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THE

Grounds *of the* Complaint

OF THE

Principal of *Hart-Hall*,

Concerning the OBSTRUCTION given to the

INCORPORATION of his SOCIETY,

BY

Exeter-College and their *VISITOR*,

As lately set forth

In a LETTER to Dr. HOLMES, Vice-Chancellor of the University of *Oxford*, and Visitor of the said *Hall*,

More fully REPRESENTED and JUSTIFIED;

In ANSWER to

The MISREPRESENTATIONS of Dr. *C——re*, *Dean* of *Christ-Church*, in his pretended VINDICATION *of the Conduct of the Lord Bishop of* Exeter, *and of the Society of* Exeter-College, *in Relation to the said* Hall.

By *R. NEWTON*, D. D. Principal of *Hart-Hall*.

Non TALI Auxilio, nec Defensoribus ISTIS
Tempus eget. VIRG.

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THE

PREFACE.

R. DEAN *obſerves* (*a*) " That the World is little Intereſted " in Debates merely Perſonal," *hoping, it may be, that the Diſpute between Him and Me will be deemed of* This Sort, *and ſo be leſs regarded. If the Debate between us were ſuch as affected only Our own* Characters, *it might then indeed be ſaid to be merely* Perſonal. *But if it be about a Matter of* Hardſhip *and* Wrong, *tho' We Two only are engag'd in the Debate, yet More are concern'd in the Iſſue. I am One of the Community, and ſuppoſe every Other Member of it to have the ſame Sentiments, with reſpect to Injuries, which I perceive Myſelf to have. If the meaneſt Member of the Community ſuffer Wrongfully, tho' I have no particular Relation to him, do not know him, have never ſeen him, nor probably ſhall ever ſee him, or have any Commerce with him, yet I Reſent it, and would Compel the Author of the Wrong to do him Juſtice if I could. I am Intereſted to ſhew my Reſentment, leſt I ſhould Myſelf be the next Sufferer. That the Community have the ſame Concern, with regard to every Private Member, appears from the* Laws *they have made to ſecure his Reputation, his Property, his Perſon from Hurt. As careful as they have been in this Matter, they have not provided by* Law *for the Relief of Every One who may have* Juſt *Reaſon to Complain. Where Redreſs may be had from the Courts of* Law, *there is no Occaſion for a Publick Expoſtulation. Where the Courts of* Law *cannot take Notice of the Grievance, there lies naturally, regularly, properly, an Appeal to the* Publick *for their Sentiments of the Matter. Till the Community ſhall have made a* Law *that will relieve in the* Preſent *Caſe, and which the Complainant may readily have recourſe to for this Purpoſe, they ſeem to have reſerved the Cognizance of it to themſelves, and it is fit they ſhould be called upon to Judge of it, and, after an impartial Examination of the Caſe brought before them, give Sentence as they find it to be. And becauſe in a Proſecution at the Tribunal of* Fame, *the Judges can inflict no Other Penalty than* Diſgrace, *the World is Intereſted to inflict this Penalty in proportion as the Proceeding to Aggrieve hath been more or leſs* Shameful. *So far then the World is*

(*a*) Pref. to Calumny Refuted.

Inte-

Interested to Discountenance even Private *Wrong. But what the Pincipal of* Hart-Hall *complains of to the World, is a Wrong done, not only to* Himself, *but to the* Publick *also; to a Society intended to have been Incorporated and Endow'd for the Service of the Publick, and to their Successors for ever. The Principal's Design being That of Publick Good, the Publick are Interested in the Success of it. And if it miscarry through the Application of* POWER *to Defeat it, the Publick are Interested to Disapprove of Power thus apply'd; to Exclaim against it; to express their Abhorrence of it; and every way they can to Discourage the like Abuse of Power in Others, in whom the like Power shall be Placed.*

THE Debate then between Mr. Dean *and* Me *is not merely* Personal. *It is a Debate, Whether a Publick Good design'd by Me, hath been rightly Oppos'd by* Exeter-College *and their Visitor, whom Mr.* Dean *hath undertaken to Vindicate. And the* Attention *which the Publick have given to it, shews, that they* Think *themselves Interested in it. They have seen what Sort of Evidence Mr.* Dean *hath produc'd to shew that the Reasons for Opposing the Design were sufficient, and they have now an Opportunity to consider the Evidence on the* Other *Side. And whereas the Particulars mention'd by Mr.* Dean *in his Defense, are Many; and a Stress is said to be laid by Some upon One thing, and by Others upon Another; and it is therefore become necessary to shew, what is very easy to be shewn, that not the least Stress is to be laid upon* ANY *thing Mr.* Dean *hath advanc'd, but that the* WHOLE *is an* Amusement, *a* Disguise, *a* Phantom, *an* Appearance *only, and not the* Thing *which Mr.* Dean *design'd it shou'd Appear to be; and whereas also, what is Charg'd in a Single Line doth often require several Pages to Refute, the Reader will less Admire at the* LENGTH *of what is here offer'd to his Perusal, and I hope Excuse it.*

ERRATA.

P. 9. l. 26. for *And think*, r. *And I think*. p. 16. Notes l. 2. for *aucte* r. *aucte* for *auctoritate*. p. 21. l. 10. for *their* r. *the*. p. 32. Notes l. 25. for *Prophesy's* r. *Prophecy*. p. 34. after " at the instance of *Two* " Fellows," add in a Parenthesis, (*Three* or *more* by the express Words of the *Statute*, as saith Dr. *Hole*, p. 30.)

The GROUNDS *of Dr.* Newton's COMPLAINT *concerning the Obstruction given by* Exeter-College *and their* Visitor *to the Incorporation of* Hart-Hall, *fully Represented*, &c.

CHAP. I.

IN my Letter to Dr. *Holmes*, Vice-Chancellor of the University of *Oxford* and Visitor of *Hart-Hall* (*a*) within the said University, I complain'd of the *Obstruction* given to the Incorporation of the said Hall by *Exeter-College* and *Their* Visitor, and particularly of the *Manner* of that Obstruction after the *Attorney-General* had reported that the Principal and Fellows of the *Hall* had a good Title to the Inheritance of the *Scite* thereof, paying 1 *l.* 13 *s.* 4 *d.* a Year to *Exeter-College*; which Ancient Rent, and nothing more, was admitted to be their Due.

DR. *C——re*, formerly *Fellow*, and afterwards *Rector* of that College, and now *Dean* of *Christ Church*, in his Answer to this Letter, instead of shewing that the *Obstruction* given was *reasonable*, and the *Manner* of it *proper*, hath thought fit to divert the Reader's Attention from that *Point*, which ought solely to have been consider'd, to Matters no way relating thereto, that, despairing to retrieve his *Own* Reputation impeach'd by the Complaint, he might make Reprisals upon *Mine*.

(*a*) What is, at this Day, called *Hart-Hall*, includes in it not only the Soil, on which anciently stood a Tenement of *that Name* long since converted into the common *Refectory*, and *Arthur-Hall*, in which the successive Principals have been us'd to dwell; (which Two Messuages only, with their Appurtenances, are now claimed by *Exeter-College*:) but it includes in it also whatever *Other* Lands, or Tenements with their Appurtenances, have at any time since 1316 been enjoy'd, together with those two Messuages, by the Society stil'd the Principal and Scholars of *Hart-Hall*. As (1.) *Le Michel Hall*, heretofore a Tenement belonging to the Prioress and Convent of *Stodely*, adjoining to the East-End of the Common Refectory, and to the North-End of *Arthur-Hall*; and also (2.) *Black-Hall*, with the Ground thereto belonging, 48 Yards in Length, and 23 in Breadth, till you come within 9 Yards of the South-End thereof, and then only 9 in Breadth; and also (3.) *Cat-Hall* *, or the Garden Ground whereon *Cat-Hall* anciently stood, 26 Yards in Length, and 18 in Breadth; and also (4.) Dr. *Iles*'s Buildings, opposite to the Schools standing on Free-Land, with the *Area* or Court before it; and also (5.) *Martin*'s Buildings, standing likewise on Free Land, with the Passage leading to it; and also (6.) *Free-Land* purchas'd of *Martin Powell* for the Enlargement of the Entrance into the Premises, and for the building a *Library* over it; and also (7.) the *Ground* called the Abbot of *Eynsham*'s, lately held by Lease from *Christ-Church* at their Request, but enjoy'd before without Lease by the Principal and Scholars of *Hart-Hall*, for time beyond which there is no Memory to the contrary, and on which, or part of which, *Hart-Hall* Chapel may have been erected, for ought I know; for, where *certainly* to find the said Ground, I am not yet enabled by the Description given of it.

As any of these Lands or Tenements have accru'd to the Use of the Principal and Scholars of *Hart-Hall*, they have been consider'd as Parts of *Hart-Hall*. Thus when *Arthur-Hall* was added to the Original *Hart-Hall*, to make One House of Learning, they were both call'd *Hart-Hall*. And the Garden belonging to *Arthur-Hall* is mention'd as the Boundary to *Black-Hall* Ground, by the Name of *Hart-Hall* Garden. In like manner, as any other Tenement has been made use of to enlarge this House of Learning, the whole so made use of, hath still been stil'd *Hart-Hall*. And when any Parcel of the Premises hath been considered as *lately* accruing to the Use of the Principal and Scholars, it hath not been ill-described to be *Contiguous* to the Scite of *Hart-Hall*, *i.e.* to the Scite of any *Part* of that Ground which hath for any long time before been possess'd and enjoy'd by the Principal and Scholars of *Hart-Hall*.

Compare this Account with Cal. Ref. p. 5, 6, 7, 8, 9, 20, 28, 29, 30.

* N. B. In the Lease which *Exeter-College* formerly took of the University of *Black-Hall*, and of One other Parcel of Ground or Garden (whereon *Cat-Hall* anciently stood) *Cat-Hall* is not mentioned; neither is it mention'd in the Lease of the Premises to me. I conceive the Mention of the said *Hall* to have been first omitted by the Lessors, upon its going to Decay, at the Request of the Lessees, that they might not be charged with the Repairs. But, for all this, *Exeter-College* whilst they were Lessees, paid the reserv'd Rent annually under this Stile, 10 *s.* for *Black-Hall*; and 11 *s.* 8 *d.* for *Cat-Hall*: The same is enter'd in the University-Register's Book of Accounts, as paid for *Black-Hall* and *Cat-Hall*; and the Receipts continue to be given by the said Register to this Day for the said Rent due to the University for *Black-Hall* and *Cat-Hall*. And in his said Book of Accounts *Exeter-College* appear to have paid the said Rent for *Black-Hall* and *Cat-Hall*, for the Year 1663. Not having made any of the Mistakes imputed to me by Mr. *Dean*, p. 95, I hope I shall not be thought to have been so *Careless* in these Matters as he would have it believ'd.

To this Purpose, he hath thought it of use to him to say, "That (*b*) He hears the *Statutes* intended to "have been settled, by a *Charter* are *Ridiculous*, and the Endowment *Insufficient* (*c*); That He doth by "no means understand how the *Sixty* Pounds a Year proposed to be given by me to the Society is to "be secured (*d*); That He is not satisfied the 1500 *l. sworn* to be laid out by *Me* in erecting a Chapel "and Other Buildings was ALL my OWN Money (*e*); Nor yet, whether SO MUCH in the whole as that "Sum was *really* laid out or no (*f*); And that He suspects the Sale I made of *Useless Plate*, belonging "to the *Hall*, was not made with sufficient Authority (*g*):" Together with a Multitude of Other things not at all *Material* to the Dispute between us.

But, forasmuch as these things are said in a *Manner*, and with a *Design* to affect the Character and Credit of the Person concerning whom they are said, I must beg the Reader's Patience to hear what I have to Reply in my Defence. For, however *Immaterial* these things may be with regard to the *Dispute*, they are now become *Material* to *Me*: and are first to be spoken to, that I may be Heard with less *Prejudice*, when what is truly of *Moment* shall come to be consider'd.

With Respect to the *Statutes*, I say;

1. That, in the Year 1720, I Printed *Thirty* Copies of a *Scheme* of Discipline, with *Statutes* intended to be established by a Royal *Charter* for the Education of Youth in *Hart-Hall* in the University of *Oxford*.

2. That *so many* Copies were Printed, to the end that these *Statutes* might with greater Ease be communicated to many Persons, and that the Principal, not depending on his *Own* Judgment, might collect the Sentiments of *Others* concerning them.

3. That several Alterations have since been made in *these Statutes*, either as *Advis'd* by one or other of those to whom they had been imparted; or as *suggested* to the Principal by his own *second Thoughts* and *further Experience*.

4. That, in the Year 1724, *these Statutes* were order'd to be perus'd by certain Learned *Bishops*, who were to give their Opinion concerning their *Fitness* to be establish'd by a *Charter*; and that they were (a few Particulars having been first submitted to be further consider'd by the Principal) recommended by *them* as *Fit* to be Establish'd.

5. That *these Statutes* might with more Safety *be* thus recommended, forasmuch as, in the *Charter* for their Establishment, they were to be *subject* nevertheless from time to time to such *further* Alterations and Amendments, for the better Government of the Intended College, as the *present Principal*, during his Life should make, with the Consent of the *Visitor*, and Approbation of the *Crown*.

6. That if, by Reason of the Ten Years Opposition which hath been given to their Establishment, they have not yet attain'd to that *Perfection*, which, it may fairly be presum'd, in Ten Years *Use* and *Trial* they would have reach'd; This is a Disadvantage belonging to them, not to be imputed to Him who *Compil'd* the *Statutes*, but to those who *Oppos'd* the Establishment of them.

7. That, *Defective* as they are, the *Principal*, at his Leisure, will make them *Public*, and compare them with *those* of *Exeter* College. And if, upon the Comparison, they shall, in the general Opinion, be found Inferior to those, the Principal will lay aside his *Own* Institution, and supplicate the College for a Copy of *theirs* to be the Rule of Discipline in his *Own* Society, with a few reasonable *Provisos* only; such as,

(1.) That, whereas, at the Instance of his Opponents, there was, some Years ago, obtain'd, by Explication of a Statute, a *Diminution* of the *Rector*'s Power, to the *Increase* of their *Own*, the same Degree of Power he was formerly possess'd of be restor'd to him.

(2.) That these Words of *Another* Statute, *Cultui divino & scientiæ sacrarum literarum deditus*, describing One of the Qualifications for the *Rectorship*, be ascertain'd to import, that every *Rector* shall be in *Holy Orders*; especially, if the Rectory of a Parish with Cure of Souls shou'd be annex'd to the said Headship; and because, since the *Principal*'s Society is design'd to be a College of *Divines*, as he supposes *theirs* to have been, He is not willing the Governor of it should be a *Layman*.

(*b*) p. 3, 4, 77, 93. (*c*) p. 5, 10, 75, 76. (*d*) p. 29, 30. (*e*) p. 25, 26, 27. (*f*) p. 28. (*g*) p. 26.

(3.) That

(3.) THAT, forasmuch as by a *third* Statute, an Estate of Inheritance of the Yearly Value of 10 *Marks* doth vacate a *Fellow's* Title to his Founder's Bounty, it be effectually provided, that after such an Estate is fallen to him of the same Value now, that 10 *Marks* were of in that Age, he shall no longer keep his *Fellowship*, altho' in order thereto he make a Conveyance of it to his Relations whether *Collusively* or *Really*: the *Principal* believing it to have been the Intention of the Founder to quicken the Succession of his *Fellows*, that more might partake of his Charity; and that those, who should have the good Fortune to be Able to Live without it, should yield it to Others that stood more in need of it.

8. THAT the Mention of these *Provisos* gives the *Principal* the Opportunity he takes with a great deal of Pleasure to say, that the Statutes of *Exeter College*, and, indeed, of all the Societies of this, and the other University, with the reading of which he hath been favour'd, are, in the main, very excellent Statutes, and that, if those by Him form'd, which aim at the same End, have any Advantage, it is chiefly, he thinks, in this Respect, that they are not so liable to be *Eluded*: a thing, in Rules of Discipline, of Necessity to be secur'd.

With Respect to the *Endowment*, I say likewise,

1. THAT it is an Unmanly Insult on Men's *Calamities*, to have first been the Occasion that they are in a State of *Indigence*, and then to deride their *Poverty*: to have first depriv'd the Society of the Beneficence intended them, by a most unreasonable Opposition to their *Charter*, and then to set them in a Light of Contempt for want of a *sufficient Endowment*.

2. THAT, To suppose what was Beneficently Intended might *as well* have been plac'd in the Hands of *Trustees* (*a*) for the Use of the Society, when the Dispute should be Ended, and the *Hall* Incorporated, is a Mistake. For, if the Dispute should have Ended in Favour of the College, the *Hall* might never (*b*) have been Incorporated; or if it would, nothing was ever Intended by *My* Friends to have been given to *Exeter College*; nor would what was intended, have been given even to the *Hall*, but for the Establishment of the *Statutes*, which no *Trustee* could secure.

3. THAT the *Endowment* this Society would have had at the very beginning of their being made a Body Corporate, would have been greater (*c*) than that of *several* Other (*d*) Colleges, at their Rise, which are now in a very flourishing Condition, if not than that of *Exeter College* itself.

4. THAT *Two* (*e*) of these Colleges, in particular, having well near, if not wholly lost their *Original* Endowments, either for want of a due Settlement in Law, or for some Other Cause, have, by Virtue only of their being Societies *Incorporate*, and *capable* of receiving Benefactions, been soon able, not only to Retrieve, but to Increase the Value of their Ancient Income, and do subsist at this Day by Endowments *subsequent* to their *Charters*.

5. THAT, since an Estate of 10 *Marks* a Year now Vacates a Fellowship in *Exeter College* by their Founder's Institution, it may from thence be inferr'd, that such Fellowship was not Itself originally of greater Value. And, if so, there can be no Reason, why *Any* Fellow of *that* Society shou'd think an Endowment of 15 *l.* a Year to a Fellow of *this*, with the Revenue accruing to him as a *Tutor* and *Officer* of the House, and with convenient Apartments for Himself *Rent-Free*, and for his Servitor, of which he is to receive the *Rent*, of Value in the whole, if the House be full, at least 92 Pounds a Year clear, should not be a *sufficient* Endowment even in this Age. As little Reason is there why he should not think a clear Estate of 200 Pounds a Year, a sufficient *Security* for four times 15 *l.* a Year. For tho' this Estate, before I succeeded to the Inheritance of it, was mortgag'd to me for 1150 *l.* and Interest, yet when I succeeded, the Mortgage of course was sunk, and the Estate became a clear Estate, and capable, sure, of bearing that Burthen which it bore before.

(*a*) p. 62. 69. (*b*) p. 75. (*c*) The Principal's 60 *l.* a Year; and the Lady *Holford's* 51 *l.* 13 *s.* 4 *d.* a Year; and 16 *l.* 13 *s.* 4 *d.* a Year in Exhibitions.

(*d*) *University* College, founded in 1280 by the *University* with *William* of *Durham*'s Money deposited in *their* Hands by his Executors, for the Relief of *Masters* in the Schools of *Oxford*, began with an *Endowment* not exceeding *fifty Shillings* a Year to each of 4 Masters, and *fifty Shillings* a Year more to One of them who should be their Procurator, if the Rents of certain Houses settled upon them shou'd reach to so much. *Wood*'s Eng. Ant. p. 165, 166.

Baliol College, intended to have been founded by Sir *John Baliol* about 1267, founded by *Dervergille* his Wife about 1284, began with an *Endowment* of 8 *d.* a Week only to each of 16 Scholars. *Wood* p. 143, 146.

Jesus College, founded by *Hugh Price* in 1571, began with an *Endowment* of certain Rents in *Brecknockshire* (of what Value not mention'd by *Wood*, but said only to be *Inconsiderable*, but generally estimated at no more than 60 *l.* a Year) for the Maintenance of a Principal, 8 Fellows, and 8 Scholars. *Wood* p. 415, 416.

(*e*) *Baliol*. See *Balliofergus* p. 24. *Jesus*. See *Wood* p. 416.

6. THAT

6. THAT neither can it be doubted, if *two* and *thirty* Studentſhips of 10 *l.* a Year each or more, ſhould have been given to the Society when Incorporated, as there was abundant Reaſon to Expect, but that there wou'd have been found alſo *two* and *thirty* Students who wou'd have accepted of them: eſpecially if it be conſidered, that the Number of Scholars in *Hart-Hall* hath rarely, if at any time, been known to be ſo few as *thirty-two*, 'till the *Obſtruction* given to the Incorporation of that Society was repreſented to be *Inſuperable*, to the great Diſcouragement of the *Scholars*, who had only the *Experience* of a ſtricter Diſcipline than uſual, and now no *Proſpect* of the Rewards that were to have induc'd them to ſubmit to it; and to the great Diſappointment of thoſe *Excellent Tutors*, whom I had invited hither from Other Colleges, to aſſiſt me in the Affair of Education, now no longer to be kept together, but by their Tender Affection and Regard to me, which I muſt ever acknowledge; and by ſuch Moderate Encouragements as my ſlender Fortune wou'd permit me to give them, which they could not ſubſiſt without, and were ſo Good as to be contented with.

7. As little can it be doubted, whether the *Principal* would have had an *Endowment ſufficient* to have kept the *Headſhip* always *full*. For, tho' before the Year 1710, the Revenue to the Principal from the Chambers appears not to have been more than 25 *l.* a Year, yet had the *Hall* at that time been a Houſe of Learning for above 400 Years. And if, ſince then, this Revenue be Increas'd by Lady *Holford's* Legacy to the *Principal*, and his *Succeſſors*, of 25 *l.* a Year more, and by the *Rents* of the New Buildings full 50 *l.* a Year more, and would have been ſtill increas'd thrice 50 *l.* a Year more, if *Exeter College* and their *Viſitor* had not oppos'd the Incorporation of the Society; the Apprehenſion of the Diſſolution of the Society for want of a *Competent Endowment* for the Governor of it ſeems to be Affected; and eſpecially after a *Charter* ſhould have been obtain'd, which of *Itſelf* hath been found, as is above related, ſufficient to ſecure the Point pretended to be doubtful.

AND tho' no greater Endowment, than what the *Attorney-General* recites in his *Report*, did at that time to *Him* appear; yet, if the *Principal* had been then aware, that the *Attorney-General's* Opinion concerning the *Sufficiency* thereof would have made a Part of that *Report*, the *Principal* could, at that time, have enabled him to have added to the Particulars he there Enumerates, the 1600 *l.* directed by the Will of Lady *Holford* to be laid out in Land for the Uſe of the *Principal*, and *Two* of the Two and Thirty Students of that Houſe; and alſo the Five Exhibitions of 3 *l.* 6 *s.* 8 *d.* a Year Each, which the Scholars of that Society have enjoy'd for ſeveral hundred Years.

BUT whether the *Endowments* mentioned in the *Report* were, or were not *ſufficient*, in the Opinion of my Opponents, yet what is *this to them*? If in the ſame *Report*, the *Principal* and *Scholars* of the *Hall* are declar'd to have a good Title to the Inheritance of the Scite thereof, paying 1 *l.* 13 *s.* 4 *d.* a Year to *Exeter College*, what have *Exeter College* to do in this Caſe, but, Acquieſcing in the *Report*, to be contented with the *Rent*; or, not Acquieſcing, to Try, in ſome regular Way, to recover more? During the Diſpute about a *Right* to more, I cannot ſee how it concerns Mr. *Dean* to enquire by what *Laws* the Society are to be Govern'd, or by what *Endowments* Maintain'd. Nor in any of his Treaties with me concerning a Price for the further Intereſt the *College* pretended to have in the *Hall*, beyond their Ancient Rent, did he ever mention that he had any Objection to Either.

As little, I think, is Mr. *Dean* concern'd to Enquire, Whether the 1500 *l.* I ſwore I had laid out in Erecting a Chapel and other Buildings, was ALL my OWN Money, or the greateſt PART of it only; or whether, if it was not *All* my *Own*, I could ſafely take an Oath, that *I* had laid it out; or whether SO MUCH in the whole as 1500 *l.* was really laid out or no. However, being well furniſh'd with an Anſwer to what He has been pleaſed to inſinuate with reſpect to this Part of my Conduct, the Reader muſt pardon me if I obtrude it upon him.

1. THE only Reaſon of ſuggeſting to the *Attorney-General*, that above 1500 *l.* had been laid out by Me in Erecting a Chapel and other Buildings in *Hart-Hall*, was, to ſhew in what Forwardneſs the *Accommodations* for that Society were, in whoſe Behalf a *Charter* was pray'd. Now, this would appear altogether as well, whether the Money laid out was *Mine* or *Another* Perſon's: and better perhaps, if I had ſworn to the *Accommodations* only, and not to the *Coſts*.

HOWEVER, 2. When I was about to make *Affidavit* before a *Maſter* in *Chancery*, that *I* had laid out ſo much for theſe Purpoſes, *I* acquainted the *Maſter*, in the Preſence of my *Sollicitor*, *before* I took the Oath, that, whereas I found by the *Form*, I might poſſibly be underſtood to ſwear I had laid out ſo much of my *Own* Money, I ſhould ſwear only to the laying out of *ſo much Money* for the Purpoſes in the *Form* expreſs'd; for that, if by far the greateſt Part of it was my *Own*, yet ſome of it aroſe from *Contributions*.

3. THAT

3. THAT I had been so *Careful* in taking this Oath, as is here describ'd, Mr. *Dean* knew very well. For I told him of it, when first He made the Objection; and when, if he had not believ'd me, and it was of any Use to him to have been further satisfy'd, He might have been so by those before whom I took the Oath. And yet, after this Information, both *He* and Mr. *A——l* went on to Report it as a Perjury. And Mr. *Dean* at this Day, under that which was, or ought to have been, a Conviction to him to the contrary, gives himself Leave to publish it as such.

4. THAT I had had any *Occasion* to explain Myself to the *Master*, in the Manner above-mention'd, with respect to the *First Affidavit*, was the True Reason why, in the *Next*, I took care to be more *Explicit*. And therefore, in the *Second Affidavit*, the *Principal* maketh Oath in this Manner, " That " over and above the Sum of 1500 *l.* *apply'd* by Him to the erecting a Chapel and other Buildings in " *Hart-Hall*, he hath laid out and expended the Sum of 160 *l.* of his *Own proper Money*, in the Pur- " chase of Houses and Land lying *contiguous* to the Scite thereof." And if Mr. *Dean* cannot well Admit, that the *Second Affidavit* should explain the *First*, yet Others, I believe, who are no way Interested that I should have forsworn Myself, will very easily do it. But,

5. IF I had *not* been so *careful* as I was, and had taken the Oath without *any* Explication, yet, since the *Terms* of the Oath, compar'd with the *Reason* of taking it, could not imply that the Money I had laid out was ALL my OWN, I could not have concluded, that it was the Intention of the *Imposer* of it, that I should swear it was, and might therefore have taken it with Safety.

6. IF, to prove I had already bestow'd a Considerable Benefaction on the Society, (as the *At. Gen.* reports) no Mention be made but of the 1500 *l.* laid out by me in erecting a Chapel and other Buildings in *Hart-Hall*, and it be inferred from hence, that the Benefaction *was* the 1500 *l.* of which notwithstanding, it is Admitted, a *Part* arose from Contributions, yet if 1000 *l.* of it was bestow'd by me, as to be sure it was and more, that Sum, in my Circumstances, was a Considerable Benefaction.

BUT if I am not perjur'd in this Respect, it shall go hard but it shall *appear* I am in Another. For, it seems, whether the Money expended was Mine, or other Peoples, the *Sum* that was sworn to *is not made out*. For the Sum that was sworn to is 1500 *l.* and upwards; and, " *If my own Account may be* " *credited in my Letter to Dr.* Holmes," no more appears to have been expended than 1486 *l.* 7 *s.* 1 *d.*

BUT, if Mr. *Dean* will be pleas'd to take into the Account the preceding Sum of 120 *l.* 12 *s.* 11 *d.* mention'd in the said Letter, wherewith the Debts contracted by my Predecessors, in various *Improvements*, were discharg'd, he will find the Sum laid out by me to have been above 1600 *l.*

BUT, may Mr. *Dean* say, if I had ever reckon'd *this Sum* as a *Part* of the Account, I might as well have sworn I had expended above 1600 *l.* in Erecting a Chapel and Other Buildings in *Hart-Hall*. Why, so I might, for any thing He could have disprov'd of it. For, as, without my Information, he could never have known the 1500 *l.* was not ALL my OWN Money, nor by the Use of that Knowledge have impeach'd the Credit of the *Affidavit* concerning the Expending it, so now, without further Information from Me, he will be at a Loss again, and, thro' his Own Misconception, continue to Misrepresent me.

HE is to know then, that 1486 *l.* 7 *s.* 1 *d.* was laid out in *Building* one fourth Part of a large Quadrangle, consisting of a *Chapel*, and of an *Angle of Building*, containing 15 single Apartments; and that 97 *l.* 1 *s.* 6 *d.* more, Part of the 120 *l.* 12 *s.* 11 *d.* was laid out by Me in Discharge of Arrears, due from my Predecessors on the *Building* a New *Gate-House*, and *Library* over it, and *Chambers* over that *Library*; that this Sum of 97 *l.* 1 *s.* 6 *d.* relating to Improvements in *Building*, is brought into the Account of Money, sworn to be laid out in Erecting a Chapel and other *Buildings* in *Hart-Hall*, whilst 23 *l.* 11 *s.* 5 *d.* the remaining Part of the said 120 *l.* 12 *s.* 11 *d.* relating to *Other* Alterations by way of Improvement, is *not* brought into the Account of Money sworn to be Expended in *Buildings*. Now 1486 *l.* 7 *s.* 1 *d.* and 97 *l.* 1 *s.* 6 *d.* make together 1583 *l.* 8 *s.* 7 *d.* which is above 1500 *l.* and so much above it, that I question not but, if a favourable Estimate were made of what, in the present Case, might fairly enough be called my OWN Money, I might be allow'd to say that above 1500 *l.* of this *was* my OWN Money. For what hath been given to the *Buildings* by my *Own* Friends, and Acquaintance and near Relations, wou'd not have been given but for *My* Sake, and in good Will to *Me*; and the very small Part of this, which I had not *Anticipated*, or have not *Repaid* by Good Offices, I am still *Indebted* to them. What Others have given, tho' more than I expected, was not considerable. But Whatever I have Advanc'd on this Occasion, I believe it is the *First* Charitable Gift to the *Public* that has undergone so *strict* an Examination, Whether it was of the *Value* pretended by the

Donor. Had it been a *Private* Gift to Mr. *Dean*, that had been repreſented *Greater* than it was, He *Might* have been Uneaſy, to have found Himſelf overloaded with the Quantity of my Merit towards him. But, what is given to the *Public* being always without Expectation of *Return*, if I *ſhould* have flatter'd Myſelf I had been *more* beneficent than I was, I don't ſee of what Uſe it was to undeceive Me, to the Diminution of the Pleaſure I had in thinking I had been ſo.

LASTLY, With Reſpect to the *Alienated Plate*, there is an Inventory taken of it. And therein the *Name* and *Condition* of the Donor, with the *Prime* Coſt and *Preſent* Value of each Piece, and the Year of the Donation are ſet down by Me, with an Intent, long before this, if I had not been obſtructed by *Exeter College* and their *Viſitor*, to have reſtor'd the Original Value in *New* and Uſeful Plate, in the room of the *Old* and Uſeleſs. However, if this cannot now be done, ſo neither needs it. For the ſame was Alienated by the Permiſſion of the *Vice-Chancellor*, whoſe Authority Mr. *Dean* will find ſufficient (*a*) to ſecure my *Executors* from any Demand upon them, if he will read the *Aular Statute* hereto relating, which was in his Hands when he choſe rather to call my *Prudence* in Queſtion; and that, in the greateſt Degree of Warmth he has ſuppoſed me to be raiſed to, I have told nothing of Myſelf, but what the World will Approve as a thing at once *Prudent* and *Juſt*; and what I neither *could*, nor ever *deſir'd* to Conceal. For, the Appointment of this Uſeleſs Treaſure to the Building of a proper *Place* for the *Worſhip* of God, which this Houſe of Learning had ſo long ſtood in need of, was not only Warrantable, but Laudable; and the *Memory* of the *Original Benefactor* is as well preſerv'd in the *Regiſter* of the Application of his *Gift* to a *Pious* Uſe, as by an Obliterated *Inſcription* upon a Batter'd *Cup*. And Mr. *Dean* well knows the *like* Treaſure in *Other* Halls hath been apply'd to Purpoſes of leſs Importance.

CHAP. II.

HAVING diſmiſſed, for the preſent, the Conſideration of *Matters* not relating to the Diſpute between *Exeter-College* and *Hart-Hall*, I come now to conſider *Thoſe* which have ſome relation to it. And here, I ſhall begin with an Enquiry into the *Kind* and *Equitable* Propoſal, as it is called, of a *Reference* made by the College to the Principal; and into the Principal's *Behaviour* upon this Occaſion, which Mr. *Dean* deſcribes to have been ſo exceptionable as to have put the College into a great *Heat*, ſo great as to need his Interpoſition to Try to *Moderate* it, which, notwithſtanding the Reſpect he had for him, could not be effected.

OF the Principal's *Behaviour* Mr. *Dean* ſays thus, p. 14, 15 " *Being deputed by the greater Part of* " *the Society, I waited upon the Principal, and Told him we were willing to ſubmit our Claim to* " *Two skilful Lawyers, whereof One ſhould be choſen by Him, and Another by the College; and, for* " Myſelf, *I aſſured him, if the Claim of* Exeter-College *ſhould be once acknowledged, I would uſe what* " *little Credit I might be ſuppoſed to have among my Brethren to diſpoſe them to part with their Right* " *to him upon* Reaſonable *Terms*. Thus far we went on fairly. The Principal was Civil to me, and " ſeemed to take what I did in good part; *but ſtill ſlighted the Pretenſions of the College, and would* " *hear nothing of a Reference.* —— *Upon which the College grew warm.*

MR. *Dean*, p. 50. recites the *ſame* Propoſal made at the *ſame* Time thus: " Exeter-College *were in* " *no kind of Diſpoſition to Diſtreſs the Principal, either by perplexing Matters, or drawing them out to* " *an Inconvenient Length, but were willing to bring them to a ſpeedy Iſſue, in a way the moſt Eaſy* " *and Peaceable, and leaſt liable to Expence. It was with this View, that I was Deputed to wait* " *on him by the Society, with an Offer of Referring Our Claim to Two skilful Lawyers, One to be* " *choſen by the Doctor, and Another by Ourſelves.* But was this received (as it ought to have been) " with Reſpect? No: But with Scorn and Haughtineſs peculiar to this Gentleman, who certainly thinks " himſelf privileg'd above others, and diſpens'd with from the common Rules of Behaviour." *And then charges the Principal with* Imprudence *in treating the Offer with Contempt, and with manifeſt want of* Equity *in not accepting it.*

(*a*) *Quod nihil ad uſum Communitatis donatum aut relictum alienetur aut mutetur, niſi ad commodum Aularium; & (ſi res fuerit minoris Valoris quam quadraginta ſolidorum) cum conſenſu majoris partis* Graduatorum, *(ſi majoris valoris fuerit) cum Auctoritate* Vice-cancellarii. Stat. Aul. Sect. 8. §. 2.

Now,

NOW, 1. That I *slighted* their Pretensions, or that I treated their Offer with *Contempt*, is not True; but is said, as a multitude of Other things are, for no other Reason in the World, but to create a Belief that, if the College should hereafter be found to have taken unjustifiable Steps, they had at least *some* Provocation, which really they never had.

BUT, 2. Had I *slighted* their Pretensions, they had no Occasion to Resent it, for they *were* slight; nor yet, if I had treated their Offer with *Contempt*, for it was not fit to have been made to Me in My Circumstances, and deserved to be utterly disregarded. It was so far from being *kind*, and *equitable*, as it is called, that it was rather *Unfair*, and *Ensnaring*. For nothing is *Fair* that is not *Equal*; and nothing was ever proposed by them, but what was of *great* and *undue* Advantage to *Themselves*, and Disadvantage to *Me*.

3. I observe here is a Representation of two contradictory Sorts of Behaviour in the Principal towards the Person deputed to wait upon him at the very same Instant. Being contradictory, they cannot both be true. In p. 15. He is acknowledged to have been *Civil* to Mr. *C——re*, and to have taken what he did *in good part*. In p. 50. where the Proposal is recited, Mr. *C——re* affirms it was received by the Principal with *Scorn* and *Haughtiness* peculiar to this Gentleman, who certainly thinks himself privileged above Others, and dispensed with from the *Common Rules of Behaviour*. Between the 15th and 50th Pages Mr. Dean, *opere in longo*, had forgot himself. *Oportebat autem fuisse memorem.* Here are very truly (what he himself has too hastily concluded p. 65.) (*a*) "*Two opposite Testimonies of* "*the same Man, like two Opposite and Equal Forces mutually destroying One another*"; and consequently the Behaviour of the Principal with regard to Propriety and Decency is just where it was before he meddled with it, and I hope in Safety.

4. I observe, That I never had any Conference about any Sort of *Reference* but with Mr. *C—— re*, Mr. *A——l*, and Mr. *W——n*; and never with any *Two* of these together, as I remember. Now, neither Mr. *A——l*, nor Mr. *W——n*, have at any Time, as far as appears, accus'd me of this *Scorn* and *Haughtiness*, this *Slight* of their Pretensions, or *Contempt* of their Offer, which Mr. *C——re* imputes to me. Mr. *C——re* then was the *Only* Person who had observed this in me. He, at this Time, pretended a *Friendship* for me. It was not at all *Necessary* that he should relate to the College with what *Temper* I received their Proposal, but with what *Resolution* only. My Behaviour to *Himself*, through our better Acquaintance, might have been *freer* than it would have been to *Them*, without any Impropriety. But, if he interpreted this Behaviour to Him the College Deputy as a Behaviour to the College, yet, since he only knew it, it would have been more *friendly* in Him to have concealed it from the College; especially since he was desirous to have *serv'd me* with them, and by revealing it, must have made *This* more difficult. For it is plain, as soon as they heard of it, they grew Warm (*b*). And though I cannot but be *Thankful* for his affectionate Endeavours to *Moderate* their *Heat*; yet, sure, it would have been more *Prudent*, as well as more *Kind* in my Friend not to have *raised* it. To say the Truth, I do not believe they were ever in any *Heat* at all. But, if they were, it must have been occasioned by their Disappointment in my not accepting their Proposal; for it is impossible my Behaviour, truly represented, could have given them any just Offence.

THIS being premised, I now Admit a *Reference*, as mentioned in p. 15. was proposed to me by Mr. *C——re*; and I Admit also that I *declined* it.

BUT why did I decline it, when it *look'd so fair*? Because it *was not so fair*, as Mr. *C——re* seemed to desire it should *Appear*.

(*a*) In my Letter to the Bishop of *Exeter*, *May* 16. 1732. I have said, "*I hop'd his Lordship would no longer Interpose to* hinder "a Hearing *before the Lord* Privy Seal, *especially since I had not heard that the College after the Death of Dr.* Hole, *had requested* "*this of Him.*" This Mr. *Dean* thinks inconsistent with what is said, as he supposes by Me, in a Postscript to the *Expence of University Education Reduc'd*, p. 51. written *May* 27. 1733. viz. "*That after the Decease of Dr.* Hole, *the College* "*would not permit me to come to the Privy Seal Office, where they had entered their* Caveat, *that I might be heard.*" Now where is the Inconsistency of these Assertions? Or, where are the Two *Opposite* Testimonies of the same Man? What I had *not heard* on the 16th of *May* 1732, I did hear on the 24th of *May* 1732, and complained of it on the 27th of *May* 1733. His Lordship had told me, on the 9th of *March* 1730. "*That he never mov'd but at the Request of the College.*" On the 24th of *May* 1732, his Lordship tells me, in Answer to my Letter of the 16th of *May* 1732, wherein, amongst Other Expedients to put an End to the Dispute, I press'd for a *Hearing* before the Lord *Privy Seal*, "*That if ought be proposed that is New, it is from the College* "*only he can be content to hear of it, and that he had found no Encouragement.*" That is, The College, who, before the Death of Dr. *Hole*, had requested his Lordship to *hinder* a *Hearing*, had not, since the Death of Dr. *Hole*, requested his Lordship to *discontinue* this *Hindrance*: From whence it is evident the College, after the Death of Dr. *Hole*, would not permit me to come to the Privy Seal Office where they had entered their *Caveat*, that I might be heard.

