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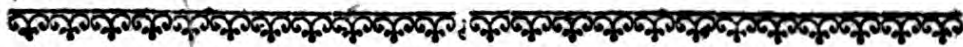
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A N  
**EXPOSITION**  
OF THE  
**ORTHODOX SYSTEM**  
OF  
**Civil Rights and Church Power, &c.**



[Price One Shilling and Six-pence.]

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

1960

PHYSICS 309

LECTURE NOTES

BY

AN  
EXPOSITION  
OF THE  
ORTHODOX SYSTEM  
OF  
CIVIL RIGHTS  
AND  
CHURCH POWER,

As Delivered in the

Writings of the Rev. Dr. *Stebbing*, &c.

TOGETHER

With an Examination of the new Opinions contained  
in the Book called the

*ALLIANCE between CHURCH and STATE.*

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By a L A Y M A N.

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—*Fuit hæc sapientia quorundam,  
Publica privatis secernere, sacra profanis.* Hor.

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L O N D O N :

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T O T H E

Rev. Dr. STEBBING.

*Reverend* S I R,

**A**S you are principally concerned in the Argument of these Sheets, give me leave to think you the properest Person to protect them : or rather, as I know your generous nature, to screen them, from the resentments of your Fellows. The Civility and Candor with which you will find yourself treated in the book (and to which, as appears from your pamphlets against Mr. *W.* you are so little intitled) will give you no room to suspect you are insulted in the Dedication.

I have collected, and fairly laid open your Principles, on some important points which concern Society and Religion : And if I have been pretty full in remarking their consequences, This, I presume, will not be the part least pleasing

pleasing to you; since, for the sake of these consequences, it is, that you have been so free of your Learning and Eloquence to explain them; and of your Authority (for want of a better) to inforce them. Services, for which, you have made both Church and State your debtors; and for which, indeed, you seem, not yet, to have been sufficiently considered.

The only thing that may possibly grieve you, is the shewing that your notions receive no support from the writings of an Eminent Prelate; which, without doubt, a better man than either you or I need not be ashamed to be indebted to. However, if this may offend You, I trust it will not displease Him, to have it seen that he affords no countenance to the Propagators of the Antichristian Heresy of Force and Intolerance.

*I am, SIR, &c.*

*The AUTHOR.*

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AN  
EXPOSITION  
OF THE  
ORTHODOX SYSTEM  
OF  
Civil Rights and Church Power, &c.

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CHAPTER I.

*Wherein the arguments alledged by Dr. Stebbing to prove that religion, as such, is the proper, immediate, and direct business of the magistrate, are examin'd.*

**T**HE reverend Dr. *Stebbing*, in one of his late pamphlets, thought fit to represent the book intituled the ALLIANCE, as a *superfluous* and *impertinent* performance. If this be indeed the case, the Author can claim but little merit on the score of this piece; and the public will be as little able to vindicate its own judgment, in having given so favourable a reception to it. But notwithstanding this *determination*, and the au-  
B thority

thority of the great writer referred to in the passage cited below <sup>a</sup>, I shall take the liberty in the following sheets to examine the common (that is, the Doctor's) hypothesis, to point out its imperfections and defects, and thereby justify the opinion of the public against that of the learned preacher of *Gray's Inn*.

With respect then to Establishments and Test-laws; I must premise that the reasonableness and necessity of the things themselves are maintained and asserted by the writers on both sides; by the Doctor, as well as the Author of the *Alliance*. The only point in dispute, is, who of the two has furnish'd us with the more solid and rational defence of them, or who has most successfully repell'd the attacks of their common adversary.

The favourite and fundamental maxim of the Doctor, is, that it is the Duty of the magistrate to protect religion, as such; or, in other words, that he is to select a particular mode of worship; assign it an establishment; and guard it, by a test-law, purely on account of its *Divinity* and *Truth*.

On the contrary, it is affirmed by Mr. *Warburton*, that religion, as such, is not the proper and immediate business of the magistrate, or that he is not to grant it an *establishment*, and a *test-law*, considered as it is a truth, but only as it is utility and convenience to the state: For that civil society has one, particular, fixed, and precise end; and was appointed only for the security and preservation of our liberty and property, or of our temporal and civil interests.

