hand. We have the Thirty-nine Articles and Calvin's Institutions now before us. And, as it appears to us, no two eggs can be more like one another, than the doctrines contained in these two compositions.

Hume, the historian, one in theological matters, certainly, allied to no sect, speaking off-hand, as it were, though not without having well weighed the subject

before, confesses, that the Reformers were Predestinarians: and most assuredly he is right: nor is Bishop Burnet less so: it is, however, in his History of the Reformation, where the latter acknowledges this. For the same writer elsewhere, viz. in his Exposition of the Thirty-nine Articles, holds out—for he was a man of a liberal turn of mind—that the doctrine of *Reprobation,* however, is not contained in the Article on Predestination: he should have said, *ought* not to be contained in it. For, good Sir, how will you separate Reprobation from Predestination? As a shadow follows its substance, so is Reprobation inseparable from Predestination. Calvin acknowledges this himself: "therefore," says he, "if we can assign no other reason, why God condescends to shew mercy to his favourites, than that so it has pleased him; neither, in the reprobation of others, is any other reason to be looked for, than his pleasure. For when God is said to harden, or to shew mercy on whom he will, men are admonished by this to seek no other cause besides his pleasure."

Right, therefore, and prudent, was the supplication of the poor sorry Fellow of Gonville and Caius College, who, after a *concio ad clerum* preached by him at St. Mary's church, renounced quickly the doctrines contained in it, among his other recantations and penitential confessions before the Consistory of Doctors, declaring "that he was of the same mind, and of the same faith, as the Church of England holds and teaches, on the doctrine of Election and Reprobation, in the Chapter on Predestination in the Book of Articles." Fuller has given—in his History of the University of Cambridge—this most humiliating Confession at full length, as delivered in the pulpit of St. Mary's church, A. 1595.

Now, as we have before intimated, this is not the

place, either to defend or oppose scholastic and theological dogmas, nor to investigate, whether Predestination and Reprobation can be reconciled with the doctrines of Christ and his Apostles, and of the Fathers of the primitive Church: willingly shall we now leave the Defence and Refutation of Calvinism to others. But, away with those arguments, which derived, as they must be, from the imperatorial will of James I., the arbitrary decision of Archbishop Laud, and the too prompt interpretation of some learned men of that age, would tear away Absolute predestination from the Articles of the Church of England! What might have been most agreeable to their wishes, is clearly nothing to the purpose. The Articles to be subscribed, and which were, and are, subscribed are the Articles of 1562, which are unquestionably Calvinistic.

XLIX. *Wherein absolute Predestination differs from the Philosophical Necessity, whether of the moderns or ancients.*

Hobbes, the great advocate of philosophical necessity, as it is called by the moderns, gives the following *definition* of it: his *arguments* we pass. "It is," he says, "the meeting of causes producing an effect: of which the last is, the deliberation and final determination of the understanding concerning good and evil."

Among the ancients, Zeno and the Stoic philosophers introduced great disputes and difficult arguments concerning Fate, raising clouds, which Plato was not willing to hide, nor was able to break through. He in a manner defended two Fates; of which one was "the Soul of the World," ruling all things in the universe, and in the Heavens themselves; the other,

that divine, immutable law, given for the administration of all things, and not subjecting the human will to necessity. But Aristotle seems to have subjected the Heavens, and even Man, according to his nature, to the laws of necessity. These philosophers endeavoured to untie the foldings of these knots in a manner somewhat different. Cicero, inclining rather to Plato's doctrine, admired the divine mind, which rules all things, and, at the same time, defended the freedom of the human will.

Those philosophers, who in a later age mixed Platonism with Christianity, made many distinctions and various kinds of arguments concerning Providence and Fate; concerning the foreknowledge of God, and human liberty, on the divine justice, on the origin of evil, on the present state of pious and impious men; questions, concerning which, as Boethius remarks, "it is not possible for man to comprehend all the divine proceedings in his understanding, nor to explain in language:" But those Christians, who introduced into their Creeds, a Predestination, which, of necessity, draws after it Reprobation, those Christians, we fear, greatly multiplied the difficulties of these doctrines; among other things, making God himself the author of sin, and at the same time, the inflictor of everlasting punishment on sinners, mountains of difficulties, in fact, not to be overcome but by such as can defend the "Justice of God," perhaps his mercy, "in the Damnation of the World*."

But so it is. These, forsooth, are the dogmas—sub-

* The title of a Sermon published in New England by the celebrated Predestinarian, Jonathan Edwards, and properly enough, surely, republished by an A.M. of the University of Cambridge—Charles Decoetlogon, A.M.—who once threatened to publish a Defence of Subscription to the 39 Articles, in the Calvinistic sense.

ject to such difficulties and severities, to such doubts, and objections of the most learned men,—these are the dogmas, to which Subscription is to be required: and for what purposes, think ye? Why, for admission into an Academy of General Literature*, for obtaining Academical degrees, for the fruition and administration of civil offices.—And of whom are they required? Why, truly, of youths, but just leaving school, of beardless boys†, of Inceptors in Arts (A.Ms), in Physic, in Law, in Music;—ridiculous enough in truth, if it should not be rather called, monstrous! Why does not the Professor of Music rather ask his Inceptor to set the Thirty-nine Articles to some learned tune—say, some Grecian measure—than to subscribe them? This would be less irrelative and absurd.

But, as the proverb has it, "the bow, if too much bent, may be broken:" or, perhaps, some one may rather choose to say, "that we are for shooting our arrow beyond the mark," concluding from the preceding remarks, that we hold Academical honours, that is, Degrees, in too great admiration, estimating them far beyond their real dignity and value. With the permission, then, of our readers, we will briefly explain, what good is to be looked for from these Academical Degrees, after saying a few words on Titles.

L. *On Titles, and the Writer's Opinion of them.*

Doubtless, it must have appeared to the reader of this Dissertation, so far as it has hitherto proceeded, that it is frequently much out of character, and altogether inappropriate; too free and unrestrained in its style,

* It is so at *present*, at Oxford.

† In the time of James I. students were admitted of Colleges, and matriculated in the University much earlier, than they are commonly now.

too explanatory and minute in its observations. And so it must unquestionably have appeared to the writer himself, had the learning and intelligence of those gentlemen only been contemplated, to whom these pages are primarily and principally addressed. In an address to such gentlemen, if separately considered, the language should have been modest and unassuming, the observations more cautious, and less explicatory, the various matters, so familiar to them, being left to explain themselves. But the truth is, although these gentlemen, as being more immediately concerned in the Privileges of Cambridge, were primarily, they were not exclusively, in view. It was supposed possible, that other readers might peruse these remarks; such as, without any personal interest in the Privileges of the University, or, perhaps, much acquaintance with them, and other matters arising out of them, might yet entertain kind wishes, and feelings of respect, towards its members, such as, with those affections and sympathies would associate the principles of justice and liberality, of truth and benevolence—and combine a regard for the particular privileges of a learned institution, with the general benefit of civil society. With this complex object in view, it became necessary not merely so to write, as to be understood, but so as to render it impossible to be misunderstood.

The following observations too on Titles and Degrees, though, it is hoped, not so much out of place and character, still require some apology, as being, in part, addressed to persons different from those, to whom the Dissertation was originally submitted; and, further, as being, also designed to serve a purpose different from the leading one; viz.: to defend the writer, to whatever censure on other accounts he may lie ex-

posed, against the charge of a changeableness in opinion, and inconsistency in conduct. For it may possibly happen, that these pages may fall in the way of some old acquaintance, who may recollect a time when Titles were held in no estimation by the writer, when, indeed, both in theory and practice he disclaimed them.

It appeared to him, indeed, that Titles originated in despotical usurpation, in magisterial self-appropriation of authority, or feudal oppression.

It occurred to him, at the same time, that however they originated, they were not necessary for any of the useful purposes of natural and civil life; that they destroyed the unity and harmony and strength of political societies; further still, that, metaphysically and religiously considered, they were, frequently, the very reverse of what is true; and, historically, that they were not countenanced by those who are deemed the most enlightened and polite nations of antiquity, the Greeks and Romans; always distinguishing, however, such titles as are artificial and factitious from those, which are natural and civil; the merely personal, honorary, hereditary, and feudal, from magistratical, official, relative, and professional; to which might be added such as are occasionally, and incidentally, *pro tempore*, referrible to character: and as these ideas did not go to exclude that of sovereignty—by whatever name it may be called—in the constitution of governments—neither do they those of true nobility and gentry.

The inconsistency, then, of the writer, will be thought to consist in a want of conformity of his practice to his theory. But, on striking the balance of comparison, it appeared to himself, that it would be less inconsistent for one, living, as it were, alone, or

filling a very humble place in society, unconnected with any particular sect, to retain the established forms of speech, than, by assuming the language peculiar to a sect, to have made an habitual profession of his adherence to that sect, when in reality he did not belong to it, and had no connexion with it: and he must content himself now with hitching himself by the side of poor Erasmus, who could not always make his practice conform to his theories:

"But without joking," says he, "I approve the simplicity of the ancients, which I wish the very corrupt manners of our times would suffer us to imitate, so that we might address each other with the simple titles of names; *Caius Plinius to his Calvus wishes health.* What," adds he, "can be more consentaneous with truth and purity?"...."So that I am the more surprised at those who receive the name given to them at their baptism into their ears, as if some violent insult was forced into them*."

Selden, who has written so learnedly on *Titles of Honour*,—though, indeed, the history and peculiarities of them rather than their defence,—refers to Plato,

* "Sed extra jocum, mihi probatur veterum simplicitas, quam utinam per nostræ tempestatis corruptissimos mores ubique liceret æmulari, ut nos invicem nudis nominum titulis salutaremus: *Caius Plinius Calvo suo S.D.* Quid enim erat verius et purius?.... Quo magis istos admiror, qui vocabulum suum, quod inditum est in baptismo, non aliis auribus accipiunt, quam si atrox ingereretur convitium."

Erasmus is elsewhere in the same work—*de Conscribendis Epistolis*—very sarcastic, though of the Catholic Church himself, on the superstitious titles given to Popes, Cardinals, Archbishops, Bishops, Abbots, &c. down to *Dominus* and *Magister;* where, playing off a good deal of wit, he closes with, "Quid, dicent, faciam, si quis, honoris gratia, me vocat Magistrum? Ride, move caput, et desinent te sic honorare, si senserint, aures tuas non delectari titulis ineptis."

Aristotle, and Plutarch, as having written on nobility: the several passages he refers to are quoted at large by Stobæus. And it is certain that the Greeks had their pride of ancestry, their titles of magistracy, their insignia of office, their honours, crowns or chaplets of myrtle—and privileges, with right of inheriting estates, and the like. But after all, their noble or well-born—their εὐγενεις and εὐπατριδες,—were those related rather to good families, who had served and benefited the state, than to merely privileged ones, who had received hereditary titles from their ancestors, and which followed, in the line of succession, to their posterity.

Indeed, the principal magistrates of Athens,—the Archons, &c.—were not only elected by the people, but chosen out of the people. So that, after all, the well-born or noble Athenians stood more distinguished from sojourners and slaves, than from Athenians generally, who were Citizens or Gentlemen of Athens, Πολιται, Ανδρες Αθηναιοι. Indeed, had they possessed any of those merely artificial and factitious titles alluded to above, it is extraordinary, that they should never occur in those philosophers just mentioned;—the three most copious, yet precise, of all the Greek writers.

The same learned person—Selden—also refers to Philo the Jew, as having written a treatise on nobili —περι Ευγενειας—but, indeed, it is a merely moral dissertation, maintaining, that true nobility,—the same as the Stoical, philosophical, and Christian Nobility,

Nobilitas sola est atque unica virtus——

is not derived from rich or illustrious ancestry, but from personal and moral excellence: "For it becomes us," says he, "to reckon those only noble, who are "wise and just, even though they should be born

" of menial servants and slaves bought with money:
" but to those who, though born of good parents, are
" themselves bad, let the region of nobility be con-
" sidered as inaccessible: for every wicked person is
" without a house, and without a city, being banished
" from virtue, his proper country, which, and in reality,
" is a country of wise men," ἡτις, και τῳ οντι, σοφων ανδρων εστι πατρις. This appears to be said in contradistinction to the ευγενεις and ευπατριδες of the Greeks. He refers also much to the Jews; but he says nothing about titles: and though we frequently meet, in the Hebrew Scriptures, agreeably to the more pompous style of the East, with such words, as My Lord—Adoni—it appears to have been used, among the Jews, not as a permanent, ordinary, or hereditary title, but as an occasional one, as a term of respect. The *nobles* mentioned, Exod. 24, 11,—more properly the selected—etzilee;—are the same personages as those described as *chosen* from among the tribes for particular official purposes,—the 70 Elders. See Deuteron. chap. i.