But Mr. *Dean* has another Argument to prove, that the College did not stop my Access to the Privy Seal after the Death of Dr. *Hole*, and that is, because "*I have his repeated Promises that if we could not compromise the Matter between Ourselves, I should* "*be heard before the Lord Privy Seal whenever I pleas'd.*" But if these Promises were not perform'd, as I affirm they were not, where is the Force of this Argument?

(*b*) p. 15.

THE

THE Queſtion to be propoſed to the *Two Lawyers* for their Opinion was, Whoſe was the *Soil* whereon the Two Meſſuages called *Hart-Hall* and *Arthur-Hall* ſtood? *i. e.* Whether this Soil belong'd to the Rector and Fellows of *Exeter-College*, or to the Principal and Scholars of that Houſe of Learning which compriſes, not only *Theſe Two* Meſſuages, but ſeveral *Others* alſo, much more conſiderable, called all together at this Day by the ſingle Name of *Hart-Hall*?

SUCH a Reference I declined. For, I conſidered, as I told Mr. *C——re*, that I was only a Tenant for Life; That the *Preſentation* to the Headſhip was in the Chancellor of the Univerſity, of which I was in Poſſeſſion by his Favour; that if I ſhould ſubmit to the Reference propoſed, and the Two Lawyers ſhould adjudge the *Soil* to belong to the *College*, I might bring the Chancellor's *Intereſt* in the *Hall* into Diſpute; that it would be very weak in me to ſuppoſe it Doubtful, which my ſubmitting to a Reference would imply; that I could not Juſtify the *hazarding* any Intereſt of my *Patron* without his Conſent; nor with any Propriety *ask* his Conſent to what it could not be reaſonable for him to Comply with. The Chancellor had given his Conſent to the *Incorporation* of the *Hall*, and it would be time enough for him to ſubmit to an Enquiry whether he had a *Right* to do ſo, when, in the regular Courſe of my Proceeding to obtain a *Charter*, it ſhould be diſputed; and when alſo, whatever ſhould be the Iſſue, I could not be blam'd.

THIS Propoſal being declin'd, I Admit that *Another*, as mention'd p. 21. was made to me; or rather the *Same* in Another Shape, "*That I would STAND to a Trial at Common Law*," i. e. *abide* by what ſhould be the *Iſſue* of ſuch a Trial. This alſo, I admit, I declin'd, becauſe the Objections to *it* were the ſame as to a *Reference*, or rather ſtronger, foraſmuch as the Chancellor's Intereſt in the *Hall* might have been more hurt by a *Verdict* in favour of the *College*, than by an *Opinion* only.

I had the more Reaſon to be Cautious in this Matter, becauſe it was at this time whiſper'd, that the College had a View of getting the *NOMINATION* of the *Principal* from the Chancellor to Themſelves. And this now appears certain, from what the *Memorandum* which Mr. *C——re* ſays he caſually diſcover'd in *Eveleigh's* Regiſter Book of *Exeter College* Eſtates, ſuggeſted, *viz.* "That the "Title of *Exeter College* to *Hart-Hall* was much clearer than the Title of *Magdalen College* to "*Magdalen Hall*." It is plain this *Memorandum* refers to a Trial at Law between the *Chancellor* of the Univerſity and *Magdalen College*, about the *NOMINATION* of a Principal to *Magdalen Hall*. Now, if *Exeter College* Title to *Hart-Hall* was much clearer, than that of *Magdalen College* to *Magdalen Hall*, upon which Preſumption the College grounded their Oppoſition to Me, they muſt mean, that *Exeter College* had a much clearer Title than *Magdalen College* to the *NOMINATION* of a Principal. And this there is no Doubt but they would have contended for, had the Right of the *Soil* been adjudged to *Them*.

IF the *College* had been inclined to Try to recover their ſuppoſed Right in the *Hall* by *Ejectment*, after the Example of *Magdalen College*, They had no Occaſion to Ask my Leave. They could have done This whenever they pleas'd, and whether I would or no. But for me to Invite them to Try this Right by a previous Agreement that I would *STAND* to the Iſſue of ſuch Trial, was to go further than I could warrant with reſpect to the *Chancellor*, whoſe Intereſt it could not become me to Expoſe; and further than in Prudence I ought to have gone with reſpect to *Myſelf*, and my *Deſign*. For, with reſpect to *Myſelf*, if it ſhould have been found the *College* had a Right to the *Soil*, I ſhould have been concluded to have Agreed to *yield* it to them, and *Retire*, or to give them for it whatever they ſhould Demand. And with reſpect to my *Deſign*, I ſhould have Oblig'd myſelf to forgo the Relief I might expect from the *Court* of *Chancery*, which was by no means Reaſonable. For They might have a good Title in *Law*, and I in *Equity*. That I had an *Equitable* Title was not diſputed, but rather Allowed by their *Own Council* at the Hearing afterwards in the *Attorney General's* Chambers; and was the Foundation alſo of this Part of the *Attorney General's* Report, "But if the *Legal* Eſtate "ſhould be taken to be in *Exeter College*, a *Court* of *Equity* would Decree it to be merely a *Truſt* "in them for the Society of the *Hall*, and for the Advancement of Learning, That appearing from "the *Acts* of the *College* itſelf, as well as from the long and uninterrupted Enjoyment." And this I take to be the True Reaſon why the *College* would never attempt an *Ejectment*, how often ſoever they had threatned it; becauſe if they ſhould have obtained a *Victory*, it could only have brought the Diſpute into the *Court* of *Chancery*, where I ſhould have been *Invincible*.

THIS being the Caſe, the Reader will acquit Me of *Want of Equity*, in declining Theſe Offers, and conclude alſo with me, That Mr. *C——re*'s Aſſurance, "*to uſe his Credit with his Brethren, after* "*the College Right ſhould be once acknowledg'd, to diſpoſe them to part with it to me upon reaſonable Terms*,"

ought

ought not to have been depended upon; since, if he should have been as *good* as his Word, yet his *Credit* might not have been *sufficient* for the Purpose.

I am confident, when I shall have related the Offers which Mr. *C——re* admits *I* made to the College, which *They* refus'd, the Reader will be of Opinion, they never intended to accept of any reasonable Terms, nor Mr. *C——re* to use his *Credit* with them to *induce* them to it.

ON *Thursday, September* 19. 1723, I proposed to Mr. *A—l*, "That Mr. *Wearg* and Mr. *Lutwyche*, "Our respective Counsel, having considered what Interest the *College* had in the *Hall*, should Agree "what should be a *proper Consideration* for *That* Interest, and *That* I would give (*a*)." This was a Proposal I could make without the Chancellor's *Consent*; for, paying the Consideration, I should secure the Chancellor's *Interest* in the *Hall*, if it was not secure before.

MR. *A—l* pretended at that Time, not to dislike the Motion, and said He would propose it to the Society. And, I then added, "If the College would be so kind as to withdraw their *Caveat* then "lying before the *Attorney General*, I would give them any Security they should Demand that I would "stand to the Award of Those Two Persons, or of any Third Those Two should Chuse as an "Umpire."

WHETHER he ever proposed This to the Society, or whether They came to any Resolution about it, I could never Learn. But it was not Accepted.

I afterwards made the same Proposal to the present *Archbishop* of *York*, at that time Bishop of *Exeter*, and Their Visitor, who thought it reasonable, and said he should have no Exception to it, if the College lik'd it; and referred me to One of the Fellows, Mr. *W——n*, then in Town, who, in the Absence of Mr. *A—l*, corresponded with the *College*. Upon a Conference with *Him*, I found, he would not write to the *College* for their Concurrence to any thing but to a Judgment, Who had a Right to the *Soil*? And Mr. *Dean*'s Remark upon This is, "*But this would not Please, unless the same Gentlemen might* "*set a Price upon the College Lands.*" (*b*)

NO. It would not please *Me*, I confess, to submit it, first, to *Two Lawyers*, whose was the *Soil*; and, after This, to *Themselves*, What should be the *Price*. And think, if Mr. *C——re* really designed, when the Soil should prove to be theirs, I should have the same upon *Reasonable* Terms, it ought not to have Displeased him, that they should have Agreed, at a Time when it was uncertain whether the Lands in Dispute were the *College* Lands or no, that the same Gentlemen should set a *Price upon them.*

THE *Referees*, who certainly were the best Judges of the *Right*, were so also of the *Value* of it. They had been consulted in the Case for their *Eminency* in the *Law*, and not for their *Acquaintance* with either *Party*. And being *Indifferent* to Either, and of the strictest *Honour*, if they had not been indifferent, were the likeliest to have done That which was *Equal* between Both. And yet the *College* refus'd This Proposal, and I never heard that Mr. *C——re* ever "*used the Credit he was supposed to* "*have with his Brethren to Dispose them to Accept of it.*"

AGAIN, Mr. *Dean* Admits, that after This Proposal was refused, I offered that Every *Third* Head of the *Hall*, when Incorporated, should be Nominated out of *Exeter College*, (*c*) and, afterwards, Every *Alternate* Head. (*d*)

NOW, whoever shall Consider that the *Hall* was to be Erected into a *College* at the Charge and Sollicitation of the Principal; that it was to be Built and Endowed by Himself, and by Those who wish'd well to his Design; that the Headship, after This, would be of Value near 300l. a Year; that however *Exeter College* might magnify the *Quantity* of the Soil they claim, it was not, in fact, a *Third Part* of what would be the Scite of the *Hall* when Incorporated; that of the Two Little Messuage;

(*a*) This is the same Proposal, very little varied, with That I made to their *Present Visitor, May* 16. 1732, in these Words, "Whatever shall be thought a full Satisfaction to the College for what Right they have in *Hart-Hall*, in the Judgment of any Two "Lawyers in the Kingdom, of whom the College shall appoint One, and I Another (both to be rewarded by Me if they desire it) "I will pay it instantly, or cease any further Pursuit of Incorporating this Society." *Letter to the Vice Chancellor*, p 18.

(*b*) p. 22.

(*c*) p. 22. Mr. *Dean* mistakes the Person to whom the Offer was made. It was not to their Agent in *London*, but to the above-mentioned Mr. *W——n*, One of the Fellows, who said, "*This would be no Advantage to the Present Society of* Exeter College, *who* "*should none of them Live to be Heads.*"

(*d*) p. 22.

standing

ſtanding on this Soil, originally called *Hart-Hall* and *Arthur-Hall*, One had been converted into the *Common Refectory*, and the Other into the *Principal's Lodgings* near 200 Years ago; that theſe very antient Buildings have a perpetual Demand upon the Principal for *Repairs*, and never yield him a *Penny* Rent; that the Claim of *Exeter College* to them was at this Time ſo Doubtful, that they durſt not *venture* a Trial of it at *Common Law*, unleſs the *Principal* would firſt Agree to *ſtand* to the Iſſue of the Suit, and go no further; and that hereby it was Evident, they Suſpected if their Title to the Soil was good in *Law*, it was not ſo in *Equity*: I ſay, whoever ſhall conſider theſe Things will think, the *Leaſt* of theſe Offers made by the Principal to the College was a *monſtrous Equivalent* to their Pretenſions, when it could not but have been ſo eſteemed, if they had been not only in the Quiet Poſſeſſion of *all* they *claim'd*, but of the whole *remaining Scite* alſo that was to have attended the Incorporation of the Society. And yet Mr. *Dean*, the Defender of the *College*, Admits that, in theſe Circumſtances, *Both* theſe Offers were rejected (*a*). And, ſince they were, *I* make it my Requeſt to the Reader, that after having taken ſufficient Time to conſider of it, he will tell me what he thinks in his Heart, would have been the *Reaſonable* Terms, upon which, " *by the Uſe* of Mr. *C----re's Credit with* " *his Brethren*," I might have purchaſed the Eſtate they claim'd in the *Hall*, if their Right to it, upon a Reference, had been once acknowledg'd?

AGAIN; Mr. *Dean* ſays, for *Himſelf*, (*b*) " *That reckoning himſelf at that Time under ſome Obli-* " *gations to me, he was Deſirous that every Obſtruction to my Deſign might be removed, if Poſſible*;" and for the *Society*, (*c*) " *That they were in no kind of Diſpoſition to Diſtreſs me, either by perplexing* " *Matters, or by drawing them out to an Inconvenient Length*; *but were willing to bring Things to a* " *ſpeedy Iſſue, in a Way the moſt eaſy and peaceable that could be, and leaſt liable to Expence*." Now, if this were *really* ſo, as was pretended, *I* enquire, Whether the Offer made to *Me* of *ſuch* a *Reference* as could not poſſibly be accepted by Any Man living that had Common Senſe, or the *Leaſt* of the ſeveral Offers I made to *Them*, which might have been accepted with Prudence and Honour, was moſt likely to be attended with " *a Speedy Iſſue, in a Way the moſt Eaſy and Peaceable that could be,* " *and leaſt liable to Expence?*" And whether Their Rejecting every One of them, does not make it at leaſt probable, that there was No Deſire in Mr. *C----re* to remove *Every*, or indeed *Any* Obſtruction to my Deſign; and that there was alſo *ſome kind* of Diſpoſition in the *Society* to Diſtreſs me?

CHAP. III.

INCE the College would not accept of *Any* of the Offers I made them, the Unavoidable Conſequence was, that there muſt be a *Hearing* before the *Sollicitor General*, with whom they had Enter'd a *Caveat*.

AND, here, I find ſeveral *Affected Delays* (*d*) in coming to This Hearing are Imputed to *Me*. But I never was the Occaſion of Any *One*. I ever obey'd the Summons I receiv'd. I took many *Journies* to *London*, and made long *Stays* there for This very Purpoſe, that I might be fire to *Attend*. If Delays were Grievous to the *College*, they were more ſo to *Me*. What is imputed to *Me* aroſe from the *Nature* of the *Thing*. Every one knows the Crowd of Buſineſs that Surrounds Great Officers. Appointments come from *Them*, as they apprehend they ſhall have *Leiſure*. They cannot be always True to their *Own* Appointments. To the beſt of my Remembrance, *One*, if not *Two* Hearings we were prepared to expect, were put off by the Arrival of *Iriſh* Acts of Parliament. And when I ſent Word to Mr. *W---n*, " *There would not be a Hearing in Three Weeks*," (*e*) it was only to ſave him the Trouble of Attending *unneceſſarily*. It is ſaid, that of the *Firſt* Appointment, on the 27th of *July* 1723, a *Week's* Notice (*f*) was given. But we were now got into the *Long Vacation*, and I had no Apprehenſion there would be *Any Appointment* of a Hearing before the *Winter*. The Notice my Sollicitor ſent me of *This*, reached me not *ſoon* enough to make it *poſſible* for me to Attend at the *Time* appointed. Nor, if it had, could I have Attended. For *One* of my Counſel, Mr. *D'Anvers*, was, at that very Time, upon the *Circuit*; and tho' the *Other*, Mr. *Lutwyche*, had had a *State* of *My Caſe* in his Hands before the 27th of *July*, yet, the *Seals* not being over, and He full of Buſineſs, I could not get his Opinion upon *it* till the 12th of *Auguſt*. Mr. *A----l*, as it happen'd,

(*a*) p. 22, 23. (*b*) p. 49. (*c*) p. 50. (*d*) p. 18, 19. (*e*) p. 19. (*f*) p. 18.

had

had got Mr. *Wearg*'s Opinion on the *State* of the *College Case* by the 19th of *July*, (*a*) and so was *ready* Himself for a Hearing on the 27th, and, foreseeing " *That by Business of his Own* he should " soon *be engaged elsewhere*," (*b*) had a mind to try his Chance, and move for a Hearing which he could more conveniently attend at *This* Time, than at *Another*. But, if *He* had been in *My* Circumstances, and could not have got Mr. *Wearg*'s Opinion till the 12th of *August*; I think, if I should have *Surpriz'd* Him with a Motion for a Hearing on the 27th of *July*, *He* would *not* then have *Attended*, nor should *I* have blamed *Him*.

BUT, when, at last, there *Was* a Hearing, on the 22d of *February* 1723, I was *again* in Fault. For I brought with me *Two* Counsel, when Mr. *Dean* says, " *I had engaged*," (*c*) and his *Informer*, " *I had borne him all along in hand*," (*c*) to bring but *One*. But I had done *neither*. I was of opinion that *One* might be *sufficient*, if it could be *certain* he would Attend; and I think so still. But I thought it proper to retain *Two*, that I might be sure of *One*. Having *Consulted* Mr. *Lutwyche* upon the Case, I could not but be desirous *He* should be there to Support his *Own Opinion*. But since a Person of his Great Character and Business might possibly have been Pleading in the *House* of *Lords*, when I should have wanted his Assistance in the *Sollicitor*'s Chambers, it was fit some *Other* Lawyer should be there, if *He* could not. But if, instead of *Two*, I had brought *Twenty*, what would this have signified? *Twenty* Lawyers could no more have made That *Agreeable* to Law which *was Not so*, than 134 *Pages* in *Octavo* can make the most *Unreasonable* Opposition that was ever given, to appear *Reasonable*.

TWO *Things* more are Objected to me, before the Hearing, as Instances of *Art*. But, if the Reader believes them, he will rather think them Instances of *Folly*.

ONE; That I pretended to (*d*) have in My Custody a Grant or Lease of *Hart-Hall* from the College to One of my Predecessors for 1000 or 500 Years Absolute. *My Sollicitor* is said to have reported this to the College *Agent* on the 20th of *July* 1723.

NOW, I had no such Grant in my Custody, nor ever told my *Sollicitor* that I had. *He* was well entitled to the Knowledge of every thing relating to the Dispute which I knew *my self*. To *Him* I was not to have *talked* of This Grant, but to have *shewn* it. To have *Pretended* to *Have* it, when I could not *Produce* it, would have been a strange *Vanity*: Or, to have *Had* it, and *not* to have *Produc'd* it, as strange an *Infatuation*. I wanted nothing so much as to prevent the Delay and Charge that must attend the Affair now depending; and the *Producing* this Grant would have effectually secur'd what I wanted. It concerned the *College* likewise to have enquired what Truth there was in what they had heard; and, if they had not been *Undeceiv'd*, almost as soon as they had been *Informed*, it is probable Mr. *C—re* would have asked me Something about it. But I never heard of it *Myself*, till, on the 22d of *January* 1734, he imputes it as an *Artifice*: (*e*) And my *Sollicitor* is ready to make Oath that the Story is without Foundation. But what was the End to have been Compassed by this *Artifice*? I could not suppose the *College* would lay aside their Pretensions till they should *See* the Grant. However, I did not keep them long in Suspence. The Several *Offers* I soon after made them, could not but assure them, that I had nothing of *this* Nature to *Shew*, nor *They* to *Fear*.

THE *Other* Objection to me is founded on an Information which Mr. *A—l* tells Mr. *W—n* on the 24th of *October* 1723, he had received from Mr. *B—*, formerly a Commoner of *Hart-Hall*, at this Time a Fellow of *Exeter College*, " *I was last Night, says Mr.* A—l, *informed by Mr.* B— *that* " *although the Sollicitor should set aside the Doctor's Petition, and Report in favour of our Right, yet* " *the Doctor would Petition to be Reheard before his Majesty in Council*," and then adds, " *relying, it* " *seems, on his Interest at Court*"; and again, " *If he will endeavour to Push us by an Interest at Court,* " *I think, it is proper He should be laid open to the Lord Bishop of* Exeter." (*f*)

HERE is an *INFORMATION said* to have been received from Mr. *B—*, and a *COMMENT* upon it by Mr. *A—l*.

With Respect to the *INFORMATION*, I observe,

1. THAT, though Mr. *B—* is here said to have Informed Mr. *A—l* I would Petition, yet He is not said to have heard *ME* say so; nor even to have quoted *ANY AUTHORITY* for

(*a*) p. 17. (*b*) p. 18. (*c*) p. 23. (*d*) p. 19, 20. (*e*) p. 19. (*f*) p. 21.

what

what He related. It is *Here* ſuggeſted indeed, "That Mr. *B*— was in ſome degree of *Confidence* with "Me," (*a*) and, *Elſewhere*, "That he was my *Favourite*," (*b*) to induce a Belief that *I* had told him what he related. But in *This* View, it is not *Likely*. For, had he really been a *Favourite* of Mine, or in any Degree of *Confidence* with Me, he would not, ſurely, have ſaid of his *Friend*, what would *hurt* him, to his *Enemy*. But, in truth, I had very little Converſation with this Perſon after he went from the *Hall*. He was an *Indiſcreet* Man, and I never placed *Any* the leaſt Confidence in Him, either *before* he went, or *afterwards*. Nor was he in any *Other* reſpect *Favoured* by *Me*, than that, as I have occaſionally met him alone upon the Walks, I have reminded him of ſuch Parts of his Conduct as I diſliked. As often as Mr. *Dean* calls him *My Favourite*, ſo often doth he ſhew, Mr. *B*— acted, in Mr. *Dean*'s Opinion, in *Disfavour* to me; (*c*) and is by Him *called* My *Favourite*, for no Other Reaſon in the World, but to give a Colour of Credit to this *feigned* Information; and to induce a Suſpicion, that ſo much as it is inſinuated he had of My *Favour*, (*d*) ſo much I ſhared of his *Frailties*.

BUT, 2. If Mr. *B*— had told Mr. *A*—*l*, that he had heard *Me* ſay I would Petition, yet this would not have been *True*. I did not, at that time, believe this was *poſſible* to have been done in *My* Caſe. For, I conſidered, what I had *Pray'd* of his Majeſty was a *Favour* only; and even This, on a Suppoſition that, in the Opinion of the *Sollicitor General*, it would not be to the *Diſhonour* of the Crown to Grant it. And, if he ſhould Report, that what was Pray'd would be a *Prejudice* to a Right of *Exeter College*, and, conſequently, not for the *Honour* of the Crown to Grant, I thought it would be impoſſible for *Me*, to have taken Another Step in this Affair without *Their* Conſent.

BUT, what Mr. *A*—*l* here ſuggeſts to have been deſigned by *Me*, is the very thing that was openly declared to be Intended by my *Opponents*, if the Report ſhould be in *My* Favour, on purpoſe to diſcourage my Proceeding. Mr. *A*—*l*, with this View, had told my *Sollicitor* in *London*, antecedently to Any Hearing, "*That they would Oppoſe me to the utmoſt*; *that they would meet me at every Turn*; "*that if they did not ſucceed where they had Entered their* Caveat, *they would enter Another with the* "*Lord* Privy Seal; *and, if they did not ſucceed there, Another with the Lord* Chancellor." And, when they found I was not diſcouraged from going on by *Theſe* Threatenings, *That* of bringing the Matter to be Heard before the King in Council, was added. With reſpect to this Laſt Threatening, what I did not believe it *poſſible* for *Me* to do in a Matter of *Favour*, I really believed They *Might* do in a Matter of *Right*. And no Man can doubt but they *Intended* it, if they could not otherwiſe ſtop the Progreſs of the Charter, becauſe when the Report *did* come out in *My* Favour, they actually *did* get a Petition, under the College Seal, ready for this Purpoſe; though, having ſtopp'd the Progreſs of the *Charter* by the Power of their *Viſitor*, they did not make uſe of it.

With Reſpect to Mr. *A*-----*l*'s *COMMENT* upon the ſuppoſed Information, in theſe Words, "*Relying, it ſeems, on his Intereſt at Court*," and again, "*If he will endeavour to puſh us by an Intereſt at Court*," I obſerve,

1. THAT I did not, at this time, ſo much as know that I had *Any* Friend at *Court*. Lord *Carteret*, who, on the 18th of *May* 1723, had ſignified his *Majeſty*'s Command to the *Sollicitor General*, to Conſider of my Petition for a *Charter*, was made Lord *Lieutenant* of *Ireland* before the 24th of *October* 1723; and, as yet, I had neither applied to the *D*— of *N*—, who ſucceeded him in the *Secretary of State*'s Office, nor to his Brother Mr. *P*— for any Aſſiſtance in My Affair. The Thing in Diſpute was *Sub Judice*, and I deſired no Favour from *Any* body. When the *Hearing* on the 22d of *February* 1723, was over, I did indeed Apply to Mr. *P*—; but not even then for any *Other* Favour, than to *Haſten* the *Report*; which, whatever it ſhould contain, would be as uſeful to the *College* as to *Me*. Nor did I apply even for *That* Favour, without deſiring Mr. *P*— firſt to ask the *Sollicitor*, now *Attorney General*, Whether the *College*, in His Opinion, had any Right which a *Charter* granted to *Me* would prejudice? For that, if He thought they had, I did not deſire he ſhould Intereſt Himſelf in this Affair for Me at all. From whence it appears, that, if I really had had any *Intereſt* at *Court*, I was in no Kind of Diſpoſition to have *puſh'd* the College by it, or to have uſed it to their *Hurt*.

(*a*) p. 21. (*b*) p. 34, 37. (*c*) Ibid.

(*d*) Time was, when This very Perſon might well have been conſidered as a *peculiar FAVOURITE* of Mr. *C*—*re* and *My Other Opponents*, ſince they did not Deny *HIM* Admiſſion to an *Actual* Fellowſhip, at the ſame Time that they refuſed it to *TWO OTHERS* not inferior in Character: Nay, when the Circumſtances of the *Three* were well known to be ſo *equal* at that Time, that, if the *Excluding* th *Two* could any ways be conſidered as an Act of *Juſtice*, the *Admitting* the *Third* could not poſſibly be otherwiſe regarded than as an Inſtance of Notable *Partiality*.

BUT,

BUT, 2. Though I had always Reason to believe These Two Gentlemen were my *Friends*, and really wish'd me well, as I verily believe they do to this Day; yet, I was then far from being *certain* They would be my Friends at *Court*, if Others, supposed to be of Their Sentiments in Political Matters, should *Oppose* what I desir'd. I was almost certain they *would not*. They knew that I was of *no Party*, for I never dissembled that Matter with them. And, for this Reason, I never desir'd either of them to do any thing in this Affair for me, but with Submission to their Opinion whether it was proper for *Them* to appear in it. And, for the Truth of this, I appeal to the Conclusion of my Letter to Mr *P*— of the 24th of *January* 1726, in these Words: "But remember, My Dear Friend, what I have always "told you, That I do not desire you should do any thing for me, which you, who have a very good "Judgment, shall think it improper for you to concern Yourself in, or to which you shall have the "least Reluctance. For I love you very disinterestedly, having no One End in the World to serve, "which being not serv'd, can so much as disturb the Tranquillity, much less abate the Affection of, *Your*, &c.

NOW, it is certain there is nothing *here* that is *Pushing*. And since what I tell Mr. *P*— here, is what I have *always* told him, the Reader may conclude, that, as I never had any *Power*, so neither any *Intention*, or *Desire*, or even the least *Inclination* to *Push* the *College*, or to use any *Interest* at *Court*, if I had really had any there, to their Disadvantage.

WHILST I was solliciting an Affair that, of itself, *had* no *Relation* to *Party*, I might, and did believe I should succeed. But, if once that which had no Relation to Party *directly*, should *indirectly* be *made* to relate thereto, that is, be Oppos'd by *Partymen*, I must know, that, from that very Moment, *I* should have no more *Interest* at *Court* than my *Servant*. But neither do I take any thing amiss of my good *Friends*, who, having set Themselves a *Rule*, act agreeably thereto with Steadiness, as I Myself, in their Place, would do, if I approv'd their *Rule*.

BUT still it may be said, that, though I *had* no Interest at *Court*, I might *Pretend* to have it. But, if I was conscious to Myself that I really had it not; if I had never received any Mark of *Favour* from the *Court*, whereby it might have been conjectured by my Opponents that I had; and, if it appear, as Above it may, that if I had had any Interest at *Court*, I was not disposed to have made any unfair Use of it, to the Prejudice of the *College*, I believe the Reader will not think it likely I should have *Pretended* to have it.

ON the Other Hand, since the *College* were conscious to Themselves that They *really had* That Interest at *Court*, the *Pretence* to which they had assigned to *Me*; since it is reasonable to believe they at this Time Designed to *Use* This Interest, if the Report should be against them, because, when the Report was found to be against them, they actually *did* use it to the Obstructing That Charter most effectually which otherwise would have been granted; and since they knew their having proceeded in this violent Manner to defeat a Design of so great Utility to the Publick, without any Reason in the World, but the *Wanton* Exercise of their Power, or to *force* a Compliance with undue Demands, would be utterly incapable of being Justified, when it should come to be laid open, I believe the Reader will rather think the *College*, in order to Alleviate the Dishonour which they foresaw would be imputed to them for having taken this Step, thought it convenient to represent me as having intended to precede them in it; and that he will be the more inclined to this Opinion, when what Mr. *Dean* hath suggested of the like Kind with respect to Sir *R*— *W*— shall be found to be a *Fiction*, or at least *Incredible*.

CHAP. IV.

HAVING considered what Mr. *Dean* hath repreſented as exceptionable in My Conduct with reſpect to Matters *Preceding* the Hearing, I come now to conſider what is ſaid by Him to have paſſed *At* the Hearing, and with relation thereto.

WITH reſpect to the Hearing on the 22d of *February* 1723. Two Things, ſays Mr. *Dean*, were eſpecially inſiſted on [by the Doctor's Counſel].

1. THAT the *College* ſhould Prove (what they had Aſſerted on the Credit of *Anthony Wood*,) that, from 1436 to 1604, there had been 31 Principals of *Hart-Hall*, of whom 30 had been Fellows of *Exeter College*. This, he intimates, they were not prepared to prove; becauſe Dr. *Hole*, their Rector, had refus'd him a Sight of the Antient Regiſter in his Cuſtody of the Rectors and Fellows of *Exeter College*. I obſerve,

1. THAT I do not remember This Proof of the College Right *was* inſiſted on at the Hearing, neither doth the *Report* take any *Notice* of it.

2. THAT, if it was inſiſted on, the Agents for the College made no Complaint that the *Rector* had with-held that *Antient Regiſter*, or any *Other* Evidence whatſoever from them.

3. THAT, if the *Rector* did really refuſe Mr. *C*------*re* a Sight of this Antient Regiſter, when he apprehended it might be of Uſe to him, in collecting Evidence for the *College*, He ought to have complained of this Refuſal to their *Viſitor*.

4. THAT, if he did not Complain to the *Viſitor*, on this Occaſion, as I believe he did not, he was negligent of his *Duty*; and, if he did, the *Viſitor*, if he did not Compel the *Rector* to do that which was reaſonable, was Defective in *His*.

5. THAT the Principal of *Hart-Hall* is in no reſpect to be blamed for this Accident; who neither knew, nor had heard, there was ſuch a Regiſter in the College; nor that any ſuch had ever been in the Cuſtody of the Rector; nor that Mr. *C*------*re* had ever applied to him for a Sight of it.

6. THAT, if they could have *Proved*, from the Sight of this Regiſter, what they had Aſſerted on the Credit of *Anthony Wood*, the *Inference* the College would have made from thence, would not have followed.

THE utmoſt the *College* could have *Inferred* from thence is this: If ſo many of their *Fellows* were ſucceſſively *Principals* with *One* Interruption only, the *College* muſt have had the *Nomination* of the Principal; and if it cannot be made to appear, they conveyed it away, they muſt have it ſtill. But give me leave to Obſerve,

1. THAT even *One* Interruption may be ſufficient to Subvert this Argument; and, in fact, will be found effectually to do ſo.

2. THAT certain *Fellows* of *Exeter* College ſucceſſively enjoy'd the Headſhip of *Hart Hall*, from 1436 to the Time of the Interruption in 1541, and, after the Interruption, from 1544 till 1604, is not a better Proof that the *Nomination* of the Principal was, *during theſe Terms*, in *Exeter* College, than it is That the *Nomination* of the Principal was *before* in *New* College, for that Three Wardens of *New* College, (whilſt That College was building, and Five Fellows thereof (after it was built) ſucceſſively enjoyed the Headſhip of *Hart Hall*, from 1378 to 1399, before *Any* Fellow of *Exeter* College appears to have enjoyed it; (*a*) eſpecially, if it be conſider'd that *Exeter* College found Their Title to the *Hall* on their Founder's Grant in 1314.

3. IF, That certain Fellows of *Exeter College* ſucceeded to the Headſhip, with only one Interruption, from 1436 to 1604, be any Proof that *Exeter College* had, during that Time, the *Nomination* of the Principal, then, That not one Fellow of *Exeter College* hath ſucceeded to the Headſhip from 1604 to this Day, which is above 130 Years, is as good a Proof that they have no Right *now* to Nominate the Principal; and, That the Chancellor hath Exerciſed this Power for above 130 Years paſt, without Interruption, is a better Proof that the Right to do ſo is in *Him*.

BUT, 4. What is preſumed by the *College* is not True. For *Exeter College* never Nominated a Single Principal ſince they became a *College*.

* *Wood* Eng. Ant. 238. 471.

THERE

THERE appear to have been *Three* Ways of Succeeding to *Principalities* of *Halls*.

IN the Earliest Times, when *Halls* were the *only* Places of Education here, (Religious Houses excepted) and the *Principals* the *only* Tutors, and Resignations *Annual*, the *Chancellor*, or his *Commissary*, seems to have been intrusted by the University with the Appointment of *Principals* of *Halls*. The Rule he seems generally to have Observed, was, to prefer the Person *in Possession*, having behaved himself well, to one *not* in Possession; a *Regent Master* before a *Non-Regent*; a *Master* of *Arts* before a *Batchelor* of *Arts*; the *Proprietor* of the Tenement, all other Things being equal, before one who was *not* the Proprietor.

THIS Rule of the *Chancellor* varied about the Year 1500. There were now many *Colleges* erected upon the Scite of demolished *Halls*. The *Endowed Societies* chusing their own Governors, the *Aulares*, or respective Companies of the *Few Halls* that remained, were permitted to do so too. *Resignations* were still made into the Commissary's Hands as before, though not *annually*. When He Accepted the Resignation, he declared the Headship Void; gave the Scholars Leave to proceed to an Election; Approving the Person Chosen, He Admitted him. The Person admitted continued *Head* as long as he pleas'd, unless the *Commissary*, the proper *Visitor* of *Halls*, should remove him for Misbehaviour. During this Period there is not a *Single* Instance of a Nomination of a Principal by *Exeter College*, and *Two* very remarkable *Instances*, that they had no such Power.

1 NOV. 26. 1514. *Mede*, Fellow of *Exeter*, and Principal of *Hart-Hall*, became Rector of *That College*, and upon resigning the Principality of *Hart-Hall*, very earnestly desired the *Commissary* that One *Parkhurst*, or whom he himself should name, might succeed him. But the Commissary refus'd, and Admitted one *Irish*, because it appeared he had been chosen by the *Aulares*. (*a*)

2. FROM this Time *Exeter College* Men (*Irish* being of that *College*) seem to have play'd the Headship of the *Hall* into one Another's Hands, till 1541; a Fellow of *Exeter* in Possession, not resigning till he had Secured a Majority of Suffrages for the Fellow of *Exeter* he had a mind should succeed him. In 1540, *John Frenche*, a Fellow of *Exeter*, being Principal, and intending to do this, for a pecuniary Consideration, as it is suggested, in behalf of a Person unacceptable to the Scholars, and at a Time when many of them, who would have been against him were Absent, a Petition was made to the *Commissary* (*March* 25. 1540) not to Accept of *Frenche's* Resignation without calling the whole Company of the *Hall* together. (*b*) The Resignation was *not* Accepted till *July* 7. 1541. when the Scholars were got together, and when they chose *Bromhall*, (*c*) a Fellow of *New College*, (*d*) as it were in Opposition to the Scheme of *Exeter College*.

THE *Third*, and Last way of Succeeding to Principalities of *Halls*, was That of the *Aulares* chusing their Principal at the Chancellor's *Nomination*. The Election was now *formal* only, and in the Nature of a *Conge d'Elire*, and is in use at this Day. There seems to have been an Approach to this Usage in 1546, when the Consent of the Commissary is first obtained (*e*) by the Scholars of *St. Mary* Hall to chuse a particular Person, *Morgan Philips*, Principal of that House. And, in 1548, when *Philip Randall* of *Exeter College* is chosen Principal of *Hart-Hall* by the *Aulares*, the Commissary, or

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(*a*) 26 Novemb. 1514. *Magister* Thomas Mede *dimisit* [resigned] *Principalitatem Aulæ* Cervinæ *&* Nigræ, *atq; instanter & cum effectu* * [in good Earnest] *rogavit & oravit Nos* [Commissarium] *ut M.* Parkhurst *nuper Principal. ibidem, vel quem ipse nominaret, admitteremus ad eandem, sed quia omnes Commensales ibidem consenserunt in quendam Magistrum* Irish, *igitur diximus eundem eligendum, & eodem die Admisimus eundem Magistrum* Irish *ad Principalitatem Aularum* Cervinæ & Nigræ. Re. ¶ f. 242. b.

(*b*) *Vicesimo quinto Martii A. D.* 1540. *Comparuerunt coram* Commissario *Scholares* Aulæ Cervinæ *allegantes famam constantem volare in Aulâ prædictâ Magistrum* Joh. Frenche *Artium Professorem ac Præsidem Supradict. Aulæ secum Statuisse & adhuc Statuere, absentibus sive ignorantibus Scholaribus ejusdem Aulæ, vel majori parte eorundem resignare & renuntiare Principalitati suæ ibidem eo animo, ut alius præficiatur, qui verisimiliter non est profuturus Scholaribus ejusdem Domûs, quique (ut publice fertur) daturus est, eo nomine tantùm, dicto Magistro* Frenche *magnam pecuniæ summam, hæcque contra justitiam & æquitatem: unde Supplices orabant ut dictus* Dominus Commissarius *non admitteret resignationem (siquam fecerit dictus Magister* Frenche*) nisi consultis & convocatis omnibus Scholaribus antedictæ Aulæ. Unde Magister* Commissarius, *Substituendo Magistrum* Joh. Hastyngs *vice & loco suis, reservat sibi ipsi jus & potestatem admittendi & approbandi antedict. resignationem, siquam fieri contigerit, decernendo irritum & inane quicquid in contrarium factum fuerit, idque ex causis prædictis*, &c. Reg. ¶ f. 260. b.

(*c*) *Septimo die* Julii A. D. 1541. *comparuit Magister* Joh. Frenche *Principalis Aulæ Cervinæ & resignavit officium Principalitatis suæ in manus* Commissarii. *Et maturâ consultatione habitâ de alio Principali substituendo cum Scholaribus & Magistris ejusdem Aulæ, Scholares aulæ prædict. omnes & singuli consenserunt in Magistrum* Rogerum Bromhall, f. 403. b.

(*d*) Ant. Wood. Eng. Ant. 472.

(*e*) —— *Quâ resignatione admissâ dictoque Officio vacante*, ex nostro consensu præhabito *Scholastici ejusdem Aulæ elegerunt, nominaverunt, & præsentaverunt* Nobis [*Commissario*] *Magistrum* Morganum Philippum *ut admittatur in Princ.* &c. 5 Feb. 1546. GG. Reg. f. 16. b.

* To intreat, *cum effectu*, here and elsewhere in the Registers, signifies no more than with a *hearty Endeavour* to succeed. Thus in Lord *Herbert's* History of *Hen.* 8. p. 417. Lord *Grey* is said to have intercedeed *effectually* with the King for *Kildare*, who was Executed notwithstanding.

Vice-

Vice-Chancellor, is authorized by a *Special* Letter (*a*) from the Chancellor *Himself* to *Confirm* that Election.

TEN Years after this (8 *July* 1 *Eliz.*) *Exeter College* first begin to Lett to the said *Philip Randall*, already in Possession by the *Choice* of the *Scholars*, and the Chancellor's *Confirmation*, a Lease for 21 Years, to commence the *Lady Day* before, of this their House, *ORDAINED*, as it is expressed in the Lease, for the *ADVANCEMENT* of *LEARNING*; with a Covenant against Assigning to any Person, "Except One of the Foundation of *Exeter* College, and obliging the *Lessee*, for the "better accomplishing this End, to use all honest and friendly Means with the *Aulares*, or *Company* "of the Hall, and with the *Chancellor* of the University for the Time being"; which would never have been inserted, if the College had believed they had a *Legal* Right.

To the same *Philip Randall* the College Lett *Another* Lease, (20. *July* 14 *Eliz.*) for the Term of 21 Years, from the Lady-Day before, with the same Covenants. This Lease commences immediately after the *Act* of the 13th *Eliz.* restraining Alienations by such Bodies; *Seven* Years before the *Determination* of the *former* Lease; and takes no Notice of the *Surrender* of That.