<sup>a</sup> Speaking of the *Alliance between church and state*, the Doctor says, "alas! the thing had been done long before he wrote, with *much greater ability*." *History of Abraham justified*, p. 89.

I just now said, it was my design to consider and examine the common hypothesis : I will go therefore immediately to the reasons, alledged by the Doctor, in support of his opinion ; or to prove that religion, as such, is the proper, immediate, and direct business of the magistrate.

“ Although the securing themselves from mutual injuries, and the promoting each other’s temporal good, is doubtless *one* of those ends which a number of wise and reasonable men in a state of liberty, may and ought to propose by entering into society ; yet this is not the only end. For *wise* and *reasonable men* cannot be supposed to be less concerned for the honour of God, and their future happiness, than for their present temporal advantages.” [Polemical tracts. Essay concerning civil Government, p. 55.]

But may not one fairly suppose, that *wise* and *reasonable* men would be *more* zealous and solicitous to promote the honour of God, than their own present ease and safety ? and therefore, according to this reasoning, religion must have been the *primary* and *direct* end of civil society, while advancing the temporal and civil interests of men could be nothing more, than their *secondary* purpose and design.

1. If religion was the primary and direct end of civil government, what real difference is there between the primary and direct end of a civil and of a religious society ? When men agree to erect a religious, their primary and direct view is to promote and advance religion. Now if they propose the very same end in the institution of civil government, how, as I just asked, do the primary and direct ends of the two societies differ ?

2. The principle, on which the Doctor goes, is, that when societies may be made of use and service

to religion, we are to presume that *wise* and *reasonable* men would make this the *primary* and *direct* end of such societies. Now besides the civil and religious, there are *mercantile*, *military*, *literary*, and various other societies. It is evident that all these may serve to promote the honour of God, and to propagate the true religion. But will you insist therefore, that this was the *primary* and *direct* end, at which *wise* and *reasonable* men would aim in the institution of these several societies? What would this be, but affirming that the primary, immediate, and direct end of all societies whatsoever was one and the same?

3. Upon this supposition, I must beg leave to know what you mean by the words *civil* magistrate. For do not the religious interests of men come as strictly and properly within his sphere, as their civil and temporal concerns? Nay are not the first the more immediate object of his care, or the thing, which is to be chiefly and principally consider'd by him? Why then, I ask, is he called the *civil* magistrate?

4. What an idea does this give us of the *office* of the civil magistrate! If religion be its primary and direct end, this is the thing to which he must *principally* attend, while the good of this life is to be looked upon as only one of the *inferior* and *subordinate* ends, which does not deserve his more immediate notice and regard.

5. The Doctor does indeed more than once argue, as if religion was the primary and direct end of civil government<sup>b</sup>. But though this be a principle more

<sup>b</sup> "The magistrate, says he, should not be unreasonably  
"and immoderately profuse in his Donations to the Church."  
Why so? "because this weakens the state, and it is evident,  
"that in proportion as the state grows unable to support itself,  
"it

more than once asserted by him, yet I do not find that he is determin'd to abide by it. For p. 32. he tells us, that a concern for their liberty and property would be "*the first and leading motive* to induce men to abridge themselves of their liberty, and coalesce into a body politic." But if so, is it not necessary to imagine, that they would make these the primary and direct end of civil society?

But to leave this concession of the Doctor's, which makes religion the primary and direct end of all societies; or not to expose more at large the folly of supposing that the primary and direct end of all societies was one and the same; let us inquire, whether he be able to prove that religion is any end of civil society at all. "Since true religion is in the nature of it capable of being supported and encouraged by the laws of society, as well as the public civil good; the consequence must be, that the supporting and encouraging true religion, is also one of those ends, which a number of wise and reasonable men in a state of natural liberty, may and ought to propose by entering into society." p. 55.

"it must grow unable to support religion." p. 67. If then the prosperity and civil happiness of society is to be cherished and preserved by the magistrate, 'tis only so far, as they enable him to promote the service and interest of religion. He is not to regard them on their own account, or as the proper and ultimate end of his office; but only in a secondary view, or as they are necessary to the purpose above-mentioned.

But I have observed too, that he sometimes reasons, as if the civil and temporal concerns and interests of men, were the proper, immediate, and direct business of the magistrate. Now as this is the most reasonable, as well as the most reputable doctrine, and indeed the only doctrine which can be decently avowed in a *free country*, I shall in the following sheets consider this as the Declaration, to which the Doctor will chuse to stick, or as giving us his real opinion on the present subject.