The Romans under their Kings had but one name, or, at most, but two. When they were afterwards classed according to their tribes, they could have four, and sometimes five, as Publius Cornelius Scipio Africanus Æmilianus. A slave could have only one. The Senate, the highest legislatorial assembly, as a body, received the most magnificent titles; and the Consuls, with the men of consular dignity, the Equites, and all the Nobiles, had peculiar badges, privileges, and honours. But during the Republic they had no such generic, factitious titles, as those mentioned by Erasmus, which have been introduced into Christendom, and which frequently convey ideas the very opposite to the characters of those who bear them. It is

to be remarked, that the word *Dominus* among the Romans, and Κυριος among the Greeks, though in common use among them as appellative nouns, do not appear to have been used as a form of address, or as adjuncts to a noun, by the writers, who were of those periods which we call the Classical ages of Greece and Rome*.

It is well known, that many of our—the English—titles of honour came from our Saxon ancestors, from whatever source some of the appendages, which have been since superadded to them, were derived: Thus King—Küning; Earl—Eorle or Earle; Alderman—Ealderman; Mayor—Meire; Sheriff—Girefa; Knight—Cnyte; and the like terms, are all expressive of dignity, but of dignity attached to offices. It does not, however, appear, that our Saxon ancestors had those

* Κυριε,—whence our Sire, and Sir,—is perpetually used in the writings of the New Testament, and generally refers to Christ, and as applied to him, seems tantamount sometimes to the Hebrew *Rabbi*, and sometimes to *Adonai*: but it was also certainly applied to him by his disciples in a much higher sense, referring to him, as possessed of a superior, divine power, δια την εγκειμενην θειοτητα: and so it has been received, from them, through every age of the Christian Church. The adjective also Κυριακη has the same reference; as, ἡμερα Κυριακη, δειπνον Κυριακον, τραπεζα Κυριακη, &c. And it is, perhaps, for this reason, that the Society of *Friends*, called Quakers, object to making use of the word Sir, Sire, Κυριε. But though *generally* referred to Christ in the New Testament,—and exclusively to him in the higher sense,—it is not exclusively referred to him in the common sense of, Sir.—Augustus, according to Suetonius, forbad the people to call him Dominus.—Dominus, among the Romans, like Κυριος, became a term of civility or respect, but it seems never to have been used under the Commonwealth: and even Augustus, and afterwards Tiberius, as we are told by Suetonius, in *Vitis duodecim Cæsarum*—forbad the people, in the most authoritative manner, to call them Dominus. Aurelius Victor says, that Caligula was the first of the Roman Emperors who received the title of Dominus.

artificial, factitious distinctions, to which the allusions above have been made. Indeed, the highest offices in the state were elective—as was also, that of the King himself,—and though a Ceorle might acquire possessions, which would qualify him to be made a Thane, as a Thane might, in the same way, be qualified to become an Earl; still, their lands were hereditary, not their dignities: and the persons possessing the latter were removeable from them by the King, or by the Wittenagemot. The King, however, had his high honours, privileges, and revenues; the Wittenagemot were the Principes, Primates, Majores, Seniores Regni; and the Ecclesiastics had their *ordinations*, which were called their *Consecrations;* and it might happen, that the King might be addressed, *Rex gloriose*, as a Pope once addressed one of our Saxon Kings,—or an Earl, as *dignissime*,—or an Archbishop, Bishop, Abbot, or even a priest, as *venerabilis*, as Bede has been handed down to us, as the *venerable* Bede: but such like addresses were made on the supposed respectability and gravity and worth of their characters, not as badges of an order, or as the heir-loom of a family.

Ideas much akin to these engaged the writer's attention full forty years ago. What his theory or practice may be now, matters but little. Suffice it to say, that he retains enough of them to respect the testimony of the Society of Friends *, and to repeat the wish before quoted, of Erasmus: "*Sed extra jocum mihi probatur veterum simplicitas, quam utinam per nostræ tempestatis corruptissimos mores ubique liceret æmulari, ut nos invicem nudis nominum titulis salutaremus.*"

But, though he conforms to the accustomed usages

* The Quakers.

of speech in this part of the world, he should think it a great perversion of language, to address the Pope, His Holiness, at the time,—as it seems he is now,—he may be endeavouring to drive—by his bulls,—all civil and religious liberty from the face of the earth; as he should also the present King of Spain, as His Most Catholic Majesty, who never possessed one liberal opinion, and has proved so treacherous to the most faithful of his Catholic subjects. It would, in like manner, have been a perversion of all meaning in language to have addressed a King, as Most Christian King, at the time he was terribly persecuting all his Protestant subjects. We allude to Francis I. King of France.

So much for Titles.—Degrees may, perhaps, be considered by some as akin to Titles: but they are, in fact, of a different family. The former were considered by the writer as arbitrary, technical distinctions; and, considering the persons they are frequently bestowed on—whether Sovereigns, Popes, Cardinals, Archbishops, and downward—with all patent, hereditary titles, these—to say the least—are often inappropriate to the persons who wear them, and inapplicable to the useful, honourable purposes of life: the latter, on the contrary, are literary testimonies, civil distinctions, professional commendations, and have a considerable influence in the employments and offices of real active life, with advantages which among citizens ought to be left common, accessible to merit, and open to competition. But even of Degrees it is not intended to speak extravagantly, but according to their due proportion of personal dignity, and positive utility.

LI. *On Degrees.*

What we call Good is to be taken in a twofold

sense: for there is that, which is good in itself; and there is that, which is good extrinsically, and, as they speak in the schools, accidentally. That, which is good in itself, is virtue, knowledge, religion, and a pure conscience. What is good externally, and only *by accident*, affects principally the body, namely—riches, public opinion, honours, power, and other things which are not in our own power.

With respect to Degrees, concerning which such great things are said, it is manifest, that they possess something of a mixt nature. They may, perhaps, be spurs to an honest ambition; they may, perhaps, be testimonies to parents and relations of the industry of young men,—often, indeed, fallacious ones;—but with respect to those, who in the progress of years *proceed*—as the saying is, in the Faculties,—it is plain, that the good arising from them is to be measured by the positive advantages and real pleasure which may be reaped by those who *proceed*. Flowers, indeed, they may be considered, apt and convenient in forming a chaplet for science: yet are they often like some mandrake,—which being mixt with wine is said to cause somnolency,—and have always that pestiferous herb planted near them, which, according to custom, is placed in the vestibule, and always thrown in,—this, without a figure, we call, Subscription: and, perhaps, we have brought to our memory somewhat too hastily our old opinions concerning these Degrees, powerfully imbibed, as they were, in our youth,—and yet not so antiquated, as not to be capable of being supported by some modern arguments;—so that we fear, lest, through these inveterate recollections, we may not hold these dignities in so much admiration, as some other persons do.

That *Theological Degrees* were opposed, and con-

demned, *as the marks of Antichrist*, both by those of our countrymen, and of foreigners, who led the way in a reformation from Popish practices, is well known to every one. This is demonstrated by the writings of our Lollards, in verse, as well as prose, and particularly by those of the most celebrated Theologist, John Wickliffe, who was himself a Doctor and a Professor of Oxford. Among the foreign Reformers, John Huss, Zuinglius, and Martin Luther, all maintained, that *Magistri, Doctores, et Baccalaurei in Theologia*, were engaged *in simplici scientia hujus mundi*. Luther, more particularly, in his *Responsio ad Catharinum Visconem*, describing the last mark of Antichrist, describes Universities, and Theological Degrees, in terms too severe—according to his and Calvin's manner—to be copied into these pages. Erasmus took his Masters' Degree, in Theology, at Cambridge, *pro forma*, and yet we see, from what we have before quoted from him, how lightly he treated it: nay, how little value he put on *the seven sciences* of the Graduates: how farcically, how seriously, at different times, he treated their oaths, another book of his, already cited, will shew. And, indeed, this subject not only met with the disapprobation of the more serious reformers, but the banter of some eminent wits of that age: we allude more particularly to the celebrated work of Erasmus's friend, Ulric Hutton, entitled, *Epistolæ obscurorum Virorum*.

Such was the opinion of those Reformers, who so eminently professed themselves to be Evangelical men, concerning Masters' and Doctors' Degrees in Theology*.

But as the Faculties in the humanities, and Degrees

* Passages, relating to this subject, are quoted at large in the Latin text of our *Generalis Dissertatio*.

merely literary, are not, in all respects, to be assimilated to Theological and Evangelical ones, neither are they to be measured nor restrained by the same rules. And on these matters we might consult the Historian of Oxford, Anthony Wood,—though a writer not to be followed so much in his *Historia et Antiquitates Oxoniæ*, as in his *Athenæ Oxonienses*,—who says every thing, which is great, every thing, which is honourable, every thing, which is favourable to the antiquity, of these Faculties and Dignities: nor would we wish to detract any thing from the worth of literature, or from the dignity of learned men. Honour gives support to the arts and sciences: and respect, with appropriate rewards, is due to every man, whether graduate, or non-graduate, who by useful knowledge is capable of assisting individuals, or of benefiting the community.

But, with the good leave of so great a man, if many things were not bad from the beginning, many things degenerated into what was very bad, in the progress; and silly forms took the place of real science. Who is unacquainted with the genius of *the Scholastic age*, and how easily little vulgar arguments and sleepy recitations taken from Thomas Aquinas, Albertus, Johannes Scotus, or *ex Partibus Alexandri*—that *crambe repetita* of the Schools—were taken up, and repeated over and over again by those about to graduate, who thus carried off Masters' and Doctors' Degrees? while the poets of those times exclaimed,

"Doctores et Magistri nihil sciunt* !"

* We allude again to the "*Epistolæ obscurorum Virorum*," in which the author, in the most studiously barbarous Latin, both in verse and prose, is full of banter against the Professors in the foreign universities, and is more particularly sarcastic on their Doctors in Theology.

These times, indeed, are past; but not long since, *Strigmenta Syllogismorum*, as they were called, were handed about, cut and dried, by those about to graduate at Oxford, from one to another, and supplied thousands of men, in succession, with formulæ for disputation, to be barely recited memoriter: and such things as these bore away the honours of the Schools*.

Those times, also, are past: but others still remain, in which, with money in the pocket, Masters' and Doctors' Degrees are to be obtained, without any genius or learning or industry. Who need be told, how many Degrees, and of what kind, and at how small price, were lately to be purchased, and by those who never saw their Alma, who were never likely to see her? These itinerary diplomas, performed wonders. The honours of Oxford and Cambridge are not to be *so* purchased: none of these itinerary degrees issue from them.

But even in our Universities, Degrees may be obtained by men, whose principal exercises are, discharging the money for obtaining them, paying fees to the Officers, Subscriptions, and Oaths †.

But these things have not been said in a way of jesting, or mockery, of ambition or envy, of severity or wantonness; nay rather with the highest respect for

* An ample account of these Academical exercises, as lately in practice at Oxford, may be seen in Dr. Vicesimus Knox's "Liberal Education," vol. 2nd.

† As such assertions ought not to be made without proofs, the writer begs leave to offer the following; and in giving which, he is sorry to be obliged to add, *et quorum pars magna fui.* When he took his degree of A.B. he had a very slight knowledge of the mathematical sciences, though the examinations were then almost exclusively in them,—and had he been ever so well read in them, from the state of his mind at the time he should have been little qualified to pass a Senate Examination: yet Alma Mater was very gracious, and gave him his Degree of A.B. A very great *majo-*

that great company of learned men, whether immediately residing in these Universities, or living in the different counties of England, who have obtained these dignities, and who have more than merited them; and who, if they receive what they deserve, may, perhaps, obtain more than these Degrees can bestow on them. But let readers notice, to what point our discourse is tending:—which is this: to shew, that these Degrees, which the most common men, nay which deceivers and impostors can obtain, if they will but subscribe, cannot be enjoyed by men of the best principles, of the most accomplished characters, and the greatest literary attainments, without Subscriptions and Oaths.

rity were in a similar predicament: those who obtained what are called, Honours, were comparatively very few.

Again: with respect to other Degrees, Law-Degrees for example. Many years after this, the son of a gentleman *very high in the Law*, called on him in London, with a most earnest request, which was, to make a Latin Law-Thesis, for a friend of his, the son of a Dignitary in the Church, who was about to keep an Act in the Law-Schools, but who without a Law-Degree could not hold two livings, which were offered him. The gentleman's importunity prevailed over all excuses and remonstrances: the writer had *but three days* to perform this task in: and owing to shortness of time, and a slight knowledge of the subject, this Law-Thesis was, it may be supposed, very imperfectly executed. But the Degree was obtained. Transactions of this kind are considered *private;* and in giving publicity to this, the parties alluded to may be assured, that their names never have passed the writer's lips, and never shall. But Degrees in all the Faculties are thus easily to be obtained, and frequently are: so that a solitary example would be no discredit, and could create no surprise.

Dr. Brown, the celebrated author of the Brunonian system, got a very handsome livelihood at the University of Edinburgh, by what was called *grinding*; that is, by preparing medical students for their probationary examinations, and composing, if necessary, their medical Theses, on their taking the Degree of M.D.

In our Latin text we spoke of Degrees as saleable, in certain cases, in the North. But these *Diplomata Itineraria*, it appears,

LII. *On the relative Value of Degrees.*

We have hitherto considered Degrees abstractedly, or according to the philosophy of Epictetus, in reference to those things, which are within our own power; in which point of view, they may have their worth, although they cannot be hastily pronounced positively good things; and our admiration of them is of a nature qualified and mixt. We shall now consider their relative value; in which point of view they may be greatly advantageous, from the influence which they possess in the affairs of civil society.