AFTER *Randall's* Lease expired (Lady-Day 1593) and he would not renew it, but, without Lease continued still in Possession, a *Third* was Lett to *John Eveleigh*, Another of their Fellows (10 *Octob.* 35 *Eliz.* to Commence the *Michaelmas* before) for the same Term, and with the same Covenants; and also, with a Clause in the Condition of his Bond for Performance, to permit *Randall* to enjoy the Headship of the Hall during his Life. So that the Lease to *Eveleigh* had no real Effect at the Time *of making* it; nor, indeed at *any* Time. For near five Years and a half after the Date of the said Lease, upon the Death of *Randall* (11 *Mar.* 1598,) *Eveleigh*, who had been *Randall's* Vice-Principal, was chosen by the *Aulares*, (*b*) and Admitted by the *Vice-Chancellor*, as *Randall* had been, 50 Years before.

THESE Three Collusive Leases, Lett to Two of their Own Fellows, without the *Privity* either of the *Scholars* or the *Chancellor*, were manifestly an Unfair Attempt to gain to the College the *NOMINATION* of the *Principal*, which did not succeed. For, upon the Death of *Eveleigh*, near five Years and a Half after his Admission, *Theodore Price*, of *Jesus* College, succeeded to the Headship, by the Express *NOMINATION* of the Chancellor, (*c*) who hath since Nominated *Eight* more *Principals* successively, and not *One* of them out of *Exeter College*. And, when the University Statute (*d*) *Declaratory* of the Chancellor's Power and Duty to Dispose of the *Prefectures*, or Nominate the *Principals* of *Halls* was about to be Confirmed in 1636, *Exeter College*, who had had the Perusal of *IT* together with the *Other* Statutes, for a whole Year before, made no Exception to the *Confirmation* of it, but joined with the rest of the Convocation in a Letter of Thanks written in (*e*) the most exalted Terms, to Archbishop *Laud*, for getting his Collection of Statutes, of which *THIS* was One, *Confirmed*: As will appear more at large in the History of *Halls*, written with a View to the present Claim laid to *Hart Hall* by *Exeter College*, when I shall have Leisure to publish it.

THIS being the Case, if a Proof had been produced from the College *Register*, that, of the 31 Principals of *Hart Hall*, between 1436 inclusive and 1604 exclusive, there had been *Thirty* who were Fellows of *Exeter College*, it would not have been a *Proof* that the *Nomination* of the Principal had been in *Them*, or that they had *now* a Right to *Name* him, or any *Other* Right in the said *Hall* than to their Antient Rent.

THE *Second* Thing especially insisted on [by the Doctor's Counsel] at the *Hearing*, was, it seems, "That the *Scite* of the *Hall* was an *inconsiderable* Spot, no where to be found, the *Abuttings* and "*Boundings* being entirely Lost." With respect to this, I Observe,

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(*a*) —— *Omnes Scholares Aulæ* Cervinæ *tunc præsentes in Universitate elegerunt in eorum Principalem Magistrum* Phil. Randall, *& petierunt eum Admitti. Ad quorum petitionem Dominus* Vice-Cancellarius *antedict. admisit eundem in eorum Principalem*, & aucte quâ fungitur in hâc parte ex speciali licentiâ Domini Cancellarii Universitatis Oxon prout patet per Literas dicti Domini Cancellarii Supradict. Domino Vice-Cancellario missas *Confirmavit*. 9 Mar. 1548. GG. Reg. f. 33. b.

(*b*) 17 Mar. 1598. Reg. Actorum 1598.

(*c*) 10 Aug. 1604. Reg. 1604.

(*d*) *Aularum Regimen & Administrationem earundem, ut peculiarem sibi Curam, in se suscipere, eumque in finem (quoties commodum sibi videbitur) easdem* Visitare, *& de* Præfecturis *earundem dispenere. Univ. Stat. Tit.* 17. *Sect.* 1. §. 2. And again, *Statutum est quod ad Regimen Aularum assumantur Viri ætate maturâ*, &c. *qui ad Nominationem Domini Cancellarii ab Aularibus eligantur, & per Vice-Cancellarium ad Præfecturam & Regimen admittantur.* Stat. Aular. *Sect.* 5. §. 1.

(*e*) 23 Jun. 1636. *Wharton's* Hist. of Archbishop *Laud's* Chancellorship, p. 96.

1. THAT I then thought, and do ſtill think, that the Ground on which the *Two* Meſſuages claimed by the *College* ſtand, is *inconſiderable*; and that the *Abuttings* and *Boundings* of ſome Part thereof are *obſcure*.

2. THAT I do not remember there was, at the *Hearing*, any Mention made of the *Quantity* of the ſaid Ground, or of the *Boundaries* thereof, other than as the ſaid Boundaries were deſcribed in the *Evidences* read on the College Side.

3. THAT nothing concerning either the *Inconſiderableneſs* of the Spot, or the *Obſcureneſs* of the Limits, was ſuggeſted to the Counſel in my Brief; and therefore, I believe, they did not give themſelves the Liberty to harangue upon theſe Topicks; neither is there the leaſt Notice taken of this Argument againſt the College Pretenſions in the Report. But,

4. IF my Counſel ſhould have given themſelves this Liberty, yet they could not, ſurely, have *Inſiſted* much upon any thing ſo frivolous. For, let the *Quantity* be what it would, the Single Queſtion was, Who had a *Right* to it? And, unleſs the certain Knowledge of the *Quantity* would have contributed to the Diſcovery of the *Right*, it could not be very *Material* to the Solution of this Queſtion, whether it were Ten *Poles* or Ten *Acres*, nor yet whether the Limits of it were *Evident* or *Obſcure*.

5. BUT, whether it was *Material* or no, I am ſaid to have *Promis'd* Mr. *C——re* He ſhould have Liberty to take a *Draught* of the *Hall*, and the *Ground* adjoining, whenever he Pleas'd. Now, the Talk to Me about taking a Draught was *before* the Hearing, and, as I apprehended, in *Order* to it. *Before* the Hearing I never refuſed him this Liberty; and he might have taken it whenever he ſhould have thought fit. This, if it was capable of being of any *Uſe* to the College, would have been ſo, one ſhould have thought, *before* the Hearing. But as he did not *then* Deſire it, it may be preſumed he did not *then* think it would be of *Uſe*. *After* the Hearing, when I had Reaſon to believe the College had no Property in this Place; and when Mr. *C——re* apply'd to me, by Mr. Vice-Principal, in the *Name* of the Society of *Exeter* College, for the ſame Liberty, I returned this Anſwer by the ſame Hand.

" Mr. *C——re* ſhall have Liberty to take a *Draught* of all the Ground belonging to *Hart Hall*, when " it ſhall appear to Me that the Society of *Exeter* College do *deſire* it, by an Inſtrument Signed for " that Purpoſe, and when my Counſel, upon Sight thereof, ſhall *Adviſe* it."

Laundon Grange,
29 *July*, 1724.

Mr. *C——re's* Remark upon This is, " *So Little could we rely upon the Promiſes or Equity of the* " *Doctor!*" But where is the *Want* of Equity, or *Breach* of Promiſe? If He refuſed to Survey it, when I told him, He might, I cannot be ſaid to have *Broken* the Promiſe he did not *Accept*. And, Since he Deſired it afterwards in the *Name* of the Society, there could be no Want of Equity in refuſing it till it ſhould appear that the Society *did* deſire it; and, till I ſhould have Advice, (ſince we were in an Adverſary State) whether what they deſired was *Reaſonable*. If I ſhould have been Adviſed that it was *Reaſonable*, they ſhould have had the Liberty they deſired, though I was now under no Obligation to grant it; if, that it was *Not* reaſonable, there would have been no Want of *Equity*, in refuſing it.

THUS much concerning the Hearing.

CHAP. V.

I NOW come to the *Attorney General's* REPORT: This, Mr. *Dean* ſays, could not be ſeen by Any on *Their* Side, till the 5th of *November*, though dated the 1ſt of *October*, 1724. If he thinks I was the Occaſion of it, he is again miſtaken. I could not, I think, have ſeen it *Myſelf* a Moment earlier. For I find, by my *Sollicitor's* Bill, the 5th of *November* was the very Day on which he paid the *Attorney General's* Clerk for it.

THE Concluſion of the *Report*, which is all that is material with reſpect to the *Attorney General's* Opinion of the Right claimed by *Exeter College*, is This:

"UPON Conſideration of the Several Matters above mentioned, I moſt humbly Certify Your Ma-
" jeſty, that I conceive the Claim made on the behalf of *Exeter College*, is of no Weight againſt Your
" Majeſty's granting a *Charter* for Incorporating the Principal and Fellows of *Hart-Hall*, and Erecting
" the ſame into a *College*; becauſe it is plain, that, if they had any Title to the *Scite* of the *Hall*, or
" any *Other Right* whatſoever over the ſame, no *Charter* granted by Your Majeſty, without their Con-
" ſent, could deprive them of *That* Right.

" IT muſt be Admitted, that, if the Society of *This Hall* held the Poſſeſſion of their *Houſe* only as
" Tenant at Will to the *College*, and might be turned out at *Their* Pleaſure, it would not be for the
" Honour of the Crown to grant a *Charter* and erect a *College* whoſe only Place of Abode, as a Society,
" depended on ſo precarious a Foundation: But I am humbly of Opinion, that the Principal and Fel-
" lows of the *Hall* have a good Title to the Inheritance of the *Scite* thereof, paying the Annual Rent
" of 1 *l.* 13 *s.* 4 *d.* and that, if *Exeter College* ſhould attempt to Diſturb them in their Poſſeſſion, it
" would either be preſumed, that the *Legal* Eſtate had been Conveyed in *Truſt* for the Principal and
" Fellows of the *Hall*, as in the Caſe of *Magdalen-Hall* above cited; or, if the *Legal* Eſtate ſhould be
" taken to be in *Exeter College*, a Court of *Equity* would decree it to be merely a *Truſt* in Them for
" the Society of the *Hall*, and for the Advancement of Learning, *That* appearing from the Acts of the
" *College* itſelf, as well as from the Long and Uninterrupted *Enjoyment*, which is exactly the ſame
" thing as to the preſent Queſtion. And, I beg Leave to Obſerve, that in a Great Body ſo formed as
" the Univerſity is, conſiſting of ſo many Leſſer Societies independent of Each Other, whoſe Poſſeſſions
" are generally of great Antiquity, bordering upon One another, and the Original of them not certainly
" known, Long *Enjoyment* ſeems to be of greater Moment, and may be of worſe Conſequence to be
" diſturbed, than in moſt other Caſes.

" IF this be ſo, then there is no Queſtion of *Right* in the Caſe."

P. YORKE.
Oct. 1, 1724.

NOW, either the College *Are convinced*, by this Opinion, that they have no further Right in *Hart-Hall* than to 1 *l.* 13 *s.* 4 *d.* a Year, or they *are Not*.

IF They *Are*; then there is no Need to ſearch for any further *Evidence* to defend it. What *further* Trouble and Expence they ſhall put the *Principal* to, by continuing their Oppoſition to his *Charter*, will be *Unneceſſary*, and conſequently *Vexatious*. And, if "*There was an* Intention *in Him, by Means of*
" *this* Charter, *to do a Publick Good, even ſo great a Publick Good, as the Promoting Religion and Uſeful*
" *Learning*; *and the* Sincerity *of this Intention was manifeſted by Liberal Contributions to it* out of his
" Own Private Fortune;" as is acknowledged by Mr. *Dean*, his Opponent (p. 3.); then the Continuing an Oppoſition thus *Unneceſſary* in itſelf, and thus *Vexatious* to the Principal, will be, in this Opponent believing what he has acknowledged, a Reſolution to diſcourage the Doing a Publick Good, even ſo great a Publick Good as the Promoting Religion and Uſeful Learning. And, if He Perſevere in this Oppoſition for *Ten* Years together, it will ſeem to be a Reſolution to make the Principal *Weary* in Purſuing theſe noble Ends, Leſs *Able* to accompliſh them, and finally to *Defeat* them. Nothing of this Nature can Juſtly be Oppoſed by any Man, but on Suppoſition of a *Right* in Him which will be prejudiced thereby. For any one to *Pretend* a Right which he is *Convinced* he hath not, is *Deceitful*.

To

To ſet a *Price* upon a Right which he only *Pretends* to have, and which, therefore, is of no *Value*, is *Avaritious*. To *Receive* a Valuable Conſideration for that which he knows to be of no Value, were it *Voluntarily* offered, eſpecially for Leave to do an Act of Charity, is very *Ungenerous*, if Innocent. But, to *Demand* and *Inſiſt* upon a Price, and by Acts of *Power* to reſtrain all further Progreſs to the Deſirable Ends in View, unleſs a Price be given, is *Oppreſſive*. And, if a greater Price be inſiſted upon, than can with Convenience be comply'd with, *extremely* Oppreſſive.

BUT, though what I have Obſerved be True, on Suppoſition that the *College WERE* convinced by the *Attorney General*'s Opinion, yet the *College* have to ſay for themſelves, that they were *NOT* convinced by it.

LET us then See Whether the *Attorney General* be *Alone* in his Opinion; or Whether there have not been *Others* of great Eminence in the Law, of the *ſame* Opinion in Other the Like Caſes; and Whether this being known to my Opponents, may not have contributed ſomething towards their Conviction, that they are entitled to no *Other* Right in *Hart-Hall* than to their *Antient Rent*.

JUDGMENTS in Courts of Law have generally become Rules to Lawyers themſelves.

THE Preſident and Fellows of *Magdalen College*, upon a Diſpute with the Chancellor of the Univerſity about the Nomination of a Principal of *Magdalen Hall*, brought an Ejectment for the *Scite* of *That Hall*. On the 20th of *June* 1694, this Cauſe was Try'd at the Bar of the Court of *Common Pleas*: and, upon the Tryal, the Plaintiffs proved that antiently the *College* had been ſeized of the *Soil*; and on the Part of the Principal and Scholars of the *Hall*, a Poſſeſſion of about 200 Years was proved, but no Proof was made of any Conveyance whatſoever. But, upon *This* Proof, and, notwithſtanding the Statutes *Reſtraining* Alienations by ſuch Bodies, the *Court* left it to the *Jury*, Whether they would not Preſume a Conveyance in *Fee* made by the *College* to the *Univerſity*, or ſome Other *Truſtees*, in Truſt for the Principal and Scholars of the *Hall*, and, accordingly, the Jury found a Verdict for the Defendant.

NOW, *Exeter College* knew of this Judgment, even before they Entered their *Caveat* with the *Attorney General*, and might from thence have believed, that, if the Proof of a Poſſeſſion under an unvaried Rent from a Time antecedent to the *Reſtraining Act*, could induce the *Court* and the *Jury* to Preſume a Conveyance made by *Magdalen College* in Truſt for the Principal and Scholars of *Magdalen Hall*, the Proof of a *Like* Poſſeſſion would induce any *Other* Court and Jury to Preſume a Conveyance made by *Exeter College* in Truſt for the Principal and Scholars of *Hart Hall*; and, conſequently, that *Exeter College* had not ſo much as a *Legal* Title to the *Soil*.

BUT, 2. If certain Leaſes made by *Exeter College*, in the Reign of *Queen Elizabeth*, and the conſtant Payment of the ſame Rent reſerved in thoſe Leaſes, had, in their Opinion, differed the Caſe of *Hart Hall* from That of *Magdalen Hall*, in Point of *Law*, and induced them to believe the *Fee Simple* was ſtill in *Them*, yet, ſince they knew, it was ſtrongly Inſiſted by *My* Counſel at the Hearing, and not Denied by their *Own*, that it would in *Equity* be adjudged a Truſt for the Principal and Scholars of the *Hall*, and that they would not be ſuffered to take the Poſſeſſion from them; eſpecially ſince it had been ſo long enjoyed as a Houſe of Education; and the *College* upon the Leaſes made had taken no *Fine*; and had expreſly ſtiled it A Houſe *Ordained for the Advancement of Learning and Knowledge*, and, thereby, owned it was Appropriated; I ſay, ſince they knew this, an unprejudiced Perſon would be apt to think they could hardly want to know any Thing *More* towards a Conviction, that if they had a *Legal*, they had not an *Equitable* Title to the *Soil*; and that therefore it would be impoſſible for them to recover it from the Principal and Scholars of the *Hall*, even if the Leaſes made by the *College* had not been *Colluſive*, as, in fact, they were; and as, if they had duly conſidered what is ſaid of *Halls* in the Publick Records, which lay as open to *Them* as to *Me*, they could not but know they were; and that, conſequently, they had really no more Power to lett a Leaſe of *Hart Hall*, than they had of any *Other* Hall in the Univerſity. And when, at the Hearing, theſe Leaſes were objected to, as of no Weight in the preſent Caſe, evidencing only an unfair Attempt in the *College* to gain to *Themſelves*, out of the *Chancellor*'s Hands, the Nomination of the Principal of the *Hall*, which did not Succeed, the ſaid Leaſes were not Defended.

3. THE College certainly knew, even before there had, as yet, been *Any* Hearing, or at leaſt might eaſily, with Certainty, have known, in the ſame Manner as I myſelf knew, what was the Opinion of Mr. *Wright*, the late Recorder of *Oxford*, as Able a Lawyer as any in the Kingdom, and as Juſt a Man,

Man, in a Case of the *Like* Nature with their *Own*, when *Gloucester* Hall was about to be converted into *Worcester* College, concerning the Value of the Interest which St. *John*'s College had in the said *Hall*. See *Coll. Reg.*

AT a Meeting of the President and all the Fellows who were resident in the College, held *June* 19. 1713, in relation to the Alienation of *Gloucester* Hall, it was agreed by the Major Part of them, that Counsel should be advised with, before they proceeded to their Valuation of *Gloucester* Hall; and, accordingly, Mr. *Wright*, Recorder of *Oxon*, was consulted, whose Opinion in Writing was delivered in, Signed with his Own Hand, and read at the said Meeting on *Friday*, *July* 3. and was as follows:

" THE Fee Simple of the *Hall* doth belong to the *College*; but it having been so long used for a *House* " of *Learning*, and Incorporated into the University, I am of Opinion that the *College* are Seiz'd " of it in *Trust* for the Principal and Students who shall come to study there, and that they cannot con- " vert it to any *Other* Use, nor *Increase* the Antient Rent, or take Advantage of any *Improvements* " which have been made of the Hall.

" IT doth not appear that any *Fine* was ever paid for the *Hall* before Dr. *Eaton*'s Time; all the " Fines before Seem to have been Set in respect of the *Meads*, and not of the *Hall*; and therefore I " think the *College* ought to make a Lease, *Gratis*, to Every Principal during the time he shall continue " Principal, and, if they refuse, I am of Opinion that the *Court* of *Chancery* will oblige them to make " a Lease, reserving the accustomed Rent, and will quiet the Principal and Students in their Possession " in the mean time.

" THE College are at Liberty whether they will alienate the *Inheritance* of the *Hall*, or not, and " therefore they may do it upon their Own Terms; but if, in Pursuance of the Intention of their " Founder, (which seems clearly intimated in the Lease to *Stock*, which was made with his Consent) " they are inclined to alienate the *Hall*, to the End that it may become a *College*, and be endowed " with Revenues for the Increase of Learning, I think the Yearly Rent must be the Measure of the " Value of the Inheritance, *That* being the *Only* Profit which, in my Opinion, the College can make of " the *Hall*.

" I think the Fine of 40*s*. usually paid to the *College* for a License of Alienation, ought not to be " valued in this Case, because a License seems *Unnecessary*. The Interest of the Principal ought to be " *personal*, and not *capable* of being Transferred.

" UPON the Clause in *Stock*'s Lease, it seems a Doubt to me, whether the Founder intended that " his *College* should make any Advantage of the *Hall* if any Person would erect it into a *College*.

" IF the *College* alienate the *Hall*, it will be necessary for them to Observe the Conditions re- " quired by the Act 14th of *Eliz*. c. 11. and it will be convenient to provide in the Instrument " that it be Incorporated, and made a *College*."

WILL. WRIGHT.
2 *July*, 1713.

THE Trustees for the Endowment of *Gloucester* Hall having to do with reasonable Men, this Affair was Begun and Ended in 14 Days.

IF the College will say they are not *Convinced*, either by the Judgment of the Court of *Common Pleas* in which *Magdalen College* acquiesced; or by the Opinion of that Excellent Lawyer, to which St. *John*'s College readily Submitted; or, by the Arguments of Mr. *Lutwyche* and Mr. *D'Anvers*, Men in great Esteem amongst all Lawyers, for their Learning in the Law; (Arguments founded in their *Real* Opinions, and not refuted by their *Own* Counsel, which are so many good Authorities to Confirm the *Attorney General*'s Opinion;) Let us then See what is reasonable for Men to do, and what may reasonably be expected from them that they should do, who have, I do not say, *Respect* or *Friendship* for the Principal, but a due Regard only to that which is *Just* and *Equal*, in a State of *Non-Conviction* that the *Attorney General*'s Report is Right.

1. I take it for Granted that his *Report* is founded in his *Real* Opinion; and, though it should not have *Satisfied* the College, yet, considering his Great Station, and Excellent Qualifications for it, his Opinion Signified to his Prince, must have had *that Weight* and Authority with my Opponents as to have made it *Doubtful* at least, Whether they had indeed that Right which they once hop'd they had, or no.

2. IN a *Doubtful* Case, it could not become Men desirous not to *Err* Themselves, nor *Injure* Others, and who have not been bred to the *Law*, to determine any thing, of their own accord in a Matter which requires the Advice of Persons who have made the Law their Study and Profession.

3. I enquire

3. I enquire, then, Whether, after they were Possessed of a Copy of the *Report*, they went with it to any Counsel Learned in the Law, and took his Advice upon it, Whether they should *Acquiesce* therein, or proceed to a *Rehearing* of their Claim with Prospect of Success? I never heard that they did, I verily believe they did *not*. If they did not, whatever might be their Private Opinion in their Own Case, their Opposition, till they should have some better Authority for it, would not be Innocent. For they *Own* it is a Publick Good which they Oppose, but *Pretend* it interferes with their Private Right. To Oppose it, with Uncertainty Whether it does or no, when they might be certain, is *Virtually* to Oppose it, though it do *not* interfere with their Private Right; becomes in them a Thing wicked and Penitable; and brings them under an Obligation to *Restore* so much Good to the Publick, as they *Prevent* their Enjoyment of. But,

4. If they *did* ask any Learned Lawyer's Opinion in the Case, I enquire, what *That Opinion* was? If it was to Acquiesce in the Report, why did they not do it immediately, that the Good intended might not be Lessened by Delay? If it was to set aside the Report, by a Rehearing, why did they not attempt it immediately, that, if the *Intended* Good could not be done, some *Other* might? If a Rehearing will be attended with *Charge*, may I have a Sight of this *New* Opinion, to convince me that a Rehearing is *Unnecessary*? Or, may I shew it to my Counsel, who being brought over to it, may advise me to Desist from prosecuting my *Charter*, till I have made the College Satisfaction? If this be too great a Favour to be granted by those who have a *Respect* and *Friendship* for me, will they, having got a Petition under the College *Seal*, for a Rehearing of their Claim before the *King* in Council, produce this Opinion there? If, having also entered a *Caveat* in the *Privy-Seal* Office, they Chuse to have their Claim Reheard before the Lord *Privy-Seal*, will they produce it there? If they think a Rehearing before the Lord *Privy-Seal* will not be Decisive, and know before-hand they shall not be Satisfied with the Judgment that shall there be given, will they bring a Declaration of *Ejectment*, and Surprise me with their strong Arguments in a Trial of their Right at *Common Law*? If they are not yet in Humour to do any of these Things (though give me Leave to say they are very *particular*) will they let the *Charter* go forward, and reserve the Trying of their Right to a Time when they *shall* be in Humour to do it? For this may be done with Safety to their Right. The Establishment of the Charter in *Hart Hall* can take nothing from them which was theirs before. If *Improvements* should be made on *Their* Soil, it can be no Inconvenience to the College that they will be Entitled to a *better* Estate.

No. They will not do this Neither. What then *will* they do to shew they are *not* convinced by the Report? Why, they will get their *Visitor* to stop the Progress of the *Charter* by his Interest at *Court*, until I shall consider the College to their Satisfaction for a Right which they *claim*, have hitherto *failed* in the *Proof* of, no longer *Attempt* to make out, and will not suffer to be further *Examined*: A Demonstration to me, and, I believe, to Every Body else, that they *Are* convinced by the Report.

CHAP. VI.

THE College ſay, "They are not convinced by the *Report*. They are far from Diſ-
" truſting the Goodneſs of their Cauſe, and are as willing to have the Merits of it
" Try'd as I myſelf can be." And they make Uſe of this Extraordinary Step of their *Viſitor* only to procure them a *Fair* Hearing. This, Mr. *Dean* ſays, they could not have till the Death of Dr. *Hole*, who with-held their *Evidences* from them by my Influence. Accordingly, he gives himſelf Leave to ſay,

P. 16. " That the College Burſary was ſearched as far as Dr. *Hole* would give us Leave to do ſo.

P. 41. " A great Part of our *Evidences* were at *his* Command.

P. 51. " We could come at a Small Part of Our *Evidence* without *his* Leave.

P. 61. " Dr. *N.* by Influence on Dr. *H.* had a great Part of Our *Evidences* at *his* Command.
" The College were not in a reaſonable State of *Defence* [for want of *Evidence* and *Money*,]
" reduced to that State by Dr. *H.* under the Influence of Dr. *N.*

P. 62. " Dr. *N.* knew in what a *Defenceleſs* State the College *then* were.

P. 63. " Dr. *N.* inſinuates a Doubt concerning the Merits of his Cauſe, and therefore is ſtung with
" the Reflection of not having been able to bring on a Hearing, whilſt we were in-
" capable of Supporting the *Expence*, and Producing our *Evidence*.

P. 80. " By his Practices on Dr. *Hole*, he had in a manner Shut up our *Treaſury*, and Suppreſſed
" our *Evidences*.
" The College were in no reaſonable State of *Defence*; of which the Dr. Himſelf was *Con-*
" *ſcious*, and (which is worſe) the *Author*.

P. 103. " Dr. *N.* practiſing on Dr. *H.* had made it impoſſible for them to Enter the Liſts with
" him upon *Equal* Terms.

P. 104. " Our *Evidences* not *capable* of being produced by this Good Man's Means."

HERE are *Many* things affirmed of *Me* for *certain:* And yet, there is not any *One* thing, that is here affirmed, or inſinuated of *Me*, that is *True*. I verily believe the ſame concerning Dr. *Hole*:

1. I do not believe *Any Evidence* was ever with-held from my Opponents by Dr. *Hole*.

DR. *C—re* ſays, (p. 13.) " *He* caſually *diſcovered a* Memorandum *in* Eveleigh's *Regiſter Book of*
" Exeter *College Eſtates, which ſuggeſted that the Title of* Exeter *College to* Hart *Hall was much clearer*
" *than the Title of* Magdalen *College to* Magdalen *Hall*; *and that the* Hall *might be recovered to the*
" College, *if ever it ſhould be thought worth their while to contend for it.*"

THE *Memorandum* was entered, very likely, ſoon after the above mentioned Trial between *Magdalen* College and the *Chancellor* of the Univerſity; familiarly ſpoken of when Mr. *Adams*, who is ſuppoſed to have enter'd it, was a Fellow of *Exeter* College, and afterwards occaſionally the Subject of Converſation. I have Reaſon to believe, the Perſon, whom I have called the Author of all my Misfortunes, not finding himſelf able to prevent the Chancellor's Conſent being given to the Incorporation of the Hall, revived the Diſcourſe, and conveyed into *Exeter* College a Spirit to enquire how far *They* could Oppoſe what *He* had no mind ſhould Succeed; and that Mr. *A—l*, conceiving himſelf to have been Neglected by Me upon a particular Occaſion, (though without Reaſon) was glad of This Opportunity, with the Aſſiſtance of Mr. *C—re*, over whom he hath all along had an entire Influence, to ſhew his Reſentment.

WHAT

WHAT is here ſaid to have been diſcovered *Caſually*, and (p. 48.) by *mere Accident*, was, I am of Opinion, ſought after by Mr. *C——re* wth *Diligence*. But, whether *diligently* Sought after, or *caſually* Diſcovered, Mr. *C——re* it is plain, had Acceſs to the *BURSARY* where he found it. And, it may fairly be preſumed that, where he found the *Memorandum*, he might find alſo the *Other Evidences* relating to this Affair; it being uſual, in the Repoſitories of College *Muniments*, to put what relates to the Same *Caſe* into the ſame *Pyxis*, or *Box*. At leaſt, (p. 14.) he found enough "*to Determine ſeveral* "*worthy Members of the College to have their Right to* Hart Hall *enquired into*; *and to conſult their* "*Viſitor upon the Merits of their Claim.*" He found enough to enable him to acquaint the Principal "*that* Exeter *College had ſome Pretenſions to* Hart *Hall*; Pretenſions ſufficient whereon to ground "*an Opinion which he was deputed by the greater Part of the* College *to tell me they had, that their* Title "*to* Hart Hall *might be made VERY EVIDENT*"; ſo *very Evident*, as that they had, at this Time, the Courage to propoſe "*a Reference of their Claim to Two Skilful Lawyers*" (p. 15.); whereby it is plain, they thought they had at *this* Time *SUCH Evidence* in their Cuſtody, as would induce Perſons skill'd in the Law to determine what was Submitted to their Judgment, in *FAVOUR* of the College. If they thought they had *Sufficient* Evidence for This, they muſt think no *Material* Evidence was wanting. And accordingly, (p. 16.) having *no Proſpect of an Accommodation*, by a Reference, it is ſaid, "*They pre-* "*pared to Support their Claim in a proper Way.* The College *BURSARY was Searched* [a Second "Time]. *The* Archives *of the Univerſity were Examined, and Many Perſons applied to for Papers in* "*their Cuſtody that might be Serviceable.*" And Mr. *A—l* is *now* acknowledged, "*to be furniſhed with* "*COMPETENT Materials to State their Caſe to their* Viſitor," and ſo well, as to "*induce an* "*Opinion in ſo penetrating and cautious a Perſon as the preſent Archbiſhop of* York, *that their Claim* "*was JUST.*" And, after this, when Mr. *A—l* conſulted Mr. *Wearg*, (p. 17.) "*That Great* "*Lawyer, upon examining their EVIDENCES, expreſſed himſelf FAVOURABLY of their* "*Cauſe.*" Of this Mr. *A—l* made a *Memorandum*, *July* 19, 1723. in theſe Words: "*Mr.* Wearg "*thinks we have a pretty clear Title to the Soil and Buildings in* Hart Hall, *and may recover the* "*ſame by due Courſe of Law*; *After which, by Virtue of being Owners of the Soil, we may diſpoſe of* "*it to what Uſe we pleaſe.*" And to this Mr. *Dean* adds, (p. 18.) "*It is remarkable this Opinion was* "*given, before we had diſcovered* (whether in the *Burſary* or elſewhere he does not ſay) *Several Im-* "*portant Inſtruments, which afterwards came to hand, and ſtrengthened our Title conſiderably.*" If the Title that was *pretty clear* before, be now *ſtrengthened conſiderably*, by this time, ſure, it muſt be *very clear*, and to a very clear Title what *Evidence* could be *wanting*? What *further Evidence* than what they had already would not be *Superfluous*? It is certain, they themſelves thought it *Good*, that is, as Good as ever they ſhould be able to procure. Concerning this Evidence, it it ſaid, (p. 64) "*Their* "*Reaſons* [for Oppoſing] *had approved themſelves to Sir* Clement Wearg, *though they had not the* "*Same Succeſs with Sir* Philip York." Now the *Evidences* they were *poſſeſſed* of being the Ground of their Reaſons for Oppoſing, they muſt have *produc'd* the Same Evidences to Sir *Clement Wearg*, which they afterwards produced at the Hearing before Sir *Philip York*. At *This* Hearing, the College made no Complaint that *Any* Evidence had been *with-held* from them; or that they *wanted* Any, except their Founder's Grant; the want of which they accounted for, it having been ſent, as was ſuppoſed, to Archbiſhop *Laud*, and not returned; and they Supply'd the Place of it by producing *Other* Evidences which *preſumed* the Grant.

WHEN, between the 11th and the 25th of *May* 1727, I acquainted Dr. *Hole* that my Opponents had repreſented him to their Viſitor, as "*having refuſed them Acceſs to the College Muniments*, he aſſured me, the *SAME Evidences* which they were poſſeſſed of *at* the Hearing, they were *ſtill* Poſſeſſed of; that not *One* of them had been returned into the *Burſary*; and that no Application had been made to him for any *further* Search.

IT is ſaid, indeed, (p. 16.) The College *Burſary* was ſearched, "*as far as Dr.* Hole *would give them Leave to do ſo*"; and thereby inſinuated that he interrupted their Search. And did he do ſo indeed? I have never *heard* that he did. I have never before heard it *ſaid* that he did. If he had done this *before* there had been a *Hearing* and a *Report*, it would have been very *Irregular*, and have made a great deal of Noiſe. Their Viſitor would infallibly have been applied to upon ſuch an Interruption given to my Opponents; for he hath been applied to upon leſs Occaſions of Complaint. If he did *now* interrupt them in their *Search*, it was very *Simple*. For this was a *Second* Search, and, it is plain, from what has been already ſaid, that they had *ſuch* College *Muniments* in their Hands *before*, as made them conceive the Title to the *Hall* might be made *very Evident*. But, if he *was* ſo Simple as to *Try* to interrupt them, yet, he did not do it *long*, nor to much *Purpoſe*; for, within 11 Lines after this Inſinuation, "Mr. *A—l* is furniſhed with *Competent* Materials for a State of their Caſe, which *Materials* are the ſame with the *Evidences* on which Mr. *Wearg*'s Opinion, that they had a pretty *clear* Title to the Soil,

is

is founded. But I had almost forgot *One* thing which makes it *likely*, I might say, *very* likely, that, after all, he did *not* give them, at *This* Time, the *Least* Interruption; and that is, that he, at *This* Time, and till the Report came out, *Concurred* with the College to Oppose my Petition for a Charter, as Mr. *Dean*, the Writer and Publisher of this Insinuation, acknowledges in these Words, (p. 18.) " *On* " *the 23d of this Month* (July 1723) *a Letter of* Attorney *was granted under the College Seal, and Sign'd* " *by Dr.* Hole, *then* Rector, *impowering* Joseph A—l *to act for the College in this Affair of* Hart " Hall, *and to Oppose Dr.* Newton's *Petition. The Greatest Part of the Fellows were then present,* " *and it passed* Unanimously."

BEFORE the Report, my Opponents never pretended that Dr. *Hole*, either of his own Accord, or by my Influence, interrupted them in any thing, or with-held any Evidence from them. What therefore is here Suggested, as having Relation to a Search *before* the Hearing, whilst it was intended only to Suit the general Pretence of his with-holding Evidences useful in a *Future* Hearing, is got out of its Place.

WHAT is *Credible*, is, that when the Report was made, and in *My* Favour, My Opponents repented they had refused the Offers I made them, and being Loth I should get off so, prevailed upon their *Visitor* to stop the Progress of my *Charter* through his Superior Interest with my Friends who were promoting it. To induce the *Visitor* to this, they intimated to him, that through the *Perversenes* of the Rector, and the *Influence* I had upon him, they could neither come at their *Money* expended in their Late Opposition, nor at their *Evidences* for any future Trial. That he refused to reimburse them their Expences was *True*, and I could never persuade him to it, though I really endeavoured it. His Resolution against it was founded in the horrid Contempt and Indignity with which he complained my Opponents had always treated him. That they could not come at their *Evidences* was a *Pretence* only to make the Opposition they intended to continue, more Plausible, taking it for granted I should never be able to break through it without their Leave. But if it had been True, whatever might have been the *Rector's* Perverseness, or *My* Influence, Their *Visitor* had Power to compel him to do that which was reasonable in *This*, as well as in the *Other* Case, and it was his Duty to have done it.

BUT, as I verily believe Dr. *Hole* never with-held *any* Evidence from my Opponents *before* the Hearing; as I verily believe he had not, *after* the Hearing, any the Least *Material* Evidence in his Keeping to with-hold from them; as I verily believe, when Mr. *Dean* says, (p. 44.) " *Upon his Accession to the Rectory of* Exeter, *they had then the Command of their Evidences to make good their Cause*, they had *not then* the Command of the *Least Material* Evidence more than they had *before*; so I positively affirm,

2. WHETHER any thing of this that is here said to be believed by me, be Fact or no, yet that, for Myself, I never had *Any* Influence on Dr. *Hole*, nor ever *Attempted* to use any the *Least* Influence over him to any irregular Purpose whatsoever, particularly not to *that* Purpose which it is here suggested that I did.

DR. *C---re* hath himself given a tolerable Reason why *He*, in particular, ought not to have had any such *Suspicion*; For, when (p. 17.) he came to tell me, " *he hoped, I would not think his joining* " *with his Brethren, to Support what he conceived a College-Right, any Breach of Friendship to me*," he acknowledges, I answered, " *by no Means*, and *that I should have a worse Opinion of him, if I could* " *think him capable of Deserting his College, to oblige any Man.*" I enquire, then, whether it be *likely* that I should tamper with Dr. *Hole* to do that very thing which I declared I should have a very *bad* Opinion of Dr. *C----re* if *He* should do?

MR. *A—l* says, I told him, I had seen the College Evidence of their Title to *Hart Hall* in Dr. *Paynter*'s Time; and yet, I do not remember, ever to have seen any *One* Evidence relating to any *Right* of theirs whatsover, in *that* Rector's Time. I have no other Knowledge of what *Any* of their *Evidences* contain, than what I have gathered from *Anthony Wood*'s Manuscripts in the *Musæum*; from the *Archives* in the Tower of the Schools; from what was read out of *Such* of their Evidences as they produced in the *Attorney General*'s Chambers; and from what is recited of them in the *Report*. If I had any Knowledge of their Affairs in Dr. *Paynter*'s Time, it was not from Dr. *Paynter*. And what Mr. *A—l* hath said of this Matter to Mr. *Dean*, if it be not his *Invention*, is his *Mistake*. I do not remember that I was ever in the College *Bursary*; nor do I at this Day certainly know *Where* it is. *Anthony Wood* Quotes Manuscripts in Boxes in the Tower over the College Gate; if it be there, I do not know that I was ever in it.

AND

AND yet Mr. *Dean*, with all the Eaſe in the World, permits himſelf to ask, if I know who took away Biſhop *Stapledon*'s Original *Grant* of *Arthur* and *Hart Halls*, to a Rector and Twelve Scholars? Or, in whoſe Hands This Grant now is? This Gentleman ſays, (p. 120.) that *Quæries* in ſuch a Caſe as this have the Force of the *ſtrongeſt* Affirmations. If ſo, then he here affirms in the ſtrongeſt Manner, that I know who took away the Grant, or in whoſe Hands it now is. And yet I do affirm in the ſtrongeſt Manner that I can without a *Quære*, that I know neither of theſe Things.

MR. *Dean* himſelf ſhall help to *Acquit* me of the very thing of which he *Accuſes* me. He ſays, (p. 128.) "it appears by a Manuſcript of *A. Wood*, that this Grant, with ſeveral Other Papers now "miſſing, was ſent up to *London* in Archbiſhop *Laud*'s Chancellorſhip." *i. e.* to *Him* when he was Chancellor. The Archbiſhop (*June* 28. 1641.) then in the Tower, and his Papers Seized, reſigned his Chancellorſhip. *A. Wood*, the Writer of the Manuſcript, died in *November* 1695, without having made any Alteration in his Remark. And yet Mr. *Dean* ſays, "He does not doubt but This Grant, "with the Papers now miſſing, were returned to the College by the *Archbiſhop*." And why does not he doubt it? Becauſe, if he had Suppoſed the Contrary, he could not with ſo great Probability have imputed to me the taking away This Grant out of the *Burſary* in Dr. *Paynter*'s Time, with whom I had not the leaſt Acquaintance till after the 28th of *July* 1710. And yet, as Little as he pretends to doubt this *Now*, he hath, at *Other* times, Reproached the Memory of the *Archbiſhop*, in a *Manner* that aſſured me he *Doubted* at leaſt, that he had *Not* returned theſe Writings, and when, he could not but know, that if his Papers were taken from him, he might not have it in his Power.