The principle, on which he goes, is, that what benefits soever may be attained by any society, were really and actually proposed, when the society was first formed.

But here, now, let me ask, does not a religious society sometimes promote the civil interests of mankind, and in some measure advance all the benefits which are procured by civil government? We must therefore, according to the Doctor's reasoning, conclude, that these were the proper and real end of a religious society; and consequently that the two societies have one and the same end.

One may observe too the same of other societies; as all forts are capable of producing the advantages which arise from civil government, we must therefore suppose that they all have the same ends with the last; and consequently that the ends of all societies are the same.

The sum then of the argument is this; if religion be one of the ends of civil government, it will follow that civil society was instituted for attaining all the benefits which may possibly result from it; and as this is the case of every society as well as the civil, the consequence is, that all societies were instituted for attaining one and the same end.

But to proceed with the Doctor's system. "The true and only way therefore to come to a decision of this point, (*viz.* whether religion be an end of civil society) " will be to consider what ends or purposes, a number of men in a state of liberty, would by a right use of their reason, most naturally propose in framing themselves into a *complete and perfect commonwealth.*" p. 32.

When the Gentleman talks of a *complete and perfect commonwealth*, he seems to fancy, that commonwealths were originally intended to relieve and supply

upply all the several wants of men, and to produce all the several benefits and advantages, which may be reasonably proposed by them, in their present state. And indeed all your *Utopian* writers on government, from *Plato* to *Gulliver*, have talked at the same rate. “ The end of government (says “ Mr. *Warburton*) coming first under consideration ; “ and the general practice of society seeming to “ declare this end to be only, what, in truth, it is, “ *security to our temporal liberty and property* ; the “ simplicity of it displeas'd, and the plan appeared “ defective. They imagined, that, by enlarging “ the bottom, they should ennoble the structure : “ and therefore formed a romantic project of mak- “ ing civil society serve for all the good purposes “ it was even accidentally capable of producing. “ And thus, instead of giving us a true picture of “ government, they jumbled together all sorts of “ societies into one, and confounded the *religious*, “ the *literary*, the *mercantile*, the *convivial*, with the “ *civil*.” [Alliance, 3d Ed. p. 24, 25.] When the Doctor talks of a *perfect* and *complete commonwealth*, what can he mean but one which was to produce all the benefits that may arise from the several societies above-mentioned ? And is not this jumbling all sorts of societies into one, and so running into the very absurdity expos'd in the passage just recited ?

On this scheme you have not so many separate and distinct societies, with distinct views, ends and interests ; but only *one* and the *same* society, under so many separate and distinct names, with one principal end and interest. Now this is contrary to the Doctor's own principle, who all along argues on the supposition, that the *religious* and *civil* societies are two really separate and distinct bodies ; and will



not the same considerations, which prove that there is a real distinction between *these two*, prove that there is one likewise between the several societies above-mentioned ?

The point in debate, is, whether Religion be the proper, natural, and immediate business of the magistrate. The Doctor declares for the affirmative, and, in support of this, asserts, that the original purpose and design of men, when they enter'd into society, was to erect a *perfect* and *complete commonwealth*.

But 1. as to the point of *fact*, let the Doctor tell us, where did this *perfect* and *complete commonwealth* ever exist, except in the imagination and dreams of some visionary writers on this subject. If therefore religion be only the business of the magistrate in a *perfect* and *complete commonwealth*, it will, of course, follow, that it is really the business of no magistrate at all.

2. As to the point of *right*, is it reasonable for men in the institution of civil government, to propose such a *perfect* and *complete commonwealth*; which would only jumble and confound the several distinct societies above-mentioned into one ?

3. Is not the very supposition of a *perfect* and *complete commonwealth*, inconsistent with the Doctor's own principles, as he speaks of the church and state as two separate and distinct societies ? whereas the notion of an absolute and complete commonwealth confines us to one society alone.

But here it is proper to observe, that this scheme of an *absolute and perfect commonwealth*, chimerical and romantic as it is, is the sole, the single foundation of the Doctor's system. And is not a system well supported, which rests upon such a bottom ?