Our argument, moreover, tends to this. These General Academies, or Universities,—which, though when the Statutes were made under Edw. VI. and Elizabeth, they were, perhaps, considered as ecclesiastical—are now to be taken, through the progress of liberal opinion, and the judgement delivered in the King's Courts, for Civil Institutions, and are, and ought to be, national. They are Corporations too; and as other Corporations they possess the power of making Bye-

have been lately abolished, and, consequently, our English text reads differently. We are not aware, that the Americans have ever, properly, sold Diplomas. But the truth is, A.M.s, and D.D.s and the like, are found to have weight in society; and we believe they are generally sent, through *Literæ Commendatoriæ*, to respectable and learned Dissenting Ministers, who, on account of Subscriptions and Oaths, cannot procure them in England.

It is possible, however, certainly, that these Diplomas may have been sometimes given to dull preachers and bad physicians. But do dull parsons and bad physicians receive Diplomas no where else? Were the mischiefs and crimes occasioned by the Diplomas given by all the Scottish and American Universities united put into a scale, and weighed against those arising from our Subscriptions and Oaths, how light and inconsiderable would they appear!

laws, which, however, ought not to be repugnant to the law of the land, either in its letter or spirit. Like other Corporations, also, they duly and rightly receive their privileges; but they cannot rightly so take to themselves those profits and those benefits, which are common to all citizens; they have no right so to take them, as to draw them off from others, and to absorb them altogether in themselves. But academical Degrees, which are dignities not absolutely complete, do confer such profits and such benefits; which they either ought not to confer, or the Degrees themselves ought to be common to all citizens,—without any distinctions of parties, or irrelative subscriptions: otherwise, the matter is not equally balanced; and, in the same proportion as you elevate one scale, you depress the other.

The advantages, profits and facilities, besides the privileges, which are properly academical—are such as are of weight and efficacy, in discharging the duties of private or public life. Formerly no one could teach a school, but those who graduated at one of our universities in Grammar: and, at the present, academical Degrees confer their peculiar powers, and exclusive privileges, on all the *Faculties*: as for example: the higher branch of the civil law is to be reached only by Graduates of our Universities: for none, but such as have graduated either at Oxford or Cambridge, are advanced to be advocates in Doctors Commons. With respect to the Common Law, though gentlemen sometimes distinguish themselves in it, and have even risen to the bench, who have not been at either of our English Universities; yet, as a university-education is by most considered as almost an essential accomplishment for an English gentleman, so is it generally made by them a preparatory step to the Bench and Bar; and,

though a Degree may not be a *sine qua non*, yet is it an important recommendation in the legal profession. An English Degree entitles a student of the law to an abatement of the number of terms to be kept, previously to his being called to the bar. In the Royal College of Physicians, in London, a person is scarcely ever admitted a Fellow, unless a Graduate of the English Universities, and, though he can practise as a licentiate, yet the youngest Fellow takes precedency of him, and, to judge from what one sometimes reads or hears, is entitled to a greater fee*. In the clerical profession, graduating confers great advantages. For, although an Academical Degree does not absolutely and necessarily give a right to ordination, nor a title to a Church living; yet is it a sort of letter of recommendation, and in many cases an indispensable requisite; as some Bishops, it is well known, will ordain none but graduates: a Degree in Law too, as we have already seen, empowers a clergyman to hold two livings. And the Degree of D.D. or LL.D. seems as naturally attached to the higher dignitaries of the Church, as the title of Reverend does to the Order. Indeed, a Degree in one of our Universities possesses an evident value in all the professions, and, as it may be said, in one point of view, that it ascends, by carrying its influence through the higher departments in Church and State, so in another it may be said to descend, by affecting some of the or-

* As where it is said, in 'Practical Directions and Remarks to Solicitors in matters of Lunacy,' &c. on a Physician's being called in to give his opinion, &c. "If he is a regular physician of the English Universities, and admitted a Fellow of the Royal College of Physicians of London, his fee should be liberal; if he is only a licenciate, a gratuity; but a regard is to be had to the description and rank in their professions," &c.

dinary engagements and employments of private life: thus Masters and Fellows residing in College are exempted from poor-rates; and if we mistake not, all graduates are exempted from being drawn for the militia.

Hitherto we have contemplated this principle as spread abroad, in its progress through society. There is, however, a way of tracing it, as it were, to its source: and we have sometimes aimed to make it clearer to ourselves by some such example as the following.

Eugenius had a family consisting of several sons. He was not a rich man; but he possessed a decent property, acquired by his own industry, sufficient, at least, to enable him to give his sons an useful education, and to furnish them severally with the means of setting them forward in the world. His youngest he took, from his childhood, for a genius; and his friends considered him a boy of fine parts. Him, therefore, Eugenius destined for one of our Universities, conceiving them to be—though without speculating about them—what they are now acknowledged to be, by men who have,—civil corporations, academies for general literature, preparatory schools, as it were, for the great world; in short, as national institutions, accessible to any one, coming properly prepared, and capable of supporting, for three years and a quarter, the academical expences. He had, indeed, heard of such things, as degrees, honours, fellowships, tutorships, professorships, good livings, and the like. But his primary feelings were of a more general, generous nature, prompted more by a desire of his son's advancement in useful knowledge, than of his obtaining academical honours; of his being better prepared for the purposes of civil life, than of his becoming metaphysical and disputatious; of his being independent

and honourable in his pursuits, however, or wherever, stationed, rather than of his sighing primarily, and instinctively, for the quiet and literary indulgence of a college life.

Eugenius studied to distribute in equal proportions his property to his sons, in settling them. He gave his other sons an education suitable for trades; and, when they were out of their time, after making them free of different companies in London, settled them in business. "It now becomes me," said Eugenius, "to think of placing my youngest son at one of our Universities." He accordingly consults his son's tutor, being a member of one of our Universities; who, judging from what he knew of the abilities, learning, and character of the youth,—whom we shall henceforth call Aspasio,—congratulates Eugenius on his choice; and concludes, by advising him to send Aspasio to a college, where every thing, without regard to particular counties, being open to competition, merit might reasonably expect to meet with its due reward.

We will suppose, then, the young man, after passing his examination, to be entered in such a college, and after swearing obedience to the statutes, and paying the fees, to be matriculated in the University, and made a member of it.

Aspasio, while an under-graduate, fully answered the expectations of his father and tutor:—he is of studious habits, regular in his conduct, exemplary in morals, and amiable in his disposition; very punctual in his attendance on all the accustomed lectures of the college, and, moreover, most assiduous in the prosecution of studies peculiar to his own taste; much respected by the tutors and fellows, nor less esteemed by all his fellow-students: nor may we suppose, that

while Aspasio is thus looked to as one likely to do credit to the College, and to bear away some of the first honours of the University, he is altogether insensible of his own superiority, nor devoid of every portion of ambition; nor, that, when brought to know the good things which the College and University have to bestow, he felt no desire to possess them: but, previously to his being able to enjoy any of these, even to his taking his first Degree, this often-lamented Subscription is to be gone through. At this the conscience of Aspasio revolted, and a dark cloud overhung all his future prospects.

We have supposed a case, which does not, perhaps, often occur; but it may, and does, sometimes. And, although young men are but rarely very curious or scrupulous on the topics which our Subscriptions involve, yet Aspasio's was the case of one who was: he had turned the subjects seriously in his mind; and they presented difficulties, which his conscience could not surmount, and to which it would not bend.

Now in a case like this, one example is as good as a thousand. For this one example shows the hinge on which the whole system of the Rights and Privileges of our Universities turns. We have seen, that at Oxford every young man on his entrance at College subscribes to the Thirty-nine Articles; and at Cambridge, what amounts to it, on taking his first Degree,—"a *bonâ fide* member of the Church of England" meaning nothing more nor less, than that the person so subscribing believes all the doctrines and discipline contained in the Thirty-nine Articles of the Church of England.

And, as we have already seen, of what value an English Degree is in the several Professions, and under what disadvantages and incapacities, with respect to

them, a Non-graduate lies, how well-qualified soever he may be in every thing, properly appertaining to them, we may now see the value of Degrees in the Universities, by considering the credit which is attached to them, and the academical advantages, which are exclusively bestowed on them.

When a young man has been three years and a quarter at College, to come away without a Degree is generally considered disreputable; being commonly ascribed to extreme idleness, to the grossest ignorance, or to the greatest immorality; Alma Mater having been hitherto, as we have seen, in the distribution of these her first favours very gracious and indulgent. Aspasio's, indeed, is the case of a youth which is not discreditable. Yet, how is that to be known? What testimonial has he to produce? But at all events, how distressing it must be to Eugenius to find, that after he has been expending the better part, perhaps, of two thousand pounds in preparing his son for College, and seven or eight hundred pounds to support him during his undergraduateship, he must leave his College and the University, without the recommendation, the common benefits, of a Degree!

Aspasio, then, cannot have the credit and benefit of this Degree in the great world: still less within the bosom of the University, where the value of a Degree is more palpably felt at every step. Without a first Degree, a person cannot *proceed* and become A.M.; he can obtain no fellowship, no public tutorship, no professorship, no College nor University living, no office whatever in the University; every officer, from the Vice-Chancellor to the gentleman who carries the mace before him, being, of necessity, a graduate. Further, unless he is a Master of Arts, he has no academical right of access to the treasures of her public

Library, nor to consult its stores of valuable Manuscripts, which privilege, of itself, to some scholars, may not only afford very much pleasure, but be productive of very great advantages.

Thus is a Degree, as it were, the golden key, which unlocks the gates of the University, and gives the right to her sons to become candidates for her favours. But without a Degree, a man becomes there a non-entity: let his scholarship be what it may, were he an angel from heaven, Alma Mater does not know him.

And in estimating the value of an English University-Degree, we must not overlook the case of our great Public Schools. The masterships of these Foundations, at least those which are classical, are, if we mistake not, always given to graduates of the English Universities. And the salaries are of themselves, for the most part, very decent provisions; but when connected with the privilege of taking boarders, — as most of them are,—they are made very lucrative concerns; more profitable, than some inferior bishoprics. Indeed, a Degree possesses a value, generally, in the business of education, as well in private as public education, in accrediting a seminary, or giving respectability to a teacher: for the tinsel of his Degree may chance to possess—as with the bulk of mankind it often does—as great an influence in procuring him scholars, as the gold of his literature.

Finally, we would not quite forget the high consideration, which a Degree may hold, and the prompt services, which it may render, in contested elections for the high offices of the University; such as those of Chancellor, High Steward, and Member for the University, which are to be obtained by persons, who usually have great influence in Church and State: and, although neither Eugenius nor Aspasio might

reckon it a grievance not to possess the power to act corruptly, yet many graduates would think it one, to lose a privilege, which, on such elections, they might exercise very advantageously: all these elections are made by Masters of Arts, and the superior Graduates, and may, therefore, often afford members of the Universities very favourable opportunities for obtaining patronage. For, although it may frequently happen, that some gentlemen, either through remoteness of situation, or other unavoidable impediments, may be willing to forgo their privilege, others will find ample reason for availing themselves of it. Such seasons are, no doubt, the harvest-times of many graduates: an opportunity may be afforded them of creating a patron, of establishing a valuable interest; an interest, which may extend itself either to themselves, or their family, perhaps, to both. There is no doubt, that many a good piece of preferment in the Church, and many a profitable appointment in our public offices, is the fruit of a happy use of the privilege of voting on these great occasions.

Such, then, are some of the advantages, such is the relative value, of University-Degrees, from all which Aspasio, to the great mortification and disappointment of his father, by an early conscientious revolt against our Subscriptions, had cut himself entirely off.

Eugenius was a plain man; and his observations corresponded to that character. But his observations were not the less significant and true, because they were obvious and natural, nor the less generally applicable, because primarily referrible to himself.

"I was instructed," said he, "by my father to think myself happy, in being born in Britain; to feel veneration for her laws and institutions, and to consider them, whether relating to commerce, to literature, or to

government, as fruitful scions of the same tree, as made for the protection, the support, and comfort of all. I endeavoured to instill the same ideas, and to enkindle the same feelings, in my own family: and, as my father had given me before, so I gave to them, an useful education, adapted to the station they were designed to fill in life: and I have the pleasure to perceive them rising up in the world, if not splendid or public characters, at least, honourable men, and useful citizens.

"By the same principles did I aim to conduct myself towards my younger son. I gave him also an education, suited to the situation in which he was to be placed in society,—that of a scholar: and as much property as was expended in the education of each of my other sons, and in settling them in business, and indeed more, has been expended in my younger son's education, preparatively to his going to College, and during his stay there for three years and a quarter. The property, which might have been successfully employed in settling him in business, has been otherwise employed; and, in consequence of his being set apart for a scholar, he is become less fit for a tradesman.