BUT I do aſſure Mr. *Dean*, if I knew where This Grant was, I would Produce it immediately. For it could not poſſibly be of any Advantage to the *College*, and might be of ſome Uſe to *Me*. Their Founder's Grant being produced, could Serve the College no further than only to make their *Legal* Title Good, which, being Good, is good for nothing, if a *Court* of *Equity* would Decree it to be merely a *Truſt* in them for the Society of the *Hall*, and for the *Advancement of Learning*. But, if it ſhould from thence appear, that their Founder intended his College ſhould make no Advantage of the *Hall*, if any One could be found who would *Erect* it into a College, and *Endow* it with Revenues for this Purpoſe, this would be of notable Service to *Me*. And if ſuch Intention in Sir *Thomas White*, the Founder of *St. John's*, be clearly intimated in a Leaſe of *Glouceſter Hall*, Lett by His College to one *Stock* with his Conſent; the ſame may be preſumed to have been the Intention of Biſhop *Stapledon* the pious Founder of *Exeter* with reſpect to *Hart Hall*; eſpecially ſince his College own what cannot be Denied, that the ſaid *Hall* is *ORDAINED* for the *Advancement of Learning and Knowledge*: An Ordinance no better way to be Secured than by its being Incorporated and Endowed.

BUT, notwithſtanding the Liberty Mr. *Dean* hath taken to Affirm, that the College wanted certain Evidences in the Cuſtody of Dr. *Hole*, after the Hearing, which, during his Life, were with-held from them by *My* Influence (a Thing it is not likely he could have known for *certain*, if it had been *True*); yet, he is not only ſo *Juſt* as to confeſs, that when *HE* came to be Rector, "*They had then the* "*Command of their Evidences to make good their Cauſe*," (*a*) but ſo *Ingenious* alſo, as to Triumph in the Grief he thinks it convenient to ſuppoſe I had, "*That the College were THEN in a State of* "*Defence, which they were not in before* (*b*)." From hence I claim the Benefit of Theſe *Two Remarks*:

1. THAT, whatever Evidences I had *ſeen* in Dr. *Paynter*'s Time, or had the *Command* of in Dr. *Hole*'s; how often ſoever I had been in their *Burſary* in Search after their Muniments, or how well ſoever I had ſucceeded; yet there were none of Theſe *diminiſhed* or *conveyed* away. They had them all again in Safety, and at their *Own* Command; they were, when He came to be Rector, in a *reaſonable* State of Defence, and as *Able* to make good their Cauſe, as ever they could hope to be.

2. THAT, though the College were at that time in theſe Circumſtances, yet I neither was *Then*, nor have been at any Time *Since*, any nearer to a Rehearing of this Cauſe, than I was *before*: which ſhews That a Rehearing was not *before* Deny'd becauſe they *wanted* Evidence, for, now they *have* it, this is *ſtill* Denied; but for ſome Other Reaſon not ſo plauſible. Since a Rehearing hath been all along Denied, it muſt be for a Reaſon which hath all along Subſiſted. The Reaſon which hath all along Subſiſted is This, That I would not Comply with their Demands of a *Price*, I do not ſay, for the Right they have always *had*, and have always been *allowed* to have in *Hart Hall*, but for a *further* Right, which they have *pretended* only to Have, and certainly knew, or might eaſily have certainly

(a) P. 44. (*b*) P. 62, 63.

known, they really *had not*; and which neither was, at any time of their treating with me, nor is, at this Day, worth *One Farthing*; and which they make use of the Power of their *Visitor* to hinder from *appearing* to be not worth one Farthing; that, if I will Succeed in my Design, I may at length be *forced* to Comply with their Demands. And the Grief I have expressed since Mr. *C.* became Rector, was not, I assure him, on account of any *better* State of Defence, I conceived they were *then* in, than *before*; but because, though they were then in as good a State of Defence as they ever could be in, yet still they rather Chose to *Oppress* me by the Superior Power of their *Visitor*, than to *Contend* with me in any other way whatsoever, whereby it might be known, Whether the Right they *pretended* to, did *really* belong to them or not.

CHAP. VII.

WITH the same Truth as I am represented to have with-held their *Evidences* by my Influence, I am said also to have *Governed* Dr. *Hole* in other Parts of his Conduct, as,

P. 32. " *How to prevail with the* Rector (*who was so much Governed by Dr.* N.) *to* " *come into our Measures, was difficult.*

P. 33. " *And appeared more difficult by Dr.* N.'*s coming from* London *about this Time, probably* " *to give the* Rector *his Lesson, and teach him how to behave.*

P. 34. " *The Doctor obtained a Letter from Dr.* Hole, *Signifying that he should have no further* " *Opposition, which he shewed to the* D. *of* N. *and Others.*

P. 41. " *That Dr.* H. *being in Dr.* N.'*s Interests, both could, and would distress them.*

P. 51. " *That Dr.* N. *had drawn over the* Rector *to his Interests.*
" *That Dr.* N. *thought he had the entire Management of him, which was the Motive of* " *his rejecting the Offer of a Reference.*

P. 57. " *That the College were not so ignorant, as not to know that Dr.* H. *was in a great measure* " *under Dr.* N.'*s Management: Had frequently made use of Dr.* N.'*s Name, had been* " *confirmed in his Contradiction to the College Interests by Dr.* N.

P. 59. " *That Dr.* H. *had entered into Measures directly contrary to the Interests of the College in* " *favour of Dr.* N. *from whence the College had Reason to think he did it by Dr.* N.'*s* " *Advice, and under his Influence.*
" *This is certain, there was a Close Correspondence between the* Principal *and the* Rector, " *whilst they were both in* Oxford.

P. 60. " *That he advised the* Rector *about a thing in which the Common Interests of the College* " *were concerned, and in order to favour his own Invasions of the College Rights.*

P. 61. " *The College lay under Disadvantages arising from the Power of Dr.* H. *directed and ma-* " *naged as it was by Dr.* N. *whilst Dr.* N. *had almost as much Influence within our* " *Walls, as without.*
" *The College were reduced to a Defenceless State by means of Dr.* H. *under the Influence* " *of Dr.* N.

P. 74. " *Dr.* N. *would have had his Lordship given him an Opportunity, by practising upon poor* " *Dr.* Hole, *to steal from* Exeter College *Part of the Possessions granted them by their* " *Founder.*

P. 80. " *By Dr.* N.'*s Practices on Dr.* H. *he had in a manner shut up Our Treasury, and Sup-* " *pressed Our Evidences.*

P. 92. " *He had so much Influence over him, as to make him endeavour to undo every Right and* " *Worthy thing in this Affair.*

P. 103. " *The College never endeavoured to Evade a Contest with* Dr. N. *but, at a Time, when, by* " *practising on poor* Dr. H. *he had made it impossible for them to enter the Lists with him* " *upon Equal Terms.*"

THE Reader will perceive, here is great Industry used to induce a Belief that *I* entirely *Governed* the *Rector*, and made him do things in Favour of *Me*, and in Disfavour of the *College*; and to infer from hence, that the Opposition they gave to the Incorporation of the *Hall*, during his Life, by the Power of their *Visitor*, was *Reasonable*.

NOW, if at any Time I *Governed* Dr. *H.* surely he must have done some *One* thing at least by *My* Direction, which, if he had been Left to Himself, he would not have done.

I desire Mr. *Dean* will name this *One* thing.

I have already observed, that he concurred with the *College* to Oppose my Petition for a *Charter*, till the *Report* was delivered. This he did much against his Own Opinion, for he believed they would never be able to shew a better Title to *Hart Hall*, than *Magdalen College* had made out to *Magdalen Hall*, or *St. John's College* to *Gloucester Hall*; and that they would only throw away the *College* Money. However, since they were bent upon it, he concurred with them. Hitherto he was Governed by my *Opponents*, not by *Me*.

WHEN the *Report* came out in my Favour, he Acquiesced in it. He had Two Reasons for doing this, without *My* Direction. 1. The Authority of the Report. 2. The Agreement of it with his Own former Opinion. If I really *had* desired him to do this, I should have desired him to do what *Became* him, however *Unbecoming* it might be in *Me* to desire it. But, as I really did not do this unbecoming thing, so it ought not to be supposed I did, if he might be supposed capable of Himself, of doing what was *Reasonable*, and what it *Became* him to do.

AGAIN; Since he was convinced by the *Report*, as was Every One else, I believe, who had read it, (for I have no Reason to except even my Opponents themselves); and since *Fourscore* Pounds of the *College* Cash had already been spent to no Purpose in the Opposition that had hitherto been given against his Opinion; he might naturally, of himself, and without my Direction, have been very unwilling that any *More* of the Publick Money should be squandered away in the same fruitless manner; and may, therefore, be presumed, of Himself, and without *My* Direction, to have refused to call a Convention, wherein, he foresaw it would be Agreed, by the Influence of my Opponents, to continue the Opposition, and add to the Charge which the *College* had already sustained.

AGAIN; Mr. *Dean*, amidst the *Numerous* Expressions by Him used, asserting *positively* that I *Governed* the *Rector*, or to this Effect, has let *One* drop from him, whereby it appears he is *not* Positive of this, but *Presumes* it only. The Expression is this, p. 59. " That Dr. *H. had entered into Measures* " *directly contrary to the Interests of the College in favour of Dr.* N. *from whence the* COLLEGE " HAD REASON TO THINK *he did it by Dr.* N.'*s Advice*, and *under his Influence*."

NOW, with Submission, supposing the *Rector* had really Entered into Measures directly contrary to the Interests of the *College* in favour of me, yet, it could not have been from hence inferred, that what he did was by My *Advice*, and under My *Influence*. For he might do what he did, under a Belief that he was pursuing the Interests of the *College*, instead of acting directly contrary thereto; and if, what he did under this Belief, should be really of Service to me, yet he might either not *Intend* me that *Service*, or he might think me *Intitled* to it: Or, if He was Angry with my Opponents, he might have been so weak, as to Enter into Measures directly contrary to the Interests of the *College*, in Opposition to *Them*, if they were really promoting these Interests, and might not be restrained from doing this, though he should be Satisfied that in the End it would turn out in favour of me. In no one of these Cases can it be inferred that what he did was by My *Advice* and under My *Influence*.

BY this different way of expressing himself about the same thing, it is reasonable to believe, Mr. *Dean* has no better a Foundation for the Truth of those several Expressions, wherein he is *Positive* that I

Governed

Governed the Rector, than he has for the Truth of this, wherein he *Presumes* it only. Nay, since the Expressions concerning the Truth of which he is *Positive*, are not Supported by any Proof at all, it is a Matter of Favour that I allow them to rely on *This*.

THAT the *Rector* entered into Measures directly contrary to the Interests of the *College* in favour of me, is, then, the *Only* Proof that he was *Governed* by me. And this, if it were *True*, not being sufficient to Support what is built upon it, what shall we say if it be *False*? Must not this Specious Fabrick, not intended for *Strength*, but for *Shew* only, be soon in Ruins?

I enquire, then, whether the Contrary of what is here asserted be not strictly True? Whether the *Rector*, from the very Beginning of this Affair to the Last Moment that he had any Concern in it, did not steadily pursue not only what he *Thought* to be, but what really *was* for the Interest of the *College*, supposing that Term to regard either their *Estate*, or their *Reputation*; and whether my Opponents did not enter into Measures directly contrary thereto.

1. THE *Rector* was not for Prosecuting a Claim, which he had Reason to believe ill founded. My *Opponents* were of a Different Opinion. The Consequence was the Loss of *Fourscore* Pounds of the *College* Money, and of so much *Reputation* as usually attends a Defeat, when the Contest is supposed to have been founded in *Ill Will*, as this appears now to have been.

2. THE *Rector* was for Acquiescing in the *Report*, and for giving the *Principal* no further unnecessary Trouble. My *Opponents* were for getting the Seal to a Petition for a Rehearing; and then for making a Rehearing impossible without their Leave; and for giving the *Principal* a Prospect of the Defeat of his *Charter*, unless he would buy off the Power they had to Oppose it. In which View, if they had succeeded, whatever they should have gotten would have been an unjust Gain: not to be pursued without Loss of *Reputation* to the Society, and which, *in* their Possession, Men liberally Educated would consider as a Canker to the rest of their Substance, instead of an Increase of it.

HITHERTO the *Rector* appears to have consulted the *Honour* and *Interest* of the *College*, and my *Opponents* to have had no Regard to Either.

AFTER this the *Rector* had no Concern in this Affair. Having once set the *College* Seal to their Petition, he was laid aside. My Opponents had no further Occasion for him. They could now carry on their *Intrigue* without his Aid. From this Day to the Day of his Death, which was near Six Years, he neither did *One Act* Himself, nor tried to undo any One Act by Them done. He was so far from endeavouring to undo every Right and Worthy Thing by them done in this Affair, as Mr. *Dean* affirms, (p. 92.) that I am confident Mr. *Dean* cannot shew that there was so much as One right or worthy thing Done by Them for Him to Undo.

BUT Mr. *Dean* says, "*that he had frequently made Use of my Name*," p. 57. and "*that for certain there was a Close Correspondence between us when in* Oxford," p. 59. "*and a Correspondence likewise by Letter when I was in* London," p. 60. and "*that I obtained a Letter from him, signifying that I should have no further Opposition, which I shewed to the* D. *of* N. *and* Others," p. 34. and "*that I came in* November *from* London *to* Oxford, *probably to give him his Lesson, and teach him how to behave*;" and all this, to Evince this One Point, which he labours to get believed, that I *Governed* him; and thinks that if it amount not to a *Proof*, it may create a *Suspicion* at least, that I really *did* govern him. But when all this comes to be Explained, I flatter Myself there will not remain so much as a *Suspicion* that I had the *Least* Influence over him.

BEFORE the *REPORT* it is not said, that I made any ill Use of my Acquaintance with him, and therefore I need only account for the Correspondence there was between us *afterwards*.

THE *Report* was delivered to our respective Sollicitors, the 5th of *November* 1724. On the 11th I returned to *Oxford*. A few Days after, the *Rector* told me he had seen the *Report*, took it for a right State of the Case, was perfectly Satisfied with it, and, for Himself, should Acquiesce in it, and knew nothing to the Contrary but that the Rest of the *College* would do so too. It ought not to have been said by Mr. *Dean* that I came to *Oxford* about this Time, "probably, to give the *Rector* his Lesson, and teach him how to behave;" for, I had no Apprehension at this Time that the *College* would continue their Opposition: Or, indeed, that they could do it, if the *Rector* Acquiesced in the *Report*. But if they should, the *Report* was his Lesson, and he had it Perfect. And since I was a Governor of a Society

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in *Oxford*, I might fairly be ſuppoſed to come to *Oxford* at this, and at all Times that I could, in order to teach, not the *Rector*, but *Younger Perſons*, how to behave.

ON the 28th of *November* I returned to *London*. In my Abſence, the *College* Agent, by the Direction of Mr. *A—l*, and without the *Rector*'s Knowledge, or Conſent, had Petitioned the D. of N. "*That the* "Rector *and* Fellows *might have reaſonable Time allowed them to return Inſtructions to him, What they* "*would have him do upon the* Report; *and, in caſe they ſhould deſire to be further heard before his Majeſty* "*in Council, that he alſo might have Time to prepare Matters for this End, before any Warrant ſhould* "*iſſue out of his* Grace's *Office for a* Charter."

HERE's a Petition to his *Grace* to Delay iſſuing the Warrant, and the *Rector*'s Name made Uſe of in it, without his Authority, and againſt his Opinion, to induce his *Grace* to believe that the *Rector* and *Fellows* were both Agreed in this Step.

ON the 30th of *November* I went to their *Agent*, to learn whether the *College* did indeed deſign to proſecute their Cauſe before the Council, or no. He told me that they did.

NOW, the *College* is the *Rector* and *Fellows*. The Agent converſed and correſponded with the *Fellows*, my Opponents, only. And theſe *Fellows* with one Another only. What the *Rector* Deſigned, I muſt have from Himſelf; for They could not tell me.

ON the 1ſt of *December*, the *Rector* having ſo lately, of his own Accord, aſſured me, that He acquieſced in the *Report*, I writ to him the following Letter, the *Firſt* that I had ever writ to him in my Life, and the *Only* One that I ever writ to him on my *Own* Account.

Good Mr. RECTOR,

I AM told ſome of your Fellows deſign to Petition the Council for Another Hearing. If it be not with your Concurrence, pray do me the Favour, upon the Receipt hereof, to ſignify ſo much to

Your faithful Friend and Servant,

R. NEWTON.

MY Deſign in writing this Letter was, that if he *did* concur, I might prepare for the Hearing; and, if he did *not*, I might undeceive his *Grace*, who had been made to believe that he *did*. I neither inſtructed the *Rector* what Anſwer he ſhould ſend me, nor what Uſe I ſhould make of it.

ON the 3d of *December*, I *Obtained* a Letter from Dr. *Hole*, juſt as every Other Correſpondent *Obtains* an Anſwer to a Letter that requires an Anſwer. It was in theſe Words:

REV. SIR,

I Received Yours, and in Anſwer to it, I readily acquieſce in the Attorney General's *Report, and the* Hearing *about it; thinking it to be the* True *and* Right *State of the Matter in Controverſy. And, if any of the Fellows move any thing againſt it, or give you any further Trouble about it, they ſhall have no Conſent or Concurrence of mine in it.*

Exon Coll. Oxon,
3 Dec. 1724.

MATT. HOLE.

HITHERTO there is no *Other* Correſpondence between us, than what is common between Perſons the moſt indifferent to Each Other. I never received any Other Letter from him on my Own Account. This I ſhewed to the *D.* of *N.* It became me to do ſo. His *Grace* had been Miſled by my Opponents into an Unneceſſary Delay of my Affair. I Undeceived Him. I repreſented every thing as it was. I concealed nothing. I diſſembled nothing. What Steps his *Grace* took upon the Sight of this Letter, I cannot tell. I dare ſay they were *Right* Steps. If, hereupon, he Ordered a *Warrant* to be iſſued out of his Office, it was a *Right* Order. For, hitherto, nothing had appeared to his *Grace* why he ſhould not do it, but a very irregular Application made to him to forbear it. Here had been nothing as yet exhibited to his *Grace* but the Beginning of a *Farce*; and how decent it was in my Opponents, to Petition his *Grace*, in a formal Manner, to ſtay to ſee the End of it before a *Warrant* ſhould iſſue out of his *Grace*'s Office for a *Charter* to eſtabliſh a Publick Charity, the World hath now an Opportunity to judge. Beſides, a Warrant iſſuing *immediately* was no *Real* Diſadvantage to *Them*. For, if they ſhould Loſe the Liberty to Oppoſe me before the *Council*, they were Sure of the Privilege of doing it before the Lord *Privy Seal*: A Method more *Regular* in itſelf and, if they wanted only to come to a *Knowledge* of their Right, as

Useful to Them. But whatever was done in the Office in my Favour, was a *Disadvantage* to me, if nothing *More* was to be done, because my Charge was thereby increased to no Purpose.

THE same Day that I returned to *London*, the Petition, for the *College* Seal to be set to it, was upon the Road to *Oxford*. Whilst this Affair was transacting at the *College*, I was in *Town*. I knew nothing of what my Opponents were doing with their *Rector*. I could therefore give him no Directions. Whatever he did or said, he did and said of Himself. Between the 3d of *December*, and the 11th, there had been not only no *Close* Correspondence, but *None* at all: Nor would there ever have been any relating to this Affair, if he had not thought fit to write to me on his Own Account.

ON the 11th of *December*, the *Rector*, hurried out of his Senses between the *Terrors* hung over him by my Opponents, and the *Remembrance* of what he had writ to me on the *Third*, which he now foresaw he must contradict, might say, "*He had told Dr.* Newton *he would not give his Consent to any further* "*Opposition*," and "*That he would write a Letter to Dr.* Newton."

WHAT he had writ to me on the *Third* was, that "*If any of the Fellows moved any thing against* "*the* Report, *they should have no Consent of his in it.*"

NOW, I never *Desir'd* him to withhold his Consent a Moment. He did not do it to *serve Me*, but because he was *Convinced* in his Conscience, that the *Report* was a *True* and *Right* State of the Matter in Controversy. His doing it was of *no Service* to me. If he *Would* say to my Opponents, with whom he had been contending, and to whom he was now about to submit, "*That he had told* "*Dr.* Newton, *he would not give his Consent to any further Opposition*," I could not help it. What he *said* he had told me, it was *reasonable* he should tell me. For, if I writ to him to know, whether he did, or did not concur in a further Opposition, I had as much right to do so, as to ask any *Other* Question, that concerned me, of any *Other* Man; and, I think, he was as much obliged to *Tell* me whether he did or not, as to *Answer* any other Question. If in the Fright he was put into, he found he *Must* do, what he recollected he had said he *Would not* do, and could not tell what else to say, in his Confusion, to stave off the doing it for the Present, but that he had told Dr. *Newton* he would not do it; The Saying this was Unnecessary, very Impertinent, I own, and nothing to my Opponents, who would *Make* him do it whether He would or no. But his Impertinence in This, or any Other Particular, is no Argument of any *Close* Correspondence between Him and me. But their Conquest over him in these Circumstances is a very good One that *They* Govern'd him, and not *I*. And, again, if, before he submitted to my Opponents, he said, "*He would write a Letter to Dr.* Newton," I could not help it. There was no need of his *Saying* he would write. There was no need of his *Writing*. To this Use of my *Name* amongst his *Fellows* I refer, in my First Letter to their *Visitor*, when I tell his Lordship, "*His Doing it was without my Authority, and, if I was rightly informed of the Manner in which he* "*had done it, without my Approbation.*" It was what I Lamented to Mr. C——*re*, and Expostulated with the *Rector* Himself. But every One sees, that the *Rector*'s Design in the Letter he said he would write, was, not to receive *My Direction*, but to prepare me not to be surpris'd, if, having assured me, on the 3d of *December*, he would *not* concur with his *Fellows*, I should soon hear that he *did*. Accordingly, though he writ to me to ask Counsel whether *C——re* and *B—ly* could thus force his Consent, as if he would still have withheld it, if he could have been justified in doing it; yet, it is evident, it was not with any Intent to be guided by the *Advice* he should receive, for he submitted before he *Could* receive it. And, if, knowing his Pusilanimity, I bid him keep himself *firm*, only till it should arrive, which was but reasonable, since he had employ'd me to Ask it, it shews that I had *No Government* of him at all.

HAVING *Promis'd* him I would write to him on the 14th of *December*, I *did* so: The Substance of my Letter was, "That if there was a *Statute* which oblig'd him to call a Convention, he must do "it; if there was any *Doubt* concerning the Meaning of the Statute, he would do well to have the "*Visitor*'s Interpretation; that Counsel could give no Advice without a *Sight* of the particular Statute "hereto relating; that the *Master in Chancery* was introduc'd as a *Bugbear*; that, if he called a Meeting, "he should make himself Master of the *Report*, that he might the better understand the Debates." To which he Answered the 18th of *December*, "*That he found himself indispensably oblig'd by the express* "*Words of the Statute in* Negotiis Collegii *to call a Convention of the Fellows upon the Petition of* "Three, *or*, More *of them.*"

HERE is an End of all our *Epistolary* Correspondence, begun and finished in 18 Days; and the End of all *Other* is just at hand. I returned to *Oxford* the 24th of *December*, waited upon the *Rector* in

in a Day or two, and repossessed Myself of My *Letter*, (*a*) which he had *Exposed* to my *Opponents*. He Lived about Five Years and a Half after this. I never *Visited* him any more. *Thus* Close, and *no* closer, was the Correspondence between Us.

THE *Last* Argument used by Mr. *Dean*, to prove that I Governed him, is, "*That he was in my* "Interests," (p. 41.) and "*That* I *had drawn him over to my* Interests," (p. 51.) and "*that he had* "*Entered into Measures directly contrary to the Interests of the College in* Favour *of me*," (p. 59.) and "*That he was certainly a* Friend *to me*," (p. 116.)

NOW, if these Things were so, I enquire, What *SERVICE* he did me? Why,

1. HE *Refused* to reimburse my Opponents the *Fourscore* Pounds they had Spent in the Opposition to which he concurred, though *I advised* him to do it. This gave them the Opportunity they were *glad* of, to Pretend they were not *Prepared* for a Rehearing, which they never *Intended*; to Represent *Me* to their Visitor as the *Cause* of this Incompliance, which was owing only to their Own *Misbehaviour*; and, since the *Evidences* relating to the present Case (now in their own Custody) had been kept in the same Room with the College *Cash*, to graff *Another Pretence* upon the Former, that they could no more come at their *Evidences*, than they could at their *Money*.

2. HE made Use of my *Name* to my Opponents upon Occasions wholly *Unnecessary*, and in a Manner very *Indiscreet*. The more he found they were resolved to *Oppose* me, the more he Chose to Express his *Regard* for me, without being able to perceive they were Whetted to the Opposition with the greater Keenness for the Good Will they discovered towards Me in *Him*, whom they utterly Despised and Delighted to Thwart. And thus became He in Effect, an *Opponent* Himself to the Man he *befriended* with so little Skill.

3. HAVING acquiesced in the *Report*, because he believed in his *Conscience* it was a *Right* State of the Case, he shewed a good deal of Reluctance to set the *Seal* to a Petition for *Another* Hearing; and then complied with my Opponents to call a Convention for this Purpose, without so much as seeing, or desiring to see, any *Other* State of the Case.

4. HE *Writ* to Me for Advice in his Distress, and immediately *Exposed* the Answer I sent him to my Opponents.

(*a*) Since my Opponents had *Copies* of it, it was but reasonable I should have the *Original* for my Defence against Misrepresentations. I took this Letter away without the Rector's *Notice*. This shew'd, that the thing was *Feasible*; and gave me room to observe, whether he could *Miss* it, or had so much *Care* of his Correspondent as to enquire what was become of it: And I had no mind it should be *known* I had recovered it, that I might see what Use my Adversaries would make of the *Copy*, supposing I had not recovered the *Original*. The single Question then, is, What Title I had to it? I hope a very good One. The Letter was writ in Answer to One I had received from him, wherein he had desired me to do him a Service; and would not have been writ, but in confidence that he would not Expose it to the Writer's Disadvantage. This is the Condition of all friendly Correspondence; it needed not to be express'd; it is founded in Reason, and is universally understood. The Letter, then, which I writ to him, was not *His* but upon this Condition. And he no sooner Expos'd it to my Adversaries, but he forfeited the *Right* he before had to it. After this, Who had so good a Title to this Letter as Myself? Many had possess'd it in their Turns. The Proprietor of it might vary every Day. When it came round again to the *Rector*, it was uncertain how long it might continue with him. Curiosity or Design might fetch it out again, and carry it into Company that might not treat it with Civility. Having learnt in what a straggling State it had been, and fearing lest it should still wander, and at length be Lost, I call'd it home, and fix'd it there. Nor have I yet met with any One Man, who hath told me, he would not have done the very same thing in the same Circumstances with me. Some few have told me, they would not have related it. For myself, I say, if I had thought I could not have defended it, I would not have done it; and that, if it be Defensible, I cannot see why it may not be related; or, when it is related, how it can be blam'd.

Upon this Mr. *Dean* says (p. 128.) "*The* Doctor, *by his own Confession, is capable of doing what he groundlessly imputes to Others*, "*and what his Opponents would have been most heartily ashamed to do*." But, 1. What I impute to Others is a *different* thing from what I confess I did myself. And 2. What is imputed to them is not *groundlessly* Imputed. For, I had the Testimony of one of their own *Fellows* for it; and I had reason to give Credit to this Testimony; because Mr. *C----re* repeated the Substance of the Letter to me, which he could not have done, if he had not read *It*, or a Copy of it, or had not *heard* it read or recited; which shews, that some Other Person had taken it from the *Rector*'s Table, if He had not.

Mr. *Dean*, to get clear of this Imputation, tells the World how the thing was. It was not as I have represented it; for *so*, no One of *Exeter* College was *Capable* of it. But it was thus. "*The Rector shewed this Letter, as he did* One *or* Two *more from Dr.* Newton, "(*i.e.* he shew'd *Every* One that I writ, for I writ but Three) *to One of the Society*; *And having permitted him to read them two or* "*three times over, that Person, as soon as he left the* Rector, *took down on Paper what he remember'd*;" and deliver'd the same to Mr. *C----re*, who, in turning over his Papers hath found the Copies of two of them *. Of *this* then Mr. *Dean* confesses there was One of *Exeter* College that was *Capable*.

But, I presume, Mr. *Rector* could not have communicated my Letters in this manner to *Any* Person, but in *Confidence* he would make no ill Use of the Secrets he should be thus intrusted with; and if, after this, he was *Capable* of transcribing them from his Memory, which migh not retain every thing exactly † as it was express'd, and of delivering such Transcripts, unexact as they were or might be, to Mr. *C----re* the *Rector*'s Adversary, for him to make what use of them he pleased, I think this Person was *As* capable of doing what is Imputed; or rather worse. For, if the *Rector* was to have Chosen which of these two Things should have happened, that a Transcript from the *Memory*, or a Transcript from the *Original Letter* should have been communicated to his Adversary, I think he would have Chosen the Latter; at least, I am sure, his Correspondent would. And, forasmuch as this Person was in the Interests of the *Principal*'s Opponents, and helping on their Design, (however friendly he might appear to the *Rector*) he must be reckon'd as One in the Opposition: And of One in the Opposition it was said, that he took away the Letter.

From what hath been mentioned, I suppose, I am sufficiently justify'd in what I *did*. But if what I did was wrong, yet Mr. *Dean* himself will so far justify me, as to allow I did not *apprehend* it to be wrong, since a very little Share of Sense would have kept me from Publishing it, when, otherwise, it cou'd never have been known.

* p. 129. Mr. *Dean* here pretends to have Told me many Years ago, how he came to know the Contents of my Letter; but I never heard this Account of the Matter before the Publication of *Calumny Refuted* in 1734.

† Mr. *Dean* says, "if I publish'd my Letter as I wrote it, the Copy of it, in his Custody, was not taken with *Exactness*." I publish'd it as I wrote it, but if a Transcript from the *Memory* may be supposed to be unexact; so likewise may a Transcript from the *Letter* itself, if the Transcriber was in a *Hurry* to restore it before it should be miss'd.

IF he did me any Other Service in this Affair, besides what is here described, it is really unknown to me.

ONE Favour, I acknowledge, I *did* desire of him in the 14 Years and upwards he was *Rector* of the College, and *but* One.

THIS was, That, When the *Chancellor* of the University had writ to have the Sense of the *Heads* of *Houses*, (*a*) concerning the Incorporation of the *Hall*, if he *Had* no Objection to it, he would *say* he had none.

THAT He signified this to the *Chancellor* with the rest of his Brethren, is no more an Argument that I Governed *Him*, than that I Governed *Them*; nor, if the Thing was reasonable, that I Governed *Either*. And since He did this before Mr. *C——re* had made the Discovery of the Right (he supposed) the College had in the *Hall*, and at a Time when he allows "*the* Rector *had not the least* Suspicion *of such a Right*," (*b*) a *Request* of this Kind cannot justly be construed to be a *Management* of him to Desert any Interest of the *College* in order to favour any Interest of *Mine*.

I do not remember that I ever desired him to give me any *Other* Countenance or Assistance whatsoever in my Design, than this; nor, excepting that he complied with me in this, that he ever did any *One* Thing in his Life in my *Favour*, for my *Sake*, or to my *Service*.

WITH respect to the Dispute between Me and My Opponents, as I never *Asked* him for any Aid, so neither did I believe him *Capable* of Giving me any. Those who remember him, know that he was not a Person, though meaning well, with whom any one could *Concert* any thing. Mr. *Dean*, having called him "a *WEAK, FORGETFUL, FANCIFUL, INAPPREHENSIVE OLD Gentle-* "*man of* 84, *that could not be so much as a PROPER Evidence*," (*c*) must *Himself* have been of the same Opinion, and that he was not *capable* of being *managed*, at the same time that he *charges* me with the *Management* of him.

BEFORE I conclude this *Chapter*, I would observe, That the *Government* of the *Rector*, which Mr. *Dean*, in such a Variety of Expressions, affects to impute to *Me*, was, if the *Place* where, and the *Time* when he could be said to have been *Governed*, be considered, impossible. The Place *Where* alone he could be said to have been Governed, was *Oxford*; and the Time *When* alone he could be said to have been Governed, was, *during the Transaction of the Petition only*. For, from the Time he *Concurred* with the rest of the College to Oppose the *Charter*, he never *Acted* in any Thing else. Now the Petition, ready drawn, was sent from *London* on the 28th of *November*, received by my Opponents on the 29th, carried to the *Rector* in the *most* respectful Way some time between that and the 11th of *December* exclusively, and again in the *least* respectful upon the 11th. Now, both *Before*, and *During* this Transaction, I was in *London*, where I neither knew what my Opponents *designed* to do with the Rector, or *were* doing with him, or were *aiming* to have *Him* do, till the 12th; and at last, What He did between that and the 15th, he did by *THEIR* Management, and to *THEIR* Mind.

(*a*) Mr. *Dean* hath thought fit to express himself concerning Me, in this manner, p 53. "He first obtain'd the Consent of "several Heads of Houses to his Petition for a *Charter*, by writing his *Proceedings of the Visitors of University-College*; and how "honourably He acquitted himself in that Performance, I shall not here say." Well then, since he shall not, I will.

I *SAY* then, 1. That I did write the Pamphlet call'd, *The Proceedings of the Visitors of University-College in the late disputed Election of a Master Vindicated*. 2. That, being at that time One of the Visitors of *That College* Myself, I writ this Pamphlet with no Other View, than to justify my *Own* Proceedings, and *Those* of my Brethren, which had been exceedingly misrepresented. 3. That I acquitted Myself with *so much* Honour at least in that Performance, that there was nothing therein asserted by me which did not appear to me *True*; nor any thing by me Omitted, which did appear to me *Pertinent*. 4. That I had never before heard it so much as suggested, that in writing that Vindication I had departed from any Rule of strict Honour; and I am so far from being conscious to myself that I did, that I here declare myself to have the *same* Opinion of that Matter *now*, which I had *then*. 5. That I am the more confirm'd in this Opinion, forasmuch as the said *Vindication* hath not been Answered to this Day, nor, as the Author humbly conceives, is *capable* of being Answer'd as long as the World stands: the very State and Condition of a late Letter written to the *Vice-Chancellor*, by the same Author, against the Proceedings of *Exeter-College* and their *Visitor*. 6. That I did not write that *Vindication* in order to obtain the *Consent* of the Heads of *Houses* to my Petition for a *Charter* (*i. e.* to my Petition to the *Chancellor*, that I might have his Leave to Petition the *Crown* for a *Charter*;) because, tho' the *Chancellor* might, in Civility, desire to have *Their* Sense of the Matter, yet, I did not *then* believe, nor do *now*, that *Their* Consent was *Necessary*: any more than I did then, or do now believe the Consent of *Exeter-College* to be Necessary to the same End. 7. That, if they signified they had no Objection to the Incorporation of the *Hall*, it was not, because, in the *Vindication* of my *Own* Conduct in the Affair of *University-College*, I had Vindicated *Theirs*, but because the thing was in itself exceedingly *reasonable*; so very reasonable, that as well those who differ'd from me, as those who agreed with me, in the Affair of *University-College*, signified they had no Objection to it; so very reasonable, that the only Person who express'd himself against it, did not express his Disinclination to the *Thing*, but to the *Place*: And though "*this* "*Person may be now with God*," as I hope he is; yet, I do not believe he had any other Foundation for his Prophetick Censure, "*That I should one Day set the University in a Flame*," (*d*) than that I exerted Myself to break through the Design he had Entertain'd of Evacuating and Demolishing *Hart-Hall*, in order only to make an *Area* to the Backside of the Library to the *College* of which he was the Governor. Neither do I believe Mr. *Dean* hath any *Other* Reason to Suppose This *Prophesy*'s to be *fulfill'd* (*e*) in the Year 1734, than that, in this Year, My Opponents of *Exeter*, who have hitherto called Themselves the *COLLEGE*, and now understand Themselves to be the *UNIVERSITY*, were put into a *Combustion* by My Appeal to the World, Whether I had not Reason to complain of the Obstruction they had given to the Incorporation of the said *Hall*.

(*b*) P. 48. (*c*) P. 117. (*d*) P. 120. L. 21, 22. (*e*) L. 25, 26.

CHAP.

CHAP. VIII.

I COME now to Enquire into My *Opponent*'s MANAGEMENT of their Governor; and to ſee, Whether *Their* APPLICATION to him to Convene the Society for the Purpoſe intimated; and the MEANS *They* made uſe of to ſcare him into a Compliance with them, were not the *One* ſo very *Irregular*, and the *Other* ſo full of *Diſreſpect*, as that, from *Theſe* Conſiderations alone, although he had not been *Convinced* by the Report, nor had dreaded the *Expence* of a further Proſecution of the Cauſe, he might *naturally*, and of *Himſelf*, have been diſinclined either to *Convene* the Society for the *preſent* Purpoſe, or to *Concur* with them in any *Other* Thing *hereafter*, if, hereafter, any Other ſhould be *Propoſed* to him.

1. I enquire, Whether the *Application* made to him to Convene the Society for the Purpoſe intimated, was not very *Irregular*? I think it was. For, ſuppoſing a *Majority* of the College did not Acquieſce in the Report, in which the *Rector* and *Others* Acquieſced, yet there were certain *Queſtions* to have been Propoſed, and *Reſolutions* taken, in ſome *previous* Meeting of the Society, before a Convention could *regularly* have been deſired for *Setting* the *Seal* to a Petition for a Rehearing. As, *Firſt*, Whether They *Acquieſced* in the Report or not? And, if not, *Then*, To what Learned Counſel they would have the ſaid Report communicated for his *Advice*, Whether there was *Now* any Hope of Succeſs in a *further* Proſecution of this Cauſe? And, in caſe he ſhould think there was, *Then*, Whether they would not have his Opinion, in What *Manner* they ſhould proceed? *i. e.* Whether by a *Petition* to be Heard before the KING; or by a *Caveat* entered with the Lord *Privy Seal*; or by a *Trial* at *Common Law*? If he ſhould Adviſe, by a *Petition*, *Then*, Whether they would not deſire him to prepare ſuch Petition for the College *Seal*? And, when My *Opponents* ſhould have produced to the *Rector* this Learned Lawyer's *Opinion*, that the Report might be *ſet aſide*; and that the likelieſt way of doing it would be by a *Petition* to be Reheard before the King in Council; and that the Petition offered to him for This Purpoſe, was *rightly drawn*; then I think, and not before, he might *regularly* have been deſired to call a Convention for the *Setting* the College *Seal* to it.

NOW *This* Method was not taken; which yet, in all Probability, would have been taken, if any Learned Lawyer could have been found, who ſhould have *Adviſed* a further Proſecution; becauſe *ſuch* Advice would have juſtified Them in their Proceedings, let the Iſſue have been what it would. But, becauſe no Learned Lawyer *would* Adviſe it, therefore *Another* Method is preferred.

ON the 28th of *November* 1724, a Petition *ready drawn* for a Rehearing before the King in Council, (neither the *Rector*, nor Any *Fellow* of the College, as far as I could ever Learn, having been *Conſulted* about it, or made *Privy* to it, but the *Triumvirate*), was ſent down by Mr. *A—l* to Mr. *C——re* and Mr. *B——ly*, with Inſtructions to get the *Rector* to call a *Convention* for the *Setting* the College *Seal* to it.

BUT by what *Authority* did Mr. *A—l* do This? By the Authority of the *Letter* of *Attorney* granted to him under the College Seal, *July* 23. 1723, impowering him to Oppoſe Dr. *Newton*'s Petition for a *Charter*; which Petition then lay before the *Attorney General*, with whom the College had entered a *Caveat* praying to be *Heard* before he ſhould make his *Report*.

WELL; by Virtue of This Power Mr. *A—l did* Oppoſe Dr. *Newton*'s Petition till the Cauſe had been *Heard*, and the *Attorney General* had made his *Report*.

