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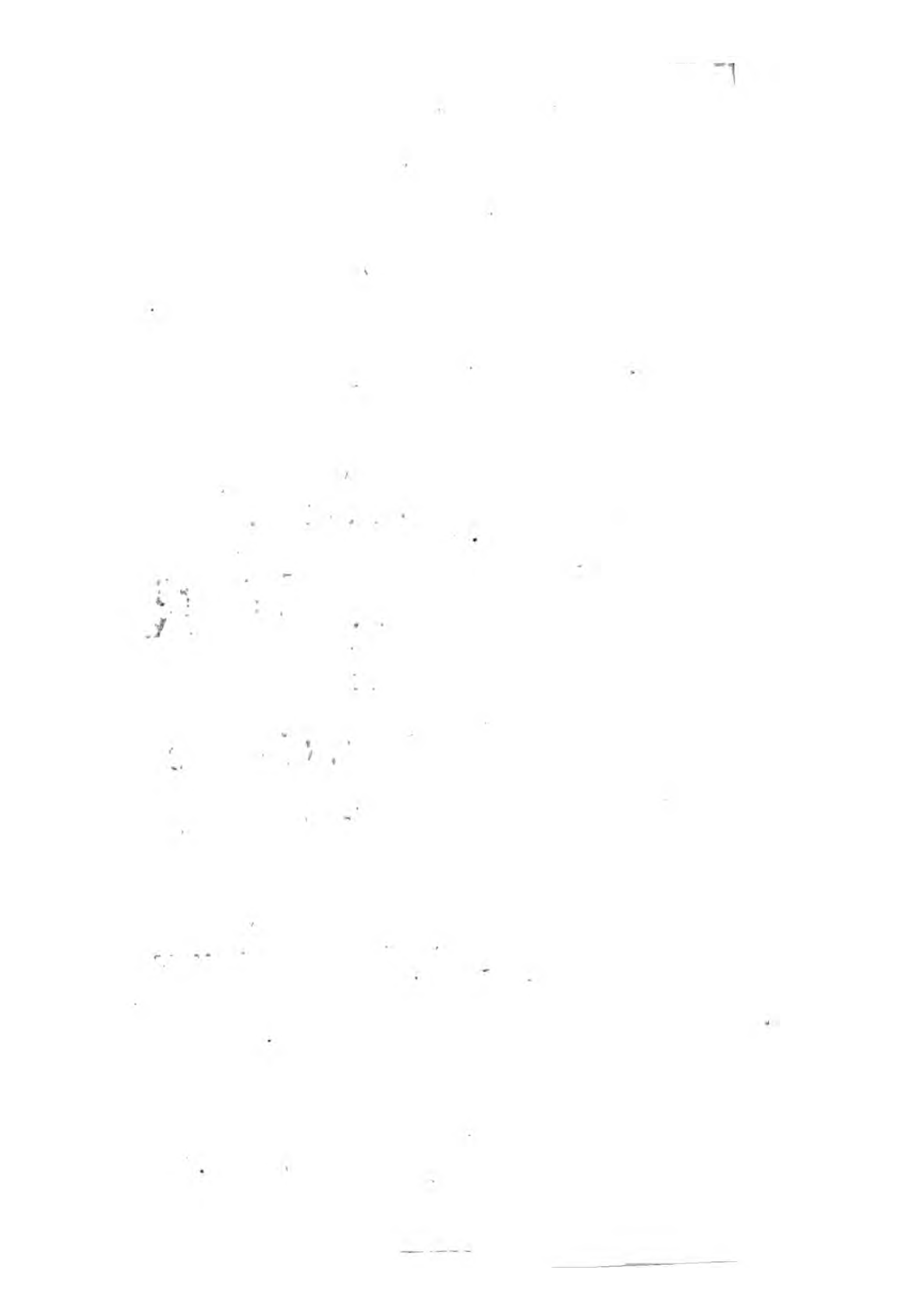
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Dean SHERLOCK'S
A N S W E R
TO THE
Bishop of *BANGOR*'s
Late B O O K, &c.





A N
A N S W E R
T O T H E
L O R D B I S H O P
O F
B A N G O R's

Late B O O K ; entituled,

*The Common Rights of Subjects
defended, &c.*

By *THO. SHERLOCK*, D. D.
Dean of *Chichester*, and Master of
the *Temple*.

L O N D O N :

Printed for *JOHN PEMBERTON*. at the *Buck
and Sun* over against *St. Dunstan's Church*,
Fleetstreet. 1719.

5.





THE
P R E F A C E.



THE Reader perhaps may expect that I should say something in Answer to the Bishop's Representation of me, as a great dealer in Contradictions, and Self-murdering Propositions, as having not only a tendency, but even a gravitation to Inconsistency. But to enter into a justification of my own abilities, is a work which I will never suffer his Lordship to impose on me by the severest of his Reflections; and he may write secure from the danger of a Reply, when he brings a Charge which cannot, consistently with the common Rules of decency, be either refuted, or returned.

I submit therefore to my burden; but 'tis with the satisfaction of seeing, that his Lordship's resentment is too strong to do much harm

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harm; for whilst he discovers in EVERY thing I say, multitudes of self-contradictions, and heaps of inconsistencies, he shews as plainly to what they are to be ascribed, as a man proclaims his own distemper, when he affirms all things about him to be yellow. I am not insensible of my own failings, and that I often want correction; but that EVERY step in the Vindication should be attended with palpable inconsistencies, is not very reconcileable with its being the most plausible and ingenious defence that, his Lordship thinks, has ever yet been published, &c.

But though I can submit to his Lordship's severity, when only my understanding is called in question; yet there are some things of another nature, to which I desire to be heard a few words. One is a charge of Personal Rudeness, p. 63. I had in the Vindication of the Corporation and Test Acts observed, that the argument I was engaged in was such, that no man would have it in his power to suggest that I WAS BRIBED by the prospect of Honours and Preferments: I thought his Lordship of all men living the least liable to mistake my meaning, considering how lately I had been told by his friend Mr. Sykes, in a Book which his Lordship honour'd with a Preface, That by the Church I meant only the goods and revenues of the Church. But instead of this plain, natural, and true reference of the words, his Lordship has drawn them into a reflexion on himself, and is pleased to suppose, that I meant to insinuate that he was bribed by the prospect

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prospect of preferments: And upon this imagination he grounds an appeal to my Conscience, and a charge of Personal Rudeness. My Conscience, I assure his Lordship, tells me, the words are innocent of the meaning laid to them; and whatever my thoughts were as to his Lordship's inducements to begin and carry on this controversy in the manner he has done, yet in that passage I had no eye to them. Personal Rudeness was indeed concerned in this matter; but I am afraid his Lordship's resentments will cool now he sees who is answerable for it.

The next is a charge still of an higher nature: a charge in which his Lordship is not principal, but appears only as a second to Mr. Peirce; whose words, he says, p. 204. I have most grossly misunderstood ~~and~~ misrepresented ^{or} in a manner hardly ever seen before: That being admonished, I still continued the abuse in all the Editions of my Book; and tho' I have so little sense of shame for my self, his Lordship adds, that good and reasonable Christians will blush for me.

Had his Lordship been describing the most profligate degree of Shamelessness, he cou'd not, I think, have laid on stronger Colours. I shall make no other return to this, which may justly be called unparalleled Usage, than to shew the Reader what ground there is for it. Mr. Peirce, I suppose, will be allowed to know his own Meaning as well as his Lordship; I will therefore transcribe his own Defence of himself,

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himself, and leave it with a few Observations to the Reader's Judgment.

Mr. Peirce speaks thus ;

*" * Among the rest, (says the Dean) Dr. Snape
" seems to have been in this Mistake: but by
" this time I presume he is convinc'd of his
" Error, since Mr. Peirce has told him, how
" highly affronting to the Dissenters such an
" opinion of them is: And here he cites what
" I say to the Doctor, p. 5. How could you
" suggest, that we don't so much as pretend
" the Terms of your Communion are sinful?
" Since the Dean has said nothing against this
" passage, I need not say any thing in defence
" of it.*

*" Speaking then farther concerning me, he
" says; And he goes on to give instances of sin-
" ful Terms of our Communion; and then, in
" the name of all his Brethren, he passes a
" judgment, that makes the whole Ecclesiasti-
" cal Constitution sinful: You may depend
" upon it, that the great Body of the Dissen-
" ters judge the Terms of Communion sinfully
" imposed, p. 6.*

*" Which words I readily own, and will justi-
" fy, if there be occasion."*

*Hitherto no harm is done, no misrepresenta-
tion complained of. Let us hear Mr. Peirce
farther.*

*" He (the Dean) goes on, making this Re-
" mark upon my words, p. 41. This strikes not
" at one, or at many of our Terms of Com-*

** Some Reflections upon Dean Sherlock's Vindication, p. 38.*

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“ *munion, but at the whole Establishment: All*
“ *the unscriptural Terms of Communion, I*
“ *grant, it strikes at. The Foundation it self*
“ *is sin, and nothing good can be raised on it.*

“ If by the Foundation he means the Princi-
“ ple upon which they act, *viz.* That they have
“ power of adding Terms of Communion over
“ and above what Christ has appointed; I own
“ the Foundation is wrong, and nothing good
“ can be raised upon it; however there may
“ by the same Men upon another and better
“ Foundation, the Scriptures. The Superstru-
“ cture is only so far evil, as, 'tis not built upon
“ that Foundation.”

*In this paragraph likewise we are still a-
greed. The Foundation, i. e. the Principle up-
on which the Church acts in requiring any
thing of its Members not expressly required in
Scripture, (as kneeling at the Sacrament for
instance) is Sin. This Consequence Mr. Peirce
owns and defends; and I stand clear hitherto
of any misrepresentation of his sense.*

It follows in Mr. Peirce.

“ He adds: *And therefore he very frankly*
“ *and consistently declares, p. 30. We rejoice*
“ *to see the foundations shaken, and the fa-*
“ *brick sinking, as we never doubted but it*
“ *would some time or other.*

“ This passage, as the Dean has placed it,
“ may easily be misapplied by the Reader. I
“ therefore desire he would observe, that I am
“ there speaking against peoples being led by an
“ implicit faith in men; and for their govern-
“ ing their faith and practice by the Word of

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“ God, as the only Rule. I then tell the Do-
“ ctor: This is what we have always pro-
“ fess’d; and I am much mistaken, if we are
“ likely to be moved by any reasons you have
“ brought to the contrary. We can’t see *the*
“ *Cause of slavery* thrives under your manage-
“ ment, which is a mean defence against a no-
“ ble and brave opposition. We rejoice to see
“ the foundations shaken, &c. Nor can I see,
“ why the Dean should be offended either with
“ my *hopes* or *triumphs*, upon the prevailing
“ of true and generous Principles; especially
“ when ’tis under the management of so bright
“ an ornament of his own Communion.”

Here we begin to differ; and Mr. Peirce thinks his words may be misapplied as they are placed in my Book: A very modest Charge compared to the Bishop’s Outcry! But let us see what account Mr. Peirce gives us of the Foundations he beheld shaken.

“ He was speaking, he says, against peoples be-
“ ing led by an implicit Faith in men; and for
“ their governing their Faith and *Practice* by
“ the Word of God as the only Rule”; And
“ he concludes, that he cannot see why the
“ Dean shou’d be offended either with his *hopes*
“ or *triumphs*, upon the prevailing of true and
“ generous Principles ”.

’Tis to be observ’d here, that Mr. Peirce changes the Ideas quite; which is not answering but shifting the Charge. He was to tell us what he meant by rejoicing to see Foundations shaken; and he answers, that he rejoices to see true Principles prevail. This is not to
the

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the purpose: The Question is, What were the Foundations which in his prophetick Dream he beheld shaking; and what the ground of his joy in their approaching ruin. Look into his first Book, and you'll find that Churches, Councils and Convocations, were the sinking Fabricks. In the very passage from which I quoted his words, " he is glad to see Men seek to govern " their Faith and Practice not by the great " Names of Men, Churches, Councils, Con- " vocations or Assemblies; but by the only Rule " the Word of God:" And he presently adds, " We rejoyce to see the Foundations shaken, " and the Fabrick sinking." What now was the Fabrick that was sinking, was it not the Authority of Men, Churches, Councils and Convocations; which, it seems, can no more prescribe Rules for Mens Practice and Behaviour in the Church, than they can make a new Faith? And Mr. Peirce thinks the generous Principle of refusing all obedience to Churches, Councils and Convocations, is now prevailing " under the management of a bright ornament " of our own Communion;" and tells us frankly, that he and his Brethren the Dissenters look on " rejoycing to see the Foundations shaken, and the Fabrick sinking." How right Mr. Peirce may be in his judgment of our weak and tottering condition, I will not enquire: But I say again; What Hopes, What Triumphs are these!