"My father taught me to admire the English Constitution,—and I did admire it: I taught my sons to do the same; and, indeed, our Public Institutions, at least our Universities, I have been in the habit of considering as parts of it. I have heard each of them called, a modern Athens, not more on account of their literature, than of their belonging to all the citizens, of their being accessible to all who wished to participate in their literary advantages. How have I heard them extolled, as free Communities, as Schools

of General Literature, as Republics*, as lay and civil Corporations,—in short, as places, in which freedom might rest secure, and the human understanding receive no shackle. But, how contradictory, how false, how injurious, have been all these representations! When my son was entered in College, and *matriculated* in the University, I considered him as bound apprentice, and taking a Degree I thought to be the same thing as taking up his freedom in one of our City-Corporations. But, why are such heterogeneous alliances to be formed, as are formed by these Oaths and Subscriptions? Why are such preposterous stipulations to be made, as are comprehended within your 39 Articles? Why, where we expected to find liberty, should we meet with slavery? Why, when we ask for a fish, are we presented with a serpent?

"This is an age of inquiry: We have of late years been looking into many an Augean stable, which required cleansing. We are becoming, after many years of woeful experience, great political economists; we have found out at last that a free trade is the strength of states, that monopolies weaken and divide them. We have endeavoured to remove abuses from our parliamentary representation, to improve the administration of justice in our Courts of Law, to unshackle our commerce, to loosen the chains of our poor Negro slaves, to amend our Corn Laws; and we have shown dispositions for other reforms. Evil as the times appear, there is still much, which is good in the English character: corrupt as our parliament is, still there remain in it many sincere advocates for our country's liberties. Pity, there should not have been found among men of learning those who consulted more for the honour of

* So called in the Preface to Queen Elizabeth's Statutes.

literature; Pity, there should never have been found in the legislature those, who wished to rescue our Universities from much obloquy and disgrace*!

* Eugenius was unacquainted with the efforts, which had been made at Cambridge, in 1771 and 1787, to procure the abolition of Subscriptions on taking Degrees, and with the cause of their failure; and that, about the same time, a similar attempt was made at Oxford, as we have heard there was, though that also failed, and from a similar cause.

Nor does Eugenius seem to have been aware, that the subject of Subscriptions in our Universities engaged the attention of the House of Commons in the year 1773, when many serious, and some sarcastic, remarks were made on it. But the evil was not probed to the bottom; and therefore it is not surprising, that no remedy was provided: the bill was thrown out, and the debate closed.

It, however, deserves to be noticed, that the *advocates* for Subscription in the House at that time did not defend their cause on the proper grounds, as, either that the Articles were in themselves true, or, that the University, as a corporation, had a right to impose such a Subscription as the present,—a bye-law foreign to the nature of their association, and the intentions of the founders—they defended it, on the ground, that the *circumstances of the times* required some *legal restraints* "though accompanied," as it was admitted by them, "with some hardship."

These Subscriptions were improperly called by the advocates for them, *legal restraints*. For never having been sanctioned by the legislature, they make no part of parliamentary law; and, indeed, considering how the whole business was contrived, conducted, and settled, it was a direct imposition, an *illegal restraint;* and as still administered, it is often an *imposition* in another sense; as the person about to graduate is often not aware of the serious nature of the business in which he is engaged. For, though all about to graduate, whether Noblemen or Commoners, make the customary oaths and subscriptions, they frequently do not know what they put their names to when they kiss the book. They may suppose, probably, and often do, that they merely enter their names in a book, as members of the University about to graduate; whereas there is attached to the signature, either that they are "*bonâ fide* members of the Church of England, as by law established," or else, that larger form, which, amidst other things, includes a profession of belief in all the 39 Articles.

"These reflections I am led to make by the case of my son. In regard to what occurred to him at Cambridge, I thought at first, as I told him, that he was

In the Education-Committee, which sat in 1818, composed of members of the House of Commons, when the intelligent Mr. Brougham was in the chair, various questions relating to the Statutes, and the original intentions, of the founders, were put to Dr. Wood, the Master of St. John's College: but it does not appear that any were proposed relating to the evil here complained of. An acute writer in the London Magazine has proposed another string of questions for the consideration of the Education-Committee, should it meet again: but neither does he propose any question on this subject; nor have any of those writers, who have lately considered some topics connected with University-literature; nor any of the critics, who, in the Edinburgh, Quarterly, or Westminster Reviews, have made observations on them.

But, indeed, though the gentlemen, who were zealous about reform at Cambridge and Oxford, in the last century, combined the two subjects, it may be thought by some, that questions about Subscription to Articles of Faith did not properly belong to those, which entered into the views of Education-Committees, nor of those who were considering the subject of University-literature:—though some of the above gentlemen most assuredly could not approve of the present Subscriptions, whatever the others might do:—they might think it perhaps a matter rather of discipline and œconomy, than of literature, and entitled to a separate consideration: and indeed, it is a pity, that they should be made ever so little a branch of academical literature, except for such as may be intended to be ministers of the Church of England; and even for such, the present Subscription to the 39 Articles in their *literal* and *grammatical* sense is a most improper test; as many of the petitioning clergy in 1772 and 1773, and the authors of "Free and Candid Disquisitions relating to the Church of England, addressed in 1750 to the Governing Powers in Church and State," have abundantly proved.

Whatever may have been the reason for the omission mentioned above, the time will, we hope, arrive, when this subject will be thought worthy of serious consideration, and obtain the distinct, undivided attention of all men of literature, who may be interested in it, whether as members of an English University, or of the British Legislature.

more scrupulous, than was necessary, having been given to understand, that the first subscription required at that university was not so particular and comprehensive, as that at Oxford, nor a very serious one, if not even a matter of form. To which my son, who was a very thinking young man, replied, 'there was 'more implied in the subscription for the *first* De- 'gree than I might be aware of; that he had been 'taught to respect the authority, which said, "swear 'not at all:" that he did respect it; and he chose to stop 'in the first stage of this business, lest he should be 'tempted to go further. For,' continued he, 'had I 'proceeded to a Master of Arts' Degree, and succeeded 'to a Fellowship, (as I might have done with ease,) I 'must have subscribed over and over again, what 'would have amounted, with my convictions, to a sur- 'render of all intellectual and religious liberty.' Thus said my son; and according to his representation, of his own state of mind, I must think him right. And for my own part, I must add, that after the expense of his learned education, after his preparatory discipline, after his passing creditably through all his College studies, not without considerable expense, after being matriculated as a member of the University, after having performed all the exercises required in the public schools of the University,—surely, after going through all this academical course, and on giving public proof at last of his high literary attainments, and possessing every qualification for obtaining distinction,—he had a natural right to his Degree, without subscribing to any particular creed. And to speak, what I now think and feel, to me it appears, there is as great an inconsistency in imposing it, as there would be in making the members of the different Companies in London swear to the bye-laws of a particular cor-

poration, to which those different Companies had no relation."

Eugenius having here accidentally used the word, *Corporation*, had some recollections brought to his mind, and he proceeded: "As to Corporations, generally," said he, "time was, in the earlier periods of commerce, when they might be useful provisions, by giving protection and support to trade in its infant state, when protection and support were required: but a *corporation spirit* was in itself never good; and in this more advanced age of society, instead of affording protection and support, may act a contrary way: it may, and too often does, narrow endeavour, and check improvement: it may, and too often does, break the regular links of society, and prove inimical to the natural and civil rights of free-born citizens;—monopolies, how beneficial soever to some favoured individuals—are, by the operation of restraints imposed on others, public injuries; and the mischiefs which they occasion, will be in proportion to the extent, in which they shackle or corrupt their own members, and the encroachments, which they make on the natural and civil rights of the community. Never, till now, did I consider our Universities as endued with a Corporation *spirit:* but I find they possess a Corporation spirit of the worst kind. I see, in short, clearly enough, that they are a too exact copy of our system of government, which is a system of exclusions, according to which, men of the highest rank, of the most extensive property, and, indeed, of all ranks and conditions, are deprived of their hereditary honours and just distinctions, of many natural and civil rights, unless by professing themselves members of the Church of England, they sacrifice their own principles, and betray their own consciences; a system of exclusion, which, I fear, we

carry further than any nation of Europe, unless, perhaps, we except the miserably degraded Spain. Yet we are a distinguished people: and considering the high rank we hold among the nations of civilized Europe, we may be in danger of being looked up to as examples; and our system of exclusions would certainly hold out a very bad example to infant states, such as those which are now forming in South America."

LIII. *A few Objections to the Removal of Subscriptions, at the Time of taking Degrees in any of the Faculties, considered.*

With a thorough knowledge of the above particulars, what are the objections, which men reasoning from prudential considerations are apt to make against the removal of these Subscriptions; against entirely bursting asunder these chains? These and other such-like questions we have endeavoured, in our humble manner, to discuss at large elsewhere *; and it does not suit us to enter fully on the same subject here: we will only now, with the reader's leave, briefly notice one or two difficulties, which men are apt to start on this subject.

Some are ready to ask those, who are for looking too narrowly into these matters, to consider, how very difficult, how perilous,—nay, in some measure, how impious and profane it would be, to move these ancient Foundations, or so much as to touch them with their finger; and how hard it must be for Academics to weave the web of Penelope,—a work which must surely be, in a manner, one of supererogation,—to give back Donations, to restore Grants, to abdicate Privileges, to renounce Charters. But, on the other hand,

* Inquiry into the Nature of Subscription, 2d edition, 1792.

and, as a previous question, may it not be asked,—dismissing, at the same time, the question concerning Donations, and Benefactions, and Benefices, which certain persons, whom our objectors may, probably, have in view, neither covet, nor envy—By what law, by what right, could the Founders and Benefactors of Colleges, rush in upon, and appropriate to their own particular party,—over and above the privileges properly academic,—those advantages and accommodations, which should be common to all good citizens? And by asking further, whether, indeed, these societies, anciently called Houses of General Literature, were not according to the state, condition, and opinions of the times, actually national? and with respect to the aforesaid Subscriptions, it has already been demonstrated from our ancient statutes, that our Founders, and our *ancient Alma Mater*, imposed no such conditions as are now required.

Yet here, perhaps, may be proposed by some Members of the University, that old inveterate question—which ought long since to have been put to rest,—How, as things are *now settled*, they should be able to defend their Privileges without Subscriptions?

If Degrees, say they, should be conferred without Subscriptions, would not the sons of Protestant Dissenters, and of Catholics, and sects of all sorts soon make inroads into our Universities? Such is the prevailing opinion now, and was, from the beginning of this imposition. But let us inquire, whether this opinion does not, in the present day, savour more of prudence, than of wisdom.

And a distinction should be here made. For the question, which regards the perpetuating of Subscription differs very much from that concerning its first imposition. The Protestant Dissenters, who either

send, or wish to send, their sons to these General Academies, are very few: and were you to remove Subscriptions at the time of graduating, they would not, in our opinion, increase much in number, and for this reason, because to most of the Protestant Dissenters the prayers, the creeds, and forms of the Church are as little pleasing as your Subscriptions and Academical Oaths. Consider further then,

These Protestant Dissenters have had among them —as they still have—men who love philosophy; who cultivate polite literature: they have also had very celebrated Academies; though of these, some, not being collegiated and incorporated, have died with their presidents and tutors, and have altogether vanished. What then if those Protestant Dissenters, those very few, whom we have just supposed—should wish their sons to be admitted into these British Colleges, and proceed in due order through the Academical Degrees? Perhaps, such an intermixture would cause—as it happens in the engrafting of trees—an amelioration of the fruit. For certain it would not injure, but rather benefit, our English Universities. Such an intermixture would not draw off from the members of the Church of England what is theirs, and transfer it to the Protestant Dissenters, but would rather draw additional support from them; and the revenues of the University might thereby experience rather increase, than diminution; for, the Protestant Dissenters, who at any time might be desirous of studying in these Public British Academies, are not of that description of *poor Scholars*, who migrate to our *Alma Mater*, allured by the hope of Fellowships, Benefactions, and Benefices. Young men of this description, who may be set apart to preach the Gospel, are admitted, according to their particular creeds, into their appropriate

Colleges, or Academies, as into so many distinct hostels: and they are there educated and supported at other people's expense. The Dissenters who become students in our Universities consist rather of the sons of the wealthy, who, perhaps, may be allured by their love of philosophy, of polite learning, and academical discipline; whose parents, in favour of their children, may seek to obtain for them a certain privileged fitness for civil and learned professions, an accession of weight and celebrity: for, as they may think, academical distinctions may have their advantages in the state; and besides this, their property empowers them to become the companions of noblemen and gentlemen: being born therefore in the same condition, they may wish, that their sons may be instructed in the same studies, in the same morals, and the same discipline, to which the gentlemen and noblemen, their companions and particular friends, may have been accustomed. In this order, if we mistake not, has the aforesaid business proceeded, and would proceed again. And what hinders, but such persons might form new endowments? Emmanuel College was, from the beginning, a Puritan College.