IN this Report the *Rector*, and the *Reſt* of the College too, except the *Triumvirate*, as far as I could ever learn, *Acquieſced*: Or, at leaſt, did not Appear *Not* to Acquieſce. (*a*) Here ſeems then to be a *Determination* of the Authority granted to Mr. *A—l* by the ſaid *Letter* of *Attorney*. If it be not

(*a*) For though, *after* the Report, My Opponents got a few *Undergraduates* and *Batchelors* to Vote for ſetting the College *Seal* to the Petition for a Rehearing, yet were they ſuppoſed to have given their Votes at the inſtance of my ſaid Opponents, *implicitly*. And, when *the Expence of Univerſity Education reduced* was publiſhed, and the *Dean* of *Chriſt Church* thought *Himſelf* and Mr. *A——l* reflected upon in it for Oppoſing the Incorporation of the *Hall* in the manner therein deſcribed, and it was hereupon obſerved to him, that it was not certain *thoſe* Perſons were particularly meant by the Author of the *Pamphlet*, Mr. *Dean* uſed it as an Argument, Why *Himſelf* and Mr. *A----l* muſt for certain have been particularly meant, becauſe *they Two*, had all along conducted the Oppoſition. And when, ſoon after this, in a POSTSCRIPT to the ſaid Pamphlet, the Author of it obſerv'd, he could never learn that, by the COLLEGE, the Principal ever meant any *Other* Members of it, than Dr. *C----re*, Mr. *A---l*, and Mr. *B---ly*; neither Dr. *C----re*, nor Mr. *A----l* (for Mr. *B----ly* was then dead) did aſſert in their Vindication that there *were* Other Members concerned in the Oppoſition with them. And, ſince the Publication of the Letter to the Vice-Chancellor, ſeveral of the Fellows, as I have been credibly inform'd, have declared freely to private *Friends*, in mixed *Companies*, and in publick *Coffee-houſes*, that they were, and always had been *Strangers* to the Affair.

Limited by the *Terms* of the Letter, yet, ſure, it muſt be Limited by the *Reaſon* of the Thing. For the *End* for which it was granted was obtained. The End for *which* it was granted was, not to Oppoſe Dr. *Newton*'s Petition for *Oppoſition ſake*, but that, by Oppoſing his Petition, the College might come to a *Knowledge* of their *Right* in *Hart Hall*. This End was *thus far* obtained, that the *Attorney General* had given his Opinion they had *None*, and no *Other* Lawyer had ſince given his Opinion they had *Any*. Beſides, Mr. *At—l*, conſidered as the College *Attorney*, is the *Repreſentative* of the College, and cannot, now, Repreſent the *Acquieſcing* Part of it, by *Continuing* the Oppoſition which *They* no longer continue. Nor can it be ſuppoſed the *Rector* ever Intended Mr. *A—l* ſhould have this Power for *Life*, which might be *Abuſed* the next Moment; and which, of *Himſelf*, ſince it was delegated by the *Body*, if it ſhould be Abuſed, he could not *Revoke*.

Mr. *A—l*, by his Procedure, ſeems to have Theſe Sentiments of the Matter. That the Authority granted to him by the Letter of Attorney to Oppoſe Dr. *Newton*'s Petition was *not* Limited to the *Time* of the *Report*; that it was granted to him in *General* Terms; that, by Virtue of it, he may Oppoſe Dr. *Newton*'s Petition for a Charter any manner of *Way*, and for as long a *Time*, as He ſhall think fit; that, if the College *diſlike* his Proceedings, *They* may *Revoke* This Authority whenever they pleaſe; but that *He* will continue to Exerciſe it, until it ſhall be revoked by the ſame Power that *Intruſted* him with it; that he knows, before hand, a *Convention* called by the *Rector* to revoke it, will, yet, not revoke it; for *He* and his *Two* Friends can ſecure a Majority in that Convention, to continue and confirm it to him, though the *Rector* ſhould be diſpoſed to recall it; that if the *Rector* intended it ſhould have expired after the *Cauſe* had been Heard, and the *Report* delivered, he might have taken care to have had this Intention *expreſſed* in the *Inſtrument* that conveyed this Power to him, which ſince the *Rector* hath not done, he will take the Advantage of this *Omiſſion*; that the College have done him the Honour to conſider him as the *Wiſdom* of the College; and that, therefore, without *Adviſing* or *Conſulting* with them upon any Occaſion, which cannot but be wholly Unneceſſary, he ſhall Act in every Step he ſhall take in the Oppoſition he intends to give Dr. *Newton*, according to his *Own* Diſcretion; and that, if hereafter it ſhall be found, that he hath not taken One *Step* in this Affair that was either *Wiſe*, or *Juſt*, or *Good*; neither He, nor Either of his Agents will take any Share of the Blame to *Themſelves*, but throw it all upon the *College in general*, which hath not a Face to be aſhamed, that any One can diſcern; that whilſt This Authority Subſiſts in him, he apprehends, the *Rector* hath nothing elſe to do, but to call as many *Conventions* as He, the *College Attorney*, hath Occaſion for, in order to Enable him by *Collegiate Acts* to do in the Name of the College whatever he pleaſes, towards carrying on, and making good, and firm, and inſuperable the Oppoſition to Dr. *Newton*; and, particularly, that the *Rector* is now obliged to call a *Convention* for the ſetting the College *Seal* to the Petition for a Rehearing before the King in Council, though no Lawyer of Note hath Adviſed that the ſetting aſide the *Report* is a thing *Likely* or *Poſſible*: For he would have Mr. *Rector* to know, that there is a *Viſitor*'s Injunction obliging the *Rector* to call a Convention in *Negotiis Collegii*, at the Inſtance of *Two* Fellows; that the *Intrigue* of Dr. *Newton*'s Opponents is a *Negotium Collegii*; and that Mr. *C——re* and Mr. *B——ly* are Two Fellows. And that, in the preſent Affair, the *Governor* of the College is to have no more Will of his *Own* than the *Seal*, but is only to be as pliable as the *Wax*. But,

I Obſerve, 1. That the Diſpute between the College and me, ſince it is about a Matter of Right, can only be decided by *Law*. When the College were Adviſed to Enter a *Caveat* with the *Attorney General* that their Claim might be heard, this began to be a *Negotium Collegii*, and it was fit ſome Perſon ſhould be appointed by the College to attend it. When the *Attorney General* Reported that the College had *not* the Right which they claimed, this, for the preſent at leaſt, ceaſed to be a *Negotium Collegii*. If the College, not Acquieſcing in the *Report*, ſhall Agree in a Capitular Meeting, to have *further* Advice in this Affair, This *Negotium Collegii* is reſumed: But if the Advice be *againſt* a further Proſecution, there is an End of it again. Now, it not having been Agreed in any *Capitular Meeting*, after the Report, to Ask any further Advice, and no Eminent *Counſel's* Opinion for a further Proſecution of the Cauſe, having been ſhewn to the *Rector*, he had no Reaſon to Eſteem This a *Negotium Collegii*, but might juſtly look upon it to be, as indeed it was, an *Intrigue* of my *Three* Opponents. And therefore the *Application* made to him to forward any Proceedings in this Affair, before theſe neceſſary Steps had preceded, was exceedingly *Irregular*; and the *Rector* is juſtified in ſhewing a *Reluctance* to call a Meeting for the Purpoſe intimated to him, and would have been ſo, if he had abſolutely *refuſed* it.

I Obſerve, 2. With reſpect to the *Viſitor*'s Injunction above mentioned, that, as It muſt have been *Applied* for upon a *Particular Occaſion*, ſo, I conceive it to have been *Given* for *That* Occaſion only. For, if he gave this Injunction to be a Rule to the *Rector* upon *All* Occaſions, and intended that, by It, he ſhould be obliged, at any Time, to call a Convention at the Inſtance of any *Two* Fellows of his College; and to propoſe to the Society, when Convened, *Whatever* theſe Two Fellows ſhould

deſire

desire to have proposed, concerning *Any* Matter which they should have agreed to call a *Negotium Collegii*, it is the most *unreasonable* Injunction that was ever given to any *College* by any *Visitor*; takes away from the Governor of the Society the *Liberty* to judge whether what is desired to be proposed be *Fit* to be proposed or no, which all Other Governors enjoy; and, without the Enjoyment of which, he might be obliged to Propose such things as would involve *Himself* in great *Difficulties*; and is absolutely inconsistent with that Degree of Power which is Left him by the *Founder* of the College for the Preservation of the Peace and Discipline, the Honour and Interest of his Society; and therefore, not only may with *Safety*, but must in *Duty* be Disobeyed, if pressed to be Observed on *Any* Occasion for which it was not given. And therefore, the Pressing the Obligation upon the *Rector* from this Injunction, to call a *Meeting* to set the *Seal* to a Petition for a Rehearing, as a *Negotium Collegii*, when the same, not being a *Negotium* in *Any* Respect, could not be so in *That* which the Injunction did regard, was also exceedingly *Irregular*. And the *Rector*, so irregularly *Applied* to by my Opponents, might *naturally*, and of *Himself*, have been Disinclined to call a *Convention* for the Purpose intimated, purely from the *Irregularity* of the *Application* itself.

I enquire, 2. Whether the *MEANS* made use of to force his Compliance with them, were not so full of *Disrespect*, as that from *This* Consideration, he might *naturally*, and *of Himself*, have been Disinclined to *Concur* with them in any *Other* thing hereafter, if hereafter, any Other should be *Proposed* to him?

MR. *C——re* and Mr. *B——ly*, it is said, p. 33. "*tried what they could do with the* Rector, *in the most* respectful *Way*." But give me Leave to say, The Trying what they could do with him *at all*, to gain his Consent for the Purpose intimated to him, before the *Regular* Steps had preceded, was *itself* full of *Disrespect*, a Procedure without Precedent, never heard of before in This University, nor would such an Attempt have been made upon any *Other* Head than *This*, whom they had *habitually* despised.

NOT Succeeding in the *respectful* way, a *Master* in *Chancery* is introduced to *Compell* his Concurrence, or *Return* his Refusal. Mr. *Dean* says, No. It was not a *Master* in *Chancery*, but a *Publick Notary*; and, for the Truth of This, quotes Mr. *A—l's* Instructions. So much the worse, if being instructed to introduce a *Publick Notary*, he would yet adventure to introduce him under the Character of a *Master* in *Chancery*. But Mr. *Dean* may say, it is not likely he should introduce him Otherwise than he was directed in Mr. *A—l's* Letter, and that is only as a *Publick Notary*. But if *This* Publick Notary was *also* a *Master* in *Chancery*, it is not unlikely but He might refine upon his Instructions, thinking there was more Terror in the *One* Appellation than in the *Other*. But Mr. *Dean* may say again, that he was *not* introduced under *That* Character. But,

1. THE *Rector* in his Letter *so* calls him.

2. THE Letter being writ the very Day on which Mr. *Hinde* was introduced, it is *probable* the *Rector* did not *Mistake*.

3. WHEN the Thing was talked of in the University it was not *Denied*, but spoken of as a Piece of *Ingenuity*, till at length there grew an Improvement to the Relation; Mr. *Hinde* being *now* said to have been introduced as an *Extraordinary* Master in *Chancery*, whom the *Rector* conceived to be a Person much more considerable than an *Ordinary* Master.

4. Mr. *Dean* says, p. 116. "*That Mr.* Hinde, *the Person Mr.* B——ly *and* He *brought with them*, "*was indeed a Master in Chancery* Extraordinary, *and upon that Account pitched upon as a Proper* "*Witness of That Transaction*." Now, if pitched upon *because a Master* in *Chancery* Extraordinary, then is it likely he was introduced as *Such* at least.

5. MR. *C—re*, reproached by me for this Piece of Ingenuity, did himself tell me, that, if it had not been for this *Stratagem*, He could never have prevailed upon the *Rector* to have called a *Meeting*. *Stratagem* was the *Word*, and *This* Stratagem of the *Master* in *Chancery* was that which I referred to in this Conversation. I was prepared to speak of *This* by the *Rector's* Letter. I was not, at that time, *capable* of speaking of any *Other*; for I did not, at that time, *know*, nor had *heard* of any other; nor did Mr. *C——re*, at that time, nor at any time before, or after, ever mention any Other *Contrivance* whatsoever, as made use of by any Other *Person* whatsoever. (*a*)

BUT Mr. *Dean* observes this could not be, for *This* was not the *Stratagem* that prevailed, but *Another Contrivance* of One of the *Junior Fellows* subsequent to this.

BUT, though a *Second* Artifice be used, how shall it be known which most prevails? Though Mr. *Rector* had absolutely refused to call a *Convention*, when applied to in the respectful way, yet, upon

(*a*) See p. 124.

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the Approach of *Hinde*, and an Intimation of the *Reason* of his coming, it is not long before he says, *he'll consider of it*; which shews he was somewhat affected by this sort of Application. And, though he said he would take a *Month's* time to consider; yet, it is to be observed, this was *Friday*, and, if I mistake not, he had done deliberating by *Monday*. And if the *Junior Fellow*'s Contrivance intervened, yet that can be looked upon, as no more than a *Push* to a Man that was *Tottering* already, if not *Tumbling*. If he was *at all* moved by it, it could be in no greater a Degree, than the Philosopher, when he shed Tears at the Death of his *Servant*, having just before been raised to very near the highest Pitch of Grief for the Death of his *Son*. But if the Second Contrivance had *All* the *Force*, yet this is no Argument that Mr. *C——re* would be willing the Author of it should have all the *Praise*. For He who could *Practise* the First Contrivance, might *Value* himself upon it, and he seemed to me to do so.

BUT if Mr. *Dean*, upon Second Thoughts, finds it not convenient any longer to Own the introducing Mr. *Hinde* to his Governor as a *Master* in *Chancery*, I enquire whether his introducing him as a *Publick Notary*, will much mend the Matter? For still it is a *Stratagem*, contrived for the same Purpose with the Other. It was to *frighten* the *Rector* into the doing of that to which he could not *Persuade* him. Mr. *Dean* says No. It was purely "*to be a Witness of* THEIR *Request, and of* "HIS *Refusal*." (*b*) And might not *Any* Member of the Society have been as *good* a Witness of these things as Mr. *Hinde*? Yes, but not being a *Publick Notary*, such Witness could not have made a *Notarial Act* of what should pass? And did Mr. *Hinde* then make a *Notarial Act* of what passed? I never heard that he did. And Mr. *Dean* says, (*b*) "*How the Rector behaved, appears by an Instru-* "*ment, not in the* PUBLICK NOTARY'S, *but in his* OWN HAND *Writing*." But, suppose the *Rector* should have *still* refused, what *Use* was to have been made of the Notarial Act? Or to whom was it to have been Produced? To their *Visitor*? Suppose then they should have had *no Witness* of This Transaction, and should have only *Acquainted* their *Visitor* with his Refusal; would not *This* have been a sufficient Foundation for a Letter from the *Visitor* to the *Rector*, to let him know, that He thought it *Reasonable* a Convention should be called; and that, unless he could make it appear otherwise, he must be forced to Compel him to it. (*c*) But Mr. *Dean* hath said, they had *No Visitor* at this Time. So far this is True, that the *See* of *Exeter* was Vacant on the 11th of *December*, when the *Publick Notary* was introduced, and was not filled till the 27th following. But, I conceive, the College neither then was, nor could at any time be without a *Visitor*. By the Statutes of *Other* Colleges, whose Visitors are *Bishops*, the Guardians of the *Spiritualities* in the Vacancies of the *Sees* are *Visitors*, if there be no other Provision. Thus it is in *Magdalen College*, and thus in *Trinity*, from whose Statutes Sir *William Petre* is said to have reformed Bishop *Stapledon*'s Statutes, with the Consent of the then *Visitor* of *Exeter College*, and of the *Crown*. But if there had not been *This*, nor any *Other* Provision made in the Statutes of *Exeter College*, yet, how easy would it have been for my Opponents, if there had been Occasion, to have waited upon the present Archbishop of *York*, and, having first acknowledged the good Offices he had done them, when he was their *Visitor*, have begged the Favour of him now, as their *Friend*, to have stopped all Proceedings in this Affair until they *should have had* a Visitor.

IT is plain then, the *Introduction* of the *Publick Notary* was no better than a *Stratagem*. And though Mr. *Dean* says, p. 33. "*This Stratagem is an Honour to which he hath no Title, the Thing* "*being contrived by a much better Head, and approved by as wise a Man as any in* England," Yet, if he hath no Title to the Honour of the *Contrivance*, to that of putting it in *Execution* he hath a perfect Title.

I do not wonder that whoever could put it in Execution should have a great Opinion of the *Wisdom* of the Contriver. For myself I do not pretend to be a *Wise* Man, and therefore I may easily be mistaken in the present Case. However, with that Small Share of Wisdom or *Common Sense* that I have, in the Light in which I view this Transaction, I utterly disapprove of it.

1. I Disapprove of it, because it is a *Stratagem*. The *Honour* and *Beauty* of Man's Nature is seen in *Simplicity*; from which if he can allow himself to Depart, whatever the external *Carriage* of Men towards him may be afterwards, the inward *Esteem* and *Affection* they had for him will Abate infallibly.

(*b*) p. 33.

(*c*) Mr. *Dean* says the Like is done in tendering a Presentation to a Bishop. But here's the Difference. If a Bishop refuses to institute a Clerk, on Tender of his Presentation, the Clerk, if he intends to defend his Patron's Right, must have a Witness of such Refusal. And because a *Publick Notary* may give Testimony by his *Certificate*, a Publick Notary is often made use of preferably to any Body else. But the Fellows of *Exeter* College could have no such *Occasion* for a Publick Notary. For Theirs being a *Private* Affair between *Them* and their *Rector* only, They might have been Witnesses for Themselves.

2. I Dis-

2. I Diſapprove of it utterly, as it is made uſe of to a *Governor*. Becauſe it is abſolutely inconſiſtent with that *Reſpect* and *Reverence* that is due to him in His Superior Station, for the Preſervation of the Ends of Government. For it cannot be *attempted* without a Suppoſition of ſo much *Weakneſs* in *Judgment*, and ſuch *Want* of Reſolution and Courage, as render him totally *Unfit* for Government; and, if it in any meaſure ſucceed, muſt bring him into *Contempt* with every one Governed by him. A Truth ſufficiently illuſtrated in the preſent Caſe. For, no ſooner had the *Stratagem* of the *Publick Notary* been practiſed upon the *Rector* by Two of the *Seniority*, but One of the very *Junior* Fellows of the College had the Impudence to impoſe upon him by a *Stratagem* of *His* Invention too.

THIS *Stratagem*, Mr. *Dean* ſays, p. 124. was *not* a *Dropp'd Letter*, and explains it otherwiſe. I have Reaſon to believe it was. Becauſe One of their *Own* Fellows, now living, and now a Fellow, reported it as Such before a Large Company; and in ſuch a Manner as ſhewed he thought there was ſome *Wit* in it.

BUT I will take Mr. *Dean*'s Explanation of it, which is this. " *A Certificate* (He does not ſay " whether of his *Own* Drawing, or the *Publick Notary*'s) *of the* Rector's *Refuſing to call a Convention*, " *and afterwards putting it off to a long Day, had been drawn up, and atteſted; a Copy of which one* " *of the* Junior *Fellows deſired: And ſhewing this to the* Rector, *prevailed with him rather to Convene* " *the Society, than to* RISQUE *the Conſequence*."

AND does Mr. *Dean* really approve of this Conduct in a *Junior* Fellow towards his Governor, which would have been unpardonable in a *Senior*? It ſhould ſeem he does. For Mr. *Dean* let him have a *Copy* of the *Certificate*. He would not do this, I ſuppoſe, without asking the *Junior* Fellow what *Uſe* he deſigned to make of it. If the *Junior* Fellow told him, then, this is the *Original Stratagem*, ſtill under Mr. *C——re*'s Management. If he did not tell him, and was left to do with it what he pleaſed, then, this is the *Progreſs* of the ſame *Stratagem* in the Hand of the *Junior* Fellow. And this Copy is ſhewn to the *Rector* to prevail with him to *Convene* the Society, leſt the *Conſequence* of not doing it ſhould be *Hurtful* to him, when every Member of the Society could not but know that this was *not* poſſible.

FOR, ſuppoſe the *Rector* would *not* have called a *Convention*, Who could have hurt him? His Refuſal, after all, could not have come under any *Other* Cognizance but that of his *Viſitor*. And ſuppoſe his *Viſitor* ſhould have asked him, How he came not to call a *Convention*? Why, the *Rector* would, or might have replied, " That for *Himſelf* he Acquieſced in the *Report*, and that, if the *Reſt* of the " College did not do ſo too, he would call a *Meeting* with all his Heart, and therein propoſe to what " *Able Counſel* they would be willing the *Report* ſhould be carried, for his *Opinion* what was further to " be done; That in the mean time, he no longer intruſted Mr. *A—l* to act for *Him* in this Affair; " That, by being the *Rector*, he was the Perpetual *Burſar* of the College, and obliged by his *Oath* to " be *Frugal* of the College Money; and that it would be inconſiſtent with this Oath to give in to any " further Expence, without good *Advice*, which he ſhould be always ready to follow." Now, What *Hurt* could poſſibly have attended the *Rector* upon this Anſwer? With what *Modeſty* or *Decency* then does a *Junior* Fellow attempt to Impoſe upon him, and to make him *Apprehenſive* of Hurt, where there is None to be feared?

3. I Diſapprove of it, becauſe the *End* to have been Compaſſed by it was not a *Worthy* End. The End *intended* to have been compaſſed by it was, not an *Opportunity* to come to the *Knowledge* of their Right, for, having got a Petition to be Reheard, they never made uſe of it to this Purpoſe; but to *Delay*, *Embarraſs*, and *Defeat* a *Charter* for the Eſtabliſhment of a Publick Charity. They were capable of doing what they propoſed *This* Way better than any *Other*. For, having once got their Petition *Sealed*, and ready to be delivered, there was an *Appearance* at leaſt of a *Deſign* to preſent it. But I could not *Oblige* them to Preſent it. They would do this at their Leiſure. If they ſhould have found, indeed, that the *Charter* was making any Progreſs in the uſual Way to the *Privy Seal* Office, and could not otherwiſe be retarded, they might then have intervened, and have Preſented it, and thereby have *Superſeded* the regular Courſe of Proceeding, till they ſhould have been heard before the Council. But, after they ſhould have once *Lodged* their Petition, they needed not to have been much in Haſte to have *Proſecuted* it. They might do *This* alſo at their Leiſure. Hardly any thing is diſpatched, any where, without a good deal of Application: And if they would not have applied, and in good earneſt too, to have had their Petition *Heard*, it might, for ought I know, have lain there to this Day: Or, I muſt have had a greater Intereſt at Court, than I ever pretended to, to have got it *Diſmiſſed*. But, having found their *Viſitor* had Power enough to put a Stop to the *Charter*, the End in View was obtained, and there was now no Occaſion to trouble the Council with their Petition. But,

 4. I Diſap-

4. I Disapprove of it, because, if the End to have been obtained by it had been Worthy, yet the *Method* they made use of to obtain it, was *Unnecessary*. The only Worthy End that could be proposed by a Petition to be Reheard, was, that they might come to a *Knowledge* of their *Right*. This End might altogether as well have been obtained by Entering a *Caveat* with the *Lord Privy Seal*, before *Whom* they might have said by their *Counsel*, whatever they would have said before the *King*. And Mr. *Dean* acknowledges Mr. *A—l* could have proceeded this Way of Himself, by Virtue of the Original *Letter* of *Attorney*. (*a*) Now, if this could have been done without the *Rector*'s Consent, what Occasion was there to Compel his Consent by a *Stratagem* to the doing of that *One* way, which might as well have been done *Another* without it? And, accordingly, when he was told in the *Secretary*'s Office, that the Way by a Petition to his Majesty was *Irregular*, (*b*) he *did* enter a *Caveat* with the *Lord Privy Seal*, (*c*) which he might as well have done before.

I conclude, then, that a Procedure so Extraordinary and Irregular, so full of Undutifulness and Irreverence, of Indignity and Contempt, as This of my Opponents towards their Governor, might sufficiently prejudice him against them, and disincline him to regard any thing they should propose to him for the future, without any Direction or Influence whatsoever of *Me*, or of any *Other* Person: Nay, even though *I*, who am represented to have had the Management of him, or any *Other* Person should *Advise* him to regard it.

THIS is certain, the *Rector* was not Managed by *Me* at all. So far as He *was* Managed, he was Managed entirely by my *Opponents*. But, if I had really had the Management of him in those Respects in which it is imputed to me that I had, yet if in these he acted *properly*, and as it *became* him to act, *My* Management of him was a *Friendly* Office; and, proceeding from a Governor towards a Governor, *Natural*; and if disinterested, a *Worthy Care* of Him. But, when Persons *under* Government, assume to Themselves the *Management* of their *Governor*, here is something *Monstrous* and *Unnatural* in the Attempt; and if by their Management he become instrumental to the compassing such Ends as are *Unworthy* of a wise and a good Governor, I do not see what Excuse can possibly be made for them.

CHAP. IX.

I SHALL, in the next Place, Consider the Part which the Bishop of *Exeter* had in this Affair. Mr. *Dean*, after having described it, says, p. 39. "*He shall make no Other Remark upon it, "than what he believes Every Reader will make with him, that his Lordship herein acted "a Part entirely* WORTHY *of his Own great* STATION *and* CHARACTER." Now, whether his Lordship acted *Such* a Part or no, I submit, with Mr. *Dean* the Defender of his Lordship, to the Judgment of every Reader.

ON the 18th of *May*, 1725, the Under Secretary writ to me, "*That he had, that Day, "had an Opportunity of offering my Instruments for the Incorporation of the Hall to the* D. *of* "N. *for his Majesty's signing; but his* Grace *bid him let me know, that the* BISHOP *of* EXETER "*Opposed it; and that it would be* NECESSARY *for me to wait upon the* BISHOP *and make Him* "EASY *in the* FIRST *Place; and then his* Grace *would move his Majesty upon it.*"

FROM this Letter it appears, the Bishop of *Exeter* did *Oppose* the *Charter*. And *why* did his Lordship Oppose it? Because Mr. *A—l*, a Fellow of the Society of *Exeter* College, and Deputed by them (*July* 23, 1723) to act in this Affair as their *Attorney*, had *desired* his Lordship, as their *Visitor*, to Oppose it. But would the Bishop do this at the Request of Mr. *A—l*, or of *Any* Man living, who should not make it evident to his Lordship that it was *Reasonable*? The *Attorney General* had Reported to his Majesty, that the *College* had no further Right in *Hart Hall* than to their Antient Rent. Did Mr. *A—l* make it evident to his Lordship that they *had* a further Right? That the Report was *Defective*? or that there was any thing *Material* which had not been *considered* in it? When I waited

(*a*) P. 32. (*b*) P. 35. (*c*) P. 36.

upon

upon his Lordſhip on *Friday* the 21ſt of *May*, to have a Conference with him on this Subject, in purſuance of the Inſtructions I had received, his Lordſhip did not make *Any* thing of *this* Kind evident to *Me*. On the contrary, I ſeemed to Myſelf to have made his Lordſhip *Eaſy* about the Matter, and to have Left Him not *Unwilling* that the *Charter* ſhould proceed.

IN this Conference, I obſerved to his Lordſhip, that in order to prevent *Delay*, and *Charge*, and *Trouble*, and what *Hazard* there was, if there was *Any*, with reſpect to the *Iſſue* of a Hearing before the *Attorney General*, I had made the College an Advantageous Offer which they refuſed; that, I hoped his Lordſhip would perſuade them not to think it *Reaſonable* I ſhould now *Renew* this Offer, after I had *ſuſtained* the Inconveniencies I had deſired to avoid, and had found the Report in my *Favour*: That, however, I ſhould ſtill be willing to give them 50 Years Purchaſe of their *Antient Rent*, which was *All* that was Admitted in the *Report* to be their *Due*; that St. *John*'s College in *Oxford* had not demanded a greater Conſideration for ſo much of *Their* Ancient Rent in *Glouceſter Hall* as they thought fit to part with, when *That Hall* was about to be converted into *Worceſter College*; and that I ſhould be exceedingly obliged to his Lordſhip if he would induce the Fellows of *Exeter College* to accept of this Offer after *Their* Example; that hereby his Lordſhip would have the Satisfaction not to have *diſcouraged* a Deſign of Publick Good *Unneceſſarily*; and would give my *Noble* Friends the Opportunity they *wanted* to aſſiſt me in it; and might lay the Foundation of a Good Underſtanding between *Exeter College* and *Hart Hall* for the future. And, foraſmuch as this was *Friday* the 21ſt of *May*, and I was, of Neceſſity, to be at *Harborough* in *Leiceſterſhire*, on *Tueſday* the 25th, upon a *Truſt* Affair, and could not poſſibly ſtay in Town, I further begged the Favour of his Lordſhip to get One of the Gentlemen of the College to write to me, Whether they *Accepted* of my Offer, or not; that, in caſe they did, I might make Uſe of the King's Hand before his Majeſty went abroad. This his Lordſhip was ſo good as to ſay he would do; and immediately furniſhed me with Pen, Ink, and Paper to ſet down how a Letter might be directed to me; and when I could not make the *Pen* write, his Lordſhip took it out of my Hand, and writ the Direction *Himſelf*.

EARLY the next Morning, (*May* 22.) I writ to Mr. *P.* in the following manner: "That I had "had a long Conference with the Biſhop of *Exeter* over Night, that I could not find the *College* "were prepared with any *New Matter* for a Hearing before the Lord *Privy Seal*; and conjectured "they had got their New *Viſitor* to interpoſe with the *Duke* to hinder this Affair from coming thither, "in order to bring me to Terms, that the College might not ſeem to have given an Obſtruction to a "Charity of this Kind, without ſome Reaſon for it; that I had endeavoured to relieve them by "deſiring his Lordſhip to propoſe to them to accept of 50 Year's Purchaſe of their Antient Rent, after "the Example of St. *John*'s College, in the Caſe of *Glouceſter Hall*, which he promiſed me to do "in a Day or two, and to give me an Account of their *Acceptance* or *Refuſal* of it; that, if they "*Accepted*, the *Statutes* and *Warrant* being ready, might yet be ſigned before the King went Abroad, "and that the *Bill* directed by the Warrant to be drawn, might be ſent afterwards; that, if They "*Refuſed*, in hopes I would repeat the Offer I had made them two Years ago, in order to prevent "the Delay and Charge I had ſince ſuſtained, which I had aſſured the Biſhop I ſhould *not* repeat, the "Thing muſt reſt as it did till his Majeſty's Return; when, I ſuppoſed, *I* might PETITION to be "heard SOMEWHERE."

IN this Manner, "I went out of Town, (*a*) (*May* 22.) If "I ſeemed to *deſpair* of Succeſs," (*a*) This was not founded in any Want of *Confidence* in the *Report*, or in an Opinion that the College had the leaſt *Objection* to it, but in the *Diſpoſition* the College ſeemed to be in to Obſtruct my *Charter*, and in the Power and Intereſt of their Viſitor to Support them in the Attempt, till I ſhould give them a Price for their *Pretended* Right in the Hall, even after they had received a *Defeat*; which would have been more than the Value of it, if they had Obtained a *Victory*.

BY the 25th of *May*, (*b*) the Biſhop had ſeen Mr. *A—l*, and, by the 29th, (*b*) inſtead of prevailing *upon* Him to accept the *Offer*, ſeems to have been prevailed upon *by* Him to ſtrengthen the *Oppoſition*. Neither his Lordſhip, nor any One of the College, ever writ to me; and I was wholly a Stranger to what the Biſhop and Mr. *A—l* were, at this time, doing with my *Noble* Friends, till Mr. *Dean*, in his Defence of their Conduct, publiſhed it on the 22d of *Jan.* 1734.

IN this Defence, ſays Mr. *Dean*, (*c*) The *D.* of *N.* told the Biſhop of *Exeter*, (Mr. *A—l* being preſent) "*That He had indeed* PROMISED *Dr. Newton* [to forward his Charter] *but That Promiſe*

(*a*) P. 39. (*b*) P. 38. (*c*) P. 38.

"*could*

" *could oblige him no further than Justice* PERMITTED": (*a*) Leaving the Bishop to infer, that it *Did* Oblige him if Justice did not *Hinder*; so that, unless his Lordship should make it evident to his *Grace* that *Justice* hindered, his Lordship might understand, that, if he should endeavour to prevail upon his *Grace* to *stop* the Progress of the *Charter*, he would be endeavouring, at the same time, to induce him to forego the *PROMISE* he conceived himself under to Dr. *Newton*, to *forward* it.

I Enquire, then, Did the Bishop, at this time, in order to induce his *Grace* to forego his *Promise*, shew him in what respect it could not be performed with *Justice*? I never heard that he did. He must have failed, if he had offered to do it, for the thing was impossible.

IN this Defence, says Mr. *Dean*, (*b*) (from a Letter of Mr. *A—l's June* 5.) Mr. P. told the Bishop of *Exeter*, " *That, indeed, he* INTENDED *to have Served Dr.* NEWTON [in forwarding his " Charter]. *But, since his Lordship* OPPOSED *it, and the College* [represented by Mr. *A—l*] *was* " *so* RESOLUTE [against it] *He would Advise Dr.* NEWTON *to Desist.*"

I Enquire then, Whether either his *Lordship* or Mr. *A—l* did, at this time, produce to Mr. *P.* so much as *One* good Reason, why his Lordship should *Oppose* it, or why the College should be *so Resolute* against it? It does not appear from the Account written in their Defence, that they gave *Any* Reason at all. It does appear from *That* Account, that there was in Both VOLUNTAS pro RATIONE; For, though there was no Reason given, and though the Wit of Man could not have assigned a Reason, yet, I have the Authority of their *Defender* to say, the one *Opposed* it, (*c*) and the Other was very *Resolute* against it. (*c*)

THE Dispute between the *College* and *Me*, was about a Matter of *Right*. There was really no Occasion for their *Visitor* to have interposed in *this* Affair with my Friends at all. The College were able of *Themselves* to have come to the Knowledge of their *Right* in every *Regular* Way without *This* Aid. But, if he would needs Interpose, he could not have been too *Careful*, whilst he aimed to *Help* the College, that he should not *Hurt* any body else.

IF the Visitor had *Intended* to have Assisted the College *so far* only as they should be found to have *Right* on their Side, an *Enquiry* what *Right* they had, ought, of course, to have preceded the Opposition; and the more *diligent* ought the Enquiry to have been, for that the *Attorney General* had declared they had *None*.

SEVERAL Steps were *taken* by the College, *seemingly* with this Intent; but, since they did not *pursue* them, it is reasonable to suppose, that *Really*, they were *not* taken with this Intent.

AS early at least as the 15th of *December* 1724, (*d*) or within a Day or two after, they were provided with a Petition under the College *Seal* for a *Second* Hearing. This Petition, it seems, was for a Hearing before the *King* in *Council*, which I never knew till now. For though, by what their Agent told me on the 30th of *November* (*e*) preceding, they seemed to set out with this Design; yet the Talk, in a very few Days, was changed to that of a Hearing before the Lord *Privy Seal*. And a *Caveat* having been Entered in the *Privy Seal* Office on the 2d of *January* following (which was renewed the 13th of this very Month of *May*, 1725, and subsisting at the very Time of their Application to my Friends) confirmed me in this Opinion.

THE Petition to be heard before the *King* in *Council* they had made no Use of from the Time the College Seal was put to it, on or about the 15th of *December* 1724, to the 5th of *June* 1725, and then, having first prevailed with my Friends to with-hold the Assistance they were giving me, " *Asked* " *Mr.* P. *if it was his Intention the College should proceed with their* Petition *to the* Council; *who told*

(*a*) *Non meus hic Sermo.* This is not *My* Account of the Matter, but Mr. *Dean's*. It is Mr. *Dean*, who, in this Part of his Defence, gives the World Room to say, that his *Grace* having *Made* a Promise to me, did not *Perform* it. But I say no such thing. His *Grace* is a Man of Honour, and never Deceived me in his Life. And I Challenge no Kind of *Promise* from Him. For, though his *Grace* did once assure me, that the Favour I asked " *should be Granted, and in my Own Way*": yet, as the Favour I asked, was not asked by me but with Submission to his *Grace*, that he did not then think it Improper, nor should hereafter think it improper in the Progress of obtaining it, so I always understood the Assurance he gave me, to have been given with These Limitations. So that, however *kindly* it was said by his *Grace* to the Bishop of *Exeter*, that he had given a *Promise* to Dr. *Newton*, in hopes his Lordship, after this, would not have been over Pressing with him to recede from it, yet, for Myself, I never apprehended there was, either in his *Grace*, or in the Honourable Mr. *P.* any thing *more* than an Earnest *Desire*, a sincere *Intention* to have Served me; for which I Love and Honour them to this Day. But, whatever I might Apprehend Myself, yet, from what Mr. *Dean* represents his *Grace* to have said to the *B.* of *E.* his Lordship must have believed there was Something *more*; even a *Promise*, if it could be performed with *Justice*. And how his Lordship could innocently press a Departure from it, without shewing that it could not be performed with Justice, his *Defender* hath not yet Explained. (*b*) P. 39. (*c*) P. 39. (*d*) P. 35. (*e*) P. 33.

" *the*

" *them, he thought there was no need.*" (*a*) Very true! For, ſince their Deſign was only to *Obſtruct* the *Charter*, that Point was gained. But if their Deſign was to learn whether they had obſtructed it with *Reaſon*, or whether his *Grace's* Promiſe might not be performed with *Juſtice*, there was as much Need the College ſhould proceed with their Petition to the *Council* now, as there was, at firſt, to get ſuch Petition ready for this Purpoſe. If the Principal of *Hart Hall* had known they had had ſuch a Petition by them, he would of all Things have Deſired it; as, when he underſtood they had Entered a *Caveat* in the *Privy Seal Office*, he deſired nothing more of his Friends, than that he might be permitted to come thither, and to Hear what they had to ſay; and being diſappointed of this Favour, at the Inſtance of their *Viſitor*, He ſuppoſes, in his Letter to Mr. P. of the 22d of *May*, that upon the Return of the King, *HE*, the Principal, may *PETITION* to be heard Somewhere *ELSE*, if he cannot get to *THAT OFFICE*.

To as little Purpoſe is it obſerved by the Defender of the Biſhop's Conduct, " *That, ſince Mr.* P. " *would adviſe Dr.* NEWTON *to Deſiſt, what Occaſion was there to Petition againſt a Charter that* " *was reſolved to be Dropt*" ? (*b*) None at all, to be ſure, if the Prayer of the Petition was, that his Majeſty would refuſe a Charter to Dr. N. becauſe *Exeter* College and their *Viſitor* did not like it. But, if the Petitioners therein prayed to be Heard with reſpect to a College Right, overlooked by the *Attorney General*, which was the Thing *pretended*, (*c*) there was the ſame Occaſion to proceed with their Petition to the Council now, as there had ever been.

THIS is the Firſt Part of the Biſhop's Conduct in this Affair. By Mr. *Dean's* Account here is an earneſt Application to a *Man* of *Honour*, to forego his Promiſe to a *Particular Friend* to aſſiſt him in the Eſtabliſhment of a *Publick Charity* no way interfering with a *Private Right*, at the Requeſt of Mr. *A—l* pretending to Repreſent the College, who wanted only to get the better of Dr. *Newton*. *Egregiam vero Laudem!*

I was, at this Time, ſo ignorant of the *Laws* of my Country, as to believe it always *poſſible* for a Perſon obſtructed in his Purſuit of Publick Good more valuable to Him than his Private Property, on *Pretence* of *Right* once attempted to be made out *in vain*, ſince protected by Art and Power from *further* Examination in any *Regular* way, to find Relief in Some Court of *Law* or *Equity*: But I ſoon found Myſelf miſtaken. And therefore I Deſiſted from any further Proſecution of this Affair for the Preſent, having been aſſured that unleſs I could make the Biſhop of *Exeter EASY*, my *Charter* would not be Granted.

ON the 2d of *November*, 1726, I received a Letter from Mr. *Bromley*, Our late Worthy Repreſentative, (a Man ſo *Delighting* in Good *Offices* Himſelf as of neceſſity to be *Grieved* at the Defeat of Any Good *Intended* by Others,) wherein, among other things, He Lamented to me the Death of Mr. *Strangways* in theſe Words: " *I have been heartily concerned for the Death of Mr.* STRANGWAYS, *as*

(*a*) P. 39. (*b*) P. 39.