But let us attend to Mr. Peirce's farther Complaints:

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“ *But to go on, adds the Dean, he charges*
“ *the Church with persecution: I wish there*
“ *was no cause for the Charge. And all who*
“ *differ from the Bishop of Bangor in the pre-*
“ *sent Controversy, as maintainers of it. Nor*
“ *has the Dean been able to prove they are*
“ *not.*

“ *Agreeably to which, he represents the Dis-*
“ *senters as the holy remnant, that have not*
“ *bowed the knee to Baal, p. 38. So that the*
“ *Church of England in this comparison (and*
“ *should seem therefore in this gentleman's opi-*
“ *nion) is an idolatress, and her priests are*
“ *the priests of Baal.*

“ This is not a just representation of my
“ sense; tho' I don't much complain of him,
“ since he has used me much better than he has
“ the Bishop of *Bangor*. Those words have no
“ relation to the Church of *England* in particu-
“ lar. The case is thus: Mr. *Pillonniere* had
“ complain'd of the smallness of the number of
“ those Protestants in general, who had gone
“ upon the true and only defensible principle of
“ the Reformation; that is, who were against
“ persecution; and among others, he seem'd to
“ me, to reckon the Dissenters to be friends to
“ persecution. He express'd likewise his judg-
“ ment, that the extream smallness of the num-
“ ber of those who were for toleration, and a-
“ gainst persecution, was the only reason why
“ the reformed Religion did not more prevail
“ in the world. Now when I had asserted that
“ the Dissenters declar'd for Toleration, I ad-
“ ded: And I hope 'twill be a comfort to him,
“ who

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“ who complains of the smallness of the num-
“ ber of those, who go upon the true and on-
“ ly defensible ground of the Reformation, to
“ hear that God *has reserv'd to himself*, I don't
“ say *seven*, but many times *seven thousand*,
“ *who have not bowed the knee*, &c. I did not
“ so much as put in the word *Baal*; and when
“ 'tis added, 'tis evident, that only persecution
“ (which is a great idol with some men) is
“ compar'd with *Baal*. And as one half of those
“ whom Mr. *Pillonniere* commends, as being
“ against persecution, are of the Church of *Eng-*
“ *land*, and must be manifestly join'd with those
“ *who have not bow'd the knee*; to the charge
“ can't be understood, as brought against the
“ Church of *England* in general; but only a-
“ gainst those in that, or any other Church,
“ who are for persecution. And therefore his
“ complaint of me here, and again, *p. 43.* where
“ he renews it, is wholly groundless.”

*I have inserted this passage at large, that
I may be sure of not injuring Mr. Peirce.
And now I desire the Reader to observe,*
1. *That Mr. Peirce does not deny that he char-*
ged the Church of England with Persecution.
2. *He owns that in his comparison, the Idol*
Persecution is meant by Baal. This is all that
I charged him with; and this is all confessed:
It remains only to be considered what ground
there was for the consequence I deduced from
these Positions, viz. that this Comparison re-
presented the Church of England as an Idola-
trous, and her Priests as the Priests of Baal. If
in this I drew a false consequence, I should be
glad

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glad to have it shewn to be so by Mr. Peirce, or the Bishop for him. The consequence stands thus :

The Priests of that Church which sets up an Idol, are Priests of that Idol.

But the Church of England sets up the Idol Baal (Persecution.)

Therefore the Priests of the Church of England are Priests of Baal.

Mr. Peirce says farther, that his words (who have not bowed the knee, &c.) have no relation to the Church of England in particular; very true, for I think he meant to charge all established Churches that are, or ever were; but is the reflexion therefore the less injurious to the Church of England? Is it any consolation to us to be told, that the Churches of Christ, from the days of Constantine at least, have bowed the knee to Baal?

To as little purpose is it, that Mr. Peirce tells us afterwards that he did not mean the Church of England in general, and proves it, because Mr. Pillonniere had commended some of the Church as being against Persecution: for though Mr. P. himself excepts the Bishop of Bangor and some others from his Charge, yet in this very explication of himself, he still thinks there is ground enough to continue the Charge of Persecution against the Church.

*I am willing to leave it to any impartial man to judge what Mr. Peirce could mean, when after having (in his first Book) laid Persecution to the charge of the Church of England, he proceeds to vindicate the Dissenters against
the*

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the like charge, and says, they had not bowed the knee, &c. Is not this a strong implication that the Church, which he pronounced guilty, had bowed the knee to Baal? Can the character given to Dissenters, and some Protestants abroad, merely upon supposing them clear of the crime imputed to the Church, amount to any thing less than fixing the reverse of that character upon the Church of England? Does not the very application of this passage of Scripture to the present case infer this charge? The Holy Remnant, who had not bowed the knee to Baal, were distinguished from the Idolatrous Israelites: In the Comparison the Dissenters are the Holy Remnant; they are therefore distinguished from the idolatrous crowd of Persecutors. Ask now Mr. Peirce who they are, and he will still tell you that the Church of England is a persecuting Church.

He pleads, I know, for himself, that he did not so much as put in the word Baal; but only said, they had not bowed the knee, &c.

An unhappy excuse, in my opinion; for it plainly shews that Mr. Peirce saw how the reflexion pointed; why else did he not put in the word Baal? or where was the modesty in leaving it out? His not expressing the word, is an evidence that he was conscious of the foulness of the charge it carry'd with it; and his leaving out a word so easily supplied by every Reader, is no justification.

Were it necessary to shew Mr. Peirce's opinion in this matter, we have evidence enough in a Book reprinted since this Controversy; it

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is a light thing with him to charge the Church with schismatical rage, and her Bishops with tyranny and cruelty: But I have no design to draw on a new Controversy with this Gentleman; what I have now said has been forced from me by a very vile accusation. As to Mr. Pierce, I wou'd only, before I take leave, express to him my great concern to see in his late Writings so much bitterness of spirit against the Church, after thirty Years indulgence to Non-conformists. These are not the ways of peace, nor are they the fruits, which were expected from the Toleration.

I have now shewn the Reader what ground there was for this violent attack upon me; and I very willingly submit it to every good and reasonable Christian to judge for whose sake he ought to blush. His Lordship had reason, and therefore I join with him in leaving the modest, the blushing, part to others; for such is, either, my Crime, or such is his Lordship's Charge, that, whichever of us shall appear to be guilty, he must at the same time appear to be incapable of blushing for himself.

But to draw towards a Conclusion.

His Lordship in his Introduction has given us four or five reasons to justify the practice of writing publickly against the Laws of the Countrey; and according to his wonted goodness, he has repeated them again towards the close of his Book.

I question very much whether such liberty was ever allowed in any well settled Government,

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ment, or whether any can be safe and easy which does allow it. There are proper ways for men to seek redress against legal hardships, without complaining to the people from the Press, of the iniquity and injustice of the laws; which is downright libelling the Government. And if this liberty must be reckoned among the common Rights of Subjects, the case of Governours is really to be pitied. As for his Lordship, all the world knows that he has not wanted frequent opportunities of lodging any complaints of this nature in a proper place; and why he chose rather to appeal to the people, and to call the passions and the interests of the multitude to his assistance, is not yet accounted for, in any of the reasons with which he has obliged us.

Besides; 'Tis one thing to open the nature and the effects of any Law, and in proper language to represent the inconveniencies which experience has discovered; and another, to charge the Legislature with violence, iniquity, and the oppression of the common Rights of Subjects; and to proclaim to the people, that the Legislature were so estranged from the consideration of justice and equity, that they proceeded upon, The pleasing Presumption, that all Preferments and Places of Trust and Influence ought to be engrossed by THOSE, who feel themselves to have Power enough to ENGROSS them, p. 52.

But farther: There is a difference likewise between writing against a particular Law, as founded in a mistake, or liable to inconveniencies,

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cies, and writing against the very Power and Authority it self from which the Law flows; and this is his Lordship's case; he is not content with saying, that the Laws for the establishment of the Church are improper, but with an high hand he declares to the world, that all Civil Laws relating to the Church are encroachments upon Christ, and the product of an usurped Authority; and that no human Laws can have a proper Authority over men considered as Creatures capable of Religion; p. 100.

Our first Reformers did indeed mislike the Laws made for the support of Popery; but so far they were from disowning the authority of the State in religious matters, that restoring the Supremacy to the Crown, was the first step, and the foundation of our Reformation. But his Lordship not only mislikes the Laws now in being, but even the Authority by which they are made; and whenever his Reformation prevails, it must begin with divesting the Legislature of their assumed Authority, and in restoring to every man the Supremacy in his own behalf. A wild conceit, which his Lordship cherishes and is fond of, as if it were the whole of his Gospel.

This is his Lordship's method of writing against the Laws of the Constitution; and if he means to justify it, he must find other Reasons, for those already given, come not up to the point.

I have nothing more to add, but to give the Reader in few words, an account of the following Sheets: The

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The present Controversy consists of three very distinct Points.

1. *To enquire what is the true meaning and intention of the Laws which are the subject of this Debate.*

2. *Whether the intention ascribed to them be in it self just and equitable.*

3. *Whether the means made use of to compass this intention are justifiable.*

At present I examine the first point only, as that which is the foundation of the whole. The other parts will follow in a reasonable time, and probably both together; for though I have not gone through many Pages of his Lordship's Book, yet I have answered the greatest part of it, the bulk of it being owing to frequent and almost endless repetitions of the same things; so that it may, I think, in this respect be very fitly compared to a Multiplying Glass, which though it seldom shews an object distinctly, yet it presents it to you over and over again.



ERRATA.

Preface, Page 8. line 18. for *and read or* : p. 8, 9. for *Sessions* r. *Session* :
p. 11. l. 1. for *and to take*, r. *to be qualified by having taken* : p. 14. l. 14.
for *authority* r. *extent* : p. 26. l. ult. after *Articles*, add *and Liturgy* : p. 28.
l. 5. for *Readers* r. *Admirers* : p. 23. l. 14. for *will still be one*, r. *will still
be but one* : p. 33. l. 29. for *being no longer*, r. *being now no longer*.





THE TRUE
MEANING and INTENTION
OF THE
Corporation and Test ACTS
asserted, &c.

I.

THERE is nothing more necessary in every Controversy to give light to the Reader, and to preserve him from being imposed on by the low and mean arts of Sophistry, than a *Clear State of the Fact* or Case about which the Dispute is: For this reason I endeavoured in my late Vindication of the *Corporation* and *Test* ACTS, to give in the first place the true sense and meaning of those Laws; and for the *same* reason it is, I suppose, that the Bishop of *Bangor* resents my taking this Method, and observes with an *air of contempt*, that before I come to the *main questions* I
B *spend*

spend above 20 Pages in what I call *stating the fact of the case*: His Lordship thinks this so *unedifying* a way of writing, that he professes to enter into *this part* of the work, *merely* because *I seem to think much depends upon it*. His Lordship, I am persuaded, will be of my mind before he has done, and this *much despised* part of the work about the *State of the Case* will haunt him in every part of the Controversy, and will be a *Test* (dreadful thing!) to distinguish in this Debate between plain *sense* and a labour'd *disguise*, between *reasoning* and *shuffling*, between *truth* and *falsehood*.

After having given the sum of the *Corporation* and *Test* Acts, as far as they relate to the present Controversy; I observed^a “ The latter
 “ of these Acts is declared by the Act of *Tolerance*
 “ *it self* to extend to Protestant Dissen-
 “ ters. The former expressly relates to them:
 “ And both are declared, 10 *Annæ, cap. 2. to*
 “ *be made for the Security of the Church of*
 “ *England as by Law establish'd.*

“ These Acts then being made for the *Secu-*
 “ *urity of the Church as by Law establish'd; i. e.*
 “ *for the Security of the Ecclesiastical Constitu-*
 “ *tion of the Realm; the intention plainly was*
 “ *to keep Non-conformists of all sorts (whose*
 “ *principles and affection to their own ways,*
 “ *cannot but lead them to use any power, put*
 “ *into their hands, to the hurt of the esta-*
 “ *blish'd Church, from which they have se-*
 “ *parated) out of Offices civil and military, and*

^a *Vindication*, pag. 5.

“ out of the government and direction of Cor-
 “ porations. *To the end that the succession in*
 “ *such Corporations may be most probably per-*
 “ *petuated in the hands of persons well affected*
 “ *to his Majesty and the established Govern-*
 “ *ment* ^b, *and for preservation of the publick*
 “ *Peace both in Church and State* ^c.

In this part of the case his Lordship finds *several very visible* Mistakes, which he ranges under five heads. His first observation stand thus.

1. “ When the *Corporation Act* was made,
 “ Many of those Ministers, who afterwards dis-
 “ sented, were in possession of their Livings, and
 “ had been declar’d by King *Charles II.* himself,
 “ but a few Months before, to have been found
 “ by him, when They waited on *Him* in *Hol-*
 “ *land, Persons full of Zeal for the Peace of*
 “ *the Church and State.* Those particular *Non-*
 “ *conformists*, who were Followers of these Men,
 “ could hardly be design’d so soon to be excluded
 “ from *any* Offices, merely in order to *the Pre-*
 “ *servation of the Publick Peace, &c.*

I find it very difficult to comprehend this reasoning: here are two things affirmed with respect to dissenting Ministers, neither of which has any relation to the present case. 1. It is said that many of them were in possession of livings when the *Corporation Act* was made. 2. That a few months before that time, *K. Charles* had declared that he had found them to be *Persons full of zeal for the Peace of the Church and State.* As to their being in possession of livings, it amounts to no proof of their *zeal* for the *Peace* of Church and

^b Preamble to *Corporation Act.*

^c *Ibid.* p. 2.