The same things nearly might be affirmed with respect to the Catholics. Were you to abolish to-morrow the present oaths and subscriptions, the Catholics who would enter into these *Generalia Studia* would be very few. This is obvious from the genius and character of their religion, and for the same reasons nearly as we stated in the case of the Protestant Dissenters. At the same time what some very learned men have said on this subject,—if we would but listen to them,—cannot be too much admired. They wonder, and truly not without reason, that that very description of men, for whose accommodations those

Universities were intended, and from their very origin, are now, by our irrelative subscriptions and unseasonable oaths, entirely prevented from entering them.

Our argument embraces the claims of all dissentients, as such, whether Jew or Gentile, and more particularly of those of a religious character. In estimating the advantages to be derived from our Universities, these considerations should be taken into the account, viz.: that there are certain advantages, which are common among citizens, or which ought to be so; and yet, that religious men, at least if they are sincere, think that every thing should be sacrificed for religion: to expect, therefore, that such men, for the sake of temporal advantages, should renounce their sacred concerns, is plainly as futile on one side, as actually to renounce them on the other would be greatly injurious: The line of true policy is obvious: it would be found in concession, candidly and voluntarily made by the reigning party; not in requisitions, or expecting a surrender of principle, from the more subjected one. This can be done only by abolishing subscription.

To one, who looks around him, and observes what on all sides is passing in society, it will appear, that the Protestant Dissenters of the present day are very wealthy: and, not many years since, one sect had it in contemplation to found at Cambridge an Academy or College, if we may adopt that word—which they proposed to consist of a master or president, tutors, and students; and, as we understand, another sect, very lately formed a similar design in favour of their own party. Whence it happened, that the design of the first was frustrated, and, whether the latter is likely to proceed, has nothing to do with our present business. But, what shall we say? There are those,—

and not of the number of those called now-a-days Radicals—who are persuaded, that liberality on the part of those, who now appropriate the Universities to themselves alone, would not only tend to their own increase and majesty, but even—that we may not be too full of horrors—to the decrease and weakening of a dissenting interest*. But, however this might be, those

* Among dissentients,—whose cause we have been pleading,—there are some we believe, both Catholics and Protestants, who are themselves no hearty advocates for the removal of Subscriptions in our Universities, nor of the sacramental and test laws, nor of the subscriptions required of the clergy, and of the candidates for Orders: and the reasons are these: they suppose, that these Subscriptions, being a circumvallation round the Church, serve at the same time, for the line of separation to the *Dissenting Interest*, and that many dissentients would, but for them, go over to the Church of England.

In these words, Church of England, Alma Mater, and Dissenting Interest, with many others, though of ordinary occurrence, there is something of figure, and a little of mystery. Every conscientious Dissenter, as such, is entitled to great respect; and *ought* to have no interest but that of *truth* and *justice*: and as all honest dissenters *ought* to be zealous in the defence of their own rights (the rights of conscience), so *ought* they to be (and certainly will be) hearty advocates for those rights in others. But the *Dissenting Interest*, as it is called, may be sometimes little more than a combination against other interests; a mere worldly combination, perhaps, in which conscience and principle and religion may have but little concern.

No one can plead the cause of civil and religious liberty, without pleading that of all Dissenters; and no Dissenter can plead the cause of civil and religious liberty in his own behalf consistently or conscientiously, unless he is prepared to plead for it in behalf of members of other communities. We have been pleading the cause of the Dissenters, but we have also been pleading the cause of other persons, and those members of our Universities. And as the great argument in favour of an enormous evil is the apprehension arising from the Dissenters, it became necessary to wrench the club from Hercules's hand, by asserting that such apprehension was groundless.

same men think, that what is true and just ought to be done,—that universities ought not to have their ports shut, as it were, but, like the sea, should be open and free; for that "divide and rule" is the exhortation not only of philosophy, but of true policy.

There have been other learned men—members, too, of the University—who derive arguments for calling forth liberality, from the nature of these Foundations, from the very quality and condition of the Donations, bestowed on them: for these societies derive their origin, and owe their increase, partly, to public money, that is to say, to the abundance of princes, of nobles, of prelates,—whose property all flowed from the public stock,—who while living, or when about to die, consulted the public utility; partly, to the spoils of the dissolved monasteries: many, too, were owing to the beneficence of private citizens, who, having enriched themselves by their own industry, might wish to show favour to the republic of letters, and, perhaps, not be unwilling, after their death, to be publicly recorded among your benefactors*. And why should

The Dissenters alluded to above are, perhaps, correct, viz. in supposing that by removing subscriptions from our universities, the *dissenting interest* would be weakened, that is to say, that a few sons of rich dissenters,—we have, however, shown, that they would be very few,—would, probably, be entered at our Colleges. But what then? Is the *dissenting interest* to be weighed against eternal truth and justice, and the general interests of the country? And what is the evil of a few sons of our rich dissenters being entered in our universities, compared with that mass of bigotry, immorality, impiety, hypocrisy, and perjury, which by our present system of subscriptions is carried from our universities, and spread all over the country.

* We have made it almost a matter of conscience, to say nothing about the Donations, and Possessions, whether ecclesiastical or secular, of private Colleges, or of the University. But there lately came into our hands a MS. book, giving a full account of

they not have an opportunity of being so recorded? Why should not other churches, as well as the established Church of England, be permitted to favour their peculiar sect, and, at the same time, either

all the estates and possessions belonging to Emmanuel College, Cambridge. This book we purchased out of the library of the Rev. Mr. Meen, formerly Fellow of the same. A few things, which we could collect from this book, are noticed here, not through any evil spirit of levity, but for the sake of illustrating and confirming the present argument.

Sir Walter Mildmay, Chancellor of the Exchequer, and one of Queen Elizabeth's Privy Council, was a Puritan, and intended Emmanuel College, as the Queen well knew, to be an accommodation, at least, to the Puritans. Sir Walter, himself, gave some things; his brother, Sir Henry Mildmay, others; some others, Sir Francis Walsingham; and others, Queen Elizabeth herself: the three principal Ecclesiastical Benefices—which are valuable ones—were given by that noble person, the Earl of Huntingdon, which, on the dissolution of Monasteries, fell to the Crown, from the Crown passed to the Earl, and from the Earl to Emmanuel College. Many benefactions were afterwards conferred on it by Archbishop Sancroft and by others; to which many additions were made by private citizens. By what right, then, hath any subsequent custom prevailed, which, with respect to a private College, is as much as if it should be said, "Let no Puritan enter here;" and with respect to the University, as much as if it should be said, "Let no Puritan receive Academical Honours?"

With respect to those Colleges, which were founded in Popish times, those without doubt were consecrated to the Catholics. By what right have you, as it were, alienated them? or, as the Catholics ask, profaned them? Why have you diverted such waters from their natural course, and inclosed them, as it were, in private cisterns?

Once more: the English Colleges are a great deal richer, than the other European Colleges. Even of that of Paris Monsieur Crevier thus speaks; "I have said, that the University is poor. During the course of a long series of ages, it had in common no other possessions, than the *Pré aux Clercs*, so called, because a part of the same extent of the meadows belongs to the Abbey of St. Germain, and was named, in consequence, *le Pré aux Moines*. The University attended so little to any thing which concerned its pe-

in life, or at death, to consult for the good of the state?

The principal difficulty in the above theory, and which erects itself so high, as to appear to some Academics insuperable, ought not, as it appears to us, to arise in the minds of members of the es-

cuniary interest, that it derived no emolument from this meadow, which served only for the amusements and sports of the scholars. The city would of course extend itself; and the citizens of Paris would in time come to build on this meadow, on finding that it could be made useful to them. Still it consented with regret. Its indifference, however, did not render it negligent in claiming the possession of the bottom of the meadow: and it has not been less curious in preserving to itself this ancient patrimony, than it has of taking to itself the glory, of holding it by the liberality of our kings." Those who wish to see more on the œconomy of the University of Paris, may consult Crevier, *Hist. Univ. Par.* vol. ix. p. 152.

But, it may be asked, if the University of Paris was so poor, whence were the professors and tutors supported? From the pay derived from the *national students*; "d'une multitude jeune gens curieux de s'instruire, qui accourit à Paris des toutes les parties de l'Europe." For the University was not hedged round with Subscriptions, and seems to have consisted entirely of a Rector, Proctors, Professors, Tutors and Students;—there is no mention of Fellows.

With respect to the superior wealth of our Colleges, the presumption is, that a more liberal policy on our parts would rather increase than diminish it. A new *interest* would be created by it; whence, it is probable, new endowments of Scholarships and Fellowships, &c. would be created. But with respect to the present state of our Universities, it happens unfortunately, that they are less liberal, in proportion to their greater wealth. Yet surely it cannot be reckoned right, to permit one sect only, viz. the Church of England, to enjoy Scholarships, Fellowships, and other Academical advantages, and to eject all the rest from philosophy, from good learning, from Academical Degrees, and the other advantages, connected with them. This cannot be liberal. Nor would it be safe to say, that Catholics and Puritans have thus acted formerly towards Episcopalians. "Si Christianus es, non valet argumentum."

tablished Church, who may be willing to admit other sects to the participation of their advantages; but rather in the scruples of the sects themselves, who may desire their own party to be made partakers of some academical privileges; who may think, for example, that the liturgy, by which all students and graduates now pay their devotions, is not according to their consciences. But, indeed, there ought to be no difficulty here at all; in some foreign universities it does not exist; it does not exist in the Scottish.

Do not, therefore, say, that this is a mere sectarian machine;—for it differs as widely as possible from sectarianism,—or some Utopia, which exists only in the clouds; or a poetical *βατραχομυομαχια*, a small inconsiderable dispute on a small inconsiderable subject. For, as we have already shown, a true scene is represented; to be viewed both at home and abroad; which leads to matters of the greatest moment: and, as we have heard, there is in the north of Ireland a literary Academy—by whatever name you may choose to call it—honoured, too, with a *royal grant*, with this professed object in view, that every one should preserve his own religion, and, at the same time, enjoy, without interruption, the fruits of philosophy and good learning. Indeed, there are those, who think, that this difficulty might be easily removed from our English Universities, if our academics would but be just to themselves, and to the state.

By any one who looks about the town of Cambridge it will be seen, that many of the sects have their appropriate Chapels there. Independents, Baptists, Methodists are numerous; and very lately a new sect built themselves a chapel. The Quakers, as they are called, have a meeting-house there; though it is now deserted, except at their annual visitations. We also

remember, when the Jews held their little synagogue in a private house. So that every academic might here enjoy, according to his conscience, his own religion, and, at the same time, his own College. Nor should any citizen be deprived of his academical civil privileges, though he should not be a Christian.

The case is much the same at Oxford. Independents, Baptists, and Methodists abound there. The Catholics, too, have a neat little Chapel at Oxford.

But, whither are we at length carried? With what expectations are we impelled? Or, why are we tormenting ourselves with fallacies? Why are we for deriving our arguments from non-expediency, when that from expediency, as some think, scarcely now-a-days appears? Or, why are we making complaints and expostulations in favour of those, who are without the pale of your church,—the sectaries, as you call them, —when even with respect to those, who are within, to members of the established Church, to academics of the same literary body, we might collect a very ample crop of arguments?

"And, away from you," some one may exclaim, "with idle dreams, with vain and transitory hopes! What can the questions of such humble persons, as you are, avail, when those of men of high consideration have failed?" If we have mistaken our object, let it rather be ascribed to our credulity, than to a bold self-confidence, or a wanton liberty in the use of language. We have, perhaps, been too much taken with the aspect of the times, with the fitness of the things themselves, and the liberal purposes of some ingenuous men, who have wished to benefit, as far as they could, the state.

With respect to the present aspect of things, any one, who looks around him will perceive, that various

circumstances in the administration of public affairs have within these thirty years last past been subjected to a strict inquiry; almost every place looked into. Our academics have effected some changes, evidently for the advantage of literature, which had been predicted repeatedly, and in praise of which every body now speaks: our legislators have attempted many things for the benefit of the state, and carried some of them into effect: the public records of the kingdom, that great work, have been reduced into order: the military and naval discipline has been examined; the returns of the public treasury have been subjected more to economy: the secrets of the public offices have been thrown open; the burden of taxes has been somewhat relieved and diminished; places full of poverty, wretchedness and crimes,—prisons, bridewells, hospitals, orphan and lunatic asylums,—have been inspected, and somewhat improved; the Courts of Justice themselves, not forgetting the Court of Chancery, nor the departments of the first judges, and magistrates, have been explored; nay, the slippery and indeterminate course of Parliament has been again and again exposed, in questions, in petitions, in arguments, in speeches. What has not been attempted? Most things, which seemed to require reformation, and which, within the limits of the British Constitution, would admit of it,—almost all have either received some positive improvements, or, at least, have passed under a serious examination. Suchlike matters have already been briefly alluded to.

What then shall we say? We seem to have fallen on those times, which, if they present us with a mighty mass of troubles, present us, at the same time, with men, who have their loins girt around them, and are prepared, to the utmost of their strength, to repair and

restore the republic. It could, therefore, scarcely happen, that we, gliding along with the course of the times, should not, at last, have arrived to that plain, in which we now stand, till we seem to ourselves to hear the voice of that celebrated Locke repeated round us on all sides; "If Your Majesty does not reform the Universities, every thing will go back again."