(*c*) " Exeter *College were concerned to Oppoſe the Doctor's Charter till their* Right *ſhould be* Determined, p. 9. Exeter *College muſt* " *Oppoſe This Charter in order to* Try *their* Right, p. 10. The Viſitor *Ordered us to put in a* Caveat *againſt the Doctor's Charter* " *with a View to* Try *our* Right, p. 16. corrected by the Table of *Errata*. *The Doctor received Anſwer* [*from Our Agent*] " *that the College would certainly proſecute their* Right [*by a Petition to be Heard before the King in Council*] p. 34. *It was the* " Determination *of the Society to Proſecute their* Right, p. 54. *We deſire his Charter may be Suſpended till we have an* " *Opportunity of* Trying *our* Title *in one of his* Majeſty's Courts, p. 46, 66. *The Doctor knew it was much eaſier to harangue upon* " Publick Good, *than to Diſprove a* Right *in One of his* Majeſty's Courts, p. 66, 67. *The Biſhop of* Exeter, *by his Conduct,* " *hath opened a way to the College to* Try *their* Right *in One of his* Majeſty's Courts, *and conſequently made* that Seat *of* Juſtice " Acceſſible, p. 81." i. e. *to the* College, *but not to* Me. " *By ſtopping the Doctor's Charter, He hath gained them an Opportunity* " *of* Trying *their* Right *to Advantage*, p. 81." But *Q.* to what Purpoſe? " *Mr.* A—l *and Mr.* W—n *told the Doctor,* " *We would come immediately to a* Tryal at Law, *if he would ſtop the Proſecution of his Charter.*" *But Q. what Occaſion was there to propoſe this to me, when, if they would have brought an* Ejectment, *the Proſecution of the Charter would have been ſtopped of courſe, till the* Trial *had been over.* p. 68. " *For* Myſelf, *ſays Mr.* Dean, *from the Time I told him* (Nov. 24. 1730.) *We deſigned to take* " this Courſe, *I firmly intended it*, if he ſhould call upon Me," p. 68. But *Q.* What Occaſion was there for Me to call upon him for this Purpoſe? My Conſent or Concurrence was not Neceſſary. If I had *called* for a Trial, as I ſhould have been glad of it, and always Lamented that I could not Compel the College to it, they would not have ſtirred. And yet, if they pretended to ſtop the Charter till they ſhould have a Trial, it was but reaſonable they ſhould commence a Suit, or let the Charter proceed. And though they would do neither, yet mark, with what an Air of Aſſurance Mr. *Dean* anticipates his Victory, in the ſame Page. " *Did the Doctor call upon me* " *directly or indirectly, whilſt I continued* Rector? Had *he called upon me for This Purpoſe, he ſhould not have called* in vain. *I am* " Fully *perſuaded the Conſequences of ſuch a* Trial *would have made him complain* more heavily *than he does* now. *Our* Right *would* " Then *have been apparent* to All the World, and have ſhamed his Complaints." Mr. *Dean* here ſeems to have at once the Affected Bravery, and the real Fear of Honeſt *Clinias*, in Sir *Philip Sidney*. " Know therefore, ſays *Clinias* to his Adverſary, thou ſhalt no ſooner " appear (appear now if thou dareſt), I ſay, thou ſhalt no ſooner appear (O Happy Thou if thou doſt not appear) but I will come " upon Thee with all my Force, and cut Thee in Pieces (mark wh. I ſay) Joint after Joint, to the Eternal Terror of all preſumptuous " [Litigants]. Therefore look what thou doſt, for I tell thee horrible Smart and Pains ſhall be thy Lot, if thou wilt ſtill be ſo foolish " as to meet me [in One of his Majeſty's Courts]."

" *a Loſs to the Publick; and a* PARTICULAR *Loſs to Your* HALL, (*a*) *ſince he Lived not to See* " *Your Laudable Intentions compleated.*"

ON the 24th of *January* following, I began to *Move again* in This Affair, and writ to Mr. P. " *That the Death of Mr.* STRANGWAYS, *who waited to ſee the* Hall *Incorporated, that he might* " *abundantly favour it, was an inexpreſſible Loſs to me, occaſioned by the Interruption given by the* " *Biſhop of* Exeter; *and that I could not, now, but be very Deſirous to know, Whether it was ſtill* " *agreeable to his Lordſhip to perſevere in obſtructing my Deſign, till I ſhould not have a Friend left to* " *give me any Aſſiſtance in it.*" I followed this Letter to *London* on the 24th of *February*; waited upon the *D.* of *N.* and Mr. *P.* and recommended my hard Caſe to their Favour, and earneſtly intreated, that, if the *College* would not Accept of the Offer I had made them, their *Viſitor* might be prevailed upon at leaſt, after ſo long *Delay*, and ſo great *Loſs* to Me, and to the Society, *ONLY* to permit a Hearing before the Lord *Privy Seal*, with whom the College had entered a *Caveat*. My Friends thought this the moſt *Reaſonable* thing in the World. Application was made to the Biſhop for this Purpoſe about the 11th of *March*, which produced a *Letter* from the Biſhop to Mr. *C——re*; and a *Viſit* from Mr. *C——re* to *Me*; and a *Conference* between Him and Me, ending in a Reſolution in the College not to permit a Hearing before the Lord *Privy Seal*, unleſs I could prevail upon the *Rector* to reimburſe them the four-ſcore Pounds they had already expended in oppoſing my *Charter*; which *I* could not do, which their *Viſitor* could have done, and which it was his *Duty* to have done. (*b*) This Reſolution in the College occaſioned the ſeveral Expoſtulatory Letters to the Biſhop lately publiſhed in my Appeal to the Vice-Chancellor the Viſitor of *Hart Hall*. The Conſequence of my Expoſtulation was, that, on the 20th of *May*, 1727. His Lordſhip aſſured me, " *He was not convinced by* any thing I had writ, *of acting* " *againſt* JUSTICE *or* EQUITY; *and therefore, in Purſuance of the* OBLIGATIONS *he conceived* " *himſelf under to* Exeter *College, He* Did *continue to Oppoſe the paſſing of My Charter, and was perfectly* " *ſatisfied he ſhould not want a* Reaſonable Attention *to His* Remonſtrances. *But, if I could find a* " *way to give the Society, for which he was concerned, a* PROPER *Satisfaction, I ſhould ſee He had* " *rather have this Diſpute ended to my Contentment than otherwiſe.*"

NEVER was any Man, ſure, more *Diſpoſed* than I was at this time, to give the Society for which his Lordſhip was concerned, a PROPER Satisfaction, if I could any ways have Learnt what *This Term* did mean.

BUT, would his Lordſhip be ſo good as to tell me what *HE* thought a *Proper* Satisfaction? No. Would the Society for which He was concerned, tell me what *THEY* thought a *Proper* Satisfaction? No. Would the Society Accept of any of thoſe Offers which I made them *AS* a *Proper* Satisfaction?

(*a*) " *It is not for me, ſays Mr.* Dean, *to affirm with Confidence what Mr.* STRANGWAYS's *Intention might be. I ſhall only* " *Obſerve, that Dr.* N——n *is a very* Sanguine *Man, and* Poſſibly *may have interpreted ſome Kind Words in a Senſe never Intended by* " *the Speaker.*" From whence the Reader is to conclude, there was no harm done by the Delay of the Charter, either to the *Principal*, or his *Society*. A very *cheap* way of repairing *Solid* Injuries!

But is it at all Unlikely that Mr. *Strangways* ſhould *Intend* a Benefaction to *Hart Hall*? He was, in his Own Nature, a very Beneficent Man. He had had an Education in *Hart Hall*, which he often looked back upon with a great deal of Pleaſure. He had ſo Large an Eſtate, that a little more than half a Year's Revenue of it would have Endowed the Society, as far as, by the Inſtitution intended to have been eſtabliſhed, it was capable of being Endowed. He had no *Child* of his Own. There was no *Male* Iſſue in the Family. His younger Brother, whom he ſurvived, and whoſe Fortune he enjoyed, had been alſo a Member of the ſame Society, equally pleaſed with the Care that had been taken of him in it, equally eſteemed and beloved by every body who had any Relation to it. Theſe are Ordinary Motives; he might have Other. But whatever were his Motives, I have Reaſon to ſay, This is Certain, that He *Did* Intend to be a Benefactor to the Society. For, he told me So with his *Own Mouth*. He was never known to have raiſed a vain Expectation. He choſe rather to exceed the Hopes of thoſe he thought fit to favour. He alſo told me ſo of his *Own Accord*. For, having once deſigned a Beneficent Act, it was his way to Prevent any Application for it. What he ſaid to me, he repeated afterwards to Mr. *Bromley*: and, together with Mr. *Bromley*, Intereſted Himſelf with the *Chancellor* of the Univerſity for his Conſent to the *Incorporation* of the *Hall*, and to the *Eſtabliſhment* of the *Statutes* which he had peruſed with *Care*, and of which he had imparted to me his Sentiments with *Freedom*. If he was *not Open*, or if he was even *Shy* to Others concerning what he Intended, it is not an Argument that he did not *fully* Intend it. For thoſe who knew him well, knew for certain, that he was a Man, as of great *Merit*, ſo of great *Modeſty*; I may truly ſay, the fartheſt from gathering any kind of Applauſe to Himſelf of *Any* Man.

(*b*) I am well aware, that his *Lordſhip* made a friendly Application to the *Rector* by Letter on this Occaſion, as I am that the *Rector* trifled with his Lordſhip in his Anſwer to it. But this was the Time for his Lordſhip to have told him, " That he would not be " Trifled with; that he expected He ſhould pay the Charge incurred in Purſuance of the *Procuratorium* under the College Seal, and his " *Own* Hand, without Delay; and that if He could not Perſuade him to do what was reaſonable, he muſt be forced to Compel him to " it." Had the Viſitor proceeded in this manner, Mr. *Reynel* the Sollicitor's Bill would have been paid in an Inſtant; and the College would have had *no Pretence* they were not prepared for a Second Hearing. The College, who had nothing to ſay at a Second Hearing, and were yet in a Combination to Obſtruct my Charter, *wanted* this Pretence; they were *glad* the *Rector* had refuſed to iſſue the Money expended upon the Occaſion; they did *not Deſire* their *Viſitor* ſhould Compel him to it; and Mr. *Dean* now thinks it ſufficient to ſay in Defence of his Lordſhip, that he *did not care to come to Extremities with a Perſon of the* Rector's *Great Age*†. But, why not, if the *Reaſon* of the Thing ſhould require it? Is *Old Age* to be any Security to a Governor that he may diſtreſs a Society with Impunity? Shall a Society be aggrieved, and their Viſitor wait till the *Courſe of Nature* ſhall relieve them? If I had been out of the Queſtion, his Lordſhip might have done what he pleaſed, I ſhould never have Expoſtulated the Matter with him. But I juſtly complain that his Lordſhip ſhould have any Scruple to go to Extremities with the *Rector*, though *Guilty*; and yet have no manner of Scruple to go to Extremities with *Me*, though *Innocent*. His Lordſhip's *Tenderneſs* to the Rector, if it *was* Tenderneſs, was great *Severity* to Me. And I ſubmit it to the Reader, whether he thinks if his Lordſhip could uſe ſo great *Severity* towards *Me*, though Innocent, at the Requeſt of My Opponents, he would have had that *Tenderneſs* towards the *Rector*, when Guilty, if it had not been agreeable to *Them* that he ſhould have it. It was not HIS *Age*, but THEIR *Scheme* that entitled him to this Forbearance.

† p. 42.

No.

No. If they thought I *Offered* too little, it was not impossible but they might *Expect* too much. Since the Parties concerned, though both should *mean* honestly, might be too far Interested to be Equal, would the Society agree to *Refer* to Persons *skilful*, and *Indifferent*, what *WAS* a *Proper* Satisfaction? No. Would his Lordship, who *Insisted* that a *Proper* Satisfaction should be given them before He would let the *Charter* proceed, Endeavour to *Incline* them to it? No. Did I then say any thing amiss in my Letter to the Vice-Chancellor, in saying, (p. 21.) "That the *Visitor* of *Exeter* College had desired my "Honourable Friend to forego his own Inclinations to a virtuous Deed till the Pretensions of the Men "he was concerned for should be satisfied, without afterwards *Securing* or *Caring*, as far as it appeared, "that they should specify their Pretensions, and submit to have them *Examined* and *Estimated*?" I hope I did not.

Mr. *Dean* hath given himself Liberty to say, (p. 43.) "Had Dr. N. been Disposed to have the Dispute "ended amicably, Matters were, at this Time, so concerted between the Bishop of *Exeter* and the "*College*, that it might have been done with all the Ease imaginable. There appear (continues he) "these Words in a Letter from his *Lordship* to *Me*, dated *May* 25, 1725. (it should be, I suppose, "1727) "*The Scheme formed by you appears to me* MODERATE; *and full of Regard to the* Eclat "*of the Doctor's Design, and to the Greatness and the Equitable Disposition of his Friends.*" But the "Doctor had no Inclination to it." But how could Mr. *Dean* say this? He knew this Scheme was never imparted to me. He knew, that, as often as I have asked him what would be Satisfactory to the College, he hath answered he had no Instructions to *Say* what they Expected, but to *Hear* only, and *Report* what I had to Offer. If what had appeared *Moderate* to his Lordship, should have appeared so to Me, there would certainly have been an Amicable End of the Dispute. But if what his Lordship had esteemed *Moderate*, should have been thought by Me *Excessive*, and have been refused, it could not, hereupon, have been truly said by Mr. *Dean*, that I had *no Inclination* to an Amicable End of the Dispute, untill it should have appeared that what I had *thought* Excessive was *really* Moderate.

His Lordship says, "*If I can find a Way to give the Society a* PROPER *Satisfaction, I shall See he* "*had rather have this Dispute ended to* MY *Contentment than Otherwise.*" Now, it should *Seem* by this Declaration, that his Lordship did not mean by the Word *Proper*, any thing *Excessive*; for then, however the Dispute might have Ended to *Their* Contentment, it would not have ended to *Mine*. And yet, by his Lordship's Way of proceeding, that very thing might have come to pass, which, it may be, He did not mean. For, since his Lordship insists that I give the College a *Proper* Satisfaction, before he will let the *Charter* proceed, and yet will not tell me what *HE* thinks a *Proper* Satisfaction, He Seems to Leave it to the SOCIETY to determine, What is a *Proper* Satisfaction, and to insist, that I give them what they shall say is *Proper*, or, otherwise, my *Charter* shall not proceed. Now the College being thus made Judges in their Own Cause, his Lordship cannot be sure that what they shall say is *Proper*, will not be *Excessive*. And is his Lordship Resolved, if it *should* be *Excessive*, that I shall give it for all this, or otherwise the *Charter* shall not proceed? It should seem as if this was his Lordship's Resolution. For, to permit a Rehearing of the Cause is the only possible way to ascertain what is a *Proper* Satisfaction, and the only possible Security that it shall not be *Excessive*, and yet his Lordship will not Suffer that this Cause shall be Reheard, but insists that I give the Society for which he is concerned, the Satisfaction, they, without a Rehearing, shall say is *Proper*, or otherwise, the *Charter* shall not proceed.

BUT, after all, nothing is a *Proper* Satisfaction to the College, but the *True* Value of the Interest they have in the Hall beyond their *Antient Rent*. Now, if beyond *this*, they should happen to have *No* Interest in the Hall, what is a *Proper* Satisfaction for, or Equivalent to *No* Interest? If this should be the Case, to Insist upon a *Valuable Consideration* for that which is of *No Value*, is *Improper* and *Excessive*. And if his Lordship insists that I give the College Something for Nothing, before he will let my *Charter* proceed, He insists that I give that which is not *Moderate*, but *Excessive* before He will let my *Charter* proceed. But his Lordship is not *Certain* but their Interest in the *Hall* may be worth *Something*. But neither is he *Certain* whether it be worth *Any* thing or no. And since He may be certain of this, whenever he pleases, to insist in the mean time, in this State of Uncertainty, upon a *Valuable* Consideration for their *Supposed* Interest in the *Hall*, as if it was *really* of *Some* Value, before He will let the *Charter* proceed, seems to me to be the same as to Insist, Whether it *be*, or be *not* of Value, right or wrong, if I will not give the Consideration which the College shall say is *Proper*, the *Charter* shall not proceed. If it be *not* so, I desire his Lordship, or his Defender at least, will shew Me that it is *Otherwise*. If it *be* so, I submit this Second Part of his Lordship's Conduct, as I did the Former, to the Judgment of the Indifferent Reader, Whether it be "*entirely Worthy of his Own great* "*Station and Character.*"

INTO

INTO this Condition I was brought above Ten Years ago by his Lordſhip's *Superior* Power. In this I have continued ever ſince, by the Oppreſſive Exerciſe of the *Same* Power. And in this I am to continue irretrievably, ſo long as his Lordſhip is "*perfectly ſatisfied he ſhall not want the Attention of* "*Men in Power to his Remonſtrances againſt the Paſſing of my Charter.*"

I have often Wondered how his Lordſhip came to uſe This Expreſſion (in his Letter to Me of the 20th of *May*, 1727) for which there was ſo little Reaſon; for, his Lordſhip muſt know, I could not poſſibly doubt of his *Power* to Oppoſe me after the *Experience* I had had of the ſevere Uſe of it. I have as often thought it a *Mean* and *Unneceſſary* Inſult over an Unfortunate Man, upon whoſe Neck his Lordſhip had ſet his Foot, to aſſure me, "*He was perfectly Satisfied he ſhould not want the Attention* "of Great Men *to his Remonſtrances againſt the paſſing of my Charter:*" But, ſince Mr. *Dean* tells me, that on the 5th of *May*, (15 Days before the Date of his Lordſhip's) he had informed his Lordſhip I had ſaid, "*I was in no Pain about the Succeſs of my Charter, for that by means of Mr.* P. *I had* "*carried Matters ſo far with Sir* R. W. *that my Charter muſt and would be Granted,*" a glimmering Light is let into this dark Affair. The Biſhop, ſuppoſing he had been TRULY informed, and that I had REALLY been ſo *Vain* as to ſay this to Mr. *C—re*, ſeems to have uſed this Expreſſion to appriſe me that, however I might flatter Myſelf with Hopes of Aſſiſtance from the "*great Men above*" without his Leave, I ſhould certainly find Myſelf Miſtaken; and that conſequently, I had nothing elſe to do but to comply with the Expectations of my Opponents.

I do not remember, nor *believe*, that I ever mentioned the Name of Sir *R. W.* to this Gentleman upon any Occaſion whatſoever: Upon This, and in this Manner, I am *certain* I did not; and ſhall now Examine, whether it be LIKELY that I did.

I have already obſerved, that on the 24th of *January*, 1726-7, I began to move again in this Affair. On the 24th of *February* I went to *London*, to ſollicit the Succeſs of it. Between that and the 11th of *March* I waited on my Friends ſeveral times, to beg their Aſſiſtance in it. On *Saturday*, the 11th of *March*, (I think that was the Day) the *D.* of *N.* (agreeably to the Promiſe made to the Biſhop in the Year 1725.) ſent a Gentleman to his Lordſhip, to let him know that I *Was* moving again, and that *ALL* I deſired was, that his Lordſhip would either Incline the College to Accept of 50 Years Purchaſe of their Ancient Rent, or ſuffer the Matter to be Heard before the Lord *Privy Seal*, with whom they had Lodged a *Caveat* for this Purpoſe. On *Monday*, the 13th, I returned to *Oxford*. On *Saturday* the 11th, or on *Tueſday* the 14th, the Biſhop writ to the College, I ſuppoſe; becauſe on *Thurſday* the 16th Mr. *C—re* came to me to learn preciſely what I had propoſed to his Lordſhip by my Friends Above. I told him. And, when he replied the College would not part with their Ancient Rent, I offered to continue the Payment of That Rent as before, and to give them 40 *l.* the Over-Value of it, at 50 Years Purchaſe, in Money. On this 16th of *March* He undertook to repreſent to his Lordſhip the Subſtance of this Conference. I waited with Impatience for his Lordſhip's Thoughts of the Matter for above five Weeks. On *Saturday*, the 22d of *April*, 1727, He told me he had as yet received no Anſwer from his Lordſhip. I verily believed he *had* received ſeveral Letters from his Lordſhip within this Time. His Lordſhip beſt knows whether he had or no. I verily believed alſo, that if he *had received* an Anſwer more favourable to me than he Liked, he would not *Impart* it. I found likewiſe I ſhould never Agree with a Perſon who inſiſted upon Things Improper and Impracticable as *Conditions* of Leave to be Heard before the Lord *Privy Seal*. And therefore, on *Saturday*, the 29th of *April*, I writ *Myſelf* to his Lordſhip, and therein gave his Lordſhip a full Repreſentation of what had paſſed, hoping he would communicate the Same to Mr. *C—re*, and perſuade him to what was reaſonable. His Lordſhip anſwered my Letter on *Tueſday* the 2d of *May*, and acquainted Mr. *C—re* with the Contents of it (*a*) by the ſame *Poſt*, as I imagine. Mr. *C—re*'s of the 5th of *May*, (*b*) (wherein "*The famous* "*Incident of my having made uſe of the Name of Sir* R. W." is FIRST related) I ſuppoſe to be in Anſwer to his Lordſhip's of the 2d of *May* preceding.

IN this Letter to the Biſhop, it is imputed to me, after I had made the Propoſals above mentioned, to have added, "*That I was no longer in any Pain about the Succeſs of my Charter, for by means of* "*Mr.* P. *I had carried Matters ſo far with Sir* R. W. *that my Charter muſt and would be Granted.*" (*c*) I enquire then, whether, all things conſidered, this be at all Credible?

1. I am ſaid to have *added* the Imputed Words to my Propoſals. My Propoſals were made on *Thurſday* the 16th of *March*. If therefore the Imputed Words *Were* added, they were added on the

(*a*) P. 43. (*b*) P. 41. (*c*) P. 41.

ſaid

ſaid 16th of *March*. On this 16th of *March* Mr. *C—re* undertook to repreſent the Subſtance of our Conference to their Viſitor. He did not repreſent *this* Part of Our Conference till the 5th of *May*, full ſeven Weeks after I am ſaid to have *added* the ſaid Words, and at a Time, when I had given over any further Conference with him, having found he would neither *Accept* what I had offered, nor *Permit* a Hearing, but on Conditions I could not perform.

2. I had never deſired Mr. *P.* to ask any thing of Sir *R. W.* for me in my Life. Mr. *P.* had never told me he had done it of his own Accord. Mr. *P.* had told me, "*I ſhould find greater Difficulties in This* "*Affair than I was aware of*," unleſs I could Satisfy the Biſhop. His *Grace* had ſignified to me it was *Neceſſary* I ſhould make the Biſhop *Eaſy*, before he could carry My Inſtruments to his Majeſty to be *Signed*, without which there was no proceeding to the Office where the *Caveat* lay. In this Situation I had no great Encouragement to ſay that Mr. *P. had carried Matters any Length with* Sir *R. W.* in my Favour. Neither,

3. Is it likely I ſhould *Pretend* he had to Mr. *C——re*, who knew in what Situation I was, as well as Myſelf; who, I muſt know, could not poſſibly be ignorant of the *Strength* of the Oppoſition which he *Himſelf* had *formed*; (*a*) whoſe Viſitor had gained a Promiſe from Mr. *P.* that, if I moved again in this Affair, the College ſhould have *timely* Notice of it, whereby they were made Secure that no Motion of Mine ſhould have any Effect without their Leave; (*b*) whoſe Viſitor had got the *Same* Security from his *Other* (*c*) great Friends, the Principal of whom was always reckoned to be this very Sir *R. W*; whoſe Viſitor was now in *London*, and who, if I had pretended any thing of this Kind, could have detected me in an Hour's Time. And, beſides all this, from the Moment the Oppoſition began in *Exeter* College, I miſtruſted Mr. *C——re*'s Friendſhip to me; and, for that Reaſon, was reſolved from thence-forward never to ſay any thing to *Him*, which I would not have ſaid to the *Whole World*.

4. THIS freſh Application to the Biſhop by my Friends, that, if the College would not accept of what I had Offered, his Lordſhip would, at leaſt, permit a Hearing before the Lord *Privy Seal*, and my Conference at this very Time with Mr. *C——re* about the *Terms* on which it would be agreeable to the College that *This* Hearing might be obtained, is a Demonſtration that the Power of the Great Men above WAS with his Lordſhip, and that I SUPPOSED it to be ſo. For, can any Man think, if I had been favoured in this Caſe by Sir *R. W.* that I would have given my *Friends* the Trouble of an Application to the Biſhop, or have condeſcended to a Conference with Mr. *C——re Myſelf*, in order to procure a Hearing before the Lord *Privy Seal*, where, of *Courſe*, I ſhould have been Heard, but for the *Power* his Lordſhip had with the "*Great Men above*" to *Hinder* it?

5. DURING the Conference, *AFTER* which Mr. *C——re* made this Repreſentation, I lamented to him "the unequal Foot on which we ſtood; that he knew I was of no Party, and that my Friends "above knew it alſo; and that the College had taken an *undue* Advantage of me in this Reſpect; that "this was a Matter wherein *Party* was not at all concerned; and yet that they had made a *Party* "Buſineſs of it; and had got their Viſitor to repreſent them as a College well *Affected* to the Govern- "ment, and to deſire that, ſince it was abſolutely in his Majeſty's *Pleaſure* to Grant or Refuſe the "*Charter* that was prayed, his Majeſty would *not* Grant it, till the College that was ſo well *Affected* "to him, ſhould be Satisfied." Now I appeal to the Common Senſe of Mankind, Whether it be at all LIKELY that, in the *Same* Breath in which I thus complained, I ſhould pretend I had carried Matters any Length with Sir *R. W.* in my Favour, by means of any Perſon however greatly favoured by him.

6. THERE is an utter *Inconſiſtency* between this *pretended Part* of my Conference with Mr. *C——re*, and my *Correſpondence* with his Lordſhip upon the ſame Occaſion, both *before* and *after* the Letter of the 5th of *May*: before it, on the 29th of *April* 1727, and after it on the 11th and 25th of *May* following. My Part of This Correſpondence is an *Expoſtulation* with his Lordſhip for the *Severe* Uſe of the Power he had over me, and, conſequently, a *Confeſſion* that he *had* a Power to uſe me with Severity, and that I had not, by means of Mr. *P.* or of any other Perſon whatſoever, any Power to hinder it. And, accordingly, when his Lordſhip told me on the 20th of *May*, in Anſwer to mine of the 11th, "*That he* Did *continue to Oppoſe my* Charter, *and was perfectly Satisfied he ſhould not want a* "*reaſonable Attention to his Remonſtrances*," I, being as perfectly Satisfied of this Matter as his Lordſhip, replied on the 25th, "*That I did not want to be informed by ſo good a Hand as his Lordſhip's*, "*that his Lordſhip would be Heard by Our Noble Friends before a Perſon in my Obſcurity; that I* "*yielded the* Power *was with his Lordſhip, though the* Right, *I Contended, was with Me; and that*, "*if as* reaſonable an Attention *might be given to me, as to his Lordſhip, I had no Doubt but it would ſo*

(*a*) P. 44. (*b*) P. 39. (*c*) P. 39.

"*appear*.

" *appear. That if the* College *would not be satisfied with any thing that was reasonable, nor his* " *Lordship be satisfied unless They were so, I was just where I was, and there I must be contented to stay.*"

FROM these Considerations it appears LIKELY at least, that I did *not* Add what Mr. *C——re* hath taken the liberty to say I *Did*. And now, What *Proof* hath Mr. *Dean* of my Having done it? Why " *a Letter from* HIMSELF *to the Bishop of* Exeter, dated *May* 5, 1727," (*a*) importing so much, sent home to him upon the present Occasion to make what Use of it He should think proper.

MR. *Dean* hath said, indeed, (*b*) " *He hath procured a good Series of Letters, wrote in a Corre-* " *spondence between the* Persons concerned, *from which he hath collected a pretty exact Account of* " *Things:*" But I take this Opportunity to Observe, That no great Stress can be laid upon *Letters*, or rather *Scraps* of Letters, said to have been written by Persons to One another, who have been engaged in the same Naughty Design, distressed, as they now find Themselves, what to *Answer* to the Appeal that is now made to the World, concerning the *Justice* of their Conduct, and under the Temptation of *Suppressing* some Parts of their Correspondence, and *Varying* Others, in order to make a few Passages *suit* to the Purpose of a Defence; when, if the *Originals* were to be published Entire, I am confident, they would Exhibit nothing but a *Game* they were playing with much *Diversion* to themselves, at My *Expence*. But, be this as it will, I certainly *Know*, that what Mr. *Dean* hath collected from this *Series* of Letters is far from being an *Exact* Account of things. With respect to what is written of Me in *this* of the 5th of *May* to the B. of *E*. I affirm it to be a *Fiction*. A Letter from ANY Ones SELF, produced in Evidence in BEHALF of Ones SELF, is liable to Suspicion. A Letter from HIMSELF, I have reason to say is More so. For, I have discovered, that this is not the ONLY Letter to the Bishop, wherein He hath said that of Me which is not *True*. More than Once I have observed, that, after I have had a Conference with him, and have not come up to the Expectations of my Opponents, immediately some Misrepresentation hath been dispatched to his Lordship, in order to keep him at a greater *Distance* from Me, and to bring him *Closer* to Themselves.

THIS *Fiction* of Mr. *C——re* I conclude to have been wrought in the same *Forge* with the *Information* pretended to have been given by Mr. *B*. to Mr. *A—l*; to have been written to Prejudice his Lordship against Me, that He might be Watchful in his Opposition to me, lest I should escape out of their Hands before I had comply'd with their Demands; and *now* to have been published to the World to take its Chance for procuring Credit to this one thing, that if Mr. *C——re* hath had recourse to *Power*, which he frankly *Owns*, (*c*) it is no more than what I myself had intimated I *had* done, which I absolutely *Deny*. But, if I had done this *equally* with *Him*, yet still it would have been with this *Material* Difference, that I should have used the Interest I had with Great Men to have *Overcome*, not to have *Maintained*, a most unreasonable Opposition to a Publick Good.

BUT notwithstanding the many *Derogatory* Suggestions and *Groundless* Imputations repeated almost in every Page of his Performance, in order to force some *Attention* to them and *Belief* of them; yet, I aver, that I have not taken *One* Irregular Step in this Whole Affair; neither hath Mr. *Dean* been so fortunate as to *Prove*, no, nor yet to make it *Credible* that I have. The *D*. of *N*. and Mr. *P*. are the only Persons whose Assistance I have desired in it. They are Both Living, and know, that I never requested any thing of Either of them, but what was consistent with the strictest Honour. In all my Correspondence (*d*) with his Lordship, I have expressed Myself with that *Respect* which I apprehended to

(*a*) P. 41. (*b*) P. 17. (*c*) P. 44.

(*d*) If his Lordship be displeased with the *Letter* written to him on the 5th of *March*, 1735, this was no Part of *My* Correspondence. I have already said, " *I neither writ this Letter Myself, nor was it written by my Advice, or Procurement, or with* " *my Privity*." This Declaration, it seems, is not quite Satisfactory to Mr. *Dean*, who thinks, or says, at least, I might COMPOSE it, though I did not WRITE, *i.e.* TRANSCRIBE, and send it *. Little did Mr. *Dean* apprehend, when he made this ingenious Remark, what Constructions Men would generally put upon it to his Disadvantage. For, since it is a Thought that would have occurred to very few, may he not induce a Suspicion, that his Own *Natural* Bent is this way? That he hath *Himself* been accustomed to these *Mental Reservations*? That He is not yet aware that *Prevarication* is *Lying*? And that, next to the *Meanness* of being *guilty* of such an Evasion, is that of Imputing it? But after all, there is such a thing as *Simplicity* yet remaining in the World. And, notwithstanding what Mr. *Dean* hath permitted himself to suggest, I am sure it is not possible for him to shew, that I have, in a single Instance, departed from it with regard to Him. However, since he thinks it *Necessary* I should be more *explicite* in this Particular, I find it to be so too; and therefore I assure him, I did not COMPOSE the said Letter; no, nor *dictate* it through a thin Partition; no, nor *blow* it through a Speaking Trumpet; No, nor was any Way whatsoever, that can possibly be imagined by the most *Acute* Man living, a Cause that it was *Composed*, *Written*, or *Sent* to the Bishop of *Exeter*; excepting that I have been a Sufferer by his Lordship to a Degree thought worthy the *Notice*, the *Compassion*, and the *Resentment* of the Writer, though a Stranger. To this I will add, that I have not even *yet* learnt who was the Author of it; that when first I was informed such a Letter had been written, it was, at second hand, from One of *Exeter* College; and that the said Letter may have been written, for ought I know, by One, if not of, yet at least a Well-wisher to that Society, of which I have heretofore had

* *P. 90.*

many

to be due to his *Lordſhip* in *His* Station from *Me* in *Mine*. Whatever I have deſired of him, it was *Reaſonable*. Whatever I have told him, it was *True*. After what manner ſoever I have repreſented any thing to him, it was *As* I repreſented it. Whatever I have ſuggeſted by way of *Caution*, that his Lordſhip might not be *miſled* by the Pretences and Miſrepreſentations of my Opponents, it was *ſolidly* founded, not a *Tittle* of it hath failed.

IF, after what hath been ſaid, " *his Lordſhip be ſtill ſatisfied in the Equity and Reaſonableneſs of* " *ALL his Proceedings about the Affair of* Hart-Hall," as Mr. *Dean* (*e*) relates, and conſequently in the *Equity* and *Reaſonableneſs* of his Perſevering to Oppoſe a Hearing, as well *after* Mr. *C——re* became Head of *Exeter*, and had confeſſedy " *the Command of their Evidences to make good their Cauſe*, " *and, of their Treaſury to ſupport them in the Expence*," (*f*) as *before* He became Head; yet, ſince I have been made a very great Sufferer by theſe Proceedings, I humbly hope, I have a Right to be ſatisfied in the *Equity* and *Reaſonableneſs* of them too. For Mr. *Dean*, " *to Whoſe Apology his* " *Lordſhip hath thought fit to Truſt his Reputation*" (*g*) affected by My Complaints, hath neither ſatisfied *Me*, nor, I ſuppoſe, any *One* Man living. But I rather believe, and hope, that his Lordſhip begins at length to ſuſpect he hath given too great *Credit* to the Repreſentations of my Opponents; and that *Things* and *Perſons* have not been placed in that Light before his Lordſhip, in which they ought to have Appeared; and that they have Abuſed his *Good Will* to them, his *Confidence* in them, and his *Power* and *Intereſt* with Great Men to ſerve them. And, indeed, I cannot but ſay, I lament his Lordſhip's Misfortune in this Particular, that, when, in all *other* Reſpects, his Lordſhip's Reputation could *need* no *Apology*, Mr. *Dean* ſhould have *Aſſiſted* to miſlead him into a Conduct with regard to *Hart-Hall*, which he was very ſure would, at one time or another, *need* an *Apology*; and as ſure, that, whenever there *ſhould* be need of it, He ſhould not be Able to *make* it for him.

CHAP. X.

HAVING expoſtulated with the B. of *E*. the Oppoſition given by *Him* to the Incorporation of the *Hall*, in 1727, to no manner of Purpoſe, I was determined to let the Matter reſt for a while, to ſee what ACCIDENTS would produce. The Biſhop might be *Tranſlated*; the Rector *Die*; My Opponents be *Preferred*. In any of theſe Caſes I hoped to find immediate Relief. For, if the *Biſhop* ſhould be Tranſlated, I imagined no *Other* Viſitor upon Earth would have Oppoſed me; nor any *Other* Fellow of the College, if my *Opponents* ſhould be preferred; and, for the learned Mr. *Stephens*, the Rector's preſumptive Succeſſor, He was my *Friend*, He *lamented* the Oppoſition given to me, and was reſolved, as I have been told, to have made me *Eaſy*. That which happened firſt was the Rector's *Death*. But the Promotion of Mr. *Stephens* to the *Headſhip*, which, it was preſumed, would have followed, came not to paſs. He was *Deceived* by the Promiſes that had been *Made* and *Repeated* to him; and I was now, inſtead of being comforted by His *Aid*, to follow his *Fortune*: excepting in this Reſpect, that the Diſappointment he met with ſo affected his *Health*, that He did not long *Survive* it; and I ſtill *live* to make the Authors of My Sufferings *Aſhamed*.

MR. *C——re* ſucceeded Dr. *Hole* at the beginning of the *Long Vacation* in the Year 1730. I returned to the *Hall* the *Michaelmas Term* following. Remembring that my Opponents had induced their *Viſitor* not to permit a Rehearing of the Cauſe during the *late Rector*'s Life, becauſe he had

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many *Valuable Friends*; and of which I do not know that I have at this day *One Enemy*, except the preſent *Rector*, whoſe Enmity, I ſuſpect, began the ſame Hour with the *Dean*'s Friendſhip.

But, if I am not the Author of the Letter, Mr. *Dean* ſays, " *I am pleaſed with the thing, and declare I take it kindly of the* " *Perſon who did it, and therefy make all that is Offenſive to his Lordſhip in it my Own*." But now, That I took it kindly in general, that an unknown Perſon had written a Letter to induce his Lordſhip to retreat from an Oppoſition, by which Myſelf and My Society had been extremely hurt, *without knowing* one Word of what it contained, is no Argument, now I *do* know what it contains, that I am pleaſed with any thing that is Offenſive to his Lordſhip in it. So far from it, that, if I myſelf had been to write a Letter to his Lordſhip upon this Occaſion, and could have judged after what manner it ought to have been written, that it might *not* Offend, I would certainly have written it in *that* manner. But, if this Letter was written by a Perſon *Superior* to his Lordſhip, or who might think himſelf ſo, it may be *He* might not be altogether ſo Careful in this Matter, as it would have become *Me* to have been, who am, in ſo many Reſpects, ſo much his Lordſhip's *Inferior*.

(*e*) P. 87. (*f*) P. 44. (*g*) P. 86.

refuſed

refuſed to pay their *Sollicitor's* Bill, and, as they pretended, *with-held* their *Evidences*, I deſired Mr. *Greenaway*, a common Friend to us both, to go with my Service and Congratulations to the *New Rector*, and to Deſire to know of him, " Whether, now the Objections to my being *Heard* " before the Lord *Privy-Seal* were removed by his Advancement to the *Rectory* of the College, I " might be permitted to come to that Office, where a *Caveat* from the College had lain for ſo many " Years." (*a*) This Meſſage in Writing bears date *November* 1, 1730.

THE next Day Mr. *Greenaway* brought me from him this Anſwer, or to this Effect: " *That it* " *was true, All the Objections were now removed; and I ſhould be permitted to be Heard before the* " *Lord Privy-Seal whenever I pleaſed. Nay, further; That he ſhould be willing the Matter might be* " *Accommodated between Ourſelves, and prevent the Charge of a* Hearing *on both Sides; and that he* " *would do me all the Service he could with his Society in order to bring this about, being very deſirous* " *to revive the Acquaintance there had been between us; that, however, if this could not be done to* " *Our* Mutual Satisfaction, *he would no longer Interpoſe to hinder my being* Heard *before the Lord* Privy-" Seal; *and that he would wait upon me the next Day to Aſſure me of this.*"

I deſired Mr. *Greenaway* to go to him again with my Thanks for his kind Meſſage; and to let him know, " That I would not give him the Trouble to call upon Me, ſince I was then not very well " and kept my Chamber; but that, He having been made *Head* whilſt I was in the Country, it became " Me firſt to wait upon *Him*, and that I would do ſo, the very firſt Day I went abroad."

ACCORDINGLY on the 7th of *November*, I waited upon him; when, after having received Me with all the Kindneſs that could be expreſſed by an Intimate and Dear Friend, who ſeemed heartily ſorry there had ever been any Miſunderſtanding between us, he confirmed every Word of the Meſſage Mr. *Greenaway* had brought me from him; and concluded, " *If we could not Agree the Matter* " *between Ourſelves, I ſhould however be no longer Obſtructed from being* Heard *before the Lord* Privy-" Seal." Towards an *Agreement* of the Matter, I offered, that, whereas I now paid the College 1 *l.* 13 *s.* 4 *d. a Year*, I would for the future pay them 1 *l.* 13 *s.* 4 *d. Half Yearly.* " *Mr.* A—l, *he* " *ſaid, was expected home that Evening. What I offered ſhould be conſidered when he ſhould arrive,* " *and I ſhould know in a Day or two, whether the Society accepted it or not,*" or to this Effect.

ON the 21ſt of *November*, not having yet Seen or Heard from Mr. *C——re*, and ſuſpecting all was not right, I ſent my Servant to him with a Letter, importing " That, it being now a Fortnight ſince " I waited upon him, I hoped his Society were come to ſome Reſolution in *My* Affair, which I ſhould " be glad he would communicate to me." To which he Anſwered, " He would call upon me that " Afternoon," and did ſo.