State; a Minister who has *no* living may be very *zealous* for the *Peace* of both; and he who has *many* livings may possibly not regard the *Peace* of either. Besides, the possession of livings which these Ministers *then* had, was an illegal possession, attended sometimes with injustice to the rightful Incumbents, who had been ejected to make room for these men of *zeal* for *Peace*; oftentimes with the injury of the true *Patrons*; and almost always with the breach of the Laws of Church and State, inasmuch that these Ministers *in possession* at the time the *Corporation Act* passed, were liable to be dispossessed by the Laws *then* in being; and were continued only by the *indulgence* and forbearance of the Government, in prospect of their compliance. 2. As to the King's Declaration of their *zeal* for *Peace*, it is a very feeble argument; for what if the King were deceived, and saw reason to alter his mind? or what if the Ministers behaviour changed before the *Corporation Act* passed? In either of these cases, both which are very possible, the argument comes to nothing. But considering that the *Corporation Act* related not to *Ministers*, the argument is still more absurd. For,

2. His Lordship does not infer from the Peaceableness of these Ministers, that *they* were not intended to be affected by the Act; but he infers from *their* Peaceableness, that none of their *Followers* were designed to be excluded from Offices: But what if the *Followers* were not so peaceable as the Leaders, what then becomes of the argument? His Lordship has produced no evidence that they were, and he has no right to the Popish expedient of transferring merit from one to another.

3. It is very absurd to limit or explain general Laws by the circumstances of *individual Men*: such Laws being made for publick good are founded on general reasons; and if they attain the end, which all things considered, is most for the benefit of the Publick, they are good and wholesome Laws, notwithstanding that it may so happen, that in some particular cases they bear hard.

Let us see then how his Lordship's Argument stands. The Ministers who waited upon the King in *Holland* were *eight*, or *ten* at most, as our Histories relate the fact: the Ministers who refused to conform are reckoned by their own Party to be 2000: In what manner many of them and their followers demeaned themselves, may be seen in the Chancellor's Speech at the opening of the Parliament which met *May 8, 1661*, who tells us, " of seditious Preachers, who cannot be content to be dispensed with for their full obedience to some Laws established, without reproaching and inveighing against those Laws how established soever— who by repeating the very Expressions, and teaching the very Doctrine, they set on foot in the year 1640, sufficiently declare, that they have no mind that 20 years shou'd put an end to the miseries we have undergone." And at the opening the second Sessions of this Parliament, the King tells them, " There are many wicked Instruments still as active as ever, who labour day and night to disturb the publick Peace, and to make all people jealous of each other." In this

this Session the *Corporation Act*, and the *Act of Uniformity* both passed. His Lordship's Argument now is, that the *Corporation Act* cou'd not be intended to exclude Nonconformists of *all sorts* from places in Corporations; because the King had declared a year before, that he found *eight* or *ten* Ministers full of Zeal for the peace of Church and State; and his Lordship supposes their particular Followers were *all* of the same mind: Allowing all this to be true, yet if his Lordship can say nothing for the 1990 other Ministers, and *their* Followers, he leaves reason enough to support the justice and equity of the Law, in *intending* to exclude Nonconformists of *all sorts*.

4. The same Argument will prove that the *Act of Uniformity* was not intended to exclude Nonconformists of *all sorts* from *Living*s and *Offices* in the Church; for why shou'd these *zealous* Ministers for the *peace* of the *Church* and *State*, be any more excluded from the *Church*, than their *Followers* from the *Corporations*.

5. It will prove also, that no Law in King *Charles's* Reign was *intended* to exclude *Papists* from *Offices*: for the King publicly owned his obligation to *many* of them, who ventured their lives and estates in defence of his Father and himself; and more *than eight* or *ten* might be named who were peaceable Subjects.

6. *Many* Nonconformists being in *possession* of their *Living*s at the time the *Corporation Act* passed,

passed, has led two other ^d Authors into very great Mistakes, which I shall take this opportunity of rectifying.

The Author of *the Principles, &c.* applies himself to me thus, ^e “ I wou’d desire leave to
 “ ask the learned Dean this one question ; How
 “ an Act requiring persons in offices to receive
 “ the Sacrament according to the Rites of the
 “ Church of *England*, made in 1661, cou’d be
 “ intended to exclude Presbyterians, when so
 “ many of their Ministers continued still in pos-
 “ session of the publick Churches till 1662 ?
 “ Wou’d it not at that time have been a suf-
 “ ficient qualification to receive the Sacrament
 “ in their Parish Church, though it should have
 “ been from no conformable Minister ?

Mr. *Lowman*, pag. 32. has the same argu-
 ment, and introduces it with observing, “ That
 “ the Sessions of Parliament in which the Cor-
 “ poration Act was made, was opened on the 8th
 “ of *May* 1661 ; which was a year before the
 “ present Ecclesiastical Constitution was settled
 “ by the new Act of Uniformity.” From whence
 he infers, “ That the *Corporation* Act did not
 “ require any such adherence to the *now* Con-
 “ stitution, as the Dean contends for ; nor any
 “ such affection, but what may be consistent
 “ with the principles of Protestant Dissenters,

^d Author of *the Principles of an Occasional Conformist stated and defended*, printed 1718. Mr. *Lowman's Defence of Protestant Dissenters*, &c. printed 1718.

^e *Preface*, pag. 6, 7.

“ it being notorious that above 2000 then were
 “ employed in the Service of the Church.”

The several Mistakes on which this Reasoning is founded, will appear by stating the Fact on which they are built.

1. Mr. *Lowman* does not very candidly state this Case. For tho' what he says of the opening of the Sessions be true; yet the *Corporation Act* was not ready at the opening of the Sessions, for it did not pass till the 20th of *December* 1661, and the *Uniformity Act* passed the 19th of *May* following, in the same Session: And though the present Liturgy did not take place till *August* 1662, yet the Law enacting that it shou'd take place then, was in force before; and the *Corporation Act* and *Uniformity Act* mean one and the same thing by the Church of *England* as by Law established.

2. Had the Case been otherwise, yet Mr. *Lowman's* inference, that the *Corporation Act* meant no *affection inconsistent with the Principles of Protestant Dissenters*; and the other Gentleman's inference, that receiving in a *Parish Church* from a *Nonconforming Minister*, was a *sufficient* Qualification within the intent of the Act, are ill grounded: for the *Corporation Act* requires, that the Sacrament be receiv'd according to the *Rites of the Church of England*.

Now whether the *new Act* of Uniformity was in being or no, yet the *old* one certainly was; and Mr. *Lowman* will not pretend that the *Protestant Dissenters* were readier to comply with

with the *old* Act of Uniformity, than the *new* one; nor will the other Gentleman affirm, that the Nonconformists who were in livings did observe the *Rites* of the *Church of England* as established by the old Act of Uniformity before the Restoration; consequently it follows that receiving according to the *Rites* of the *Church of England* as established before the new Act of Uniformity, was as inconsistent then with the Dissenters Principles as it is now, and receiving from the Nonconformists, though in *possession* of livings, was no qualification according to the Act. That the old Laws relating to the Establishment of the Church were in force, and taken to be so at and before the Restoration every body knows; the House of Commons declare it in their Address to the King, *February* 166 $\frac{2}{3}$, in which they tell him that his Declaration from *Breda* ought not to be taken as a *Promise* on his part to give Indulgence, because he was not capable of making such a promise, *there being Laws of Uniformity then in being, which could not be dispensed with but by Act of Parliament.* Mr. *Baxter* in his *Life*, p. 286. tells us too this was the case, and that the *old Laws were in force against* the Nonconformists before the new ones were made. But this matter is put out of all doubt by the last clause of the new Act of Uniformity, which provides, that *the Book of Common Prayer, and Administration of Sacraments, and other Rites and Ceremonies of the Church of England, &c. heretofore in use, &c. shall be still used — until the Feast of St. Bartholomew 1662.* And now let

the Gentleman answer himself, whether receiving in a Parish Church from a Nonconformist was a sufficient Qualification. But farther,

3. The *one* question which the Gentleman desires to ask me goes upon a very great mistake: His question is, *How an Act requiring Persons in Offices to receive the Sacrament according to the Rites of the Church of England, made in 1661, could be intended to exclude Presbyterians, when so many of their Ministers continued still in possession of the publick Churches till 1662.* If this Gentleman had at all considered the Corporation Act, he would not have asked this question; for tho' the Act was made in 1661, yet receiving the Sacrament was not made a qualification for any Office to which any Person was called or elected before *March 25, 1663*, and the present Act of Uniformity took place in *Aug. 1662*; so that I must desire this Gentleman to answer *one* question in *his* turn; whether receiving the Sacrament from a Nonconformist would have been allowed as a sufficient qualification within the meaning of the *Corporation Act* in any Law Court, after *March 25, 1663*? and before that time there could be no question in Law about it.

4. The stating of this case affords a very clear argument to justify the account I gave of this Act, and of the true meaning of the Sacramental Test. By this Act all Officers in Corporations are obliged to take the Oaths of *Allegiance* and *Supremacy*, a new Oath against the *Lawfulness* of taking arms against the King, &c. and to subscribe a Declaration about the *Solemn*

lemn League and Covenant, and to take the *Sacrament within a Year* before their *Election*, &c. It is to be observed, that the three Oaths were to be taken, and the Declaration subscribed by all who were in place upon the 24th of *December* 1661, but the Sacramental Test was required of such only as should be elected after the 25th of *March* 1663. What was the reason, I pray you, of this difference? Was it not plainly this, that many Churches being in the possession of Nonconformists in 1661, and the Year before, the Parliament thought not fit to accept of any Persons receiving the Sacrament in the Churches so possessed as an evidence of what they required; and knew that many Persons well affected to the Church of *England*, had wanted opportunities of receiving according to the Rites of the Church for more than a Year before the passing of the said Act? For which reasons, though they immediately required the Oaths and the Subscription from all in Offices in *December* 1661, yet they required the Sacramental Test of such only as should be elected after *March* 25, 1663: By which time, and long before which time they well knew that the Nonconformist Preachers would be removed, and the Rites of the Church of *England* be established throughout the Kingdom by their new Act of Uniformity. Had they intended to require the receiving the Sacrament, as a mere *external act*, without any regard to the *inward* sentiments and affection of the Receiver (which is the Bishop of *Bangor's* peculiar Dream) or did they intend to accept of

such a receiving of the Sacrament as might be *consistent* with the *Principles of Dissenters*, (which is the supposition of the two Authors lately mentioned) why did they not require this Sacramental Test of all in Office in 61 and 62? For this very reason they did not require it, because many Nonconformists were in possession of Parish Churches, and they very well knew that receiving the Sacrament among the Nonconformists, was no Evidence or Test of *Conformity*, which was the qualification they required, and intended to secure by the Sacramental Test.

I may be asked perhaps another question, whether the Parliament intended to permit Nonconformists to enjoy Offices in Corporations, provided they came in before 63, since they required not of *such* that they should receive the Sacrament according to the *Rites of the Church of England*: My answer is, that they had no such intention; and there is a particular and very large power given the Commissioners in the Corporation Act, which seems to me principally designed to supply this defect in the mean time. All who refused the three *Oaths* and *Subscription* were to be turned out of Corporation Places; but the Commissioners had a farther power, which was to turn out any of those who did take them, if they thought it *expedient for the publick Safety*. The reason of this plainly was that the Corporations might be settled upon a true foot at first; that those who were afterwards to be the Electors of Members of the Corporations, should themselves be Persons of unsuspected

pected Zeal for *Church and State*. Farther, it may be observed that as the Sacramental Test did not take place till 63, so the Commissioners had a power till 63, to put out of places any, though in other respects qualified by the Act; which extraordinary power ceased at the same time that the Sacramental Test commenced, which shews, I think, for what end chiefly the extraordinary power was granted, *viz.* for the effectual exclusion of such as were intended to be excluded by the *Test*, since it was thought necessary only until the Sacramental Test could take place. If his Lordship or his Friends can give better, or other reasons for not requiring the Sacramental Test of any in office before 63, and of the extraordinary power granted to the Commissioners till that time and no longer, I should be glad to hear them; in the mean while this argument appears to me decisive in this case, that the Sacramental Test was required as an evidence of constant Conformity, and Obedience, and good Affection to the Ecclesiastical Establishment; and that the extraordinary power given to the Commissioners, was to enable them to exclude such as were justly suspected of Nonconformity, lest such should fix themselves in Corporations, before the Sacramental Test took place.

His Lordship's second Argument to shew my *several very visible Mistakes*, is,

2. " The *Test Act* was particularly and peculiarly levell'd at *Papists*, and not at *Non-conformists* in general; nor at all at *Protestant Dissenters*, against whom now the Dean
" so

“ so strenuously urges it. It was not, in the
 “ *Original Design* of it, a Law for the Par-
 “ ticular *Security* of the *Church of England*,
 “ as such, or of the *Ecclesiastical Constitution*
 “ *of the Realm*; as He is pleas'd here to af-
 “ firm it to be; but for the Security of the
 “ *State*, and of the *whole* Protestant Cause,
 “ against *Papists* alone, as He himself, in Ef-
 “ fect, afterwards owns.

This Cavil might have been spared had their
 been any inclination to fair dealing, because to
 avoid a dispute of no consequence in the pre-
 sent debate, except only to amuse the ignorant,
 I had referred for the authority of the *Test Act*,
 in relation to Dissenters, to the *Act of Tole-*
ration; which expressly declares it to ex-
 tend to Protestant Dissenters: let the *particula-*
rity therefore and *peculiarity* of the *Test Act*
 in its *original design* be what it will, yet ever
 since the first of *William and Mary* it has by
Act of the *Legislature* been bound upon Dis-
 senters; it is a *limitation* and *condition* of their
Toleration; the same Law which gives them
one, declares and continues them liable to the
other. This being the fact, is it not of mighty
 consequence in the present case to repeat it 30
 or 40 times over, that the *original design* of
 the *Act* was *particularly* and *peculiarly* against
 Papists?

