

# S E R M O N S,

B Y

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A N D

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S E R M O N

# S E R M O N III.

JUSTICE THE DECORUM OF THE  
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PREACHED AT THE ASSIZES.

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DEUT. xvi. 20.

*That which is altogether just shalt thou follow.*

**T**HE duties which are incumbent upon us, may be very properly divided into two classes; such as are incumbent upon all men, and such as are incumbent upon particular ranks of men.

IN some instances, the duties of the latter kind are totally distinct from those of the former kind. Peculiar circumstances in the situation of certain classes of men, give them opportunities for the exercise of particular virtues, and the practice of particular duties, for which there is no scope in other situations. Thus the duties of submission are incumbent only upon subjects, not at all upon the su-  
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preme magistrates: and on the other hand, all the virtues which regard the exercise of civil authority, are peculiar to the rulers of nations; private persons have no opportunity of practising them.

BUT in most cases, the duties of the man, and the duties of the man of a certain character, are in some measure coincident. Our duties are always correspondent to our situations: but the situations of all men agree in many of the most important particulars, and therefore give all men opportunities for the practice of many of the most important duties. All the great instances of piety, charity, justice, and temperance, are indispensibly incumbent on every one that is born of a woman, on the magistrate and the subject, on the minister and the people, on the high and the low, on the rich and the poor, on the old and the young. But still the situation of every class contains some peculiar circumstances, which render several duties of universal obligation peculiarly incumbent on persons of that class, either laying them under special obligations to them, or requiring particular exercises of them. Such duties may justly be considered as peculiar duties of that station which in this manner demands them. It were easy to multiply examples: the text affords one. All men should be

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be just; the obligation of justice is absolutely indispensable; the violation of it exposes a man to detestation and infamy: yet even this virtue, whose obligation is to all men so sacred and inviolable, is declared to be peculiarly the duty of rulers: God had said to Moses, *Judges and officers shalt thou make thee in all thy gates which the Lord thy God giveth thee throughout thy tribes*; he had declared what should be their business, *They shall judge the people with just judgment*: then addressing each of them, as if they had been already appointed to the office, he cautions them against the common perversion of justice, *Thou shalt not wrest judgment, thou shalt not respect persons, neither take a gift*; and to intimate the great importance of justice in their public character, he repeats the charge to practise it, in the text, *That which is altogether just shall thou follow*. In the original, the manner of expression is emphatical, *thou shalt practise strict justice, thou shalt practice justice diligently, thou shalt practice justice constantly*. The scripture contains many similar injunctions.

THE *general* duties of men are, for obvious reasons, the most frequent subjects of discourses from the pulpit. But the practice of those duties which are *peculiarly* incumbent on particular classes of men, is often of as great im-

portance to their own character and to the interests of society, and as necessary for their obtaining the approbation of God, as the practice of their general duties; and failures in what belongs to our distinguishing rank and profession, are as great blemishes, are attended with as pernicious consequences, and will be as severely punished by God, as any other vices. They likewise are, on this account, very proper subjects of discourse, especially when suitable occasions invite us to the consideration of them. In this latter case, the address is more confined than in the former: but the very same principles which render it, at all times, fit to inculcate the general doctrines and duties of Christianity, even on those whose abilities and advantages enable them to acquire the knowledge of them for themselves, render it likewise not improper for us, at some times, to remind part of the audience, of what they already know to be specially incumbent upon them. The present occasion, then, will give a propriety to our endeavouring to shew, That strict and inflexible justice is peculiarly the virtue of all judges, magistrates, and rulers, and to point out the reasons why this virtue constitutes the immediate decorum of their character.

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IN order to accomplish this design, it will be sufficient to observe, That justice is immediately connected with the end of their office; That they have opportunities for peculiar exertions of justice; and, That they lye under peculiar obligations to it.

FIRST, JUSTICE is immediately connected with the end of that office which magistrates, judges, and rulers bear.

EVERY station, even the lowest, requires some peculiar duties from those who occupy it; for every station contains some circumstances peculiar to itself, and is designed to answer some useful purpose, which cannot be answered without observing certain congruous rules. The mechanic must perform some things, not required from other men, in order to render his occupation as useful to society as it ought to be. By failing to perform these things, he becomes faulty in his own trade. To be faulty in one's own trade, is, in the sense of every man, to be doubly faulty: but in the meaner professions, it does not engage our attention much, because their ends are not of distinguished importance.