THE Approach was a great deal too Thoughtful for good News. He ſeemed as if he wanted to *unload* himſelf of the Meſſage he was bringing to me, and to *retire* in good Order. When he was introduced, I eaſily perceived the *Frankneſs*, and *Cheerfulneſs* with which I had lately been received was all gone, and a Gloom and Diffidence had overſpread his *Look*, and ſtiffened his *Manner*. He ſeemed as if Mr. *A——l* had given him his Leſſon, and taught him how to Behave. When he Opened himſelf, he obſerved to me, " *That the Conſideration I had offered of a* Double Rent, *was thought by the* " College *a great deal too little; and that ſo low an Offer ſeemed to have been made upon a Suppo-* " *ſition that the College had really no further* Right *in the* Hall *than to* 1 l. 13 s. 4 d. *the doubling that* " *Rent being no more than an Equivalent to the* Charge *of a* Hearing *which was to be* Prevented *by it.*" I anſwered, " This was very True. I *did*, indeed, ſuppoſe they had no *further* Right. The *Attorney-* " *General* being of the ſame Opinion had *taught* me to ſuppoſe this. Their Obſtructing a *Hearing*, " whereby it might have been ſeen whether they had or no, had *not taught* me to ſuppoſe otherwiſe; " but confirmed me in my Opinion, that they did not *Themſelves* believe they had any further Right." To this, with great Gravity, and with that Inclination of the Head to one Side, which, in Serious Men,

(*a*) Mr. *Dean* ſays (P. 36.) " *The Second* Caveat *entered* by the College *at the Lord Privy-Seal's expired the* 13*th of* Auguſt 1725: " *ſince which time it was never renewed.*" To what Purpoſe this is ſaid I cannot tell. But I would obſerve, that the *not renewing* a *Caveat* is not *withdrawing* it. A *Caveat* in this Office is of no force beyond *three* Months. Their *Second Caveat* entered the 13th of *May*, expired of courſe the 13th of *Auguſt*. To have perpetually *renewed* it, for Ten Years together, as often as it ſhould have Expired, would have been very *Expenſive*. So long as Mr. *P.* had told the B. of *E.* " *If I moved again in this Affair, the College ſhould have* " *timely Notice of it*," this Expence was *Unneceſſary*. A *Caveat* renewable *at pleaſure*, upon Notice that I was endeavouring to get to the *Office*, is to be conſidered as *ſtill ſubſiſting* there. My *Opponents* and their *Viſitor* always ſo conſidered it. For, as often as I have preſſed to be Permitted to come where the *Caveat* lay, I have never been told there was *No Caveat* there; but have been always *Anſwered* in ſuch a manner as ſhewed, that they *Suppoſed* it there. But, my Complaint againſt the College is, not for *Entering* a *Caveat* in *that Office*, nor for *Continuing* it there, but for *Not Permitting* Me to come to the *Place* where they had entered it.

betokens

betokens being Serious, he replied, " *Yes they had.*" I anſwered, " I ſhould offer nothing further; and " if it would not be accepted, I deſired the *Hearing* he had *Promiſed*, and to which, he owned, *all* " *Objections* were now *removed*, might be Allowed; when it would ſoon appear, whether they had or " no." He ſaid, " *Such* a Hearing *would not be Deciſive, and that the* College *thought it would be* " *better to Try their Right at Common Law.*"

AMAZED at the new Turn the thing had taken, after his *Repeated Promiſes, that*, " *if we could not* " *Agree the Matter between Ourſelves, I ſhould no longer be Obſtructed from being Heard before the* " *Lord Privy-Seal*," I asked, as heretofore, ſince what I had offered was too *Little*, what *More* the College did expect? He replied, as heretofore, " *He had no Inſtructions from the* College *to mention any* " *Conſideration they would accept, but he would Report to Them what I ſhould further Offer.*" And then, to help me out of this Difficulty, put me in mind, " *That* MY *Headſhip, when the* Hall *ſhould be* " *Incorporated, would be worth near three hundred Pounds a Year, and that* HIS *did very little, if at* " *all, exceed a Hundred; and that therefore, I might well afford to offer ſomething more than I had* " *yet offered*," or to this Effect.

FROM hence I immediately perceived, that *three hundred* Pounds a Year being a greater Revenue, in his Opinion, than either I, or any of My Succeſſors, could tell what to do with, an *Annual Penſion* transferred from the Headſhip of *Hart-Hall* to that of *Exeter College* would have been agreeable to My Opponents.

THE *Penſion* they uſed to talk of *within their own Walls* was, as I have been informed, *Twenty*, or *Thirty* Pounds a Year. But, ſince the Publication of the Letter to the Vice-Chancellor, they have been heard to ſay *abroad*, that, if I would have given *Ten* Pounds a Year, it would have been accepted. Would it indeed! And was this *the Scheme formed by Dr.* C——re, *which appeared to the Biſhop Moderate in* 1727 (*a*)? *And was it* THUS *that the Doctor might have ſucceeded, if he had not ſpoiled all by his Own Poſitiveneſs and Obſtinacy* (*b*)?

BUT 1. It was never ſignified to me, that a Payment of Ten Pounds a Year to *Exeter* College would have been Accepted. 2. I had the Vanity to think, that I had really earned *three hundred* Pounds a Year, for *twenty* Years together, though I had not received *three Pence*. And, 3. I was ſure, if I ſhould continue Principal for twenty Years longer, I ſhould ſtill endeavour to Deſerve that Reward. And, 4. Whatever might have been the Revenue of the Headſhip hereafter, I was, at this time, diſpoſed to have employed it in the ſame manner as I had employed the Income of it heretofore; and conſidered that any extraordinary Defalcation would but retard the Accompliſhment of my Deſign, which My Opponents had obſtructed too long already. And, 5. I verily believed the Intereſt they claimed in the *Hall* beyond their *Ancient Rent* was not worth a Farthing, and that they verily believed ſo too; and therefore I aſſured Dr. *C——re*, I would never make the College any *Other* Offer than of a *Double Rent*; and expected, according to his *Repeated Promiſes*, that, if they did not Accept of it, I ſhould Hear, at the *Office* where their *Caveat* lay, Whether they deſerved even *That*.

HE ſaid, " *He would Report my Reſolution to the Society, and let me know what they ſaid to it the* " Tueſday *following*; *but he was of Opinion they would think it too* LITTLE." And accordingly, when he returned to me on *Tueſday*, he told me, " *They* DID *think it too* LITTLE; *and that the* " *Way in which they ſhould proceed, would be, not to attend any* HEARING *before the Lord* Privy-" Seal, *in order to* Say There *what they had to* Say againſt the Charter, *and to give Me room to* Reply " *to it*, (the thing *Promiſed*;) *but to declare by their Agent, when I ſhould come to the Office*," (which yet he knew was impoſſible without his Leave, and which Leave, notwithſtanding his *Promiſe*, he would never give) " *that the College deſired their* Right *might be* Tried *at* COMMON LAW."

THIS was on the 24th of *November* 1730. Whilſt he was with me, He might Obſerve, indeed, that I was *ſenſible* of the Breach of his Promiſe to me; but he met with no Improper " *Heat*, no " *Rudeneſs*, or *Ill Manners*" from me (*c*). When he was going, I waited upon him to the Extremity of my Bounds, where I took my Leave of him with that Sort of conſtrained Civility, through which a Man of little Penetration, aided by his being conſcious to Himſelf that he had Deceived me, might eaſily diſcern I had a bad Opinion of him. And, indeed, I returned to my Lodgings with ſo bad an Opinion of him in this Reſpect, that I determined never to have any Perſonal Conference with him more upon *this* occaſion.

(*a*) P. 43. (*b*) P. 92. (*c*) P. 47.

UPON

UPON this shameful Departure from what in so friendly a Manner he had said first to Mr. *Greenaway*, and afterwards to *Myself*, I writ the following Letter to *Our Common Friend*, to know, Whether I had not *Misunderstood* the Answer He had brought me from him.

DEAR SIR,

WHEN I desired the Favour of you to Learn of Dr. C——re, *Whether, now the Objections to my being Heard before the Lord Privy-Seal were removed, I might at length be permitted to come to the Office where a* Caveat *from the College had lain for so many Years; the Answer He returned, as I remember, was, if not, in these Words, at least to this Effect,* "*That it was True,* "*the Objections now were all removed, and I should be permitted to be Heard before the Lord Privy-Seal* "*whenever I pleased. Nay farther, That he should be willing the Matter might be accommodated* "*between Ourselves, and prevent the Charge of a Hearing on both Sides, and that he would do me all* "*the Service he could with his Society, in order to bring this about; being very desirous to revive the* "*Acquaintance there had been between us: that, however, if this could not be done to our mutual* "*Satisfaction, he would no longer Interpose to hinder my being* Heard *before the Lord* Privy-Seal." If in any thing I have *Misunderstood* you, I beg you will set me right.

Hart-Hall,
Decemb. 4. 1730.

Your Affectionate Friend,
R. NEWTON.

N. B. THIS is not a Transcript from a Copy, but from the *Original* Letter sent to Mr. *Greenaway*, and recovered from his *Administrator* since his Death, and is inserted here, that the Reader may know what it was that in the following Answer I am said *not to have Misunderstood.*

HONOUR'D SIR,

I Should not have so long deferred acknowledging the Favour of your Letter, but I was informed you were not in Oxford. *You did not at all* Misunderstand *the* Answer *I brought you from Dr.* C—re. *It was* exactly as you Represent it: *and was delivered with so much Readiness, and such an Appearance of Disinterestedness, that I did not in the least doubt, but you would soon be Able to accomplish the excellent publick-spirited Design, which you have been so long Labouring, and which every Friend to Learning and Discipline must wish to see effected. It is therefore Matter of great Surprise and Concern to me, that you are still like to meet with so much further Opposition. I have not heard a Word from Dr.* C——re *since I was in* Oxford; *so that I am not in the least apprised of the Reasons on which he has altered his Sentiments. It would give me the highest Pleasure to see a Society of which I was by your Favour, for so many Years, a Member, and for which I shall ever retain the truest Affection, settled in a flourishing Condition by a Charter of Incorporation. And I cannot but be heartily grieved to see such a Design opposed by* Academical Persons, *whose very* Character *and* Station, *one would think, should rather determine them to* Encourage *and* Promote *it. I am,*

HONOUR'D SIR,

Sarum,
Jan. 6. 1730.

Your Most Obliged, Obedient Humble Servant,
W. GREENAWAY.

DR. *C——re*, then, confesses to our *Common Friend*, and afterwards to *Me*, that all Objections to my being *Heard* before the Lord *Privy-Seal* are now removed. He confesses to the whole World (*p.* 44.) "*That the College had at this time the Command of their Evidences to make good their Cause,* "*and of their Treasury to support them in the Expence of it;*" So that if he had *not* Promised that I should be permitted to be *Heard* before the Lord *Privy-Seal* whenever I pleased, yet the thing was so highly *Reasonable*, that he could not with *Justice* have Denied it; and yet, after his *Repeated* Promises to do what was thus Reasonable, I was *not* Permitted to be *Heard.* This is the Breach of *Faith* wit which I charge him.

AND what, now, doth Dr. *C——re* say to this Charge thus fully proved? Why he says (*p.* 64, 65.) "*If I mean that He Promised I should come to the Privy-Seal to hear what the College had* FURTHER "*to say against the Incorporation of the Hall than they had* ALREADY *said before the Attorney-General,* "*so as to preclude them from saying again what they had said before, He declares most solemnly he* "*never made any such Promise.*"

BUT I neither *did*, nor *could* mean any thing so *Absurd.* Mr. *Dean* knows there was not a Word of this mentioned in any Conference I had with him. And He is here only Amusing the Reader, and drawing off his Attention from the Promise he made me as *explicitely* and as firmly as ever

there

there was a Promiſe made to any Man. The Promiſe was, that I ſhould be *Permitted* to come to the Office where their *Caveat* lay; which includes in it, that I ſhould THERE *Hear* what the College had to ſay againſt the Charter's paſſing that Office, and have Opportunity to *Reply* thereto. Now, if this Promiſe had been performed, Would it have been *poſſible* for me to have precluded the College from ſaying any thing *again* which they had ſaid *before*? Or could it poſſibly have been any *Diſadvantage* to me, that they *ſhould* ſay again, what they had ſaid before to *no purpoſe*? No. No. Mr. *Dean*, let me come to the *Office* only where the *Caveat* lies, and let me *Hear* only what you have to ſay, and ſay what you will, *New* or *Old*. What is Mr. *Dean*, then, doing, when he ſays, " *He replied* " *I ſhould be Heard, as ſoon as I deſired; but that* the College *would not be directed by Me in what* " *they ſhould Plead*." p. 46. That I Declined a Hearing " *unleſs I might direct them in what they ſhould* " *ſay*." p. 63. " *Unleſs I might have the Direction of their Pleadings, which they would not allow*." p. 67. " *Unleſs I might direct them what to do*." p. 103. Is what he hath here adventured to ſay, in the leaſt *Credible*? Is it ſo much as *Plauſible*? Does it not appear that he is in the utmoſt *Diſtreſs* how to account for the Non-performance of his Promiſe, that he can find no *Other* Refuge from the Reproach of Unfaithfulneſs, but that which cannot give him One Moment's Protection?

BUT could the *Dean* Invent this of Himſelf? Is there no manner of *Foundation* from whence it ariſes? Yes, Reader, it ariſes from a very ſlender Hint given him three Years AFTER that Converſation, of which this is NOW pretended to have been a Part. How, and when FIRST the Thought of Accounting this way for his Breach of Promiſe came into his Head, thus learn.

ON the 27th of *May* 1733, there was publiſhed a Poſtſcript to a Book called, *The Expence of Univerſity Education reduced*, wherein are theſe Words. " *Or, if the* College *would have permitted the* " Principal *to have come to the Office where they had entered their* Caveat, *and to have heard what* " *they had* FURTHER *to ſay againſt the Incorporation of the* Hall, *than they had* ALREADY *ſaid* " *before the* Attorney-General (*of which Dr.* C——re *made a Promiſe to the* Principal *in the moſt* " *affectionate Manner*) *it would have appeared that the* Principal *ought not to have been obſtructed*." From this Expreſſion written in 1733, and thought by Mr. *Dean* capable of the Conſtruction put upon it in 1734, it then FIRST came into his Head to *feign* the Converſation he had with me in 1730, to have been *Agreeable* to this Conſtruction. But, can any thing elſe, *naturally*, be concluded to have been meant by this Expreſſion, than that, if a Hearing had been permitted before the Lord *Privy-Seal*, as was Promiſed, it would from thence have appeared, that the *Principal* ought not to have been Obſtructed; even as the ſame had already appeared at a former Hearing before the *Attorney-General*? If the Expreſſion might ſuppoſe, the College would not think it worth their while to uſe thoſe Arguments at this *Second* Hearing, which they had uſed at the *Former* to no purpoſe; yet it could not be conſtrued, without *force*, to intend to *preclude* them from doing it, if they ſhould think fit.

BUT, " I *not only Declined a Hearing before the Lord* Privy-Seal, *but I declined a Hearing alſo in* " One of his Majeſty's Courts." How ſo? Was any Declaration of Ejectment delivered to me? No. " *But when* I DEMANDED *a Hearing before the Lord* Privy-Seal, *Dr.* C——re *ſaid, He had* " *Authority from the Society to tell me that*, [when I ſhould come to the Office, get there how I could] " *they would allege they conceived the Site of* ARTHUR *and* HART Halls *belonged to them*, " *and they would deſire my* Charter *might be ſuſpended till they ſhould have an Opportunity to Try their* " *Title in One of his Majeſty's Courts* (*a*)." Well, what then? Let me come to the *Office* only where the *Caveat* lies, and *Hear* only what You will allege, and allege what you will.

BUT did not I ſay, " That a Trial in One of His Majeſty's Courts would be very Expenſive (*b*)?" What then? Muſt not I be *Heard* before the Lord *Privy-Seal*, becauſe a *Trial* in One of his Majeſty's Courts will be expenſive?

" *BUT what Occaſion for a Hearing before the Lord* PRIVY-SEAL, *which will not be* DECISIVE, " *when the College intend to declare they will have a Trial at Common Law*?" Then let them begin a *Trial* at Common Law, and Superſede the *Hearing* before the Lord Privy-Seal. " *Why ſo they* " *would*; but I complained of the Expence, and ſaid the Expence would be greater than I could bear (*c*)." So then, I muſt not have a *Hearing* before the Lord *Privy-Seal*, becauſe the College will have a *Trial* at *Common Law*; and the College won't have a *Trial* at *Common Law*, becauſe I can't bear the *Ex-*

(*a*) P. 46, 66. (*b*) See P. 46, 67. (*c*) See P. 47, 67.

pence,

pence, and so I *declined* Both. Why yes, " *in short I declined any thing further*; *and said I had done as* " *much as I could, and must rest contented* (*d*)." Why ay truly, when, do what I could, I could neither be allowed to have a *Hearing*, nor a *Trial*, I *must* rest contented, for I could not help Myself.

BUT, Reader, thou shalt no longer be Confounded, nor Deceived. Mr. *Dean* is contriving only *fumum dare ex fulgore*, and I, therefore, *ex fumo dare Lucem cogito*.

A *Hearing* may be either before the Lord *Privy-Seal*, or in One of his Majesty's *Courts*. Mr. *Dean* can't say I ever declined the *Former*, for that he here acknowledges I *demanded* (*e*). It is the very thing I have been all along Solliciting, and could never obtain. Neither can he say I declined the *Latter*, for that was Impossible. No One can be said to *Decline* doing what he has *no Power* to do. I was in this Respect wholly *Passive*. They could bring an *Ejectment* for the Site of *Arthur* and *Hart* Halls whenever they pleased; and Force *Me* into One of his Majesty's Courts, whether *I* would or no. But if *They* declined this, *I* had no Power to compel *them* to it. If I could have compelled them to it, I would have done it *Ten* Years ago. I would do it *to-morrow* if I could possibly. I never would have appealed to the *Tribunal of Fame*, if I could any way have been *Heard* at any *Other* Tribunal. I here offer a Fee of *Ten Guineas* to any Lawyer in the Kingdom, who will put me in a way to OBLIGE them to set forth the *Right* they pretend to, in any Court of *Law* or *Equity*. Because I have not been able to OBLIGE them to this, I have *Invited* them to it; I have *Provoked* them to it; I have *Defy'd* them to it; They *Dread* it; they will suffer *Any* thing to be said of them rather than permit this Affair to come into *Any* Court. I have said indeed, That a *Trial* of their *Title* in the Courts at *Westminster* would be attended with more *Expence* than the *Importance* of the Matter in dispute could warrant; but I was always, and am still Determined to submit to what Expence they shall, in this way of Proceeding, make it necessary for me to undergo: and, I think, the Reader will not be forward to believe, they have at any time *forborn* a Trial of their Title in any of his Majesty's Courts, lest the same should be *Chargeable* to *Me*.

BUT Mr. *Dean* hopes he has still a safe Retreat from the Imputation of having broken his Promise to me, by saying, " *What he promised me, he Promised no further than concerned* HIMSELF (*f*)." By which I understand, He Promised I should be Permitted to be *Heard* before the Lord *Privy-Seal*, as far as this should be in *His Power* to procure.

I enquire, then, Whether He did what *was* in his *Power*? He was known to *Have* great *Influence* in the College, many of the Fellows having been his Pupils. He had *Used* this Influence in *Disfavour* to me; Did he now use it in my *Favour*? If, in trying to do it, he found any Reluctance in them to a Compliance, did he guide them into the Reasonableness of Complying, by saying (to particular Friends at least,) " That the Obstruction was *Wrong* in the beginning; that to *Persevere* in what was " wrong would be *more* wrong; that He doubted he had taken an Irregular Step in this Affair *Himself*, " and should be glad to retreat in a handsom Manner; that he had been surprised into it more by the " *Advice* of Others, than his Own Inclination; that, upon a Review of it, he could not *Justify* it to " *Himself*; and believed, if a Reason of it should be Demanded, they could not enable him to Justify " it to the *World*; that *All* the Principal desired was, that the College would be willing the Visitor " should no longer hinder his Coming to the Office where the *Caveat* lay, which since every body " would think reasonable, he had Himself *Promised* the Principal he should now have Access thereto; " and that he should have Reason to take it *Unkindly* of them, if, upon his First coming to the Head- " ship by their Favour, the Dignity they had conferred upon him should be sullied by a *Breach* of " Promise; that after this, no body would believe him; that His Authority would sink with his Credit; " that Want of Honour in their *Governour* would reflect some Dishonour upon *themselves* his Electors; " And that he should be sorry any Stain should affect the Reputation of Persons to whom he was " so much Obliged?"

NOW, I have *not* heard that he ever said any One thing to induce the Society to enable him to perform his Promise to me: I have Heard, and do firmly believe, there never was the least Occasion, and that he had nothing to *conquer* but his *Own* and Mr. *A—l's* Disinclination to Me.

AGAIN; Mr. *Dean most freely* Owns, " *That He himself* (*in* 1727) *requested their Visitor to prevent* " *their being forced upon a* Hearing, *till they should have a* New Rector: *and that his Lordship* " *interposed with the great Men above so effectually, that they heard nothing more of this Affair till His* " *Accession to the Rectory of* Exeter (*g*) 1730."

(*d*) P. 67. (*e*) P. 66. (*f*) P. 66. (*g*) P. 44.

I enquire

I enquire, then, after He himſelf had Acceded to the Rectory of *Exeter*, and had acknowledged that, now, all *Objections* to a Hearing were removed, and had *Promiſed* that I ſhould now be Heard whenever I pleaſed; and *Knew* that I could not come to the Office for this Purpoſe without his Lordſhip's *Permiſſion*, who, at his Requeſt, had Interpoſed to prevent it; and that his Lordſhip would not *Permit* me, unleſs He, who had Deſired him to Interpoſe, ſhould ſay he no longer Deſired it; I enquire, I ſay, Whether he ever writ to his Lordſhip to *Permit* the Promiſed Hearing, now the Reaſons for his Lordſhip's Interpoſing to prevent it, no longer ſubſiſted? I never Heard that He did. If He did, he muſt have ſucceeded. For his Lordſhip told me on the 20th of *May* 1727, that "*If* "*I could ſatisfy the Society he was concerned for, he had rather the thing ſhould end to my Contentment* "*than Otherwiſe*;" and on the 9th of *March* 1730, "*That he left the Matter to the College to do* in "it *what they ſhould judge Proper, and that he never Moved but at their Requeſt*;" and, on the 24th of *May* 1732, when I preſſed again for a Hearing, "*That it was from the College only He could be* "*Content to hear what I propoſed, and that he had had no Encouragement.*"

No. Dr. *C—re*, the *New Rector*, was ſo far from Saying to his Lordſhip that he no *longer* Deſired him to interpoſe to prevent the Promiſed Hearing, that, after he had made a Promiſe of it, he *Miſrepreſented* to him the friendly Converſation we had had together, in ſuch a manner, as might naturally *Diſincline* his Lordſhip to *Permit* a Hearing, even though he *Himſelf* ſhould no longer *Oppoſe* it.

In my Letter to the Vice-Chancellor, I expreſſed Myſelf not inclined to trouble either *Him*, or any Body *elſe*, with what I had written to the Biſhop to *Undeceive* him, unleſs it ſhould be *Denied* that there *Was* a Miſrepreſentation. In Mr. *Dean*'s Anſwer to that Letter this is *not* Denied: And, therefore, I am no more inclined to ſay any thing of that matter *now*, than I was *before*. But, I know, what I writ ſo ſtaggered his Lordſhip, that he was then in the mind to have *Reconſidered* *the whole Matter* of the Obſtruction given to me; a thing which would have been at once *Prudent* and *Juſt*. But, by what *Means* his Lordſhip recovered himſelf to the *Old Stand* again, I could never learn.

CHAP. XI.

As the Biſhop, on the 24th of *May* 1732, had, as yet, not found any Encouragement from Dr. *C—re* to *Diſcontinue* the Obſtruction, nor, I believe at any time after, whilſt He continued *Rector* of *Exeter* College; ſo the following Account of his Conduct, After he became *Dean* of *Chriſt-Church*, will make it *Credible* at leaſt, that he was *ſtill* Deſirous to Diſcourage any Attempt in the *Principal* to *Overcome* it.

When, on the laſt Day of *February* 1732, the Vice-Chancellor, (Who, I verily believe, from the Moment He entered upon that Office, propoſed to fill up the Time he ſhould continue in it, with all the *Good Things* he could think of that had any Relation to the *Peace* and *Credit* of the Univerſity,) enquired of Mr. *A—l*, now *Rector* of *Exeter*, how the Obſtruction ſtood to the Incorporation of *Hart-Hall*, He Anſwered, or was *Apprehended* to Anſwer, "*That he had mentioned the thing to their* "Viſitor, *whom he waited upon, as was uſual, ſoon after he was choſen* Head *of the* College; *and that* "*his Lordſhip ſaid, He ſhould never come into an Alienation of their Intereſt in the* Hall *upon any* "*Terms the* Principal *had yet Offered*; *and that if he had any thing New to Propoſe, it might be* "*Conſidered*," or to this Effect. The Vice-Chancellor then Asked the *Rector*, if He would give him leave to *ſay* this to the *Principal*. The Rector gave Him leave; and the next Day the Vice-Chancellor meeting me at the Judges Table, told me privately of it. I ſmiled. I minuted it down when I came home. I compared it with what the Biſhop had occaſionally written to me at ſeveral times upon this Subject. There was great Inconſiſtence. I could not eaſily believe it. And ſoon after came to a Reſolution, if his Lordſhip had not been *Miſrepreſented*, to Expoſtulate this Matter with his Lordſhip in the moſt *publick* Manner. On the 18th of *April* 1733, I writ to the Vice-Chancellor to acquaint him, What I apprehended Mr. *A—l* had given him leave to report to me, and What I deſigned to do if there had been *No Miſtake*. The Vice-Chancellor deſired he might ſpeak with Me before I proceeded. When I waited upon him early on the nineteenth, I found him of Opinion there had been no Miſtake; but, ſince I was determined to make the Matter *Publick*, He deſired once more to ask Mr. *A—l*, whom he was to Admit that Morning to the Degree of Doctor in Divinity, whether there had or no. I equally deſired he would do ſo, and that he would acquaint him, at the ſame time, with

My *Resolution*. When *this* was understood, Mr. *A—l* said, " *No. The thing was not so as He had* " *represented it. What he had said to* HIM was, *That* He *would do as the* College *would do, and the* " College *would do as their* Visitor *would have them do*," or to this Effect. As the former Conversation was not *remembered* by Mr. *A—l*, so this was *New* to the Vice-Chancellor. The Discourse happened in the *Apodyterium*. After they had entered the *Congregation*, and Mr. *A—l* had had a Conference with Dr. *C———re*, who attended there to *Scio* for him, He came up to the Vice-Chancellor as yet sitting in the Chair, and observed to him, " *There was Another thing, that he believed the* " *Principal was not aware of, and that was, that, if he had got clear of* EXETER COLLEGE, *the* " DEAN *of* CHRIST-CHURCH *would Oppose him; for the Principal held something of* Christ-Church." And that this might make the Deeper Impression upon me, when I should be told of it, the *Dean* Himself, in a Visit to the Vice-Chancellor that Afternoon, or very soon after, repeated to him, that " *He believed the* Principal *was not aware, that he might meet with Opposition from* Christ-Church, " *for that he held something of* Christ-Church."

THAT these Gentlemen apprehended I was now going to make Another Push for the *Incorporation* of the *Hall*, is Certain; and, I think, *as* certain, that Dr. *C—re* did not *less* Oppose it now he was *Dean* of *Christ-Church*, (however desirous he may be to have it thought, that " *He was now out of the* " *Question* (*a*)") than he did before when he was *Rector* of *Exeter*, if not *More*, as He seemed to himself to have More *Power*; and that what was intimated by Mr. *A—l*, and repeated afterwards by Mr. *Dean* to the Vice-Chancellor, was designed to *Discourage* me from attempting it.

BUT, when it shall be considered what this *Something* was which I held of *Christ-Church*, and that, in fact, it was *Something* next to *Nothing*, the Suggestion intended to discourage, being incapable of such Effect, will appear to have been precipitate and rash, the Offspring of that Hurry and Disorder which the Vice-Chancellor's *Enquiry*, and the *Reason* of it, had put them into; or of that Impatience which Men naturally have, who have said Something wrong, till they have recalled it, or explained it, or diverted the Attention from it.

AN ancient Tenant of the College coming to renew his Lease about 14 Years ago, observed to the *Dean* and *Chapter*, that, together with the Estate he then Occupied, he had all along held of them a *Piece of Garden Ground* in *Hart-Hall*, which he had never seen in his Life, nor knew where to find, nor could they tell him; that he had never yet received any *Profit* from it; and if, hereafter, when it should be discovered, he should be called upon to put the Mounds of it in Repair, it would be so far a *Hurt* to him; that he would give the College the same Consideration for renewing the Lease of the Estate he was in Possession of, separately from the *Garden Ground*, which they might Expect for Both; but insisted, that the said Ground in *Hart-Hall* should no more be mentioned in his Lease. The College renewed his Lease in the manner he Desired. And knowing that, in the Incorporation of *Hart-Hall*, I intended an Advantage to the *Students* of *Christ-Church*, were *Desirous* (*b*) to favour me with the Grant of a 40 Years Lease of the said Ground in *Hart-Hall*, without any Consideration for the Purchase of it, in countenance of my Design, as I apprehended, reserving to themselves only a Rent of 4*d*. a Year. This being mentioned in the *Attorney-General's* Report, the present *Dean* came from thence to know that I held *Something* of *Christ-Church*; and tho' he could not but take notice at the same time, that the said Lease is mentioned in the said Report to have been Granted *in Countenance of my Design*, as my Design was Beneficial to the Society of which he was now the Governor, yet could he find in his Heart to take advantage of this Little Interest the *College* had in the *Hall*, in order to *Discourage* the said Design, and Defeat the Expectations of the *Students* of any *Benefit* from it. What I infer from this Account is, that Dr. *C----re* still continued to Obstruct the Incorporation of the *Hall*; and that if, from his present Situation, he had less *Reason* to do this, He must be supposed to have had a keener *Inclination*.

ABOUT the same Time, and with the same View, He said to a Friend of his *Own*, " *That the* " *Principal was grown a meer Fool*," Meaning, I suppose, for attempting to get over an Obstruction which he knew to be Insuperable: (for the Principal is not Conscious to Himself to have given him any just Cause to call him a *meer Fool*, in any Other Respect) and also to a Friend of *Mine*, " *I hear the* " *Principal is stirring again in the Affair of the Incorporation. If* HE *moves* WE *must move*." *We* must move! Pray, who are *We*? Why Dr. *C----re Dean* of *Christ-Church* in Conjunction with Dr. *A—l Rector* of *Exeter* College. Poor *Christ-Church! Genus Invisum!* Here is the *Shadow* of a Governor residing in this Royal and Ample, this formerly Celebrated and Envied House of Learning,

(*a*) P. 13. (*b*) Compare this with p. 110.

whilst

whilst what is *Substantial* in Government, the Heart and Affection, the Study of Interest and Zeal of Service is still in *Exeter* College. There is nothing in this, indeed, but what is *Natural. Nescio quâ Natale solum Dulcedine* — But still there were Motives to have induced Other Sentiments, and Another Conduct. He received a Revenue from *Christ-Church* of 800 *l.* a Year; and the Incorporation of *Hart-Hall* would have been attended with a handsom Preferment for a Student of that Society; which, considering the *Number* of the *Students*, and the *Fewness* and *Meanness* of the Preferments in the Gift of that College, was a thing kindly Intended them by the *Principal*, and could not without Unkindness to them be Obstructed by the *Dean*. If he had been disposed to do a *Handsom* thing, a thing which, at the same time that it should have shewn " *a Regard to the* Eclat *of the Principal's Design* (*a*)," would have manifested with what *Eclat* he Adorned " *That Rank which by his Majesty's Favour He Himself* " *held in the University* (*b*)," he had here the finest Opportunity. If he did indeed Believe the Principal had offered too *Little* for the Interest he supposed *Exeter* College had in the *Hall*, or had a mind it should be thought so, He might have made them a Present of the *Difference*, and have shewn that, under the Influence of the *Genius Loci*, he had discovered a Way *to forward* (*c*) the Design that was Beneficial to the Society he *now* Governed, without any Prejudice to that which he had *ceased* to Govern. *Satisfaction* for the Injuries which the *Principal* and his Society, and the *Students* of *Christ-Church* have sustained by his *Means*, whenever *that* shall come to be made, will cost him more.

I have now done with what relates to the *Dispute* between *Exeter* College and *Me*: and submit it to the Reader, Whether in my *Letter* to the Vice-Chancellor I did not justly complain of the *Obstruction* given by the said College and their Visitor to the Incorporation of the Society of *Hart-Hall*, and particularly of the *Manner* of that Obstruction.

If either in *that Letter*, or in this *Reply* to the Answer to it, some things are said *Derogatorily* of my Opponents, I hope it will be considered, as it ought, that it was not possible for me to represent the extreme *Hardship* of my Case so fully as it became me to do in Justification of *Myself*, and of my *Conduct* in this Affair, without it; and that I shall be Excused for Obeying the Necessity which they *themselves* have laid upon me to do it.

Mr. *Dean* hath called His *Answer* to the Letter by the Title of Calumny Refuted. But, if what is said *Derogatorily* of the Persons concerned in the Obstruction be *True*, it is not *Calumny*; and there is at least this Proof that it is *True*, that it is not *Refuted*.

It has been said indeed, that though it *Be* True, and be not *Calumny*, yet still it is a *Libel*, and subjects the Author of it to the *Penalty* of the University *Statute* De Libellis famosis cohibendis, which is *Banishment* from the University.

Poor Comfort this, if this Be so! But, whether it be so or no, I shall in the next Chapter consider. But before I do it, I must take Care, that the Innocent do not suffer with the Guilty. And, therefore, if any thing I have written, impeaching the Character of my Opponents, shall appear to be a *Libel*, I here acknowledge it is to be Imputed to me only; and that no other Person whatsoever hath any the least Share in it.

Mr. *Dean* hath observed in his Preface, that " *This Scandalous Libel is inscribed to* Dr. Holmes " *the Vice-Chancellor of the University of* Oxford, *that his Name is made use of to gain Credit to my* " *Accusations, that I have drawn him in, and that I have made him a Party in this Affair.*" Not knowing what Construction the Reader may put upon these Words, I must here inform him, that though the Vice-Chancellor be as much the Visitor of *Hart-Hall*, as the Bishop of *Exeter* is Visitor of *Exeter* College, and though I have as much Right to Complain to *my* Visitor upon *any* Occasion, as they to *theirs*; yet, of my Intention to complain to Him upon *this* Occasion in any manner, Private or Publick, He knew no more than the *Dean* of *Christ-Church* Himself. When I sent him the *Printed* Letter inscribed to him, I sent him the following *written* One along with it.

Mr. Vice-Chancellor,

THIS Printed Letter waits upon You, not only without your Consent, (*for which I ask Pardon*) *but without your* Knowledge *or even* Suspicion, *as I believe; I having never given you the least Hint that I would apply Myself to you in this manner. This was a* Step *which came in course to be taken, as will* Other Steps *hereafter, if this prove* Insignificant. I am, Sir,

Hart-Hall, Your Most Obedient Servant,
Sept. 18. 1734. *R. NEWTON.*

(*a*) P. 44. (*b*) P. 1. (*c*) P. 13.

CHAP

CHAP. XII.

The University STATUTE *De Libellis Famosis*, of Writings Hurting Reputation, *Tit.* 15. § 8. considered.

On appelle d'Ordinaire LIBELLES *tout écrit offensant & injurieux. Cependant on ne doit pas comprendre sous ce titre les* PLAINTES *des Opprimez, ni les* APOLOGIES *des Accuzez Ablanc.*

IT is greatly for the Honour and Interest of the University, that the *Peace* of it should be preserved. And successive Convocations have done well to secure this important Point, as far as they could, by *several* Statutes. The *Statute*, out of which Mr. *Dean* hath taken his Ingenious *Motto*, and thereby suggested, that Dr. *Newton*'s WRITTEN Expostulation with him, having *hurt* his Reputation, and *disturbed* the Peace, subjects the said Doctor to the Penalty of it, is this.

SI QUIS aliquid SCRIPTO composuerit, unde alicujus Existimatio & fama lædi *possit; vel aliquid ejusmodi ab alio compositum exscripserit; aut à se lectum, vel ab alio recitante auditum, ad Vice-Cancellarium protinus haud detulerit; vel quoquo modo in vulgus sparserit aut disseminaverit, tanquam Pacis perturbator, banniatur.*

NOW, I differ from Mr. *Dean* in my Opinion of the Extent, Sense, and Application of *this Statute*; and believe the Generality of the University are with me. They seemed to be so at least, when, on the 20th, and 23d of *May* 1733, Mr. *Dean* expressed himself desirous, that *this Statute* might be put in Execution against the Author of a Book entitled, *The Expence of University Education reduced*, if he could be discovered: or, if he could not, that the Book Itself might be Censured.

THE Meaning of the *Statute*, as I apprehend, is this. When the Follies or Failings of any Member of the University, which may Innocently and Usefully be the Subject of *Private* Conversation, come, through Malice, or Ill Nature, Unnecessarily or without Provocation, or when there is a Provocation, if Satisfaction may otherwise be had, to be published in WRITING, the University understands there is a Disturbance of the *Peace*, and intends by *this Statute*, that the Scholar offending in this manner, shall, as a *Disturber* of the Peace, be *Banished* the University.

THE *Intention* to Hurt the Reputation is that which is *Criminal*. To hurt Another's Reputation maliciously, peevishly, unnecessarily, where Provocation hath *not* been given, or where Satisfaction hath been offered, *when* given, will infer an *Intention* to Hurt it. And where this *mischievous* Intention in any Member of the University is manifest, as there is a Disturbance of the Peace not only of those who have *already* suffered, but also of those who are *afraid* they may hereafter suffer by it, so will it justify the University in executing the Penalty of their *Law* upon him.

THAT the *Writer* or *Disperser* of a Paper *hurting* Reputation, is not liable to the Penalty of *this Law*, where the *Intention* to Hurt is not manifest, appears from *Another Statute* (under *Tit.* 21, *De Judiciis.* § 16.) prohibiting Disturbers of the Peace of various Kinds to Appeal; and, amongst Others, Those, *Qui AD aliorum existimationem MINUENDAM Libellos famosos condiderunt, seu in vulgus sparserunt; aut etiam recitando, vel transcribendo, publicarunt; quive ab aliis recitatos aut lectos audiverint, nec protinus ad Vice-Cancellarium Recitantis aut Legentis Nomen detulerint.*

THIS Statute at once recites the *Substance*, and interprets the *Letter* of the *Former*, and supposes what *is* Written may *Minuere existimationem*, lessen Reputation, and yet not *have been* Written *ad minuendam*, on Set purpose to Lessen it.

THUS in the present Case. The *Principal's* Set Purpose is not to *Lessen* the *Reputation* of the *Dean*, but to Retrieve and Vindicate his *Own* by Him Lessened.

OPPOSITION to a Publick Good, when given by Men of Character, Impeaches the Attempt of *Vanity* and *Folly*; occasions a Suspicion of the *Uprightness* of the *End*, or of the *Justness* of the *Means*; and brings a Cloud upon the *Credit* of the Author not to be dispelled but by glaring *Light* introduced into this dark and doubtful Matter.

THE

THE *Principal* was aware, it is confeſſed, that, as Light approached, the Oppoſition would appear to have been made and carried on in ſuch a manner, as would *certainly* hurt the Reputation of every one concerned in it. But ſtill, *To hurt Reputation* was not the thing *Intended*. The thing *Intended* was an *Eclairciſement*, of which Hurt to Reputation was the *Conſequence*.

THE *Principal* perſuades himſelf he ſhall not be thought to have been ſo much as *Inclined* to leſſen the Reputation of the *Dean*: Not by thoſe, at leaſt, who are ſo juſt as to obſerve, that he hath waited theſe *ten* Years, to ſee whether the Difficulties he met with could not be ſurmounted ſome *Other* Way than in that he hath taken; no, nor by thoſe, who are exceedingly ſurprized, that, having ſo much to ſay againſt the Proceedings of his Oppoſers, as they now find he hath, he did not ſay it *Earlier*; no, nor by thoſe who may diſcern, that he doth not *now* go One Step *out of his way* to ſay any thing of the *Dean*, which, being ſaid, is diſreputable to him: there not being an Expreſſion in the Letter to the Vice-Chancellor, which doth not directly *lead* to the Ground of his Complaint, and which is not *Neceſſary* to his Purpoſe, if it was his Purpoſe to ſhew, that the Oppoſition, and particularly the Manner of it, was in the higheſt Degree, and in every View in which it could be ſeen, *Unreaſonable*.