Besides, there was presented to our minds, that perplexing, that turbulent, that most calamitous state of things, for many years, among the nations of Europe, in which ours also engaged, and not without great perils; nor did it recede from them without great injuries. We also recollected that solemn appeal; "When thy judgements, Jehovah, are abroad in the world, the inhabitants will learn justice." We have heard, too, the censors and reformers of the times complaining of the public and private morals of Britain, a nation, say they, once the most honourable, the most flourishing, the most happy; but now terribly fallen; as though, that which was formerly reputed the best of all, was now, from its corruption, become the worst:—which insinuation, whether true or false, let our reformers themselves determine; but for ourselves, we must say, that the memorable sentiment of Machiavel came into our minds; "The Prince, who wishes to erect to himself a monument of eternal fame, should choose a period replete with miseries and crimes; that he may apply remedies to those parts, where the disease presses most heavily."

And thus far has proceeded our General Dissertation; in the framing of which many things have been advanced with freedom, nothing, we hope, with illiberality. Some of them have been derived from our own meditations; some from the testimonies of others, particularly, of university-men and Cantabrigians; and

with this avowed object, to speak the truth, that our complaints may seem to have proceeded, not from ourselves merely, but to have arisen in the convictions of academical men, and to have been supported by just and legitimate authority.

LIV. *Testimonies of learned Men against our present Subscriptions.*

To these observations, as also to others, which have gone before, we subjoin, by way of a shield, as it were, the names of some academics, who appear to favour our argument on this subject; among whom are many of great account. Nor can it escape us, how few really eminent men have existed, who, either on account of our ecclesiastical discipline, or the abstruseness of the established doctrines, or in order to preserve a pure conscience, or on account of the soundness and vigour of their understandings, or, lastly, from their love of liberty, have been able heartily to approve such-like formulas; though, indeed, we only seek protection for ourselves: the cause will defend itself.

It is clear from the first page of this Book of Privileges*, what Hare, who compiled it, with those of his party, would of necessity have thought of our present Subscriptions, had they lived under James; and what that other Cambridge antiquary, Thomas Baker†, did

* The inscription to the *Index Collectionum Roberti Hare, Armig.:* prefixed to the First Volume of our "Privileges of the University of Cambridge."

† It may by some be considered rather remarkable, that the two learned persons, to whom before all others Cambridge-University is indebted for its History and Antiquities, were either estranged from its discipline, or averse to its politics. Mr. Hare was a Catholic; Mr. Baker, a Nonjuror: and even Mr. Cole was said to be more of a Catholic, than a true Protestant; and was, therefore, called by some, Cardinal Cole, somewhat, perhaps, in *alliterative allusion* to the celebrated Cardinal Pole.

really think, appears not only in those principles, for which he was rendered a *Socius ejectus*, but more in those general ones, which show themselves in certain annotations of his, written with his own hand, in MS.

Mr. George Cranmer in his Letter to Mr. Hooker, affixed to Hooker's Life*, says: "the greater part of the learned of the land were either eagerly affected,

Of all these we have spoken much and often, in our "History of the University of Cambridge," and in the "Privileges of the University of Cambridge." We beg leave to recapitulate here a few things relative to the two former, for the sake of such readers as are unacquainted with those works.

"In the year 1587, Robert Hare, Esq. formerly of Caius Col-"lege, completed his famous Register of all the Charters, Liber-"ties, and Privileges of the University and Town, of which the "original is in the University chest. The Vice-Chancellor and "Registrar too have each a copy made by Hare himself." Hare was a Catholic in Queen Elizabeth's reign, when the University was Protestant; as Baker was a Nonjuror, at the time when the University had sworn allegiance to King William.

"Baker left behind him (in his own hand-writing) forty-two "volumes in all; of these 19 were left to the University; to "the Earl of Oxford he left, or, as matter of form, sold, 23 vo-"lumes, which are now made public property, and are in the "British Museum." These are in general mere transcripts. His succinct and impartial account of St. John's House and St. John's College, &c. must be excepted, which was composed by himself, and with great liberality. His printed books he left to St. John's College Library: among which is a copy of Calamy's "Account of the Ministers, Lecturers, Masters, and Fellows of Colleges, and Schoolmasters, who were ejected or silenced after the Restoration 1660." In this there are numerous notices of Mr. Baker's, made with peculiar care. In his printed Books left to this College Library,—St. John's—and in all his MSS., he always styles himself, "*Socius ejectus*," ejected Fellow; and he seems, if we may hazard an opinion, to have been fond of his title, priding himself, probably, rather on his being a man of conscience, than a man of learning.

* In the large folio edition of Hooker's Ecclesiastical Polity, of 1723.

or favourably inclined the other way," that is, the Puritanic. What induced many of them afterwards to go back, has nothing to do with our present business: what the rest, who persevered in their principles, thought, is very clear: and when Milton asserted—and he was at the time, both with respect to the doctrine of the Trinity and other doctrines, what was called orthodox—that "he would not subscribe, because he would not subscribe, *slave*," he expressed the deliberate opinion of many learned men of his age.

With respect to Bacon, we could scarcely affirm any thing, which could be more true, and clearly manifest, than that he was the flatterer of James, and too great a favourer of the doctrine of Expedience, to speak freely and openly: so that if we can collect any thing from him on this subject, it must be rather from the general profundity of his principles, than from any clear declaration in his writings; though at the same time, it must be admitted, that many defects in our Universities were acknowledged by Bacon himself, to whose authority we shall presently appeal.

What direct testimony Newton has given on this question, it is not necessary to investigate. It is as clear as light, what must of necessity have been thought of the creeds themselves,—and, consequently, what of the 39 Articles,—by him, who professed himself an Unitarian, in the Socinian sense, as he did,—which we beg leave to say under leave of Bishop Horsley*

* "The insinuation contained in this expression;—that the Tri-
" nity is not to be derived from the words prescribed for the bap-
" tismal form,—is very extraordinary to come from a writer who was
" no Socinian." *Bishop Horsley's note on a passage in Sir Isaac Newton's Historical Account of two notable Corruptions of Scripture, viz.*: 1 *Joh.* v. 7. 1 *Timothy* iii. 16. *In Bishop Horsley's Edition of Sir Isaac Newton's Works.*

Now it is certain, that Newton was no Trinitarian according to

—and it is no less clear, what Dr. Clarke and his Arians thought on this subject: how far Whiston, while yet a youth, was from approving Subscription appears from "the Memoirs of his Life and Writings, written by himself," A.D. 1749; and what he afterwards thought, his own writings abundantly testify. What were the opinions of Bishop Hare, of Dr. Jortin, of Dr. Sykes, and Dr. Middleton, with other learned men about that period, of kindred genius, it is easy to conjecture, nor would it be difficult to prove.

Locke—though indeed of Oxford—who penetrated the most secret recesses of the human understanding, manfully opposed himself—and, indeed, how could he do otherwise?—to all those fetters, with which inquisitorial men, with more cunning, than wisdom, have been accustomed to torment and confine it. What he thought of such torturings of the human understanding sufficiently appears from his "Letters on Toleration." From his school proceeded many Cam-

what is called the *Athanasian* doctrine; nor would even Bishop Horsley have asserted, that he was: and it is equally certain, that he was no *Arian*, according to what *he himself* said of Dr. Clarke and the Arians, as may be seen in Mr. Hopkin Haines's "Preface to a Tract on the Existence and Attributes of God." Taking what Sir Isaac Newton there says in connexion with his famous *Scholium Generale* at the end of his "*Principia*," it should seem to be declaratory of the faith of a simple Unitarian—*in the Socinian sense of the word*,—though Newton might not choose to be called after the name of any head of a sect. But if he was *no Athanasian, no Arian, no Socinian*, what was he? Suppose him a Nestorian, or Sabellian, it would be coming to nearly the same thing. It would be impossible for him to have approved the co-equality of three divine persons, the doctrine, according to Athanasius, contained in the first article, or the other articles connected with that. Still less, if his apprehension of Deity was, even as a philosopher,—as probably it was,—more a matter of feeling, than of speculation.

bridge-men,—Hartley, Law, Paley*, Jebb, and Tyrwhitt, the last of whom, as we have already shown, was desirous of proposing, and of having confirmed by the Senate, a Grace for having Subscription entirely abolished, at the time of taking Degrees.

Nor should that company of ingenuous undergraduates be passed by, who about the same time surrounded the Academical Senate, supplicating, that they should not be too hastily hurried to subscription, till they had seriously considered the subjects, in which they were required to express their belief; not because they rejected the Articles of Faith, through infidelity, but because they had not possessed leisure, nor learning, nor experience, sufficient to examine the argument in its full weight and force.

Nor have those several venerable meetings of Clergy and Laity escaped us†, who, at different times have petitioned the British Parliament for relief from these oppressive burdens, nor the British House of Commons itself, in which were many, formerly University-men, who strenuously supported the same cause:—and what learned and clerical men wished to obtain for themselves, they surely would not have refused to young men, and laics, and plain citizens—Of this number, was Edm. Law, D.D. Master of Peter-House, with most of the Fellows, and the Chancellor himself, at

* See Appendix II.

† "Free and Candid Disquisitions relating to the Church of England, and the Means of advancing Religion therein; addressed to the Governing Powers in Church and State, and more immediately directed to the two Houses of Convocation." 2d edit. 1750. —Subsequently to that work, viz. in 1772 and 1773, there have been two Assemblies, consisting of clergy and laity, who met to petition on the same subject, one at the Feathers' Tavern, Fleet-street, the other at Archbishop Tennison's Library, in Westminster. These Disquisitions and Assemblies have been already alluded to.

the time, who had been formerly of this College; Robert Plumptre, D.D. President of Queen's College; Peter Peckard, D.D. Master of Magdalen College; William Elliston, D.D. Master of Sidney College; with many others, among whom must be reckoned some, who afterwards became bishops,—Law, Watson, Porteus, and York.

Nor have the names of many other learned men escaped us, some of more modern date and within our own memory: such as Mr. Archdeacon Blackburn, A.M. Catharine Hall; David Hughes, S.T.B. Fell. of Queen's Col.; Samuel Blackall, S.T.B. Fell. of Emmanuel Col.; Mr. Baron Maseres, A.M. Fell. of Clare Hall; Mr. Serjeant Heywood, A.M. Trin. Col.; Owen Manning, S.T.B. Peter-House; Theophilus Lindsey, A.M. St. John's Col.; Edward Evanson, A.M. Emmanuel Col; Samuel Parr, LL.D. Emman. Col.; John Baynes, A.M. Trin. Col.; James Lambert, A.M. Fell. of Trin. Col.; Thomas Fishe Palmer, S.T.B. Fell. of Queen's Col.; John Disney, S.T.P. Peter-House; Robert Barker, S.T.B. Queen's Col.; William Frend, A.M. Fell. and Tutor of Jesus Col.; Matthew Raine, S.T.P. Trinity Col.; Thomas Jones, A.M. Fell. and Tutor of Trinity Col.; Richard Porson, A M. Trin. Col.; Thomas Clarkson, A.M. St. John's Col.; John Hammond, A.M. Fell. of Queen's Col.; Robert Edward Gurnham, A.M. Fell. of Trin. Col.; David Simpson, A.M. St. John's Col.; M. J. Naylor, S.T.B. Queen's Col.; Thomas Northmore, A.M. Emmanuel Col.; William Burdon, A.M. Fell. of Emmanuel Col.; John Tweddle, A.M. Fell. of Trinity Col.; James Losh, A.M. Trin. Col.; Christopher Wyvill, LL.B. Queen's Col.; Francis Blackburne, LL B. Peter-House; Richard Elliot, A.B. Caius Col.; Gilbert Wakefield, A.B. Fell.

of Jesus Col.; Mr. Capel Lofft, Barrister, Peter-House; Mr. Thomas Manning, Caius Col.; Mr. Philip Mallet, Trinity Col.; Mr. Samuel Peck, Trinity Col.; Mr. Hen. Parnell, Trinity Col.*. A long list might be made out of gentlemen, who never graduated, because they did not at the time choose to subscribe, and of those who have subscribed, at the time of graduating, and afterwards disapproved of their subscription, it would be easy to furnish a far more extended list—even a host. Nor can we doubt, judging from the spirit which was formerly manifested, and from the liberality of the present times, that there are still many resident members in both universities, who are secretly friends to the cause we are advocating, and who, on any proper occasion, would give it their best support.

To these might be added the names of some, who, as we have heard, seceding from the established community, have chosen to themselves their proper places

* This list is composed of the names partly of gentlemen, who either by their writings, or some other public testimony, have expressed their disapprobation of the practice here complained of; and partly of gentlemen, known to the writer at different periods of life, and with whose sentiments on the subject he was well acquainted.

It may, however, be thought, perhaps, by some, no good policy to produce the names of gentlemen as witnesses against Subscription, who, as graduates, must have subscribed themselves. And this would be rightly thought, if the question concerning this matter was like ordinary questions: but,

1st. The business of Subscription is often a mere hocus-pocus matter, as we have occasion to show elsewhere. Gentlemen are frequently taken by surprise, particularly those about to graduate in law and physic, often not knowing, nor wishing to know, what they subscribe.