THE higher employments, as well as the lower, are directly calculated for certain ends,

to promote which certain virtues are peculiarly requisite. To fail in the exercise of these virtues defeats the very end of the office, and is inconsistent with its functions. The higher offices in society are instituted for momentous ends; the defeating of these ends produces great and extensive mischiefs; and therefore the vices which defeat them, are, in men who hold these offices, regarded with singular abhorrence. The dignity of the office, and the importance of its end, mix with our sentiments, excite a sense of absolute impropriety and indecency in the vices directly subversive of it, and make us consider the opposite virtues in a peculiar point of view, with a particular modification of our approbation, as constituting the decorum of character in men of that profession. Every profession of public importance in society, has a correspondent decorum of character belonging to it; and this decorum always consists in the possession of those virtues which are most essentially necessary for the right exercise of that profession. By other virtues, men *adorn* their calling: but the virtues which form its proper decorum, they must cultivate in order to avoid *disgracing it*.

Of all the virtues, justice is the most intimately necessary for performing the functions,  
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and answering the end of the judge's office.—All virtue properly belongs to him: it becomes the man who is exalted above others by his rank, authority, or power, to be *more excellent than his neighbour*\*; and universal virtue is the true excellence of man. Every vice is base, and introduces some degree of meanness into the character: but every sort of meanness is unfuitable to those persons whose rank inspires respect, whose authority is the object of veneration, and cannot be supported without properly affecting the opinions and sentiments of those who are subject to it.—Many particular virtues are, in different respects, peculiarly necessary to the support of the authority of rulers, and to the right performance of the duties of their station; and the opposite vices obstruct this end, and are, for that reason, unseemly in the ruler.—Temperance, self-government, sedate recollection of soul, correctness and dignity of conduct, become rulers; levity, dissipation, gait, or giddiness of demeanour, love of pleasure, and every sensual excess, misbecome them: those virtues are suitable, and these vices perfectly unsuitable, to the elevation of their rank, to the gravity of their character, to the solemnity of their office, to the intention and application of mind

\* Prov. xii. 26.

which it requires. The littleness of these vices, joined with the idea of men who represent the public, and ought to sustain its honour, forms an incongruous mixture, which is necessarily ungraceful, and cannot fail to give disgust to the spectator.—In like manner, piety is a becoming ingredient in the character, and an indispensable duty of the station of those to whom any part of the government is committed; and every kind and degree of impiety is unfit and unbecoming in them. They are the guardians of the peace and order of society, and consequently ought to be the guardians and friends of religion, without which that peace and order cannot be preserved. Their rank will give force to an example of piety exhibited by them, and by rendering the practice of it more general among their inferiors, they will multiply those blessings which religion confers upon society. Religion will be the most powerful principle of that impartial and steady justice which society has a right to expect from its judges: an inward temper of fervent piety will set God continually before them, in the very light in which the Psalmist represents him, *standing in the congregation of the mighty, judging among the Gods, saying to them, Judge not unjustly, accept not the persons of the wicked; defend the poor and fatherless,*

*do*

*do justice to the afflicted and needy, deliver the poor and needy, rid them out of the hand of the wicked*\*.—Thus again, avarice is very incongruous to the character of a judge; its meanness debases and degrades him: but its incongruity arises principally from its being very strongly repugnant to the end of his office, and very directly inconsistent with that justice which is his immediate duty: its demands, allowed to mingle with the functions of his office, could not fail to sophisticate them all; *for a gift blindeth the wise, and perverteth the words of the righteous*\*. A freedom from the sordid degrees of avarice is necessary to preserve a judge from being always suspected of corruption, from actually becoming corrupt whenever a bribe is in his power, and from appearing infamous on that account. A soul *having correctness*†, full of generosity, superior to all the allurements of riches, is necessary for giving his character the proper elevation, for securing him against all danger of corruption, and for establishing a general confidence in his integrity.—But still even these virtues are more *indirectly* subservient to the end of the judge's office, than justice is. Other virtues promote that end by the intervention of something else, to which they contribute; justice promotes it immedi-

\* Psal. lxxxii. 1, 2, 3, 4. † Exod. xxiii. 8. ‡ Chap. xviii. 21.

ately,

ately, without the intervention of any thing else. The exercise of justice itself, is the proximate means of answering the purposes of government and judgment: one of the principal ways in which other virtues promote these purposes, is, by supporting or contributing to the steady and vigorous exercise of incorruptible justice. Injustice, directly and of itself, defeats these purposes, and is in every instance absolutely inconsistent with them: other vices obstruct them, sometimes very strongly, but always more remotely and indirectly, often by preparing the way to injustice.