But what does his Lordship think, that King,
 Lords and Commons had lost all their senses in
 the 25th of King *Charles*; and that they passed
 an *Act* which did, and necessarily would (as
 things then stood) affect *all* Dissenters, and
 yet

yet without any design or intention to affect them *at all*? Is making of Laws too become a *mere external act*, to which there goes no reason, design or intention of the Law-maker? This must be the case, or else it was part of the intention of the Test Act to exclude Dissenters, since all the world knows it did, and foresaw that it would exclude them. Have we not been often told, and particularly by the late Bishop of *Salisbury*, † of the great merit of Alderman *Love* a Dissenter, who declared for himself and others, that they would readily submit to the Test, and not oppose it on their own account, for fear of *stopping the security which the Nation would have by that Act*? Does not Mr. *Lowman* tell us, p. 38. that it was an *Honour to the Protestant Dissenters that they so readily and generously gave up privileges they then enjoyed by Law*, for the sake of having the Test Act passed? And what now? did the Dissenters *only* see what effect the Act would have; nay, did others not see it when the Dissenters themselves declared the effect to them? or must we say that the Legislature did certainly know that the Dissenters would be affected by the Act, and yet passed the Act without any design or intention to affect them, (though without any exception in favour of them) but *particularly* and *peculiarly* to affect Papists, and them *only*? His Lordship tells us, that he *deals not in legal Suppositions*, and yet, methinks, it

† *Speech in the House of Lords upon the Occasional Bill, 1704.*
would

would be but a small favour in him to *suppose*, that our *Law-makers* have *common* Sense.

The truth is, that the Test Act was *chiefly*, but not *peculiarly* design'd against the *Papists*; all the world saw what effect it would have upon Dissenters, and the Act passed the more readily because *this effect* was seen, because it was understood that the *Test* would guard the Church and State from the attempts of *Papists* on one hand, and of *Dissenters* on the *other*: and so little has *this effect* upon *Dissenters* been *disowned* or *disliked* by the Legislature since, that at a time when they were most inclined to *favour* Dissenters, and granted them a *Toleration*, they took care *explicitely and expressly* to continue the Test Act upon them.

His Lordship adds, that this Act *was not* made for the *particular security of the Church of England*, *i. e.* it was not made (as he explains himself) for the *security* of the Church, exclusive of the *State*; and who said it was? let those who said it answer his Lordship: but it follows, that this Act was made for the *security of the WHOLE Protestant Cause*. Now the true Design of the *Act* was to secure the Protestant Interest as established in the King's Dominions, which is indeed in consequence a security to the *whole* Protestant Cause; but will it follow from hence that it was not immediately intended for the security of the Church of *England*? Will his Lordship undertake to prove that this Act which excluded all Dissenters from places of trust, was intended as much for the security of *Nonconformity*, as a part
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of Protestantism, as it was for the security of the Church established, whose members only were left capable of any share in the Government : Could that Parliament which esteemed the Separation from the Church of *England* to be a great *weakening* of the *whole* Protestant Cause ; which had laid great penalties upon all who taught in Meeting-houses, and on all who were present at such teaching ; could they, to secure the *whole*, intend to secure Conventicles, which they thought destructive of the Protestant Interest, as well as of the Church ? Whither will some Mens abilities carry them, and how dangerous a snare is it to a man to imagine that he can *prove*, or *confute* any thing at pleasure ! But however, how does his Lordship prove that the intent of this Act was not for the *particular security* of the Church of *England* ? We have only *his* word, that the Act has no such meaning ; on the *other* side I had produced the *authority* of the *Legislature*, the Crown, and the two Houses of Parliament, declaring *this Act* to have been made *for the security of the Church of England as by Law established* ; and notwithstanding the deference I have to his Lordship's *opinion*, even when he pleases to *conceal* his reasons, I cannot but still think that the *voice* and *authority* of the *Legislature* ought to outweigh his Lordship's *opinion* in determining the intent and meaning of a *Statute* of the *Realm*.

3. His Lordship proceeds to a third Observation.

3. " The Exclusion of *Nonconformists* of
 " ALL Sorts, was not therefore, the certain
 " *Intention* of *Either* of these Acts: and un-
 " doubtedly, *not* of the *Latter*.

Such consequences from *such* premises are
 matter of curiosity, and not every day to be
 met with. But having already considered the
 premises, I shall not venture to follow the *great*
 example before me so far, as to repeat at every
 turn what has been said before. I shall only
 observe that his Lordship is not satisfied with
 his own arguments as to the *Corporation Act*,
 and therefore he ventures only to say that it
 was not the *certain* intention of that Act to ex-
 clude *Nonconformists* of *all sorts*: If so, it
 seems that his Lordship is not *certain* but *that*
 might be the intention, which shews that he
 can find no *certain* conclusion in any of his
 arguments against such an intention: and con-
 sequently he ought not to have placed my as-
 cribing *such* an intention to that Act among the
very visible Mistakes which he was to rectify,
 since after all he does not pretend that it is *vi-*
sible even to himself that it is a mistake. Of
 the Test Act his Lordship has given some ac-
 count to shew what other intention it had *o-*
riginally; of the *Corporation Act* he has not
 pretended to give any account, he has not
once in his *whole* Book told us what this Act
 was made for, and yet it was much to his pur-
 pose to say what the *true end* of the *Act* was,
 when he so often declares that I had ascrib'd a
wrong meaning to it: instead of this he tells us
 the

the *certain intention* of the Act was not what I suppose it to be; but that it had any other *probable* or even *possible* meaning he knows not, or if he does, he has been very careful to keep that piece of useful knowledge to himself. I would not anger his Lordship, nor return him any of the insult or reproach which I have received from him, yet I wish I could say enough to provoke him to open to us the *true intention* of this Act. It will be a curious piece of History to know what this Law was made for, whether it had no relation to Nonconformists of *any* sort; or if only to *some* sort; by what words or article in the Act the distinction is made between the *some* that were to be excluded, and the *some* that were not. Let his Lordship consider the several things required by this Act, the three Oaths, the Subscription, the receiving the Sacrament according to the Rites of the Church of *England*; and then let him tell us *what sort* of Nonconformists they were, who neither refused *receiving the Sacrament* in the Church of *England*, nor *renouncing the Covenant*, nor abjuring the *legality of taking Arms* against the *King*, &c. nor taking the *Oaths of Allegiance and Supremacy*, or *either* of them: When he has found such a set of Nonconformists, it will be time enough to doubt about the *certain intention* of the Act. As to his *eight Ministers full of zeal for the peace of Church and State*, and their *particular Followers*, he will find them *at least* among those who thought it unlawful to *renounce the Covenant* according to the *form* prescribed in the Act, and therefore they are no exception to

the *general* intention of the Act. Mr. *Baxter* in the History of his own Life tells us more than once this was the case of the *most moderate* Nonconformists, the Presbyterians; and it was plainly his own case, and that of his *particular* Followers, as appears in his account of the People of *Kidderminster*.

As to the Test Act, his Lordship tells us it was *undoubtedly* not the *intention* of it to exclude Nonconformists of *all* sorts; and yet 'tis evident this was the *effect*, and that it would be *undoubtedly* the effect was foreseen on all sides; how is it then that the Legislature had *undoubtedly* no intention to do what they *undoubtedly* saw they were a doing, and did do? His Lordship has very strongly declared himself against all *legal Suppositions*, and I dare answer that his present *Supposition* will never be charged with being either *legal* or *natural*. The truth is, as I conceive, that the *Test Act* was made principally and directly against *Papists*, but the words of the Act are general, *That all and every Person or Persons, &c.* and as the Act is *positive*, requiring *something* to be *done* by *all* who bear office; so the plain meaning is, that every Person who would not do what was required by the Act, should be debarred from bearing office. This has ever been the case, and Dissenters have for this reason been liable to many other Acts made *professedly* indeed against *Papists*, but being made against *Papists* as *Recusants* and *Separatists*, all other *Separatists*, as such, necessarily came within the reach of those Laws; and therefore it was necessary in
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the Act of Toleration to exempt *Protestant* Dissenters, particularly from an Act made 3 *Ja.* I. entituled, *An Act for better discovering and repressing Popish Recusants*; and from another of the same Year, entituled, *An Act to prevent and avoid Dangers which may grow by Popish Recusants*, and from any other Law or Statute of this Realm made against *Papists* or *Popish Recusants*, except one Statute made 25 *Car.* II. (which is the Test Act) and another of the 30th made to *disable Papists from sitting in either House of Parliament*. From this account I think it must appear to every one to be very ridiculous to argue from the *Title* of an Act of Parliament only, and to infer that an Act made against *Papists* ought not to be extended to Dissenters; for 'tis plain from the *Toleration Act* it self that the case has always been otherwise, and the intention of the Legislature is, that every Person not complying with the conditions enjoyned by the Law, whether *Papist* or not *Papist*, should be under the disabilities of it; to suppose any other intention, is to destroy all sense in the Law. For what is it the Test requires? is it not that *every Person* bearing office should receive the Sacrament according to the *usage of the Church of England*? His Lordship says this was *undoubtedly not* intended to exclude Nonconformists of *all sorts*; and yet what exception has it made for Nonconformists of *any* sort, who will not *receive* according to the usage of the Church? and it is not deny'd to be evident that the *great Body* of Nonconformists of *all sorts* do refuse
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so to receive, and have done so ever since the Restoration; 'tis a Complaint frequently to be met with in Mr. *Baxter*, that the *Moderate Nonconformists* (as he calls them) who were for maintaining *Occasional* Communion with the Church, lost ground daily with their own People, who were obstinately bent against such practice, and for that reason fell off to the rigid Sect, the Independents: which by the by may shew his Lordship that he builds upon a very slight foundation, when he argues from the *Moderation* and *Peaceableness* of the *eight* Ministers who waited on the King abroad, that their *particular* Followers were of the same moderate peaceable dispositions. But this matter of *Occasional* Conformity and its influence in the present argument will be cleared in its proper place.

His Lordship's fourth Reason is,

4. " There could be no such *Resolution* in
 " the *Legislature*, as the *Dean* mentions; be-
 " cause Receiving the Communion according
 " to the Usage of the *Church of England*, is
 " so far from implying in it, that *He* who so
 " receives it is *well affected to the Ecclesiasti-*
 " *cal Constitution of the Realm*, that it is per-
 " fectly consistent with the Person's not so
 " much as knowing one Individual Branch
 " of that *Constitution*; unless it be the *Office*
 " and *Manner* of the Celebration of the *Com-*
 " *munion*.

My Argument stands thus: The *Corporation* and *Test* Acts were made for the Security of the Church *establish'd by Law*: This I ground up-
 on

on the Declaration made in the Acts themselves, one being enacted for *preservation of publick Peace both in Church and State*, the other to *prevent Dangers which may happen from Popish Recusants*, (in which Dangers surely the Church established is not unconcerned) and upon the Authority of the Legislature declaring in the 10th of the Queen, that both these Acts were *made for the security of the Church of England as by Law established*; and that with a view to *this Security*, the Legislature chose to confine all places of Trust to such only as wou'd communicate with the Church established in the most solemn Act of Christian Worship: from whence I infer, the intention was to keep all out of places who wished the ruin of the established Church, *i. e.* Nonconformists of all sorts.

In answer to this his Lordship says, “ That
 “ a Man may receive the Sacrament in the
 “ Church of *England* without liking, because
 “ he may do it without knowing any thing
 “ more of the Church of *England* than the sin-
 “ gle Office in which he joins.”

In reply, I say,

1. That allowing this new and subtle Distinction to be good, yet it is nothing to the present purpose; for whatever is the case of one who knows nothing of the Church, and therefore neither likes nor dislikes it, yet the case of *Papists* and *Nonconformists* is very different, they pretend to *know* and to *condemn* the Church, and to avoid it as an *unlawful* Communion. This reason therefore will not help them, and yet
 they

they are the only persons concerned in this Dispute.

2. The Lawgivers and every Body else, consider the People of *England* either as well affected, or ill affected to the Church, and these Laws were intended to *discriminate* them; it is very absurd therefore to introduce an *unknown* Set of People, who know nothing of the Church of *England*; and to consider how *they* wou'd be *affected* by a *Law* which has *no relation* to them.

3. The ground of his Lordship's Argument is false. It will not follow, that a Man had *no intention* to do *this* or *that* thing, because the *means* he made choice of were *insufficient* to effect it. The very nature of things often oblige Men to make use of means which will not perfectly, and in every respect attain the ends proposed: Suppose therefore, that *receiving* the Communion in the *Church of England* is not a *certain* means to *prove* a Man's *good affection* to the *Church*, yet it is no argument against the *Resolution* ascribed to the Law-makers: It will only prove that they did not perfectly attain their end, if they had such an end in view; that they had it not in view, it will never prove.

4. The *Speculations* and *new Inventions* of *Divines* are no rule to interpret *Laws* by: Law-makers consider the *Principles* and *Practices* of the People in general, who have not yet learn'd to communicate with a Church without liking it, or to distinguish away all the Duties of *Christian Communion*.