2dly. There is a previous question, which gentlemen may *feel*, without putting it into words "have we not a *right* to a Degree without these extraneous subscriptions?" Those who thus feel,—and it is a correct feeling,—will sometimes treat these formularies

among the Dissenters; not because they set at naught these five points—as they are called—but because they placed a higher value on their own Christian faith, and the authority and commands of Christ, "to call no man master on earth," on the principle of the old Reformers, separatists from the Church of Rome, and of the Puritans, who separated from the Church of England. The subjection of their understandings and consciences to such formularies of faith they reckon inconsistent with their Christian liberty.

And here, indeed, it should be noted, that the gentlemen above mentioned, although they have not made use of the same arguments, have yet advocated the same cause,—that of liberty; some considering the subject as philosophers and metaphysicians, or perhaps, in part, as critics; others as politicians, and others simply as Christians; all of them, however, offering themselves to us as our companions on the way; and

of faith, as a mere form, or perhaps, a piece of gross ignorance and impertinence.

3dly. Although the formularies to be subscribed contain very numerous propositions, yet they are taken by many, who graduate, as merely general declarations, as simple professions, that the persons so subscribing belong to the established church; and they may have subscribed to these formularies at the time in that general sense, conscientiously, being members of the Church of England, as established by law, and of no other.

4thly. But although persons may at one time seriously and conscientiously subscribe a given number of propositions, they may as seriously and conscientiously disapprove such subscriptions at another. There is no law either of common sense or of religion which binds a man to say, "Because I believed so *once*, I will believe so *always*." And those, who have passed through these changes may be the best arbitrators in such a controversy, as the present, their judgement being the result of cool examination and serious conviction.

5thly. Such a list, therefore, as the preceding one, of upright and learned men, will supply the place of many arguments.

to them, as witnesses for the truth, we most cheerfully appeal. And all professed unbelievers, whether Jew or Gentile, must, if consistent, give the same testimony.

Bacon—being himself a Cantabrigian—was a man of sufficient prudence, too much, perhaps, of a political philosopher, as before observed, to be admitted among the witnesses cited above,—yet a man he was of great intellect; and his judgement on the state of our ancient universities may be consulted with advantage, since it is equally fitted to their present, as their former, condition.

That restorer, therefore, as he is called, of philosophy, Bacon, thus speaks: "That defect is yet to be "noticed by us—one certainly of great moment—in "the Governors of Universities, of consultations; in "Kings or other superiors, of visitations; in order di-"ligently to consider, and well weigh, whether the "Lectures, Disputations, and other scholastic Exer-"cises, which were instituted of old time, it might be "more useful still to continue, or to treat as anti-"quated, in order to substitute some better things in "their room." Nay he more happily expounds those memorable remarks of King James, who—among his *Canons* at least—speaks wisely as follows; "In every "custom, or example, the times should be considered, "when the matter was first undertaken; in which, if "confusion prevailed, or ignorance, at the very outset "it derogates from the authority of the things, and "brings the whole into suspicion."

"Wherefore," adds Bacon, "since the Institutions "of the University had their origin in times, some-"what darker, and more unlearned, than our own, it "becomes so much the more necessary, that they "should be subjected again to examination." These

words of that great man ought to be referred now to those barbarous innovations, Subscriptions, equally as to those things, which, in the present day, are antiquated: the older Charters are silent about such Subscriptions: silent also are the Charters of Elizabeth: and let any one weigh the Statutes ever so well—we mean those more ancient ones before mentioned—in them, as we have shown, there is not a single word of this subjection of Lawyers, and of Physicians, and of Logicians, and of Metaphysicians, and of Mathematicians, and Musicians, to such-like theological Subscriptions. Will you say, that when our Colleges were first founded, the Catholic religion held sway among us? Granted: and, at the same time, *you* must grant, that Catholicism then was national, and that religion was not, as now, divided into different sects. "There was, therefore, then, you may say, no occasion for such subscriptions." What will you say of our more recent Statutes, under Elizabeth, when the sects were increasing, and divided among themselves? Did even they impose such-like doctrinal Subscriptions?

LV. *Forged Charters.—Conclusion.*

Do you ask, with respect to the subject, in which our question is engaged, Why, when Charters and Statutes are silent, we are so clamorous? We are clamorous, because they are silent. For we cannot help suspecting, that, King James and the Academical Senate transgressed their just bounds, when they contrived these Graces, or Letters—or whatever you call them,—and which, overwhelming, as they do, the human understanding, disturbing and confounding the common rights of citizens, opposing the principles of the British Constitution, and of Christianity, and being, at the same time, not agreeable to the in-

tentions of the ancient Founders,—we suspect to have been really and altogether illegal; for the Institutions which our Founders and Benefactors intended to constitute general and national, we their posterity have rendered particular and sectarian: we have rivcted fetters on our Universities, which were never dreamt of by the Founders, while, at the same time, we neither follow Elizabeth's nor the old Statutes. We, therefore, fear, as things now are, for the safety of these our boasted rights; and that, were we permitted to decide of Universities, as we do of other Corporations, in similar circumstances, we should be obliged to say, "they had forfeited their privileges."

But for certain, as to the matter, on which our question principally turns, we must affirm with more confidence, that what James, a despotic king, decreed without a Parliament, the academical Senate could abrogate by its own authority, or still more certainly, a constitutional King, that is, a King with his Parliament, or the Parliament itself, and that without any severity, nay, with the greatest humanity.

A few things would be sufficient for the production of this great public good. There would be required no *grandis epistola* from the prince, or the supreme authority of the kingdom, no rhetorical arguments, nor high-sounding oration. James was sufficiently concise, and sufficiently authoritative, in imposing these Subscriptions; and the two words, "*sic volumus*," so often sounded tyrannically, would be enough in the present case; for under the power of a just authority, the monster *Subscription* would immediately fall. But, whether this emancipation should be introduced by the Academical Senate, or by the King, or by the Parliament, all who wished

to further the human understanding, or to advance the cause of liberty, or to promote the cultivation of useful learning, would applaud, and exult on its account.—And thus much concerning our Subscriptions.. A word or two on Charters, though but generally.

On the public Charters themselves of the University we have said enough, and, perhaps, more than enough above—in this Dissertation, and elsewhere, in the History, and in the Privileges, of the University of Cambridge—and for what has been there said, an apology may seem to be required: and we were in hope, in some respects, of pruning our own vines. But this was prevented as well through our hastening the publication of a work, which had been too long delayed, as by the loss of papers and emendations, which were never recovered. In the mean time, how imperfect soever the work may be, whatever difficulties or doubts we may feel on some points, we can feel none on the *spuriousess of our more ancient Charters;* so that we need make no recantation. We are alluding to some of te Charters of Cambridge University.

To the Latin original of this *General Dissertation* we had subjoined a few more observations on Charters. But these were taken, for the greater part, from an Oxford writer, and they related principally to Oxford University. We, therefore, on reconsideration, omit such observations here, and supply their place with some of a more general nature, and, at the same time, though given more at large in another place *, not altogether foreign to our present views.

When there is mention made, then, of *forged Charters*, those who have heard of them only for the first

* Second Dissertation in "the Privileges of Cambridge."

time will be more struck with the boldness of the assertion, than the grossness of the fact; they will, indeed, scarcely be brought to believe the fact. But those who have attended to the subject ever so little will feel no surprise; well-knowing, that nothing is better ascertained, than the practice of forging Charters, in the sixth, ninth, and eleventh Centuries, to a very large extent, and that a great part of the diplomatic art, as well as the medallic, consists, in distinguishing the true from the false.

This is the professed object of the learned Benedictine, Mabillon, in his Treatise, *de Re Diplomaticâ*. His inquiries are directed to certain Diplomas of the Merovingian and Carlovingian Kings of France, in the 6th and 8th centuries, and those immediately following. Many of these he proves to be spurious: and a learned Jesuit, P. Bartholomæus Germon,—in a Dissertation, *de Veteribus Regum Francorum Diplomatibus* *—carries his ideas much further, and, criticizing Father Mabillon's book, maintains, that *all* the Merovingian and Carlovingian Charters are of doubtful authority. Another learned Jesuit, Philip Labbe, also, has pointed out many spurious Charters among those ascribed to the ancient Kings of France.

Mr. James Anderson also in his *Diplomata Scotiæ*, and Mr. Thomas Ruddiman in his elaborate Preface to that work, have pointed out several forged Charters among the *Diplomata Scotiæ*. English and Saxon forged Charters are in like manner noticed by the

* This practice of forging Charters, which sprang up in the 6th century, had arisen to such a height in the 11th, that Mabillon—*de Re Diplomaticâ*—says: "fuisse *falsatores apud omnes*—fuisse etiam sæculo undecimo, uti apud Clericos, sic et apud Monachos, quales sunt illi, de quibus conquestus est Baronius; nec Clericos tantum, et Monachos, sed Notarios, Scribas, Pædotribas, Sæculares, imo etiam Fœminas, in illud facinus incidisse."

author of *Monasticon Anglicanum*, and the learned Dr. Hickes; and Bishop Nicholson, in the first part of his "Historical Library," speaking of some of them, says, "The most ancient of them, which we meet with, are those which are said to have been granted by Ethelbert, King of Kent, about the year 605, and some of them have such marks of forgery upon them, as would make a man jealous of meddling with other of the like kind." The author of "The Annals of University College, Oxford," who had every opportunity of access to the archives of the University and of his own College, thinks it to the honour of that University, that it possesses in its archives but one spurious Charter; but, he adds, *Thesaurarium Collegii Universitatis talibus Commentis scatet.* He shows, also, that the same observation applies to Merton and Baliol Colleges. One, therefore, need not be confounded at the strange things, which occur in the Black Book of Cambridge, nor at the charge of inauthenticity which may be brought against any of its Charters and Bulls.

Those who have written on the Diplomatic Art have noticed the advantages of ancient Charters, when they are authentic, for illustrating some points in History and Chronology; nor have they failed to observe, that the exposure of those, which are inauthentic—as most of the very ancient ones are—can be attended with no disadvantages; for that it is of little or no moment, whether such charters are true or false, since Churches, Monasteries, and Universities, hold their possessions and privileges now more from the security of long possession, than the antiquity of doubtful charters. With respect to our Universities, it is of still less consequence, because their rights, however obtained at first, are now secured to

them not only by long possession, but by the sanction of the legislature.

But, although such ancient instruments, in the present day, may be more matters of curiosity than of direct authority, still they may be used on some occasions, directly, for the purpose of argument. Such is the use we are desirous of directing them to here, with respect to what constitutes the main object of consideration in the present tract,—the abolition of our Subscriptions. For, if our more ancient Charters, on which others more recent have been formed,—as from the latter have at length arisen a Parliamentary Act, confirmatory of certain privileges,—if those more ancient Charters are not merely doubtful, but demonstrably spurious and false, privileges, which they sanction, should be held with moderation; the tenure should not be hedged round with thorns; and, if hedges of thorns have been since planted there, the proper authorities should root them out.

And now, at length, after much anxious thought, and many turbulent cares, our mind reposes in its proper resting place, by the sacred side of Liberty. There returns, also, to our memory the most agreeable recollection of many Academics endowed with learning and virtue, whose benevolence through a series of years bound them to us by kind actions; some of whom have now finished their short course of life; others are dispersed through the different counties of Britain; others continue at Cambridge and Oxford to the present day. It is pleasant to record the liberality of such men, to which we have been indebted for opportunities of access to the libraries of private Colleges, as well as of the Universities, of consulting books and manuscripts, and of seeing some of their more secret deposits, to which it has not been

the lot of every one to have access; benefits, very favourable to digesting this miscellany*, and to completing some works, in which we have been, and still are, engaged. Such services, which were great, we can only repay with humble acknowledgements. This little work, however, such as it is, we wish partly to be placed, as it were, on the tombs of many good men, as a monument sacred to their ashes; and partly to be left as a testimony of friendship and gratitude towards several learned men still alive; not without prayers to the Greatest and Best of Beings, that those things, for which we are indebted to private friendship, may, in some measure, be directed to the public good. As to others, whatever they may think of us, it is our business to wish every thing really good to Oxford and Cambridge, and to the British Community at large.

* The *History*, and the *Privileges*, of the University of Cambridge.

APPENDIX.

APPENDIX I. (*See* page 36.)

Present Improvements at Cambridge.

IN the preceding pages, allusions have been occasionally made to the Exercises of the Public Schools at Cambridge, and to the Senate House Examinations; (these, it is well known, were a little time since almost exclusively in Mathematics):—and very serious complaints had been for a long time back urged against them;—concessions, however, were made in behalf of such improvements, as were then making, and of which some were carried into effect, while the Latin text of the above Dissertation was in the press.

It may be added in this place, that although so much has not been done as many wished, there was enough to show, that certain objections of long standing were, at length, thought reasonable; that it was deemed absolutely necessary to do something: and a just value will, no doubt, be set on the reformation, calculated as it was, to promote more of general reading among the majority of the Students, and, at the same time, to carry something more of literature into the higher regions of the mathematicians.