Well, but the Doctor will have it that the magistrate must necessarily be intrusted with the care of religion,

religion, "as men ought not to set the honour of  
 "God at a lower rate than their own safety."  
 (p. 34.) and because "they do not cease to be the  
 "subjects of God, when they become the subjects  
 "of men." (p. 36.) What is it the Gentleman  
 would be at? if men, as *civilists*, enter into a poli-  
 tical society, in order to provide for their temporal  
 concerns, does it follow, that they cannot, as *re-*  
*ligionists*, enter into another political society, in or-  
 der to secure their religious interests? And if they  
 may erect a society with the view and purpose last  
 mentioned, with what justice or equity is it sug-  
 gested that they must "throw off all care of reli-  
 "gion, and no longer consider themselves as the  
 "subjects of God," if they confine themselves to  
 temporal considerations only, in the institution of  
 civil government?

But to be a little more particular,—it is evident  
 that man may be consider'd under several capacities,  
 as a *rational*, a *civil*, a *religious* animal.

If then he be created for so many different and  
 distinct purposes, and providence has assigned him  
 so many different and distinct interests, is it not  
 natural and reasonable for him to pursue, promote,  
 and advance them all, in the best and most perfect  
 manner he is able? And what method can be more  
 effectual, or more conducive to this purpose, than  
 to erect several societies, or artificial bodies; each  
 of which is to take one of the particular interests  
 above mentioned under its care and protection,  
 without regard to the rest, farther than as they might  
 strengthen and support its own? It is plain, that  
 man by this means will be enabled to cultivate  
 and promote the several interests which belong to  
 him, or to answer the several ends of his creation,  
 in the best and most perfect manner.

There

There can be no room to object, that any one particular interest is neglected, as a particular society is created for the care and security of each. So that, if any one assigned end be, in *some* societies, considered only as subservient to different interests and views ; yet in that one society peculiar to it, it is allowed to be the grand, principal and immediate.

If then no one interest can suffer, or be lessened and impaired on this scheme, it is evident that religion has nothing to fear from it.

With respect even to civil society, although the magistrate does not think himself obliged to countenance and support religion, under the consideration of its being a *truth* ; yet is he willing to take it under his protection, considered as an *utility* or convenience to the state. On this score he is disposed to give it all the aid and assistance, which can be bestowed upon it, consistently with the principles of public liberty, in a free country. But to return :

Since then men may be consider'd as *civil, religious* animals, &c.—why may they not, *under each view*, erect particular societies, merely to provide for their interest, *under that single character* ? especially as their several interests are, by this means, best provided for ; and that too without incroaching and breaking in upon each other.

What I contend for, is, that when men enter into a political society, they must be supposed to do it, under one capacity only ; or with a view merely to one particular and distinct interest.

Otherwise, how can the several interests of man in his many different capacities and relations, be pursued in an effectual and regular manner ?

Otherwise too, what occasion for so many separate and distinct societies ; or to what end and purpose do they really serve ?

With

With regard to religious societies, the Doctor himself allows the very thing I contend for; *viz.* that men enter into them under one capacity only, or purely as religious creatures. For he contends that the governors of the church are not vested with any temporal and civil powers<sup>d</sup>; and consequently matters of liberty and property do not come within their sphere. They were appointed therefore only to take care of matters of religion.

— Now if a *religious* society has one peculiar, separate and distinct end, why may not the *civil* too?

What was it then which betray'd the Doctor into the opinion, that civil society must have more ends than one; and that religion must, of course, be one of them? Why, he seems to have imagined, that when we suppose men entering into civil society, we must look upon them in two different capacities, both as religious and civil animals; and as intending to provide both for their religious and civil interests.

But if the foregoing observations have any weight, they must be consider'd under the *last character* only. And indeed why is it not as reasonable to confine them to one fix'd, separate, and precise end, when they enter into a civil, as when they join in a religious society? I will beg leave to add, that this will be the case, even upon the Doctor's own principles. For if we suppose that men act in the two capacities above-mention'd, and intend to provide for their religious as well as civil interests, it will be necessary to suppose too, that they attach themselves chiefly to the first, and make *these* the primary and direct end of civil society, as their religious interests are of more importance than their temporal. But is not this contrary to his own system,

<sup>d</sup> P. 154.

which

which makes the civil concerns of men, the primary and direct end of civil government?