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The fifth and last Observation on this Head is of a piece with the former; only in this fifth his Lordship as much outdoes himself, as in the fourth he outdid every body else. His words are;

5. “ A true and real *Concern* for the *Peace*
 “ of *Church* and *State*, does not always im-
 “ ply in it, so much as a *Conformity*, in
 “ any *one Act* of *Communion*, with the
 “ Church which happens to be establish'd in a-
 “ ny Country; or, in the Dean's Phrase, to be
 “ the *Ecclesiastical Constitution* of any *Realm*.
 “ The good and honest *Reformers* were, I
 “ presume, as truly concern'd for the *Publick*
 “ *Peace* both of *Church* and *State*, in *Queen*
 “ *Mary's* Days, as any of those *Papists* who
 “ constantly conform'd to *Her Church*. And
 “ yet, They totally and openly separated from
 “ it. They were *Nonconformists*; and yet had
 “ a true and sincere *Concern* for the *Peace*
 “ of *Church* and *State*: which I only men-
 “ tion to shew that *Nonconformity* to a *Church*
 “ Establish'd by *Humane Laws*, cannot be, in
 “ it self, a certain Sign to Christians, of any
 “ Want of a *Due Concern* for the *Peace* of
 “ *Church* and *State*; and therefore, that the
 “ foremention'd *Words*, relating to the Preser-
 “ vation of the *Publick Peace*, cannot prove
 “ this Intended Exclusion of *Nonconformists* of
 “ ALL Sorts, and of ALL Tempers.

The words of the Corporation Act to which this noble Observation relates are, —and for the preservation of the publick Peace both in Church and State — From whence I argued, (unfortunately it seems) that the intention of

E the

the Legislature in *this* Act was to secure the Church as by Law established. No, says his Lordship, that could not be the *intention*, because a true and real concern for the Peace of Church and State, does not always imply in it so much as a Conformity in ANY ONE Act of Communion with the Church, which happens to be established in any Country. Strange concern for the Peace of a Church which is consistent with a total separation from it, and with the most earnest endeavours to destroy it! But does not the Act require such a concern for the Peace of the Church as should be manifested by communicating with the Church in the Lords Supper? What have we then to do with a concern for the Peace of the Church which is consistent with a total Separation? if there be in nature such a thing, yet the Act has excluded it, by requiring Communion with the Church, as an evidence of concern for the Peace of it. Will his Lordship venture to affirm, that the words in the Act were meant of any Church or State, but those established at that time in England? or will he venture to own his position when strip'd of the disguise thrown over it by an happy variety of sounds, and say plainly, that a real concern for the Peace of the establish'd Church, is consistent with a total Separation from the establish'd Church, and with an entire aversion to it? Were the first Reformers concerned for the Peace of the Popish Church established in Queen Mary's days, did they receive the Sacrament in that Church, did they subscribe to its Articles ~~and~~, and press forward to gain its

its preferments? No, they openly opposed it, openly avowed it to be *corrupt* and *idolatrous*, openly pleaded for its removal. By what art, by what Logick then does it follow from this Example, that an Act *professedly* made for the preservation of the *established* Church, and *expressly* requiring *Communion* with that Church in a very solemn instance of Christian Worship, had no intention but what was consistent with any Man's refusing Conformity with that established Church *in any one act of Communion?*

There is no Sect whatever but what pretends to be zealous for the *Church of Christ*, and thinks *theirs* to be that *Church*; 'tis this, and this only that makes it necessary to secure the *established Church*, because Dissenters pretending zeal for *the Church*, and holding their own Sect to be the Church, are Enemies to the *established Church*. For this *very reason* *Papists* and *Seētaries* are excluded from Offices of trust in *England*; and for this *very reason* his Lordship thinks they are not excluded, because though they hate the *established Church*, yet they are concerned for *the Church*, according to the notions they have of it. This argument would fit the mouth of *Ludlow* with respect to the State; he might say, that no Act made to *preserve the Peace of the State* could in the *intention* of it reach him, for though he hated the *establish'd Constitution* of the *State* with a *King* at the head of it, yet he was as much for the *Peace of the State* as any man. This is fine reasoning; and after such an instance as this his Lord-

ship had much reason to talk of the *Skill* of others in the *Legerdemain of sounds*; I have perhaps less reason to complain of this than his Lordship's friends, for he betrays the utmost contempt of his Readers, when he thinks such arguments will go down with them.

II.

The second thing to be considered, is, whether *receiving the Sacrament* according to the *usage* of the *Church of England*, be a proper Test to distinguish between those who are and those who are not well affected to the established Church. A *proper* Test in this case is that, which all things considered yields the *most probable* evidence; Humane Affairs do not admit of a *Mathematical* certainty, and if Law makers must do nothing till they can find *infallible* never failing Methods of attaining their ends, the World must be without *Law* and *Government*. An Oath is not an infallible evidence of a man's veracity, for we all know that it too often fails, and the sad effects of it are seen and felt every day. It is very unreasonable therefore to argue against a Test as *improper* to the end proposed, because in *some* instances it does or may fail; Christians do not use to *communicate with* a Church, whose *Communion* they do not approve; to *approve* of the Churches *Communion*, and to be *well affected* to the *Church*, is one and the same thing, therefore a man's communicating with a Church is the *most probable* evidence he can give of his being *well affected* to it. In answer to this his Lordship says,

I. That

1. That many Nonconformists do sometimes *receive* in the Church of *England*, and yet are not well affected to the Church, *p.* 10.

2. He repeats this again, and instances in *Mr. Baxter* and *Dr. Bates*, *p.* 11.

3. We have the same argument a third time, *p.* 12.

4. And a fourth time, *p.* 13. and an instance is given in the behaviour of Papists at the beginning of the Reformation.

The same reasoning occurs over and over again in his Lordship's Answer, which though it be a great *weight* upon the Reader, yet it adds *none* to the argument, for *one* multiply'd by *one* to the world's end, will still be *one*; and I hope I shall be forgiven if I answer it but *once*.

1. This argument is of no consequence at all with respect to the *Corporation Act*, because the Proof there does not rest merely upon *receiving* in the Church, but upon many other particulars, all which no Nonconformist (as ever I heard) would comply with. It might be the *intention* therefore of that Act to exclude *all* Nonconformists, even allowing what his Lordship has said upon this head to be true.

2. With respect to the *Test Act* there is a manifest fallacy in this reasoning; for his Lordship's argument turns wholly upon *such* a State of Dissenters, as we have seen since the *Toleration*, which was not the *State* of Dissenters when the *Test Act* passed. And surely it is reasonable, in order to know the true *meaning* of the Sacramental Test, to consider it in conjunction with the Laws in being when it was made, and not in conjunction with the Laws as they have been since

since altered. When the Test Act was made, there were very severe Laws in being against *Conventicles*, and so far were the Legislature from not intending to debar *all* who had *Offices* from going to Meetings (as his Lordship concludes from their acquaintance with the Principles of Occasional Conformists) that it was their intention *declared* in *many Acts*, and *enforced* by *many penalties*, to restrain every *Subject* from Nonconformity.

So that to prove what his Lordship aims at, that the Legislature had no intention to exclude all Nonconformists from *Offices* by the Test Act; he must not only shew that the *Sacramental Test* is not inconsistent with a Man's going to Meetings, but he must shew that it was a Licence *to go*, that it amounted to a repeal of the Laws against *Conventicles*, and gave *those* in *places* such a liberty of going to *Conventicles* as no other Subjects had. For most certain it is, that *Occasional Conformity* was not permitted by Law when the Test Act passed, and therefore its Pretensions cannot be brought into consideration in determining the Intention of the Legislature in the *Test Act*: for certainly *Occasional Conformity* consists of *two* parts, in *going* sometimes to *Church* and sometimes to *Meetings*; and can be said to approve, or to allow of *Occasional Conformity*, who allows a Man to go *only* to *Church*; and yet thus the Law stood when the *Test Act* passed; *all* Men were required to come to *Church*, but *none* were allowed to go to *Meetings*. Since then it was the intention of the Legislature not to permit

permit *any* Subject to be a Nonconformist, how is it that his Lordship finds that it was *agreeable* to their *Intention* to permit *such* as could get *Places* to be Nonconformists? How is it to be accounted for, that there should be any *such* intention in the Legislature, at a time when the Laws required all *Conventicles* to be suppressed; and was so far from allowing, or even *supposing* Persons in *Places* of *Power* to be Dissenters, that *such* Persons themselves are appointed to *suppress* Meetings? Cou'd the Legislature think that Dissenters were proper Persons to suppress *Conventicles*; or had there been an intention to permit *Lieutenants*, Deputy *Lieutenants*, Justices of the Peace, *Officers* of the *Militia*, Chief *Magistrates* in every *Corporation*, and the *Aldermen* of *London*, to be and continue Dissenters, wou'd the Law have entrusted these Persons with the *suppressing* of *Conventicles*? What an excellent Account does such a Supposition give of the Wisdom of our Legislature?

The *Test Act*, in conjunction with the Laws against Nonconformity *then* in being, was a much *stronger Exclusion* of Nonconformists of *all sorts* from *Places* of *Trust*, than the *Test Act* and *Occasional Act* were when they subsisted together: And as the whole Spirit of the *Act* of *Toleration* is to *exempt* Dissenters from *Penalties*, not to *exalt* them to *Power*, so there was no design to make their way easier to *Power* in the Government; and when it appeared, that exempting Dissenters from *Penal* Laws, gave them an advantage, which was not intended them, to elude the force of the *Test Act*,

Act, which the Parliament intended to continue them under, it was neither *unjust* nor *inequitable* to redeem the Law from the unforeseen abuse of it, and to reduce Nonconformists by the *Occasional* Bill, to the *original* Conditions of the *Toleration*; which meant to preserve the *Test* Act in its true Sense.

And since his Lordship lays so much stress upon the *original* Design and Intention of the Legislature in the *Test* Act, let him consider, that they had made *every kind* of Nonconformity *penal* to *every* Subject. Not content with this only, they require *actual* Conformity in all who shou'd have Places; and as a *Test* of it, require the evidence of their receiving the Sacrament according to the *usage* of the *Church* of *England*: let him consider this, and then tell us what possibility there is to suppose, that they intended to leave room for any Nonconformist to enjoy places of Trust. And instead of an History of the *Principles* of *Occasional* Conformists, and a Story of Mr. *Baxter* and Dr. *Bates*, whose Opinions I dare be confident were no guide to the Law-makers, let his Lordship give us an History of some *Occasional* Conformists, who were *permitted* to hold Places, and at the same time to go to *Conventicles*, before the *Toleration*. There cou'd be no such Practice consistently either with the Letter or the Intention of the Laws before the *Toleration*; and therefore *Occasional* Conformity *for Places* was never known or heard of till after the Revolution. Had there been indeed a *Toleration* subsisting when the *Test* Act passed, and had it been evidently the
Practice

Practice of any *considerable number* of Men to *communicate* both in the *Church* and in the *Meetings*, there had been some colour for his Lordship to say, that the Legislature when they required the Sacramental Test, did not mean to exclude all Nonconformists; but since as the Law then stood *no Meetings* were allowed, the Sacramental Test was plainly required as a stronger proof of affection to the Church, than the mere coming to Church to the common Service; which the Laws before required, under penalties, of *all Subjects*.

Let any man therefore carry himself so far back in his own thoughts, as to the time when the Test Act passed, and when he has viewed the posture of Affairs *then*, and consider'd the Laws in being, he will find that the Test Act wanted not the additional security of an *Occasional Bill*, to make it an effectual *exclusion* of Nonconformists of *all sorts*, but that the Laws then in being were more than equivalent in *this* respect to an Occasional Bill. This will shew him plainly what the *true intent* of the Legislature was in the *Test Act*; which is to be learnt by considering the *Test* as an additional security to the Laws *then* in being, and not by considering what it will do by it self *singly* and *alone*, and in quite another state of things than that under which it passed, those Laws being no longer in force.

And since his Lordship is pleased to own that *a short plain Law that once going to any separate Congregation should imply an Incapacity*, p. 54. would answer all the intention I ascribe

to *these Acts*, let him read the *first Act* among those *taken off* from Dissenters by the *Toleration*, and he'll find that it made the going to Conventicles an Incapacity for more than *Offices* of civil *Power* and *Trust*; and though neither his Lordship nor I can approve the severity of that Law, yet it concerns his Lordship to shew that even during the *continuance* of that *Act*, there was *no intention* to debar men *in Offices* from going to *Meetings*.

Thus much I have said to justify the account I gave of the *intention* of the *Legislature* in the *Acts* before us.

But to try the force of his Lordship's reasoning, let us apply it to a like case, and see what service it will do. His Lordship says,

The Legislature knew that many Nonconformists could and would communicate in the Church, so as to *qualify* themselves, and therefore they had no meaning to exclude *all* Nonconformists from Places by the *Test*.

His Lordship, I suppose, makes no doubt but the Legislature has long known, that many *Enemies* to the *present* Government will and do take the *Oaths* of *Allegiance* and *Abjuration*: from whence by the Bishop's Logick it is to be inferr'd, that they had *no intention* to exclude the *Enemies* of the Government by the *Oaths* of *Allegiance* and *Abjuration*.

Let his Lordship now answer his own argument thus applied, or let him own that 'tis absurd to look for *exact* and *Mathematical* Certainty in *humane* Laws.

2. Another *Argument* or *Article*, or whatever

ever you please to call it, for what it is I know not, appears four or five times in this Section, and then *walks* throughout his Lordship's *Answer*, as if it had business in every page. I had observed, that *receiving* the *Sacrament*, &c. was enjoyned, as the *most probable* evidence of a man's being sincerely *well affected* to the *established Church*: His Lordship answers, that *receiving* the *Sacrament* in the *Church* is no proof that a man likes *every thing belonging to our Church Government*, or the *WHOLE Ecclesiastical Constitution*: And his Lordship represents my meaning to be, that receiving the *Sacrament* in the *Church* is a proof, "that a
 " man is heartily resolved to preserve EVERY
 " Branch of the Ecclesiastical Constitution in
 " its *present* condition against all amendments
 " or *alterations* whatsoever".