IN a word, magistrates and judges are set over men for this very end, to do judgment and justice; as their office is of divine appointment, they are charged to pursue this end, by God himself; every deviation from justice, is perfectly reversing the end of their appointment: justice is therefore their peculiar virtue, the immediate decorum of their character.

SECONDLY, Rulers and judges have, from their office, opportunity for many exertions of justice, wholly peculiar to themselves. On this account also, justice may be considered as in a special manner the virtue of their character and station.

EVERY private person has opportunity for many exertions of the virtue of justice. All the parts of our intercourse with others, give us opportunities for abstaining from hurting them, for rendering every man his due in respect of property, reputation, and honour, for performing promises, for executing faithfully what has been committed to our trust. The uniform practice of these several offices of justice, entitles private persons to the character of just and honest men: a failure in any one of them, would in some measure forfeit that character.

RULERS have, in common with other men, opportunities for all these duties; for their connexions with mankind, by means of outward things, are the same with those of other men. But the most blameless practice of these duties, is not sufficient to constitute a ruler, a just and righteous man. Many other exercises of justice are as indispensably incumbent upon *him*, as any of these is upon *other* men. To him it belongs, to procure justice for those who cannot procure it to themselves, to execute justice between man and man, and between individuals and society. The poor man, who cannot himself resist the oppression of the great, the peaceable man, who is harassed by the encroachments of the man of violence,

violence, the orphan, whose rights are invaded by him that hath no bowels, claim the protection of the judge, and can obtain redress only by bringing their cause under his cognizance. Differences arising from the ignorance or the self-partiality of persons well disposed, can be determined only by the superior knowledge and unbiaſſed justice of the judge. When individuals are injured, or the public disturbed, by crimes, it is to the integrity of the judge that they must look up for help. It belongs to his office, to determine equally in every case, to vindicate violated rights, to frustrate unrighteous demands, to punish destructive crimes. How extensive, then, is the sphere of *public* justice, which is peculiar to the ruler and the judge? In every instance of public justice, he must make conscience of doing what is right; else he forfeits the character of a just and honest man, in the very same way as another person would forfeit it by being convicted of a transgression of private justice. He must be superior to all influence from the favour or displeasure of men, and from every motive of interest: in his *public* character, he must refuse to feel, what it is amiable to feel and to comply with in *private* life, the suggestions of natural affection; the attractions of blood, the tenderneſs of friendship, the impulse of gratitude, the emotions  
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of compassion: he must not allow either admiration of a person's general worth, or indignation against his habitual baseness, sentiments which in ordinary life it is glorious to cherish, to mingle with his decrees: the moment he is seated on his tribunal, he must *know no man after the flesh*\*, he must obstinately abstain from considering any man in any other light, but that precise light in which he appears in the present cause. *Ye shall do NO unrighteousness in judgment; thou shalt not respect the person of the POOR, nor honour the person of the MIGHTY: but in righteousness shalt thou judge thy neighbour* †. May not that be justly considered as a peculiar virtue of the ruler, for the exercise of which he has so many peculiar occasions?

THIRDLY, *Justice* may be considered as in a peculiar manner belonging to rulers, judges, and magistrates, because they are under peculiar obligations to it.

IT will be found on examination that our all-wise Creator has, in forming human nature, enforced every virtue by sanctions whose strength is precisely in proportion to the degree in which that virtue is necessary to human life and so-

\* 2 Cor. v. 16.