What alarms the Doctor, is, he seems to fancy that religion cannot be provided for, and supported in a proper manner, unless it be made an end of civil government.

But what possible grounds can there be for this suspicion, as a particular society was erected for this very purpose, or to take care of the interests of religion?

Besides, the magistrate is ready to protect religion on the score of its usefulness and service to the state. On this single consideration, he will grant it all the favour, indulgence, and support, which may be bestow'd upon it, consistently with the principles of public freedom, and the common rights of subjects.

And here, let me ask the Doctor, can the church claim more, according to his system? if he answers in the negative, (and surely no man, *in a land of liberty*, can be supposed to answer in the affirmative) does he not allow that the same protection is granted to the church, on the principles of the *alliance*, as on his own? I must add too, that this protection is better secured on the first, as will be proved at large in this, and the fourth chapter.

“ I am willing (says the Doctor) to grant to these opposers, That, supposing a number of men in a state of liberty; the *first* and *leading* motive to induce them to abridge themselves of that liberty, and coalesce into a body politic, would, probably, be *securing themselves from violence and wrong.*” p. 32.

It is then, upon the Doctor's own principle, reasonable for men, in a certain situation, or under some peculiar circumstances, to postpone the interests of religion to those of their civil and temporal affairs. But can you suppose them to act at this time in their *religious capacity*, unless you will suppose too, that the care of religion is of less consequence and moment, than their secular and worldly interest?

And

And does not this destroy the very foundation of the Doctor's scheme, as the interests of religion are better established on the opposite system, which does *not* suppose it to come within the sphere of the civil magistrate ?

Having observed that the *interests* of religion are not injur'd and impaired on this scheme, I must beg leave to add, that her *dignity* and *honour* are no ways violated, prejudiced, or hurt by it. For does not God himself design that religion should promote our present, as well as our future happiness ? Why may we not therefore sometimes consider it in the first light only, or look upon it, as a mere utility without any regard to its Divinity and truth ? For is not this treating it according to its real nature and constitution, or agreeably to its true and proper character ? The fault seems to be, not in considering the *utility* of Religion separately from its *truth*, but in considering them as independent on, unrelated, or contrary to one another.

I shall not deny, but the Church may derive great benefits from the aid and assistance of the state. And does not Mr. *Warburton* point out the natural and proper method of gaining them, when he sends us to the *alliance* between the two societies ? For that the rights and liberties, of which the church stands possessed, under an Establishment, are better secured on this principle, than on that of the Doctor, shall be proved at large hereafter.

That they are quite precarious and uncertain on the Doctor's Hypothesis, will be proved too at the same time.

But to return to his *essay*. He endeavours to prove that the care of religion, purely as such, comes necessarily within the sphere of the civil power ; and that, because it was intrusted to the magi-

magistrate under the *Jewish* institution. “ I would  
 “ ask, says he, how it came to pass, that under  
 “ the *Jewish* dispensation, the law of religion and  
 “ civil government should be both one; and that,  
 “ under the Gospel, religion and civil government  
 “ should have nothing to do the one with the  
 “ other.” p. 45.

Mr. *Warburton* will tell him. Under the *Jewish* oeconomy, God was the supreme magistrate and civil governor; in this case, it is not possible to conceive that there should be any distinction between the laws of religion, and civil government. The last must necessarily come under a religious consideration, or may be looked on as a system of religion, since they come immediately from God.—And as for their religious laws, these come under a civil consideration, or may be looked on as a system of political and civil laws, as they were given and deliver'd by the supreme magistrate of this people.

But, under the Gospel, God has not been pleas'd to assume the character of civil magistrate. There is not therefore the same bond of connexion between religious and civil laws.—How do the civil laws, in our own constitution, come under a religious consideration, or how can they be looked upon as a system of religion, since they do not come from God, but only from the magistrate?

On the other side, how can our religion come under a civil consideration, or be looked upon as a system of civil policy, since God, the author of it, is not our supreme magistrate?

The Doctor desires to know, why those “ who  
 “ arm the magistrate with power to repel all vio-  
 “ lences offer'd to themselves, should not also vest  
 “ him *with authority to repel all insults offer'd to*  
 “ *God*, whose *honour* they ought not to set at a  
 “ lower rate than their *own safety*.” p. 34.