This is no argument against what I have said, but if there be *any thing* in it, it proves that there is no such thing as a man's being well affected to any person or thing in the world, without being guilty of great folly; for there is not the person or thing in the world so perfect, but that in some respect or other it is capable of being amended, and it seems there is no being *well affected* to any thing, without being *heartily* resolved to admit of no *amendments* in it: For instance, should a *Father* send for a *Physician*, and say to him, " Sir, I beg your assistance, my *Son*
 " has a *Fever*, and I am extremely fond of him", the *Physician*, upon his Lordship's Principles might answer; " Why then do you send to me
 " if you are fond of your *Son* in a *Fever*, 'tis

“ plain you would not have his Distemper re-
 “ moved by any *amendment* or *alteration* of
 “ his Condition” ? So again, if a man should
 profess to like his old Seat in the Countrey, it
 would follow in the same method of *Science*
 that he is determined never to *repair* it, for
 that would be either to *alter* or to *amend* it :
 or apply his Lordship’s *demonstration* to the
State, and then it follows, that no *friend* of the
 Civil Establishment can consistently with his
good affection to the *State* ever consent to the
 repeal of any *inconvenient* Law or Statute what-
 ever. In a word, we have this conclusion
 from the position, that ’tis impossible for the
friends of *Church* or *State* ever to do any *good*
 to either by *altering* or *amending* what is a-
 mifs; which if his Lordship intended as a reason
 for putting *Places* of *Power* and *Trust* into the
 hands of such as are *Enemies* to both, there
 may perhaps be something more in this reason-
 ing, than I at first apprehended.

What is meant by being *well affected* to the
 Ecclesiastical Constitution in this debate, is ve-
 ry evident from the nature of the case it self :
 Here is a division in the People, and some
 think it their duty to adhere to the *established*
 Church, and to preserve it in opposition to the
 Sectaries who would destroy it; others think
 that they ought not to adhere to the Church,
 and therefore they set up Conventicles in oppo-
 sition to it. The whole use of the *Sacramen-
 tal Test* is to distinguish between these men ;
 and therefore whoever joins himself to the
 Church of *England* as a Member of the Com-
 munion,

munion, is in the number of the *well affected* to the Ecclesiastical Constitution, according to the discrimination *intended* to be made, by these *Statutes* between the *well* and *ill* affected: Whether such a man likes *every* thing in the Constitution of the Church, can be no question upon the foot of *these* Laws; for *they*, considering the people *only* with respect to the present *Separation*, do receive all, who renounce the *Separation* and live in Communion with the Church as *well affected* to the Establishment: and in *his* view undoubtedly he, who all things considered, judges it to be his duty to join with the Church established, though he may see things it which he wishes altered or amended, is in respect to the *Separatist* one of the *well acted*. This is the *great* and *true difference* regarded by the Law, which meant nothing is than to enter into the *particularity* of each *single* man's opinion in *single* points of Church Government.

His Lordship's observation in this Section, with respect to the Papists who communicated with the Church in the beginning of the Reformation besides what it has in common with the *je* observation with respect to Dissenters, has a *singular* beauty, that it *first* informs us that the Romish Church forbids its Members come to *our* Communion, for the *sake of the bad consequences to their own cause*, the Papist owing into a *good liking* of the Church, where Communion they frequented; and it ends in informing us, that *this* instance is a plain proof, that *communicating* as they did
with

with a Church, is *consistent with an outrageous Zeal and Fury against it*. His Lordship's concern in the *present* cause could not but draw from him some *kind* expressions towards *Occasional* Conformity wherever he found it, and his Zeal against Papists made him forget himself within seven or eight lines after.

III.

The third Section contains nothing not yet considered, excepting that in the Title the word *Demonstration* is to be met with in different Characters; a sure sign always that there is but *very little* to follow it.

In order to this *Demonstration* we are told, (p. 14.) there were *two* Methods of compassing the *End* which I ascribe to these Acts; and in the next page we are told, that these *two* must be joined together to make *one* effectual Method. If it is not *plain* to every Reader, how *two* Methods make *one*, or how *one* Method is *two*, it must be ascribed to the *Difficulties* which attend *Demonstration*.

But as to the *two* Methods which make *one*; the first of them proposes to us in what manner the Legislature might effectually have made *constant uninterrupted Conformity*, (mind the words) the condition of enjoying Places; and this it seems might have been done by a short Law, enacting, that *once going to any separate Congregation*, should imply *in it an incapacity or forfeiture*. So that *not going to a Meeting* is the same thing as *constant uninterrupted Conformity*, *i. e.* *not going to a Meeting and constantly*

stantly going to Church are one and the same thing. But farther, his Lordship tells us, that the *Occasional* Bill (which made *once* going to a *Meeting* an Incapacity and Forfeiture) *allowed such a Behaviour* as supposes the Person not entirely satisfied with a *total uninterrupted Conformity*, (p. 60.) So that his Lordship's *demonstrable* Method of confirming Offices to the Condition of *constant uninterrupted Conformity*, allows every Man *in office* such a Behaviour as *supposes* him not entirely satisfied with *total uninterrupted Conformity*: and is *perfectly*, (p. 61.) *consistent with a Persons* not adhering to the Church *constantly* and *affectionately*.

In setting forth the second Method, his Lordship says, "Supposing the Legislature to have intended to have excluded from Offices all but such as were WELL AFFECTED to our *Ecclesiastical Constitution*, nothing cou'd have been more *natural* or more *obvious* than to have required, &c." Here then in the way of *Demonstration* we have a *natural* and *obvious* Method, of making an inward *affection* or *disposition* a Qualification for Offices; and yet within three or four pages the *Demonstration* takes a *new* turn, and his Lordship pronounces it, "An undeniable Proposition that the real *inward Disposition* cannot possibly, by any human Law, be made a Qualification for any Office," (p. 19.) So again at p. 29. his Lordship is sure that "an Act of Parliament cannot reach to the inward *Disposition*." What now is become of the *natural* and *obvious* Method

thod which the Parliament had of confining Offices to the *well affected* to the Church? The *undeniable* Proposition has run away with the *Demonstration*; but its Triumph will be but short; for at *p. 42.* another Test of an *inward Disposition* arises; for an *Oath* we are told is *a Test of Veracity*; which Veracity is an *inward Disposition*; or if it be something *external*, I wish we had its *Picture* by a good hand that we might know it when we meet it.

His Lordship's second Method, or rather the second half of his Method, is inconsistent with one great End of the Test Act allowed on *both* sides. His Lordship proposes to change the *Sacramental Test* into an *Oath*, declaring the Person's *good affection* to the *Church*, &c. Now we *both* allow that it was the *undoubted* Design of the Act to exclude *Papists*: and his Lordship informs us, that *Papists* cannot be dispensed with to receive the Sacrament with us, but may be dispensed with to take *Oaths*: and yet, changing the *Sacramental Test* into an *Oath*, is a *demonstrable* Method of answering all the Ends which I ascribe to the Test Act; the *principal* of which is the *Exclusion of Papists*.

Surely there was some fate attending it, when of all the *Sections* in the Book, this *only* was introduced with the *triumph* of *Demonstration*: But I have done with it, and hasten to the fourth Section to take care of some *Observations* of my own.

IV.

His Lordship complains that I *impute* to him, that he supposes *barely* receiving the *Sacrament* to be the *Test* required by *those* Acts. To which I have this to say, that it appeared to me from his *language* and his *reasoning* in this case, that *such* was his *Supposition*; nor has he now produced any words of his own, not consistent with *such* a *Supposition*: However, as this matter does not affect the *Cause*, but is *personal* between his Lordship and me, 'tis not worth prosecuting; and if I have *mistaken* his meaning, I beg *His* and the *Reader's* pardon.

2. I had affirmed, that the *Test* lies CHIEFLY on these words in the *Act*, according to the *Usage and Rites of the Church of England*; his Lordship takes notice here, that I had a small interval of *good Sense*, which held long enough for me to utter *one* word which spoilt the whole Observation. The Observation was, that *barely* receiving the *Sacrament* was not the *Test*; and I must wait for another interval of *good Sense*, before I can apprehend how this Observation is spoilt by saying, that the *Test* lies CHIEFLY upon the *Rites and Usage* of the *Church of England* in receiving.

I add, That, "every Man, as a Christian, is "supposed to receive the *Sacrament* somewhere," and infer, That, "barely receiving the *Sacrament* is no *Test* of any affection to the Ecclesiastical Constitution of this Kingdom." His Lordship says, "This is making the Legislature
G "suppose

“ *suppose* what is *absolutely* and *notoriously*
 “ *false*; for 'tis manifest that there are many
 “ professed Christians who receive not at all.”
 I answer,

1. 'Tis a known Maxim in Law, that every Man is supposed to do his Duty till the contrary appears.

2. I say that every Man, *as a Christian*, is supposed, &c. And I still think, that a Man cannot be considered *as a Christian* without supposing him to *receive* somewhere. And this his Lordship *saw*, when instead of my words, he chose others, and replied, that many *professed* Christians do never receive.

3. His Lordship's Reasoning here is founded upon the common Mistake that runs thro' his Answer, “ That the Legislature were to consider the Principles and Practices of every *single* Man;” whereas their view necessarily led them to consider only the Principles and Practices of the several Divisions of Christians among us, and from thence to infer what wou'd be the *most probable* Test to distinguish a *Churchman* from Dissenters of all sorts. In this view the Test is proper; for 'tis the Principle of all Sects that their way of administering the Sacrament is the true way; and if there be a Sect who are in principle against receiving at *all*, they can no more *receive* according to the *Rites* of our Church, than according to any other *Rites*.

4. This justifies the second Supposition found fault with by the Bishop, *viz.* *That no Man wou'd receive in such a manner but a Member of the Church of England.* The ground of this
Suppo-

Supposition, viz. “ That a Man ought not to
 “ separate from a true Church of Christ settled
 “ in the Countrey he belongs to ; or join in Com-
 “ munion with those who do ; ” is as old as Chri-
 stianity ; and I am willing to allow, that our Le-
 gislature were entirely unacquainted with his
 Lordship’s new *Principles of Church Communi-*
on with opposite Churches ; and consequently,
 that they had it not before them to provide a-
 gainst them : But I must remind him too, that
 there was *no Sect* then, nor is there now, (what-
 ever may be the case of some *particular* Men
 of all sorts) who owned *such* Principles : And
 I have already told his Lordship, that general
 Laws respect general Circumstances, and are not
 founded upon the *Particularities of Individu-*
als : And if it be just Reasoning in his Lord-
 ship to say, “ That these *Laws* were not *in-*
 “ *tended* to exclude Sectaries, because some Se-
 “ ctaries will comply with the Laws ; ” it will
 be just as strong with respect to the *Abjuration*
 Oath ; and it must be allowed, that the *Law*
 enjoining the *Oath* was not *intended to exclude*
 the *Pretender*, because some Men, (as we are
 often told) have found ways of *reconciling* the
Oath with strong *Inclinations* to bring him in.

2. Another *Observation* which I made, and
 am now to answer for, is, “ That receiving
 “ the Sacrament is not the Qualification for an
 “ Office within the intent of the Act, but only
 “ the Proof of it. That the Qualification to
 “ be proved is good Affection to the Ecclesiasti-
 “ cal Establishment.”

1. His Lordship's first Remark here is, that *receiving, &c.* has no relation to an *esteem* of the *WHOLE Ecclesiastical Constitution*: This has been already considered.

2. In his second he tells us, "That it may, *he thinks*, be called an undeniable Proposition, that the *Real Inward Disposition* cannot possibly, by any human Law, be made a Qualification for any Office."

The reason given for this is, that *it is not possible to judge of real inward affection*; which I cannot allow to be true; there are many ways to *judge* of it: all that is true, is only this, that we cannot *judge* of it *infallibly*: and true it is also, that *humane* Laws do not reach to *Infallibility* either in *this* or any *other* case; *moral* Probability and *Assurance* is all they pretend to; and as *Aristotle* observes in *Ethicks*, so is it in *Government*, that is true, which is so *ἄπι τὸ πολύ.*

3. His Lordship's next Argument is, that *affection* to the *established* Church is not the *qualification* required in these *Acts*; because he who performs *only* the *outward* act of *receiving, &c.* is *duly* qualified according to the *Acts*, whether he be *Friend*, or a *professed* *Enemy* to the Church established. I beg leave to repeat what his Lordship ought to have taken notice of, "That the word *Test* is a relative term, and always respects something that is to be testified". The outward Act of receiving required by *these* Laws, is required *as* a *Test*; the question then is, what is the thing to be *testified*? His Lordship must either affirm that these

these Laws *require no Test*, and that all the World has been under a mistake from the making of the *Acts* to this time; or he must say that they require a *Test*, but without intending that any thing should be *testified* by it. His Lordship's present Argument only shews that *humane* Laws may be easily evaded, which will never amount to a proof that they have no meaning. Try the Argument in other cases, and see how it will do. Whoever, be he *Friend* or *Enemy* to the *Church*, performs the *outward* act of *subscribing* the *Articles*, of *declaring* his *assent* or *consent*, &c. is qualified by *Law* for a *Living*; the Laws therefore requiring such *Subscriptions* and *Declarations*, have no intention to keep such as *dislike* our *Articles* or *Service*, and are *Enemies* to the *Church*, out of *Living*s; but their *only true* intent is, that men should perform these *outward* actions, *merely as outward* actions, and by so doing be fully *qualified* for *Offices* in the *Church*, and this equally whether they be *Friends* or *Enemies* to the *Church*.