† Lev. xix. 15.

ciety. Justice is absolutely necessary to the safety of human life, and to the very existence of society; the universal violation of it would multiply positive pains and sufferings upon mankind, and prevent the possibility of their union. Accordingly the practice of justice is secured by the most powerful motives. It is one of those virtues which conscience makes us feel to be of sacred and inviolable obligation: the transgression of it by others, excites our abhorrence and detestation; the consciousness of a transgression of it by ourselves, produces remorse and self-condemnation; in both cases our sentiments are attended with a sense of merited disgrace and punishment.—Different exercises of the same virtue are, in consequence of this constitution of our nature, felt to be more or less strictly obligatory in proportion to the degree of their necessity in human life. All men are indispensably bound to every act of justice that comes within their sphere. But some exercises of justice are more necessary than others, and therefore of stricter obligation. Not to perceive the superiority of their obligation, not to condemn transgressions of them more severely, not to abhor them more violently, not to ascribe to them more atrocious guilt and higher demerit, would demonstrate a perversion of our sentiments, a depravation of our conscience.—The same virtues, and  
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the same exercises of them, are more essential to the support of society, in some characters than in others: and it is a consequence of the structure of our nature already pointed out, that on the former they are felt, by every uncorrupted heart, to be proportionably more sacredly obligatory.

THESE principles, which have a plain foundation in the constitution of human nature, are sufficient for evincing that magistrates and judges are under peculiar obligations to justice. All injustice is destructive to society; but it is far more destructive when it is practised by rulers, than if it were practised only by private persons. Justice in all men is beneficial to society, but in judges it is more beneficial.

EVERY act of injustice brings positive hurt on the person who is affected by it; but an unjust judgment hurts with the cutting aggravations of its being done under form of law, and of its impeaching the person whom it injures, as if he had been injurious. Private persons are connected only with a few, and therefore only a few can be hurt by their injustice; but the injustice of a judge is of more extensive consequence, it hurts all who are subject to his jurisdiction. Private injustice  
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may be checked or redressed by the righteousness of the judge; but if the judge be unrighteous, by whom shall his injustice be restrained? The danger is so great and so obvious that in every state superior tribunals are appointed for correcting and curbing the injustice of the inferior. But if the supreme tribunal be corrupted, the evil is without a remedy: then the oppressed complain in vain, they sigh in secret, and are afraid to seek redress; then the injured man who had the boldness to seek redress for his violated rights, has the mortification to find the violation ratified, and doubled by his efforts to avoid it; then he who endeavoured to defend himself from a slight wrong, sees his endeavours plunge him into ruin; then *the wicked lifts up his horn on high* \*, he ravages at his will, *the land and all its inhabitants thereof are dissolved* †, *the foundations of the earth are out of course* ‡. Even to seek redress against the iniquity of a subordinate judge, is often grievous; the weak may be crushed, the poor may be beggared by the injustice of the meanest magistrate; they are unable to prosecute their cause, though it be unquestionably good; they must sit down ruined, that they may avoid deeper ruin. The very suspicion of injustice in judges, is of per-

\* Psal. lxxv. 4, 5.

† Vers. 3.

‡ Psal. lxxxii. 5.

nicious consequence: it deprives men of that sense of security, which is necessary to the comfort of life, and is one of the happiest effects of a free constitution of government; it fills them with habitual apprehension that their most perfect rights may be invaded; it makes them dread to vindicate them when they are invaded; it dejects and torments their souls with all those terrors which are incident to the subjects of despotism; it impresses them with the gloomy idea that all things are precarious. Say every feeling heart, are not the uncertainties, the anxieties, the perplexities of this situation real and grievous sufferings?

JUSTICE is of the greatest advantage, as well as of the utmost necessity, to society. The universal practice of it is one of the leading features in the fiction of the golden age; the happiness of that period, the poets place principally in this, that crimes and injuries were unknown. The imperfection and depravity of mankind render it impossible that that fiction should be realized. Incorruptible justice in all the rulers of a nation, puts society in the state which approaches nearest to it. In that state, injuries may be done, but they meet with quick and certain redress; crimes may be committed, but they pass not with impunity, though they should be committed

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by the greatest: every person feels that all his rights are safe, that if they be attacked by the wickedness of individuals, they will be protected by the integrity of the judge; the sense of this security keeps every heart at ease, marks every face with serenity, and fills every life with comfort.—If then the necessity and the essential utility of a virtue, be the measure of the strictness of its obligation, what obligation can be stricter than the obligation of rulers to be just?

JUSTICE is incumbent on private persons only by virtue of its own obligation; yet on them it is indispensably incumbent: it is incumbent on judges by the same obligation; but on them it is incumbent also by other obligations. It is incumbent by the obligation of fidelity: the execution of justice is a trust committed to them. It is, in effect, the positive charge of society to every judge, nay, it is the express charge of God himself to every judge when divine providence raises him to his office, *Take heed what ye do; for ye judge not for man, but for the Lord, who is with you in the judgment: wherefore now let the fear of the Lord be upon you, take heed and do it; for there is no iniquity with the Lord, nor respect of persons, nor taking of gifts\*.* Thus shall ye do

\* 2 Chron. xix. 6, 7.