Still a circumstance now occurs, which had escaped our notice at the time: so that although we shall not sing a palinodia, we must make a sort of compromise: for, without stripping off the merit of the new arrangement, there are still those, who cannot put on it a title to unqualified praise.

Respect and admiration, indeed, have their natural limits and proper objects: and it is *felt* by us, that while the greatest praise must always be due to the subject matter (the Sciences and Literature) taught at Cambridge, something must be detracted from it on account of the *ends* too generally proposed, and the persons, who are principally benefited, by it.

To the objections then already stated to the studies of Cambridge—meaning more particularly the mathematics—it has been urged, that they were calculated rather to excite

a thirst after honours, than habits of regular reading, and a taste for general knowledge; rather to raise a few men of superior abilities to notice, than properly to *instruct* the *bulk* of the students,—that the quantity of knowledge absolutely necessary for a bare degree was almost nothing; and that while on the one hand, some gentlemen, often of good abilities and excellent learning, through want of a taste for the mathematics, were left without the smallest means of distinction, at the time of taking their degrees, others, who obtained all the honours, were often merely crammed (to use a Cambridge word) with many useless problems;—useless, at least, for any of the future services of literature, and still more for any of the substantial purposes of civil life.

But, although the alterations lately introduced into the preparatory Exercises and Examinations in the Senate House will certainly be considered as an improvement on the former plan, being more favourable to classical and general literature, as also better suited to the business of graduating, still there are those who think it a defective plan, liable too much still to the old objection, as being less favourable to the instruction and general interests of the many, than to the *honours* and particular advantages of the few.

There is, they think, much of the old leaven in the new system; and besides that, some new matter is added, which is by no means of a salutary character, nor adapted to general usefulness.

Leaving the other objections to the responsibility of those gentlemen who have urged them, we just notice one, as forming an objection, which seems properly to belong to this place.

To the new literary arrangements, say they,—we are speaking of certain Cantabrigians,—is superadded something of a system partial, and professional; which, however requisite it may be thought for those preparing for the Priesthood, should not be forced on those, who are preparing for Law, Physic, and other civil offices in the state. Such things, however, it seems, do make part of the present new regulations,—and, is it reasonable, they ask, to suppose, that to the latter such a training can be delectable? that they should wish to imbibe more of lectures on subscription, whether by Burnet, or Welshman, or Paley, or Hey, or Prettyman, (whatever class of expositors may be followed,) than they are

obliged to take in—and that they, therefore, will not lose much precious time, in attending them, in the same manner as those who have little taste for Euclid and Newton dream over the expositions of them in the Mathematical Lecture-room?

The objection seems well grounded; although the reasons for the present course were obvious, and, at the first view, laudable.

The gentlemen who attend College-lectures are supposed to be Members of the Church of England, and, if they take Degrees will be required to subscribe on oath, that they ARE *bonâ fide* members of the Church of England: it might, therefore, undoubtedly, be thought proper that so serious a profession should be preceded by some acquaintance with the doctrines and discipline of the Church—the subjects to which the profession relates—and that it should not be made, as it more generally was, without any previous knowledge, or the least examination.

Another reason was, no doubt, founded in the complaints, which were made by the bishops and their examining chaplains of the utter ignorance of many Cantabrigians who came for ordination, and those often reckoned excellent scholars, and profound mathematicians, with respect to theological matters generally, and particularly of such as relate to the doctrines and discipline of their own church, which they were called on to subscribe, and were expected to teach.

Subscriptions then—a serious evil, on the principle, according to which we have reasoned the subject in the preceding Dissertation—are still continued under the present system in our Universities in all their force: If any new light may chance to be thrown in upon them, there may, perhaps, be more let in than some may be willing to receive. For under our recent improvements, as no new, at least, no satisfactory, reasons can be given for their continuance, so no attempts have been made for their removal.

As to the complaint of the Bishops and their Chaplains, relative to any deficiencies of the Cambridge-students, who applied for ordination,—if *alma mater* is understood to keep a preparatory school for the priesthood, she should have a separate class, and her appropriate lecturers. This natural course is followed in other Universities.

But should even the wisdom of this new course be admitted as a part of University education, not the shadow o. a new argument is furnished to the advocates for Subscription at the time of taking Degrees; while the old arguments for their abolition retain all their force: the old questions *quo jure?* and *cui bono?* remain unanswered, and unanswerable, under the new system, as well as under the old.

APPENDIX II. (*See* page 54.)

Forms of Civil Law in the University Courts.

We have noticed in the text some resemblance which exists between the exordium to Queen Elizabeth's statutes, and that to Justinian's Institutes; and we think justly. There is some resemblance in the style, but more in the principles; in both, the great imperatorial civil law principle prevails, PRINCIPUM DICTA LEGIS AUCTORITATEM APUD SUBDITOS RETINENT. But the latter possesses more dignity, the former more severity. The truth is, the Queen strove to subdue some stout spirits; and some, with all her authority, she could not subdue. And what Lord Mansfield says about the Universities *receiving* these Statutes, and what Dr. Fuller says in his History of Cambridge concerning the Queen's visit to the University, after giving the Statutes, is not the strict truth. These Statutes were rather FORCED on the University, than *received* by them: they were never properly acknowledged, nor have ever been uniformly acted on. *Mandatum necessitatem facit,* was the Queen's rule in enforcing them. They occasioned some learned men of the University to leave it, and their country at the same time; and among the MSS. in Bene't College Library there is a protest against them.

The rules and forms, therefore, of the civil law, intermixed with some called the *Customs of the University* prevail in the University Courts, which take cognisance in *all civil* suits, where privileged persons are parties,—except in suits relating to freehold property. The Chancellor's Courts are all made Courts of Record, whose decisions are absolute and final, as also are the Visitor's Courts of the several Colleges, from which likewise there is no appeal. Agreeably to the forms

of the Civil Law, they have no Juries. In the High Steward's Court, indeed, persons have been tried by a jury,—one half privileged persons, the other half not privileged. But as no cause has been tried in this Court for more than a century, it may be said now not to exist; and as it is not likely ever to be revived, and even while it did exist,—though sanctioned by Elizabeth's Charter,—was contrary to the old *Customs of the University;* such being the case, *all* the University Courts may be said to have no Juries.

In the text we have alluded to common lawyers, who have disapproved these civil law forms in our University Courts. With respect to Coke, however, I was misled by Blackstone's manner of quoting him: for I quoted him from Blackstone.

The privilege of trying and determining Causes in a *Forum domesticum* is possessed also by foreign Universities, and the reasons for granting them have been vindicated on the plea, that students should not be distracted from their studies, by applying to distant courts, nor the funds of the Societies be wasted by expensive legal processes; considerations, more applicable to the convenience of place, than to the propriety or necessity of the forms, and still more applicable to countries which had not the benefit of common law, but were governed on the principles of the Roman Civil Law, than to England, where the Common Law is interwoven in the Constitution.

These proceedings, so contrary to the rules of English Law, have been noticed by our Common Lawyers, Coke, Hale, and Blackstone, who have admitted, that this privilege, although derived from remote antiquity, and confirmed by Charters, from the time of Hen. III. to Queen Elizabeth, were notwithstanding invalid, and must have been considered illegal, till they were all legalised in a mass by the memorable act, for the incorporation of the two Universities, 13 Eliz. c. 29.

"This *blessed* act—as Sir Edw. Coke entitles it—established this high privilege without any doubt or opposition." These are Judge Blackstone's words; and, as he has in the clearest manner expressed his disapprobation of this Civil Law proceeding in our English University Courts, and puts the word *blessed* in italics, we thought that he insinuated, that Sir Edw. Coke spoke *ironically*. But, on turning to Coke, we found

that he spoke *seriously*: still—if indeed Coke was in sober earnest—Sir Edward Coke, with Judges Hale and Blackstone—all admit, that till the passing of that Act 13 Eliz. c. 29, the abovesaid privileges, though enjoyed for some hundred years, were *illegal* and unconstitutional. And that honest old Chancellor in Henry VI.'s reign, Sir John Fortescue, who, in his famous book, *de Laudibus Legum Angliæ*, makes such nice distinctions between the Civil and Common Law, and gives such a decided preference to the latter, must unquestionably have given the same judgement, had he been led to speak on that subject: for that fundamental principle of the Civil Law, REGIS VOLUNTAS LEGIS AUCTORITATEM APUD SUBDITOS RETINET, insisted on with such an air of dignity by Queen Elizabeth, when addressing the University on her visit, is quoted by Fortescue for the very opposite purpose, viz. to express his utter dislike to the principles of the Civil Law, when compared with those of the Common Law of England.

APPENDIX III. (*See* page 81.)

Duke of Grafton, late Chancellor, &c.

As the name of the late Duke of Grafton may probably occur in some list of noble personages with LL.D. annexed to it, as being Chancellor, it may be proper to add here, that if it does, it is a mistake: when the officer approached him, on his being installed Chancellor, to put on him the Doctor of Laws Robe, the Duke declined putting it on, adding, that a Chancellor's robe was superior to a Doctor's, and that—through not subscribing—he could not be a Doctor of Laws.

I have been also informed, by a friend of the Duke's, who accompanied him on his installation, that when the Statutes of the University were presented to him, he was visibly much confused: and when he returned to the Lodge of Trinity College, that he expressed himself greatly displeased with Dr. Hinchcliffe, the Master, who was the Vice Chancellor, for not having acquainted him with a custom, which was for the Chancellor to address the Body on the Statutes being presented to him.

The presumption is, that, although the Duke might not have *expressed* his disapprobation of those Statutes, he would

have somewhat *told his words;* for his Grace approved some of the Statutes as little as he did the Thirty-nine Articles.

The following particulars I received from a friend, and they are inserted here in his own words, by way of illustrating some things stated in the text relative to the economy of the University.

"Grebenhohoff was one of the gentlemen sent by Queen Catharine of Russia for education in other countries. He resided between three and four years a Fellow Commoner, at Christ College, Cambridge, and at the proper time applied for his Bachelor's degree, and in consequence was required to subscribe to the usual form, 'I do declare that I am *bonâ fide* a member of the Church of England as by law established.' How can I do this, said the Russian, since I am a member of the Greek Church; and what will the empress and my countrymen say, if I thus disavow my faith?" In consequence he could not be admitted to his degree; but to reconcile him in some measure to his loss, a certificate was given to him of approbation of his conduct and studies.

"At Oxford, another occurrence manifests the folly of their subscription. The son of the present King of Holland was placed under the tuition of the present Bishop of London, and on that account resided in the city of Oxford; and he would have been a member of a College, but the subscription required as a previous ceremony to admission deprived the University of the honour of this royal pupil."

APPENDIX IV. (*See* page 172.)

Dr. Paley.

Those acquainted with the principles and character of Dr. Paley will not be surprised to find his name in this list of our *Testes Libertatis*, notwithstanding what he says on Religious Establishments and Subscription to Articles in B. 3. c. 2. and B. 6. c. 10. of his *Moral Philosophy*. Indeed, over all that he advances on Tests and Subscriptions, the veil thrown is so flimsy, that every body sees through it: he does not say enough to convince any one of the truth of the articles to be subscribed, but more than enough to convince every one, that he did not believe them himself. What, however, he does say, relates not to candidates for Degrees in our Univer-

sity, but to those for the ministry in the Church: and even for them it is clear he does not approve of the present form of numerous articles to be subscribed, but wishes for one more simple: he is, therefore, in short, reduced to the necessity of considering the present articles merely as Articles of *Peace*. As to Subscription for Degrees, on that he says not a word: but by his friends—and we have had the honour to know some of his most intimate friends,—it was well-known that he sided in the University with Mr. Tyrwhitt, Dr. Jebb, Bishops Law and Watson, who were for the abolition of Subscriptions for the purpose of Degrees: and all advanced by him on the present form of clerical Subscriptions is a string of sophisms, which was unravelled by himself in a pamphlet vindicating Bishop Law, who had written against subscription, and published by Dr. Paley himself, though without a name, in 1774.

The high estimation, however, in which the principles of Dr. Paley are held in the University of Cambridge, is a proof, that the age of bigotry, at least, is gone by, and that this is the age of liberality, though it may be difficult to foresee, when that of reformation, which Mr. Locke and others might look for, will arrive.

Dr. Paley closes the pamphlet just alluded to as follows: "After returning thanks in the name of the fraternity, to him* and to all who touch the burden of Subscription with but one of their fingers, I would wish to leave with them this observation, that as the man who attacks a flourishing establishment writes with a halter round his neck, few ever will be found to attempt alterations, but men of more spirit than prudence, of more sincerity than caution, of warm, eager, and impetuous tempers; that consequently, if we are to wait for improvement till the cool, the calm, the discreet part of mankind begin it, till church governors solicit, or ministers of state propose it, I will venture to pronounce, that (without His interposition with whom nothing is impossible) we may remain as we are, till the renovation of all things."

* To Dr. Randolph, who had written, A Reply to Bishop Law.

THE END.

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