But is it not, you'll say, *true in fact*, that they who perform the *outward Acts* required by the Laws, are in the eye of the Law *qualified* for an *Office*? I answer, it is true.

Was it not likewise the *intention* of the Legislature that *such* should be reckoned *duly qualified*? I answer, It was their intention. But still this will not do his Lordship's business; for it remains to be answered *as plainly* on his side: for what reason did the Legislature make choice of *these* outward acts, rather than *any* other,
and

and lay all who were to be in *Offices* under an obligation of performing them? Was it mere humour that led the Parliament to *this* choice, without respect to any purpose that was or could be served by it? Whenever his Lordship thinks fit to answer these Questions, he'll answer his own Book; in the mean while I desire it only of the Reader to try if he can answer them consistently with his Lordship's *Principles*, and the Arguments made use of by him in this case.

4. His Lordship's next Argument is the same with that which went before, excepting only that he is so bountiful as to argue with me upon the *supposition* of the *truth* of what I assert, *viz.* "That *receiving* in the *Church* is *required* by the *Legislature* as a probable mark " of *affection* to the *Church*". And yet *this* being allowed, we are still told that the *material* outward *action* is the *qualification* in the *intention* of the Law-makers: That is, *allowing* the Sacramental Test to be required *only* as a *sign* by the Legislature, yet it is the *qualification* for an *Office*, not as a *sign*, but merely as an *outward* material *action*: Or in plainer words; it was the intention to require it *as a sign*, yet it was not the intention to require it as a *sign*, but as an *external* act, without regard to its *significancy*. I am very sorry this Argument did not stand with its *fellows*, under the title of Demonstration.

But to shew the Sophistry of this reasoning, we need only consider the difference between the *primary* intention of a Law, and those *intention*

tions which attend it merely in order to attain the *main end*. In the present case it is the *primary intention* of the *Law*, that only such should have *Offices* as are *well affected* to the *Church*. To compass this intention, it is necessary to settle what shall be taken as a proof of *such* affection, and to limit *places* to such only as give *such proof*: This being settled, it may be said (which is what his Lordship says) that it is the *intention* of the *Law*, that all who give the *proof required* should be capable; but then this intention is evidently subservient to the *main intention*, that only the *well affected* to the *Church* should be capable: and 'tis very absurd to suppose any inconsistency between this *intention* of the *Law*, and that which is the *main* and *primary* intention, or *ultimate* end of it. What his Lordship farther adds under this head, that an *Enemy* to the *Church* is qualified by *Law* when he has done what the *Law* requires, amounts only to this, that men may *defeat the end* of a *Law*, even whilst they comply with the *Letter* of it: His Lordship declares, I know, *that the Letter of the Law is the Law, and they who perform all that the (Letter of the) Law of Men requires, obey the Law of Men*, p. 38. The contrary has always been held as an undoubted Maxim, with respect to all *Laws human* and *divine*; and it has been the *agreed Sense* of *Divines*, and *Lawyers*, and of all men of understanding, that the *true sense and meaning* of the *Law*, is the *Law*, even in opposition

position to the *Letter* of the *Law*. What will his Lordship say to hundreds of Texts even in Scripture? Must we according to the *Letter*, rejoice evermore, and pray without ceasing, and yet mourn with those who mourn, and every man do his own business, working with his hands? So in human Laws; does he who subscribes the Declaration against Transubstantiation, according to the *Letter* of the *Law*, and yet believes it; or he who renounces the Pope in the *Words* of the *Law*, and yet firmly adheres to him and his *Claims*; do these men obey the *Law*, whilst they defeat the *intention* of it? Let the World be told this plainly, and we shall soon have an end of this Controversy; a Controversy that cannot subsist without the support of such Principles as confound and destroy *all* the *Laws* of *God* and *Man*.

To proceed,

His Lordship's original charge against these *Laws*, was, that they were an abuse of the *Sacrament*, that they turned it ASIDE FROM *its original and natural design*, to a purpose AGAINST *its own Nature*, &c. Having shewn from a *true state* of the *Case*, that the *Laws* were not chargeable with so much *Impiety*; I added an observation from the *Corporation Act*, which was, that a man might give the evidence *required* by *that Law*, without knowing that his receiving would ever be such an evidence; and consequently without receiving in any *other* manner, with any *other* view, *intention*, or *thought*, than what devout Christians have at all times; which shews that the use made of the *Sacrament*

ment by *this* Law, does not TURN ASIDE the Sacrament FROM its original use, or introduce *any use* CONTRARY to its nature. His Lordship has mistaken this argument, and reasoned against something else, for about two pages (21, 22.) which as they concern not me, so neither will I be concerned with them.

His Lordship's next attack is upon the use I make of two Statutes of *James I.* The first of them (3 *Jac. I. cap. 4.*) expressly charges the Papists with complying with the Letter of the Laws before in being, to *hide their false Hearts*; which his Lordship, who thinks the *Letter* of the Law *the Law*, should have observed; and for the *better* discovery of such Persons, a Sacramental Test is provided: And yet in opposition to the declared sense of the Act, his Lordship goes on with the *old Story*, of *outward Acts*, of TOTAL Conformity; and then to shew that *inward Affection* had nothing to do in the case, he adds a Proof, which I wonder he did not call a *Demonstration*; his Lordship tells us, that the Legislature required the *receiving* the Sacrament as an *outward act* only, which *Popish Recusants* did not, and were not *allowed to perform*, &c. I desire to know whether *Papists* are under any *natural* Impossibility of receiving the Sacrament in the *Church*; for if they have a *natural* Power to do it, supposing they had the *will*, 'tis plain their *not doing* it can *only* discover their *will* or *inward Affection*. And yet this *Test*, which is a Test *solely* upon the *wills* and *affections* of *Papists*, we are told is

a *proper Test*; which is a very *proper* conclusion of a long Discourse against the Possibility of having a Test upon *inward* Affections.

As to the second of the two Acts (7 *Jac. I. cap. 2.*) his Lordship will allow all I contend for, that the *Sacramental Test* was proper to shew who were *Protestants* (though I trust to be a *Protestant* consists in more than *Externals* only) provided we will be content that, by the the *Religion established in England in James I's* time, he may understand not the *Religion* of the *Church established*, but the *Protestant Religion* in general, whether according to the *Conventicle* or the *Church*: I am not disposed to allow him *this*, and so we must not agree; and I must be content that his Lordship should *ring* over his *changes* again, upon *Occasional Conformity, outward Acts, legal Intent* of the *Letter* of the Law, &c.

But for a finishing stroke, we are told that there is no arguing from one Law to another, from the known sense of the *expressions* or *provisions* of *one*, to the probable *sense* of the *same* expressions and provisions in *another*; that the true and undoubted meaning of the *Sacramental Test* in two Acts of *James I.* is no ground for fixing the meaning of the *same Test*, used for the *same Purpose*, and expressly applied to the *same sort* of Persons by an Act of *Charles II.*

His Lordship here should have considered what I had observed to him, that a Test is used because of its natural signification; the Law cannot impose a signification upon, or make it denote any thing

thing but what it naturally denotes; and therefore the proper and natural signification of a Test is always the same, though used in twenty Acts; and the certain meaning of it in any *one*, must be the meaning of it in all the rest: But I will not argue this point. If his Lordship can make this Rule prevail against interpreting one Statute by another, much may be done towards reforming the Pleadings and Arguings in *Westminster-Hall*; and I willingly resign all my Interest in this solid Observation, to the Gentlemen who are likely to have more use for it than ever I shall.

I have now gone through the several Arguments which his Lordship thought fit to make use of, with respect to the *meaning* and *intention* of the Laws before us: From which I hope it will appear to every Reader, how little reason there was for his Lordship's *repeated* Insinuation, that the *intention* ascribed to these Laws is owing to *my invention*, that 'tis *my supposition*, contrived to answer *my own wishes and design*: For my own part, I think it a greater Crime to *counterfeit* the *Law* of the Land than the *Coin* of it. I cannot but think it very injurious to charge me with *such a design*, but I have learn'd *not* to be *surprized* at any thing of this sort that comes from his Lordship's hand. What ground he had for such a charge will farther appear from hence.

In the first Year of the Queen, *Anno* 1702.
 a Bill for *preventing Occasional Conformity*

passed the House of *Commons*; when it came to the Lords it underwent many alterations and amendments, which were the subject of several Conferences between the two Houses. It will not be supposed that the Lords and the Commons agreed to put a *new* sense upon the *Corporation* and *Test* Acts manifestly injurious to the *Dissenters*, who wanted not at that time *very discerning* Advocates to secure them from all Oppressions: but yet this very meaning of the *two Acts*, which his Lordship is pleased to ascribe to my *invention* and *design*, was admitted on both sides as the Foundation of the new Law then under consideration. The Preamble of the Bill as sent up from by the Commons, had this Clause.

“ Nevertheless whereas the Laws do provide
 “ that every Person to be admitted into any
 “ Office or Employment, should be conforma-
 “ ble to the Church as it is by Law established,
 “ by enacting, that every such Person so to be
 “ employed, should receive the Sacrament of
 “ the Lord’s Supper, according to the Rites
 “ and Usage of the Church of *England*. Yet
 “ several Persons dissenting from the Church,
 “ as it is by Law established, do join with the
 “ Members thereof in receiving the Sacrament
 “ of the Lord’s Supper, to qualify themselves
 “ to have and enjoy such Offices and Employ-
 “ ments, and do afterwards resort to Conven-
 “ ticles or Meetings, for the exercise of Reli-
 “ gion in other manner than according to the
 “ Liturgy and Practice of the Church of *Eng-*
 “ *land*, which is contrary to the intent and
 “ meaning

“ meaning of the Laws already made: Be it
 “ therefore enacted, &c.

As the Bill was amended by the Lords the Clause stood thus.

“ But nevertheless whereas several Persons
 “ dissenting from the Church, as it is by Law
 “ established, do join with the Members there-
 “ of, in receiving the Sacrament of the Lord’s
 “ Supper to qualify themselves to have and en-
 “ joy Offices and Employments, and do after-
 “ wards resort to Conventicles and Meetings,
 “ for the exercise of Religion in other manner
 “ than according to the Liturgy and Practice
 “ of the Church of *England*, which is contra-
 “ ry to the intent and meaning of the Laws
 “ already made: Be it therefore enacted, &c.

’Tis evident that both *Lords* and *Commons* do agree, that for any Person to receive the Sacrament *for an Office*, and afterwards to resort to *Conventicles*, was *contrary* to the *intent* and *meaning* of the Laws requiring the *Sacramental* Test. This is so plain, that I wonder by what light Dr. *Calamy*^a discovered that the Lords *disowned* that it was the *intention* of the Law, that all Persons should be *conformable* to the Church, who were obliged to receive the *Sacrament*, &c. The Lords say in their *own* Bill, that it was *contrary* to the *intent* of the Laws, for such Persons to go to *Meetings*: And, I suppose, the Dr. will not impute it to the Lords, that it was their Opinion that the Law *intended* to dispense with all *publick* wor-

^a *Abridgments of Mr. Baxter, &c.* p. 626.

ship. The Lords knew best their own reason for altering the Commons Preamble, and they tell us it was, because the *part left out by them*, asserted a fact which they apprehended to be otherwise: *viz.* That *every* Person to be admitted into *any* Office, was bound to take the Sacrament, whereas the Lords apprehended that there were some Offices which might be had and enjoyed, without receiving the Sacrament; but that the Laws which require the Sacramental Test, did not intend thereby a *Conformity* to the Church *established*, they never say; nor could they say it consistently with the Preamble of their own Bill. The then Bishop of *Salisbury* did indeed at the *free* Conference, in answer to a charge of *Hypocrisy* brought against *Occasional* Conformity, observe that "It is not
 " a certain Inference, that because a Man re-
 " ceives the Sacrament in the Church, he can
 " therefore conform in every other particular"; but he does not pretend to say, in opposition to the Bill he was to maintain, that the Law had no *intention* to secure a *Conformity* to the Church, by the *Sacramental* Test. The *Conferences* between the *two* Houses upon the *Occasional* Bill, were published by each House separately; and every one may satisfy himself from them, whether I am truly chargeable with *inventing* a new *intention* for the *Corporation* and *Test* Acts, *agreeably to my own wishes and design*; a charge, which, perhaps it may be expected I should *submit* to with *silence*, but which, had it come from me to his
 Lordship,

Lordship, would, I doubt not, have been *advertis'd* as a *Calumny* long before this time.

Upon the whole; Let any one consider the State of Dissenters *before* the Toleration, and *since*; and that alone will enable him to determine this part of the Controversy. Before the Revolution Nonconformists of *all sorts* were subject both to *penal* Laws and *disqualifying* Laws. The former Laws extended to the *suppressing* of all Conventicles, and to the *punishment* of every *Subject* who shou'd be found to have resorted to a Conventicle for the Exercise of Religion: The latter were made to exclude all but Members of the Church establish'd from *Places*, and for that reason requir'd of every Man in order to his having and enjoying a *Place*, &c. that he shou'd receive the Sacrament according to the *Rites* of the Church of *England*: This *Test* was enacted whilst the *penal* Laws subsisted, and was effectual to that purpose in conjunction with them; there was no reason to add a particular provision to the Law, that such as qualify'd for *Places* shou'd not afterwards resort to Conventicles, at a time when there were very severe Laws restraining every *Subject* from that practice.