*in the fear of the Lord, faithfully, and with a perfect heart* \*. By the acceptance of their office, they tacitly, but very solemnly, pledge their faith to God and to society, that they will *bear the causes between their brethren, and judge righteously between every man and his brother* †. Should they *respect persons in judgment* ‡, or *pervert equity* ||, they would be guilty of falsehood and treachery, as well as of injustice.

THE actual sentiments of mankind own the conclusion, that justice is of peculiar obligation upon judges, and confirm the reasoning by which we have evinced it. Justice uncorrupted, and even unsuspected, is deemed so essential to the character of a judge, that a person who disregarded any of its private offices, would, by the universal voice of mankind, be pronounced for that reason unfit to sustain the character of a judge. In a judge, every species of fraud and injustice would be declared more unsuitable, more atrocious, more inexcusable, than in another. Were his private justice perfectly unblamable, habitual unrighteousness in his judicial capacity would blast his reputation; a single instance of wilful unrighteousness would indelibly fix some stain

\* 2 Chron. xix. 9. † Deut. i. 16. ‡ Ver. 17. || Mic. iii. 9.

upon his name. The terrors of his power, or respect for his rank and office, may move men to condemn in silence, and to behave with great external deference, and may hinder him from discovering how low he stands in the estimation of the worthy: but they cannot suppress the sentiments of the honest heart: even respect for the office changes its nature, and, instead of communicating itself to the person who holds it, inflames our indignation against him for abusing and disgracing it. Former ages have afforded instances of judges notoriously arbitrary and unjust: they were abhorred by their contemporaries; and the impartiality of history has stigmatized them, I may say, with deeper infamy than the vilest criminal that ever they condemned. There have been periods when such judges have been sought for, supported, and encouraged, by the tyranny of governors, or by the factious madness of the people: but these periods are and ever will be branded as the most disgraceful and infamous periods in the history of human society.

IF now, my brethren, it has been proved, that justice is the immediate and proximate instrument of accomplishing the very end of the office of rulers, magistrates, and judges, that they alone have opportunity for many impor-  
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tant exercises of justice,—and that they lie under peculiar obligations to it,—may we not fairly conclude, that justice is peculiarly their virtue, the immediate, the proper, the most indispensible decorum of their character? If this maxim be just, the consequence is obvious and undeniable, that all magistrates and judges ought to adhere to justice with perfect inflexibility, and to practice it with the utmost diligence, and the most scrupulous exactness. This consequence demands not the attention only of a few. It fixes the duty, not only of perpetual judges, nor only of temporary magistrates, but also of all who are of juries in public trials, or arbitrators in private differences. Every man may be, most men actually actually are, sometimes in a situation where justice is, in the peculiar manner that has been described, incumbent on them: whenever they are, they render themselves base, if they allow their justice to be biased.

## E R R A T A.

Page 55, l. ult. *for intention, read intension.* P. 61, l. 12, *read room,* l. 22, *put a comma after examination.* P. 74, l. 2, *for of them all, read them all.* P. 79, l. 26, *read worms of;* l. 29, *for cvii. read cii.* P. 80, l. 8, *del. in.* P. 91, l. 8, *for conduct, read contelt.* P. 106, l. 12, *for them it, read them in it.* P. 130, l. 27, *after Rom. iv. 3. insert Gal. iii. after Gen del. Gal.* P. 157, l. 2, *read would it not.* P. 162, l. 1, *for more, read worse.* P. 169, l. 4, *read their folly.* P. 232, l. ult. *for weakneis, read meeknefs.* P. 234, l. 16, *read their tempers.* P. 258, l. 15, *for foundation, read fountain.* P. 269, l. 2; *for in a, read in thy.* P. 271, l. 2, *for to, read in.* P. 273, l. 25, *for greatest, read chief.* P. 301, l. 6, *read its necessity.* P. 304, l. 21, *for and, read not.* P. 305, l. 1, *read can practise.* P. 309, l. 12, *for thoughts, read thought.* P. 321, l. 2. *read only prohibits.* P. 370, l. 8, *for most, read more.*