OPPOSITION to a Publick Good not interfering with any Private Right was, ſure, *Unreaſonable*. If the Promoter of it was a Perſon, who ought, on many *Other* Accounts beſides *That* of his Good Intention, to have been *Countenanced* and *Encouraged*, then was the Oppoſition *more* Unreaſonable. If the Good He beneficently Intended to *His* Society was of the *ſame Kind* with that, which all the *Endowed* Societies of the Univerſity received, and which the Opponent Himſelf had with great Comfort long enjoyed by the Beneficence of Others, the Oppoſition was from HIM, and in THIS PLACE, *ſtill* more Unreaſonable. If, after the *Attorney General's* Report, the Oppoſition was wholly *Impertinent*, and the Opponent really no more concerned to Oppoſe the *Principal's* Deſign to Erect a College for Education on the Site of *Hart-Hall*, than he is now concerned to Oppoſe Mr. *Turner's* Appointment to found a College for decayed Merchants on the Foot of Sir *John Mordaunt's* Foundation on *Black-Heath*, then was the ſaid Oppoſition given to the *Principal* ſtill *more* and *more* Unreaſonable. And laſtly, If the Opponent, rather than not continue the Oppoſition, though deſtitute of any kind of Reaſon for it, would yet deſcend to ſuch mean Arts, in order to continue it, as muſt unavoidably impeach his moral Character and Religious Influence, then was the Oppoſition *moſt* Unreaſonable. And therefore, that the Principal might at once Maintain the *Credit* of his Attempt and conciliate *Aid* to break through the Oppoſition thus *moſt* unreaſonably given him, it became him, in his Appeal to the Vice-Chancellor and to the World, to ſhew, in every View that he poſſibly could, that it WAS moſt unreaſonable.

FROM hence it is eaſy to perceive, that, what *Hurt* accrues to the Reputation of the *Dean*, is *Accidental*, and the Conſequence only of his Own Acts. Nor, in the Nature of the thing, could it happen otherwiſe than that his Reputation *ſhould* be hurt, unleſs the *Principal* would Deſert Himſelf to ſuccour his Adverſary; and make a moſt *Grievous* Hardſhip ſeem *Trifling* and not worthy to be complained of, leſt the ſevere, and unrelenting Author of it ſhould be too much blamed. The *Principal* was to *Defend* Himſelf in the beſt Manner he could. And therefore what hath been SAID by Him, in his Defence, that *Hurts* the Character of the *Dean*, *non DICTUM ſed RESPONSUM puta, quia* læſit *Prior*. *Reputation*, it is acknowledged, is to Many as *Dear* as *Life* itſelf. It may be ſo to Mr. *Dean*. But even the *Life* of Another taken away in *Self-Defence* ſhall derive neither Guilt nor Puniſhment on the Man that killed him. Nothing can be ſaid on this Occaſion with Propriety, but that, the more Valuable any Man's Reputation is, either to Himſelf or the Publick, the more Careful he ought to be that he do nothing to endanger the Loſs of it.

IF this be ſo, ſurely, Mr. *Dean* can no longer think it was ever the Intention of the *Quoted Statute* to Diſable an *Injured* Member of the Univerſity from WRITING in his Own *Defence*, leſt, perchance, the *Reputation* of thoſe who have been Injurious to him ſhould thereby be *Hurt*. Mr. *Dean*, and his *Adherents* would be in too Eaſy a Situation, To be able to *Diſturb* the Principal's *Peace* to what Degree they pleaſed; and, To be, at the ſame time, *Secure*, that he ſhould not be able to ſay, in a publick Manner, that this was Unreaſonable. And very hard would it be indeed, if the Univerſity, at the Inſtance of Mr. *Dean*, who had diſtreſſed the *Principal*, ſhould proceed to Puniſh, or to Cenſure him, as a Violator of *this Statute*, for endeavouring to Relieve *Himſelf* by an Appeal to the World, in a Caſe, wherein it is certain, *they* could not have Relieved him, upon any Appeal he ſhould have made to *them*.

This IS the Caſe.

THE Principal of *Hart-Hall* Intends a Publick Good. He is Obſtructed in his Deſign by *A. B. C.* of *Exeter College*. Being obſtructed, He is ſuppoſed to deſerve it; ſince, what he Intends, it is ſaid

will be a Prejudice to them. He desires it may be Explained before the Lord *Privy-Seal*, or in some Court of *Law* or *Equity*, whether it will or no. He is prevented from coming to the *Privy-Seal* Office, where a Case of *this* kind should *regularly* be decided, by an Act of *Power* in the Opponents. The Courts of *Law* and *Equity* cannot go out of their way to take notice of the Dispute. He Appeals to the World for *their* Thoughts of the Matter. In the Course of this Appeal, certain Discoveries are made that affect the Reputation of the Opponents, and particularly of the *Dean* of *Christ-Church*. Upon this the *Dean* is alarmed, and is of Opinion the *Principal* should be *Banished* the University. A Method of proceeding not warranted by *this Statute*, in *this* Case, as I conceive; and which, if it were, would neither prove the *Dean* Innocent of the Charge against him, nor the *Principal* Guilty of having charged him Wrongfully.

BUT, after all, what hath the *Principal* done, that is *Irregular*, or that renders him unfit to Live in the same University with the *Dean* of *Christ-Church*? He had no OTHER Refuge in his Distress but to a *Publick Expostulation*. Hither He is DRIVEN by those who have exceedingly *Grieved* him, and yet are exceeeingly *Angry* that He Complains. If the Expostulation be such as they dislike, they had Reason to expect it would be so; and it was in their Power to have avoided it. They could not but be Conscious to themselves they were Obnoxious; the Provocation they had given was very great; they had been threatned with this Expostulation above a Year ago, not in the manner they themselves have threatned Ejectments, but as a thing *Certain*; and had experienced that the *Principal* did not want *Resolution* to do himself Right. If then the Reputation of His Opponents *be* Hurt, it will generally be esteemed to have been hurt by themselves. And if they have Adventured to give the Principal the Provocation He hath received, in confidence that he would be restrained from any *Remonstrance* by *this Statute*, the Scheme was not *Laudable*, and they find themselves to have been *Mistaken*. This Statute, so understood as Mr. *Dean* seems to have hoped it might, would be an *Inconvenient* and an *Unjust Law*; Invite great Hardships from the *Potentiores*; and often be the *Occasion* of the *Disturbance* of the Peace of the University which it was designed to *Preserve*.

I conclude therefore, It is not *So* to be understood; nor can a single Instance be produced wherein it hath been put in Execution against any Member of the University in the *same*, or in *like* Circumstances with the *Principal*; nor supposing an Instance could be found, would it be a Precedent that might be *safely* followed. Prosecution on *this Statute* with Effect, in His *particular* Case, would supersede a *Law* of *Nature* which no Legislature can repeal. If, in the Community of which he is a Member, there be not a *Law* that will *Reach* his Case; or, if, by Acts of *Power*, or Otherwise, he be deprived of the *Use* of it, he is so far brought back to a *State* of Nature, and cannot justly be denied the Benefit of the *Law* of Nature. Shall every *Controversial* Writer, so disposed, impute to his *Antagonist* not only Ignorance and Impertinence, but Disingenuity also, and Prevarication, and Insincerity, and Dishonesty, Terms sufficiently *Injurious* to Reputation; and, what is more, not *Necessary* to support his Cause, without incurring the Penalty of *this*, or any *Other* Statute? And shall the *Principal* of *Hart-Hall*, way-laid and circumvented in his pursuit of Publick Good, and chained down to a Rock to be exposed to the Insult and Derision of his Oppressors, who, for ten Years together, have, with ill-natured Pleasure beheld him wasting his Strength in vain Efforts, and impotent Struglings to be released, not so much as dare to discover to the World by what mean *Arts* and *Stratagems* he was brought into this miserable Condition, without which there could be no Possibility of his Enlargement? When a certain Member of the House of Commons insisted, with Vehemence, that he WOULD be Heard, for that he had a RIGHT to be Heard, the late Sir *E. Seymour* is said to have Answered " He " had a Right to SPEAK, but he had *no* Right to be HEARD." In a far worse Case is the *Principal* of *Hart-Hall*, who, after having so long been denied the Right he claimed to be HEARD, finds it now disputed whether he hath a Right to SPEAK. But give me leave to say, the *Principal* will not be restrained from *Speaking*, no, nor from *Writing* neither, (for all *Other* Speaking hath been found, and will generally be found to be very *insignificant*,) until his Grievance be redressed. The Circumstances of his Hard Case once laid before the Publick for their Perusal and Examination, may possibly entitle so great a Sufferer to general *Compassion*, and his Design to general *Favour*. And if from hence, as is natural, general *Censure* should become the Lot of his *Opponents*, He Answers, He was not obliged to take care of their Reputation: so far from it, that where an Opposition to a Publick Charity had been formed on so *unsound* a Bottom, conducted in so *exceptionable* a Manner, with so much *Sport* to themselves, and, at the same time, with so great *Severity*, and even *Inhumanity* to the *Principal*, and for an End *unwarrantable*; the *Principal* was not only at *liberty* to *Represent* it, but it was *Commendable* and *Virtuous* in him to *Expose* it, that Others might hereafter be discouraged from the like Attempts.

CHAP.

CHAP. XIII.

Concerning Affection *to the Government.*

MR. *Dean*, not contented with having, hitherto, had Intereſt to *Obſtruct* the Incorporation of the *Hall* upon the Credit of his *Own* Affection to the Government, and fearing leſt "*the Great Men above*," now appriſed of the *Unreaſonableneſs* of the Obſtruction, ſhould at length be Inclined to favour the Deſign, hath fled to his Laſt Shift to prevent it, by inſinuating that the Promoter of it is not well *Affected* to the Preſent Government. *This is a Peſtilence that for a* LONG TIME hath been uſed *to walk in Darkneſs*, and many Innocent Perſons have ſuffered in their Character of Sound and Entire Affection to the Government, without being ever Able to learn by what *Infectious* Breath their Reputation was *blaſted:* and particularly in this *Univerſity*, a Place as well *Affected* to the Government as *Any* in the Kingdom. But NOW it *Deſtroyeth in the Noon-Day*, and Mr. *Dean* is neither Afraid nor Aſhamed to *Publiſh* his Suſpicion of my Affection in this *Open* Manner, p. 78. "*Hath He ever* DECLARED *his Reſpect to, and Affection* "*for the* Preſent Government? *Not that I ever heard. I am* FAR *from charging him with* Jaco-"bitiſm, *or* ANY *Meaſure of* Diſaffection *to the* STATE: *But this I will ſay, that, as far as I* "*ever ſaw, or have been told, he hath contented himſelf to lie by* QUIET; *and hath never employed* "*any of his* ELOQUENCE *either to ſupport his Majeſty's* TITLE, *or to Recommend his* "ADMINISTRATION."

CONCERNING My *Affection* to the Preſent Government I need not ſay *Much*, for the following Reaſons. 1. Becauſe I do not believe It was ever *Doubted* by any Serious Man acquainted with Me. 2. Becauſe the Perſon impeaching it is not Able to produce any One *Inſtance* of my Diſaffection. 3. Becauſe the very ſame Perſon hath Himſelf been ſo *Good* as to *Say*, "*He is* FAR *from* "*charging me with* ANY *Meaſure of* Diſaffection *to the* STATE:" which, I think, implies at leaſt that I cannot be very deficient in my *Affection* to the Preſent Government. For, He hereby *Allows*, that I Approve, as I do, Of the *Revolution*; Of the *Settlement* of the Crown in the Preſent Royal Family; Of the *Limitation* of the Succeſſion; Of *Monarchy*, not Abſolute but Legal; Of a *Prerogative* as large as is conſiſtent with the Juſt Liberties of the Subject; Of a *Miniſtry* to Attend and Serve the King in a manner every way ſuitable to the Dignity of a Great Prince; Of *Parliaments* to be Conſulted, and to Deliberate for the Publick Good; Of a *Repreſentative* of the People to ſit in Parliament *freely* choſen (*a*). Now, if Mr. *Dean* Allows that I approve of All this, and conſequently that I am well *Affected* to the *State*, it ſeems needleſs for me to go about to prove my *Affection* to the *Preſent Government*, whether this be *Included* in the *State*, or conſidered *ſeparately* from it. For, if *Included* in it, then, being well *Affected* to the *State*, I muſt be ſuppoſed to be ſo to the *Preſent Government*. And, if conſidered *ſeparately* from it, ſtill if the *Preſent Government* be not *Diſaffected* to the *State*, to which it is Allowed I am well *Affected*, how is it poſſible I ſhould not be well *Affected* to the *Preſent Government*?

MR. *DEAN*, *Allowing* My Affection to the *State*, and *ſuſpecting* it to the Preſent *Government*, muſt ſuppoſe theſe things *Diſtinct*; and, making my Want of *Affection* to the Preſent Government to lie in not employing my Eloquence to ſupport his *Majeſty's Title*, or to Recommend his *Adminiſtration*, muſt limit this Term to his *Majeſty* and his *Miniſtry*.

NOW, though, for the abovementioned Reaſons, I do not think it needful to ſay MUCH concerning my Affection to the Preſent Government in this Senſe of the Term; yet, ſince I am call'd upon to ſatisfy the *World* in this Particular, (*id* Populus *curat ſcilicet*) I think it Proper to ſay SOMETHING.

THE Whole of my Want of *Affection* to the Preſent Government, thus limited, lies, according to Mr. *Dean*, in theſe *Two* things. 1. "*That I have not employed my Eloquence to* SUPPORT *his Majeſty's* TITLE. "*Neither* 2. *To* RECOMMEND *his Majeſty's* ADMINISTRATION:" But, inſtead of doing either of theſe, "*have contented Myſelf to lie by* QUIET."

(*a*) If by Accident a *Repreſentative* of the People be, at any time, not *freely* Choſen, yet, ſo long as there are Laws for the Security of the *Freedom* of Elections, that a *Repreſentative* be *freely* Choſen, is a Part of the Political *State* of this Nation. And thoſe who are Inſtrumental to the Violation of *theſe Laws*, are chargeable with Diſaffection to the *State*, whilſt I, by the Confeſſion of my Adverſary, am not chargeable with *Any* Meaſure of Diſaffection to it.

NOW,

Now, in both these Cases, Mr. *Dean*, without perceiving it, seems in my Opinion, to have given me the Character of a very *Prudent* Man, not in the least *wanting* in *Affection*. For, unless I could speak of these *High* Subjects in a manner in which they *Ought* to be Treated, it is better I should let them Alone, and indeed " *content Myself to lie by* QUIET." And I dare say, if the Conduct of so *Obscure* and *Insignificant* a Person could be known to his *Majesty*, and to his *Administration*, and be worth their *Notice*, they would not dislike it, nor think my *Silence* in these Respects a Mark of Disaffection in *Me*, any more than in Many *Others*, of whose *Affection* they have no Doubt, and whose *Eloquence* is far Greater.

1. WITH Respect to his Majesty's TITLE; I think, if I had never so great *Eloquence*, I ought not to employ it *Unnecessarily*. His Majesty's *Title* to these Realms is not *Disputed* by any Body, is indeed *Indisputable*. To go about to *Defend* it, is to suppose there is *Occasion* for it. Any *Attempt* of this kind seems to me to be very *Indiscreet*, and of a Tendency rather to *Weaken* than *Support*. And, if I have not been misinformed, a very considerable *Prelate*, of whose *Affection* to the Present Government Mr. *Dean* hath *No* Suspicion, *Reproved* a certain Preacher of his Own Appointment, for employing his Eloquence *This Way*; and, I think, He was Wise in doing it. But were his Majesty's Title *Disputable*, and I *capable* of saying any thing in *Support* of it, yet I would not go about to do this till I found it *Disputed*; being entirely of Opinion I should shew a greater " *Respect to, and Affe-* " *ction for the Present Government*," if, in this Case, " *I contented Myself to lie by Quiet*;" since, if every Subject should do the same, the *Quietness* also of his Majesty's *Reign*, the End proposed by a *Defence* of his *Title*, would be thereby preserved.

2. WITH Respect to his Majesty's ADMINISTRATION; I think, Whatever *Eloquence* I may have, I ought to employ it *Honestly*.

TOWARDS *Recommending* an Administration *Honestly*, Two things are requisite. 1. That I should *Understand* what is *Done* by them. 2. That I should *Approve* of it.

(1.) Many things are done by *Ministers*, which are *above* my *Comprehension*. In many *Political* Matters I am not *acquainted* with the *Measures* that are taken; much less with the *Reasons* of those Measures; neither, if I were, have I Knowledge enough of *this* kind to be a competent *Judge* of what I might take upon me to consider. And yet, if any *Good* accrue from hence to the Community, I know how to *Rejoice* at it, and to *Admire* and *Applaud* the Abilities that do it Service.

(2.) TOWARDS *Recommending* an Administration *Honestly*, with respect to things I *Do* Understand, I must *Approve* of what is *Done* by them. I may Approve of *some* things done by an Administration, and Disapprove of *Others*. I can *honestly* Recommend an Administration for that only which I *Approve*. Mr. *Dean* Himself can *Honestly* do no more. Mr. *Dean* cannot say I have not done *this* constantly. And if, with regard to any thing I *Disapprove*, I have contented Myself to lie by *Quiet*, It is a Mark of my *Affection*.

MR. *Dean* observes that " *I was born in the Reign of King* C. II." and consequently must have *Seen Many* Administrations, and probably *Read* of *More*. In the general, That *Administration* hath always pleased me best which hath aimed to procure most Affection to the Crown. But I do not remember to have *Seen* or *Read* of *Any* Administration that I have Liked in *Every* Part of it. The Fault may not always be in the *Administration* that is *Disliked* in some Particulars; Neither in the *Person* who may *Dislike* some Particulars. *Either* of them may *Err*, whilst *Neither* of them perhaps would *willingly* Err. What I dislike in the *Present* Administration is, If I do not *Err*, that they are not pleased to think *Me* so well *Affected* to the Government as the *Dean* of *Christ-Church*, when I have given them *several* Reasons to think I am, and have given them *No* Reason to think I am not. I have given the Government that *Security* of my Affection, which they themselves have *Desired*. I have not only taken the *Oaths* to the Government *Myself*, but have also removed the *Scruples* which *Others* have had to do it. In the Affair of *Education*, which is my Employment, I endeavour to make *Good Men*, and consequently *Good Subjects*. I insist upon their Conformity to the *Rules* of the Society, that they may be habituated to the Observance of *Laws* in general; And demand from them a *Due* Regard to *Myself*, that they may learn to pay it to my *Superiors*. And, in the *Institution*, which I have been aiming, these Ten Years, to get Established by a *Charter*, there is as likely a Provision made as I could possibly contrive, that the *Governor* of the Society should always be well *Affected* to the Prince upon the Throne. For *He* must be a *Student* of *Christ-Church*, who hath been *Appointed* to be a *Tutor* in that College by the *Dean*, whom His Majesty *Nominates* to that Dignity. Where-ever I have had *Room* to shew that I am well *Affected* to the Government, I *have* shewn it. *Every* Station affords not *Opportunity* of doing it in *Many* Instances. Where it is done in *Any* Instance, it ought to be presumed it would have been done in *More*, if there had been *Room* for more.

AND now, I pray, What hath Mr. *Dean* been doing to shew *His* Affection to the Government? Why, *He* hath been using his Interest with the *Friends* of it, without Reason, to Oppose the Erecting

a *Hall*

a *Hall* into a *College*, an *Honour* (*a*) to the Reign in which it hath been Accomplished; and preventing the *Establishment* of an *Institution* wherein a *Particular Respect* is paid to his Present Majesty and his Successors; and risquing the *Alienation* of Affection from the Government in those, who dislike in its Friends the *Application* of Power to the *Defeating* Publick Good. If He hath shewn his Affection in any Other *Manner* (I do not say in any Other *Instances*) it is more than I know, "*or have been told*," or believe. The Only *Note* of his Affection to the Present Government that APPEARS is, that he is *Dean* of *Christ-Church*; nor doth there APPEAR any *Other* the least *Mark* of Disaffection in *Me* to it, than that I have never received Any *Favour* from it.

BUT very likely, by the *Particularity* of the Expression made use of by Mr. *Dean* to insinuate, I am not well Affected to the Present Government, he expects my *Eloquence* should have been employed in *Recommendations* of the Administration, tacked to the End of *Sermons* Preached by *Me* before the *University*, and in Other *Publick* Places.

IT is true, to the End of *Theological* Discourses before great Audiences, every now and then, I have observed, *Unus & alter assuitur Pannus Purpureus, Here and there a Purple Patch is stitched.* This hath been done by several of my Brethren in different *Reigns*, and different *Administrations*; and the *same* Compliments have been sometimes paid to Administrations of very *different* Characters. For Myself, I cannot say I ever *did* it in *Any* Reign. Neither should I *refuse* it in Any, when the Discourse led *Naturally* to it, and a *Particular* Occasion called for it, and it might be done without *Flattery*. For, otherwise, in the two former Respects, when it hath been done by Others, it hath ever seemed to me to be *Impertinent* and *Affected*; and, in the latter, a *Prostitution* of the Office, and a *Profanation* of the Place. Of no *Use* at all to the Persons at whose Shrines this *Incense* is offered. Praise either *Undue* or *Unseasonable* hath rarely *increased* the Affection Men had before. It is well if the Dislike that usually attends the Discredited or Suspected *Panegyrists* doth not *diminish* it. Eloquence *thus* employed hath ever produced in Me a Suspicion, that the *Orators* are impatient for *Preferment*, and know no Other Way of making themselves worthy of it; that they are also of a *Genius* to use the *Credit* they have with those who *Favour* them, to *Depreciate* the Affection of Others, in Order to *Magnify* their Own, and to employ the Power of the Stations they are surprized into, in such a manner, as to derive *Disaffection* to their *Patrons* for *Seeing* that Merit in them which no Man living besides can *See*, and for *Over-looking*, by Reason of their pretended Zeal, that *Indiscretion* and *Insolence* which are *Visible* and *Offensive* to all the World; and that, as *forward* as they are to *Obtrude* their Declarations of Affection, they will be with the *foremost* to Desert their Benefactors in the Day of Adversity. When the late Bishop of *Bristol* Dr. *Smalridge* was certified, in the last Reign, of the Apprehensions the Court had of a Design in the *Pretender* to land in those Parts, with what *Presence* of Mind, with what *Dignity*, with what *Authority* did he exhort *that City* to adhere firmly to their Duty! Here was something Worthy the *Attention* of an *Affectionate* Subject. Here was the true *Test* of Affection; Diligence, and Courage, and Eloquence *Pertinent* and *Seasonable* in time of *Danger*, when a thousand *Purple Patch*-Men would have waited to see the *Issue* of the Rumour, and have been *Rhetorical* in a State of *Tranquillity*. Gallant Men cannot do, I do not say a *Dishonest*, but even an *Affected* thing for the sake of any Preferment whatsoever. *Whatever* Affection to the Government *That* Great and Good Man had, so far as I cou'd observe from a long and intimate Acquaintance with him, the *Same I* have.

BUT Mr. *Dean* seems to think I have Myself *confessed* some Disaffection to the Government, having said (p. 78.) "*Not being of Any Party, I never pretended to be.*" But now, if the Government *Itself* be not of any Party, that I am not can be no Mark of Disaffection in me to it. If I could suppose the Government to be of a Party, and should from thence be *Afraid* lest it should suffer in its *Honour*, and in its *Interest*, and alienate *Affection* from itself, this *Concern* of Mine would be an Argument of *True* Affection in *Me* to it. In all *Ages* and *Countries* there have been Differences of Opinion in the best *Men*, and in the best *Subjects*. And so long as *Ministers* and *Princes* too may Err,

(*a*) Mr. *Dean* admires (p. 78.) that the Erecting a *Hall* into a College should be thought an *Honour* to the Reign in which it is accomplished. And yet, if this be not, I am at a loss to know What *is* an Honour to *Any* Reign. The End of doing it, is *Publick* Good. Of *Publick* Good, it is true, there are *Many* Sorts. But still, as long as *this* shall be thought *One* Sort of *Publick* Good, it must be, simply considered, for the *Honour* of the Crown to *consent* to it, since, without *this* Consent, it cannot be accomplished. Several of the *Kings* and *Queens* of *England* have been Founders of Colleges *themselves*, which they would not have been, if they had not thought it an *Honour* to them. Several Great *Ministers* of *State*, enriched by the Favour and Bounty of their Royal Masters, have, with their *Leave*, chosen *this Way* of doing *Honour* to the respective Reigns to which they have owed their *Affluence*. In *this sort* of Good, it is confessed, Royal *Munificence* is the *Greatest* Honour; the *Next* to this is Royal *Licence*. It cannot but, in some Degree, be *Worthy* of a King to Countenance in *Others* such Acts of Piety as are *Worthy* of a King to do *Himself*. The *Publick* Good that is designed by Erecting a *Hall* into a *College* is the Promoting *Religion*, and *Virtue*, and *Useful Learning*. The more there is of *these* in a Kingdom, the greater is the *Happiness* of the Prince and People, and the greater the Character of *Wisdom* and *Goodness* in the Prince who hath *this End* in View. And, forasmuch as Religion, and Virtue, and Learning cannot possibly *Flourish* so well without the *Countenance* and *Favour* of the Prince, where-ever these shall be found to *Flourish*, the Countenance and Favour of the Prince will, to his great *Honour*, be presumed. There are *many* Instances of undissembled *Piety*, of strict *Virtue*, of admirable *Learning* of various kinds, in the *Defamed* University of *Oxford*. That there are not many *more*, is owing to the *Unkindness* of those, who, by *Neglecting*, have *Discouraged* this Sort of *Merit*, in favour of *Affection* to the Government (as it is called) which, if *True*, and not *Counterfeit*, is ever *Included* in, and ever best *Maintained* by *this Sort* of Merit; and, for this Reason, I shall never esteem *Any* Man a *Friend* to this *University*, who doth not Suppose every Man in it to be *well Affected* to the Government, of whom he knows nothing to the *Contrary*, and who doth not shew the greatest *Regard* to the greatest *Merit* undiminished by any *Overt Act* of Disaffection; nor yet a *Friend* to the *Government*, forasmuch as I firmly believe this to be the only *certain* Way to conciliate, to confirm, to perpetuate true Affection *to* the Government.

Difference of Opinion is not oftner a Mark of *Disaffection*, than *Suitableness* of Opinion is a Note of *Regard* to *Private Interest*.

MR. *Dean* says (p. 78.) " *He forbears to Comment on these Words, and leaves them to be considered* " *by the Reader.*" In this He is *Wise*. For, if he had Commented upon them, he would have found, either that He *Himself* was *not* of a Party, or that he *ought* not to be. But, since he hath left them to be considered by the *Reader*, I will *Comment* upon them *Myself*, lest the Reader should not consider them as I would have him.

IF any thing be Proposed to *me* for my *Consent* or *Concurrence*, as to a Person capable of *Saying* or *Doing* what may *Serve* or *Hurt* the Community of which I am a Member, I will *Consider* of it by Myself, I will *learn* the Sentiments of Others concerning it, I will *Read* what is Written about it, I will *Compare* what is said for it with what is said against it, with such *Impartiality* and *Diligence*, as a Person would use who *Delighted* to *Serve*, who was *Afraid* to *Hurt* the Community. And, having come to a Resolution in my Own Mind, What would be most *Beneficial* to it, *Say* or *Do* That in the most steady, most effectual, most inoffensive Manner that I could, without any Regard to what I might *Lose* by *Saying* or *Doing* So, or to what I might *Gain* by *Saying* or *Doing* Otherwise: and this, not without *Sufficient* Attention to my *Own* Private Personal *Interest* and that of my *Posterity*, forasmuch as I am thoroughly *Convinced*, that my *Own* Private Personal *Interest*, and that of my *Posterity*, is interwoven with, and inseparable from *that* of the *Publick*, and must stand and fall together with it. Consistently herewith I might, in *some* Opinions, think with Those who call themselves, and are called by Others of *One* Party; and, at the same time, in *Other* Opinions, think with Those who call Themselves, and are called by Others of *Another* Party; being indeed, and desiring always to be esteemed, when *Thinking* or *Acting* with *Either* Party, to be of *Neither*.

AND forasmuch as the *General* Notions in *Political* Matters of Either Party may be right in my Opinion, I may, consistently with this Profession, be *Desirous* that these Notions should *prevail*, become, if possible, *Universal*, and things thereto Agreeable be *Accomplished*; and may use all *Honest* and *Just* Means towards the Accomplishment of them: And so far I may *seem* to be of *that* Party, whose *General* Notions I espouse. But, when once any Means should be attempted to be made use of by the Party by me *Favoured*, and often *Assisted*, in order to accomplish any End by Me *Wished*, which are not, in my Opinion, *just* and *honest* Means, in this Respect I shall neither *Be* nor *Seem* to be of this Party, hoping the Providence of God will do *that* for *Me* which I *Wish*, if what I wish be Agreeable to his *Will*, since I forbear the attempting to do it for *myself* by *those* means which he hath forbidden me to use.

ACTING in *this* manner, I may seem to the *Unattentive* Observer of my Conduct, Or to *Him*, who, knowing himself to be an Errant *Knave*, suspects all Pretence to *Probity* in Other Men, to Act inconsistently with what I Profess, and, for *Private* Views, to be *receding* from *One* Party, and *approaching* to *Another*; but to those who consider with *Attention* what passes before them, and think it *Unreasonable* to doubt whether *Conscience* be consulted in *Political* Matters, if they find it regarded in all *Other* Parts of Life, I hope I shall make *Another* Appearance, and be *Allowed* by *Them*, to Act consistently with myself, steadily, uniformly, and every way agreeably to my *Settled* Rule.

IF hereby I may seem to *Some* to be of Little *Service* to the Government (according to *their* Estimate of *Service*) from whom I *differ*, if haply I should be so *Unfortunate* as to differ from them, yet will it be most *Unreasonable* in any one to suppose I have therefore Disaffection. My Condition is, that I *Do* not Agree in Opinion with those with Whom I am *Inclined* to Agree: an Argument, not that I *Want* Affection, but that my Disagreement is so well *founded* that even Affection cannot *Overcome* it. How often doth this happen with respect to *Natural* Parents, in cases, where there can be no possible Ground to suspect any Failure in Filial *Love* and *Duty*? If I *conscientiously* differ from them, and thereby forego that Countenance and Encouragement, which Others by *Serviceable* Compliances, (in *their* Opinion *Serviceable*) do Court and do Enjoy, I am an *Honest* Man at least, if, by Accident, I am not *Useful*; and whether I may not be *Useful* even by my *Non-compliance* is a thing which cannot always be *Immediately* and *Certainly* known. But, if *Not* useful to the Government with respect to a Particular *Scheme*, yet *Useful* to it in general and in the main, as a *Useful Member* of Society in being an *Honest* Man. For I must ever esteem it for the *Ease*, and for the *Security*, and for the *Glory*, and for the *Strength* of *Any* Government, that the Nation do abound with *Honest* Men.

IT seems to be a *Reflection* upon the Government to *Suppose* they will esteem any *Necessary* Disagreement in Opinion to be a *Note* of Disaffection. If I *cannot* Agree to what is Proposed to me for my Consent or Concurrence, as being, in my Opinion, wrong in *Itself*, or in its *Consequence*, my Disagreement is *Necessary*.

LET

LET us obſerve What the Government, in every Senſe of *this Term*, do *Themſelves*.

THE *Government*, if this Term be taken for the *State*, do *themſelves* eſteem the *Differences* Men have in *Religious* Opinions from thoſe Profeſſed and Maintained by the *Church* of *England* to be *Unconquerable*, and accordingly *tolerate* not only the *Profeſſing* them in Publick Worſhip, but the *Maintaining* of them alſo by Written Arguments. Now the Opinions they *Tolerate* are *Different* from the Opinions of the Government, if the *Opinions* of the Government may be known by the *Laws* which they have made for the Eſtabliſhment of the Doctrines of the *Church* of *England*; and yet the Government do not eſteem thoſe who *Diſſent* from the Doctrines of the *Church* of *England*, as by *Law* Eſtabliſhed, and, conſequently from *themſelves*, to be *Diſaffected* to them. *Differences* in *Political* Opinions, being as *Unconquerable*, are, ſure, as *tolerable*, and no more infer *Diſaffection* to the Government, than *Differences* in *Religious* Opinions.

AGAIN, the *Government*, if that Term be taken for the *King* and the *Miniſtry*, or, as they call themſelves, the King's *Servants*, or, as they are called by Others, *Perſons in the Adminiſtration*, or, as Mr. *Dean* calls them, *the Adminiſtration*, do not Propoſe any thing to the Parliament for their Conſent or Concurrence, without Leaving the ſame to be *Conſidered* by this Great Council of the Nation, and, if Occaſion be, *Debated*. And, would it not be Monſtrous to ſuppoſe that Men *Debating*, and having *Authority* to do ſo, may not *Differ* in Opinion from the Court without *Diſaffection* to the Court?

FOR what is it to his *Majeſty*, or his *Miniſtry*, that a Particular *Point* be Carried or not, any farther than that, *Wiſhing-well* to the Nation, they think this a *uſeful* Point, and therefore had *rather* it ſhould be Carried *than* not? A Deſire in his Majeſty and in his Miniſtry moſt laudable! Now, this *Point* may really be *Uſeful*, as it is ſuppoſed; or it may *Not*, tho' it was really ſo Apprehended; and whether it *be* or *not*, will beſt appear when it comes to be *Debated*. If, after Debate, it *Be* Carried, here is no *Affection* ſhewn to the King, and his Miniſtry. A thing that was *rightly* Propoſed by them is *therefore* Carried. Neither, if, after Debate, it be *Not* Carried, is there any *Diſaffection* ſhewn to the *King* and his *Miniſtry*. His *Majeſty* and his *Miniſtry* have done well in *Propoſing* that which they *thought* Uſeful to the Nation; *Liberaverunt Animas ſuas*. If, in Debating the Matter, a Majority could not be *Convinced* of the *Uſefulneſs* of it, they have done nothing that is *Diſreſpectful*. What was Propoſed hath *Miſcarried* indeed, but not thro' *Diſaffection*.

IF by the *Government* be meant the *Sovereign*, then let us obſerve the Condeſcenſion of the *Sovereign* with regard to his *Miniſtry*, and the Conduct of the *Miniſtry* towards their *Sovereign*, and from *thence* Learn what it is to have *Affection* to the Government.

DOTH the *Sovereign* ever Act in any Matter of *Importance* to the Nation without *Advice*? Is it not for the *Honour* and *Intereſt* of the Sovereign to have *Faithful* Counſellors? Is Counſel *Faithful* if it proceed not from *Real* Opinion? Of *Different* Opinions muſt not *One* be rejected? Will the *Rejected* Opinion be ſuſpected of *Diſaffection*? If ſo, then is *veri conſilii Libertas periculoſa*. If not ſo, then Serious Men in Lower Stations led by this Authority to *Imitate* what they cannot but *Admire*, may *Say* and *Do* what they think in their Conſciences will be Uſeful to the Community without *Suſpicion*, and much more without *Imputation* of *Diſaffection* to the Crown.

IF it be ſaid, that Perſons *immediately* Conſulted by his Majeſty are *known* to be Men of *Honour* of *Wiſdom*, of *Fidelity* to the Crown, this is What I *readily* Allow. But *Honour*, and *Wiſdom*, and *Fidelity* to the Crown are not *Confined* to Any Sett of Counſellors. What muſt *thoſe* Men do, who, tho' in *Lower* Stations, have theſe *Excellent* Qualities in an *Equal* Degree with their Superiors, when any thing is propoſed to them for their *Conſent* or *Concurrence*, as to Perſons capable of *Saying* or *Doing* what may *Serve* or *Hurt* the Community whereof they are Members? Why, they muſt *Say* and *Do* what is *right* in their *Own* Opinions after *Due* Enquiry. And if herein they differ from their Superiors, they have the *ſame* Reaſon to do it, as their Superiors had to differ from their Sovereign, or from One Another in their Deliberations, which way their *Sovereign* and the *Community* might beſt be ſerved; and, the more *Lamentable* is their Caſe, if they may not do it with as little *Suſpicion* of *Diſaffection* to the Crown.

AFTER this Comment, Mr. *Dean* may ſee, what it is I mean, when I ſay, "*I am of no Party*;" and what I mean conſiſtently with this, when I ſay, "*I am well Affected to the Preſent Government*," underſtanding, by the Preſent Government, his *Majeſty* and his *Adminiſtration*.

A Perſon of *No Party*, and yet *well Affected* to the Preſent Government, is One, who is ſo far from *Peeviſhly* Oppoſing any Meaſure of his *Majeſty* or his *Miniſtry*, that he is always *Inclined* to Comply with

with it. If he see Any Measure in such a Light, as that he is Perswaded he cannot *Innocently* come into it; or cannot *Innocently* not Oppose it; he hopes, if this be done with *Decency*, there is no *Want* of *Affection* in Him to the Present Government. For, He understands the *Import* of this Term to be a *Disposition* to suit to the Measures of his Majesty and his Ministry so far as He, having his Eye perpetually on the True Interest of his Country, can *Innocently* do it. Every Man will *Naturally* think in this manner if he hath no *Bias* upon him, no *Prospect* of Enriching or Advancing Himself, or his Family, by *further* Compliances than his *Judgment* doth Warrant. And, where this is the Case, it is easily to be seen, that his Affection is to *Himself*, and not to the *Government*. For, if he *complies* with what in his Judgment he *Disapproves*, he complies with what in his Judgment will *Hurt* the Government, which cannot, sure, be a Mark of Affection to it.

MR. *Dean* may now also see, Whether he be *Himself* of any *Party*. For (to Illustrate this Matter) let me Ask him, Would he *Say* or *Do* any thing that in his Opinion would tend to the Hurt of *Religion* or *Moral Virtue*, the greatest of all National Concerns, for the *Favour* of Any *Man*, or for the Sake of Any *Cause*? If not, then *He* is so far of *No Party*. Again, Would Mr. *Dean*, having studied the *Interests* of Religion and Moral Virtue for many Years, be ruled by his *Own* Opinion what would tend to the *Hurt* or *Service* of Either, or by the Opinion of *Others*? If by his *Own* Opinion, then it is not possible he should be of *Any Party*.

HAVING considered MR. *Dean*'s Imputation of *Disaffection* in me to the Present Government, I shall only add one Word in Answer to *Another* Imputation which I think to be as *ill-founded*.

MR. *Dean*, having written a Book in Defence of *Christianity*, Imputes to me (p. 126.) that "*I have* "*entered into the Interest of Infidels*," for having supposed the *Influence* of what he hath written *Abated* by a Conduct towards Me, not consistent with the *Precepts* of that Religion. But now, If his *Conduct* towards Me, which he himself had made it necessary for Me to take notice of in the manner I did, was *not* as I have represented it, but *consistent* with the Precepts of the Religion he hath Defended, then is the *Influence* of what he hath Written not *Abated* by it, nor Infidelity countenanced by my *Supposing* it to be Abated. But, if his Conduct *was* as I have Represented it, then, indeed, will the *Influence* of what he hath Written be *Abated* by it; but then, it is not I, but *Himself* who is the Occasion of this *Loss* of Influence. His *Own Conduct* is against him in his *Contest* with *Unbelievers*; and *Himself* Defeats what he would be thought to Promote.

NEITHER is the *Opposition* that hath been given to Me, nor the *Manner* in which it hath been carried on and maintained, nor the *Defence* of it lately published by Mr. *Dean*, at all *Likely* to make *Believers*; or to give *Weight* and *Authority* to Books written with *this* View. In no Age have Tracts of this kind been published with greater *Strength* of Argument, or greater *Skill* to Apply it. This is *well* done, and this, as there is Occasion, must often be *Repeated*, that what *Is* really Unanswerable may so *Appear*. But *One* Argument in Defence of *Christianity* is not so *generally* pressed as, sure, it *Ought*; the *Best* by far that can be *Used*; the *Only* One that the Bulk of Mankind *Understand*; the *Main* Argument by which the Few, who are capable of Understanding all *Other*, will be *Perswaded*; the *Abstinence*, the *Simplicity*, the *Prudence* of its Professors.

FINIS.

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I S.