At the Revolution a Toleration was granted to Dissenters, which was *intended* to *ease* them from the *penal* Laws, but not from the *disqualifying* Laws; for the *Act* of Toleration expressly excepts the *disqualifying* Laws, and declares and continues all Dissenters under them.

But

But the removal of the *penal* Laws did in the consequence enervate and weaken the *disqualifying* Laws; and opened the way for such Dissenters as wou'd come *once* to Church to qualify themselves, to go to Conventicles for ever after; for which Evasion of the Law there cou'd be no room as long as it was *penal* to every Man to resort to Conventicles.

From the case as it *now* stands since the Toleration, the Bishop argues, that it never was the *intention* of the *Corporation* and *Test* Acts to exclude Dissenters from *Offices* of *Trust*; and his main Argument is, That by the Principles of *Occasional* Conformity, a Man may give the *Test* required, and yet continue a Dissenter; and therefore the Law which provided this *Test* only, cou'd not *intend* to *exclude* Dissenters. In answer to which I say, *That from the beginning it was not so*; and I have shewn from the Laws in being when the *Test* Act was made, that it cou'd not be so: I say farther, That the Toleration was *intended*, *only* to exempt Dissenters from *Penalties*, and not to make their way easy to *Power*; and that the advantage which they have made in *this* respect upon the removal of the *penal* Laws, is *contrary* to the *intent* of the Laws still in being, and to the very *Conditions* of the *Toleration*; and that the *Occasional* Bill was not an Encroachment upon any *Right* given or *intended* to be given to Dissenters, but a Means only to prevent their Encroachment upon the true *intent* and meaning of the Laws still remaining in force.

That this was the case, appears sufficiently from the Act of Toleration it self; but the Steps previous to this Act make it still plainer.

Upon the 16th of *March* 1688, King *William* made a Speech to both Houses, in which he says,
 “ I am with all expedition I can, filling up the
 “ Vacancies that are in Offices and Places of
 “ trust by this late Revolution; I know you
 “ are sensible there is a necessity of some Law
 “ to settle the Oaths to be taken by all Per-
 “ sons to be admitted to such Places. I recom-
 “ mend it to your care to make a speedy pro-
 “ vision for it, and as I doubt not but you will
 “ sufficiently provide against Papists, so I hope
 “ you will leave room for the admission of
 “ all Protestants, that are willing and able to
 “ serve.

“ This conjunction in my service, will tend
 “ to the better uniting you among your selves,
 “ and the strengthening you against your com-
 “ mon Adversaries”.

How this Proposal from the Throne to make room for the admission of *all* Protestants, without distinction, into Offices and Places of *Trust*, was taken by the two Houses, may be seen by their joint Address presented the 19th of *April* 1689. In which, after their most humble Thanks rendered to his Majesty for his *Declaration*, and repeated assurances that he would *maintain the Church of England established by Law*, They add,

“ We humbly pray your Majesty will be
 “ graciously pleased to continue your care for
 “ the preservation of the same, whereby you
 “ will

“ will effectually establish your Throne, by se-
 “ curing the Hearts of your Majesty’s Subjects
 “ within these your Realms, who can no bet-
 “ ter way shew their Zeal for your Service,
 “ than by a firm adherence to that Church,
 “ whose Constitution is best suited to the sup-
 “ port of this Monarchy.

“ We likewise humbly pray, that according
 “ to the ancient practice and usage of this King-
 “ dom in time of Parliament, your Majesty
 “ will be graciously pleased to issue forth your
 “ Writs as soon as conveniently may be for
 “ calling a Convocation of the Clergy of this
 “ Kingdom to be advised with in Ecclesiastical
 “ matters, assuring your Majesty that it is our In-
 “ tention forthwith to proceed to the Consid-
 “ ration of giving ease to Protestant Dissenters.

The King had desired *room* for the admission
 of *all* Protestants into *Offices of trust*; his two
 Houses *humbly pray* him to continue his care
 for the *preservation* of the *Church of England*,
 which would effectually *establish* his *Throne*;
 and with respect to *Dissenters*, they promise
 to proceed to the consideration of *giving* them
ease.

The King’s Answer, signed by himself, and
 delivered to the House of Lords, *April 20,*
 1689, was —

“ Though I have had many occasions of as-
 “ suring you that I will maintain the Church of
 “ *England* as by Law established, yet I am
 “ well pleased with every opportunity of re-
 “ peating those Promises, which I am resolved
 “ to perform by supporting this Church, whose
 “ Loyalty,

“ Loyalty, I doubt not, will enable me to an-
 “ swer your just expectations : And as my de-
 “ sign in coming hither was to rescue you from
 “ the Miseries your laboured under, so it is a
 “ great satisfaction to me, that by the success
 “ God has given me, I am in a station of de-
 “ fending this Church, which has effectually
 “ shewn a zeal against Popery, and shall al-
 “ ways be my peculiar care : And I do hope
 “ the ease you design to Dissenters, will con-
 “ tribute very much to the establishment of
 “ this Church, which therefore I do earnestly
 “ recommend to you, that the occasions of
 “ Differences and mutual Animosities may be
 “ removed, and as soon as conveniently may
 “ be I will summon a Convocation ” .

In consequence of this, the Act of Indulgence,
 which gave *ease* to Dissenters, but left no *room*
 for their admission into *Offices of trust*, was
 prepared, and passed the Royal Assent, *May*
24, 1689. And the King, as far as I can recol-
 lect, never made any other attempt in favour of
 Dissenters.

V.

The Intention of the Occasional Act
briefly considered.

That nothing might pass *unanswered* that fell
 from my Pen, his Lordship has taken pains to
 give a new meaning even to the *Occasional Act*,
 as it is commonly called. I had observed, that
 “ *When the Doctrine of Occasional Conformity*
 “ for places prevailed, it broke in upon the *evid-*
 “ *dence* (required by the Corporation and Test

“ Acts) just as the Doctrine of *Equivocation*
 “ and *Mental Reservation* broke in upon the
 “ evidence of an *Oath*”. In answer to this
 his Lordship says, p. 55, §. 9.

“ That *receiving* in the Church is no evidence
 “ of constant Communion with it”, which has
 been already considered: And he concludes,
 that the “ Act of *occasionally* receiving, gave
 “ the evidence required by the Test Act”;
 the contrary to which the Reader has seen as-
 serted both by *Lords* and *Commons*, in their
 Preambles to an *Occasional Bill*, Anno 1702.
 And his Lordship himself tells us, that should
Papists once come to receive *occasionally*, the
 evidence would then be broken through, and
 new methods of *Exclusion* must be found out;
 which difference between the Occasional Con-
 formity of Papists and Dissenters he grounds up-
 on this, that the *Test Act* did intend to exclude
 Papists, and not Dissenters: His Lordship was
 conscious this reason would not bear being ap-
 plied to the *Corporation Act*, which was made
 peculiarly to exclude Dissenters, and therefore
 he very wisely confines his observation to the
Test Act only. And if what I have said of the
 intention of the *Test Act* be true, his Lordship
 must own the *Occasional* Conformity of Dissen-
 ters did break in upon the evidence of that also;
 so that this argument is only the old account
 over again, that the *Test Act* had no relation
 to *Dissenters*.

His Lordship asks me, with what justice the
 doing a thing accounted lawful by my self, can
 be said to be *criminal*. In answer to which I
 say,

say, that whether Occasional Conformity be *criminal* or *not* criminal, is not my present business to enquire; be it never so *innocent* a practice, nay, be it highly *commendable*, yet still it broke in upon the evidence required by the Law; and in this respect only I compared it to *Mental Reservation*. And if nothing is *criminal* which a man accounts to be lawful, his Lordship will find it hard to prove even *Mental Reservation* to be *criminal* in any particular case; but will he for that reason say, that 'tis no *evasion* of the evidence of an Oath required by Law? because he who swears with *Mental Reservation*, *does every thing required by Law*, i. e. *repeats* the words of the *Oath*, *kisses* the *Book*, &c.

But to proceed :

Either his Lordship, or the Occasional Act is chargeable with great Inconsistency; for at *p. 55* we are told, *that it was resolved* (as the ground of the *Occasional Act*) to *confine all Offices* to constant Conformists; at *p. 60.* we are assured, that the Act *allowed such a behaviour in private*, as supposes the man in Office *not entirely satisfied with a total, uninterrupted Conformity*. What this *private* behaviour is, which is inconsistent with *constant Conformity*, and allowed by the Act, I know not; *Conformity* is in its nature a *publick* thing, it relates to *publick* Assemblies and Worship, and meddles not with men's *private behaviour* in their closets, or in their families: How then should a man's *private* behaviour shew him to be dissatisfied with *constant Conformity*, in which his
private

private behaviour has no concern. It may just as well be proved from a Clergyman's wearing a morning gown in his study, that he is no approver of the Canonical apparel; especially, should he pray with his family in that dress, it would follow, in his Lordship's method, that he was an Enemy to the *Surplice*. His Lordship knows that the Church does not restrain her Members from using other Prayers than the *Liturgy* in *private*; he knows that many of the best Conformists do use other Devotions in their Families; how then can any thing of this sort shew a man not to be satisfied with a constant Conformity; when the most constant Conformists are known to approve in themselves and others such practices.

The ground of all this is, as his Lordship informs us, "That the Act leaves Persons in Office the liberty of having such worship, as themselves like, in private, and allowing a Congregation of *Nine* above their own family". But does this suppose persons in office to be dissatisfied with constant conforming? His Lordship might as well say that all our *Acts of Uniformity*, and all other *Laws* and *Canons* relating to the Church, are built upon a *supposition* that the People are dissatisfied with *constant Conformity*, since the Members of the Church are not restrained by any of these Laws from the like liberty; and much more strongly might he prove that all the Church of *England* Divines, who have composed, or recommended forms of Family Prayer, different from those of the Liturgy, were dissatisfy'd with constant Conformity.

The

The Clause in the *Occasional Act* upon which his Lordship founds this objection, was inserted to prevent the Laws being abused by *Men in Office* on *one* hand, and by *malicious Informers* on the *other*; and therefore it fixes what shall be adjudged in law a Conventicle; and it has made every Meeting, for the exercise of Religion, where the Liturgy is not used, to be a Conventicle, if ten or more besides the Family are present at it: Which is a proper provision;

1. That Men in Office may not, under the pretence of *family Devotion*, keep *Conventicles* in their Houses; and,

2. That they may not be liable to *Prosecutions* or *Forfeitures*, for not confining themselves to the *Liturgy* in their Family Prayers; which no Law whatever requires they should do.

But this Clause appears to his Lordship in another light, and he thinks, that it “supposes “many persons to be well qualified for Offices, “who like *another* Church better than that *established*, p. 28, 59, 258.” But how a Man’s not liking the Church established is to be inferred from his not using the Liturgy in his Family, which no Law of the Church requires him so to use, is a secret not yet disclosed.

But I wonder his Lordship did not, for the advantage of his argument, lay hold rather on another Provision there is in the Act. For as a Family Meeting for devotion shall not be adjudged in law to be a Conventicle, altho’ the Liturgy be not used; provided there be not present ten or more besides the Family: So neither shall any Meeting, not being of ten or more in
number,

number, in any place, or house not inhabited by a Family, be adjudged a Conventicle in Law; though other Prayers than those prescribed in the Liturgy should be used at such Meeting. Had his Lordship been made sensible of this Provision, he would, it is probable, have told us, that it amounted to an express allowance to men in office to go to Conventicles; since their meeting in a company not exceeding nine in any noted Conventicle in town or countrey wou'd not amount to a forfeiture by this Act. His Lordship has not used this argument, and therefore I am not in his debt for an answer to it; but to prevent any ill use being made of this part of the Act, I shall give a short account of it.

In the 13th and 14th Car. II. there passed an Act, entituled, *An Act for preventing mischiefs and dangers that may arise by certain Persons called Quakers, and others, refusing to take lawful Oaths*; in which it is, among other things, enacted, that if the persons commonly called Quakers do assemble themselves under pretence of religious Worship, not authorized by the Laws of the Realm: the Party offending being convict, shall forfeit for the first offence 5*l.* for the second 10*l.* for the third shall abjure the Realm: But in this Act it was provided, That no person shou'd be liable to prosecution for being at any Meeting where the number of persons present did not amount to five; which Limitation was to prevent unreasonable and malicious prosecutions; but cou'd not be intended to give licence or encouragement

to *Quaker's Meetings*, which the Act restrain'd by very severe Penalties. In an Act of the 16th Car. II. and in another 22^d Car. II. each entitled, *An Act to prevent and suppress seditious Conventicles*; there is the same Limitation: and therefore it is very absurd to suppose such limitation to be meant or intended as an allowance of Conventicles, when it appears in the Acts made to *prevent and suppress Conventicles*.

From these Acts the Limitation was derived into the *Occasional Act*; the Occasional Bills in the beginning of the Queen, kept to the old Limitation of *five*; but when the Act passed, it was considered that there were few Gentlemen in *England* but had often more than five above their own Family in their houses; upon which account the number was increased from five to ten, and the alteration was extended to both parts of the provision, as well that for Meetings in Houses not inhabited, as that for Family Meetings. This I take to be the truth of the Case; and if his Lordship can make any advantage of it, it is at his service.

F I N I S.