When

When he insists that the magistrate should be vested with authority *to repel insults offer'd to God*, what can he be supposed to mean, but that he should have authority to punish sins, *as such*, or, as offences against the will of God ?

Now the plain and obvious consequence of this scheme is, that the digests of civil laws must every where be model'd and framed anew. For, as things now stand, 'tis the *crime*, and not the *sin*, which is properly consider'd by them; or they proportion and adjust their punishments to the effects of actions, merely as they affect the peace and welfare of the state. As for the *insults offer'd to God*, or the restraining sin, *as such*; these, I apprehend, are not the points regarded by them<sup>d</sup>. It will therefore either be necessary for the Doctor to give up this *innovating* scheme, or to call upon the magistrate for a general reform in the several civil policies.

I could wish for the sake of his own order, that he would chuse the former. It is not to be imagined, that the civil powers will be pleased with an *innovation*, which directly aims at the ruin and overthrow of the civil policies now in being; nor indeed can this *pragmatical* and *busy* spirit have any other effect, than to prejudice the magistrate against the clergy, as a set of *restless, turbulent, and factious* men, ever intermeddling in affairs, which do not properly belong to them ?

It was charged upon an excellent and learned prelate<sup>e</sup>, as *extreme insolence* in him, to propose the repeal of a single law. If the charge was just, what must we

<sup>d</sup> When I say that civil laws are not levell'd at *sins*, or do not proportion their punishments to actions consider'd in this view, I would only be understood to say this with respect to the *general frame and genius* of civil constitutions; and not to assert, that there are not several exceptions to this rule.

<sup>e</sup> Vindication of corporation and test-act, p. 64.

think



think of the Doctor's *exterminating* system, which calls for so general a reform?— or is this, after all, to shew us, that, however dangerous *experiments* may be when attempted by other hands, yet they are perfectly innocent and inoffensive, when undertaken by himself †?

But to proceed: If religion be the proper, immediate, and direct business of the magistrate, it will follow, that the religious and civil societies are necessarily tied and bound together, or have an immediate connexion in nature, as pursuing one and the same end or object; and if so, it will be impossible to prove from the nature and reason of things, or the internal frame and constitution of the two societies, that the religious is really and actually *independent* on the civil.

What I object to the Doctor is, that his principle deprives us of an excellent argument to prove the *independency* just mentioned. We infer this from the different nature of the two societies; we contend that there can be no natural subjection or dependency in the present case, as the two societies have different and distinct *ends*; and employ diffe-

† Before the Doctor had attempted so great and considerable an alteration in civil government, it would not surely have misbecome him to reflect, in what manner the proposal had been already relish'd, and how greatly the Protestant interest had been prejudic'd and hurt by it. For (as Mr. *Warburton* tells us) several princes, in the beginning of the reformation, well disposed and inclined to it, were driven back to the church of *Rome*, by the *forward* and *enterprising* spirit of the then ministers, who were for regulating the civil laws on the principle above-mentioned. (*Alliance*, 3d ed. p. 48.) Thus did this very principle of the Doctor's prove a real check and obstacle to the progress of the reformation; or, are we to reckon this a blessing, because an *heretical* and *dangerous* practice, (I mean the *making experiments in religion*, or establishing the doctrine of protestantism) was for some time discourag'd and retarded by it?

rent

rent and distinct means and powers <sup>z</sup>. — But what becomes of this reasoning, if the two societies have one and the same end and object?

But to draw to a conclusion: The grand principle, advanced by the Doctor, is, that the magistrate is to protect and support religion, as the people, under his care, did actually intrust him with this charge. But if the magistrate is to do this, it may be proper to inquire, what station is assigned him in the present case, what relation he is supposed to bear to the church; and in what capacity he is obliged to serve and promote her interests?

Is he to act purely as her *Journeyman*, and only to execute and pursue her orders and decrees? This is indeed the post assigned him in some neighbouring nations; but I need not stay to confute and expose this system, as it is not openly asserted and avowed by the Gentleman, with whom I have here to do.

If then the magistrate is not to take upon him the care and protection of religion, as the slave, the tool, and engine of the Church; we shall probably be told, that he is to act as its real and proper Head; or as invested with the supremacy in matters ecclesiastical. But here it may be natural to ask, how did he come by this *supremacy*? The Doctor tells us, that he derived from the *civil community* a power to protect and support religion. But could the *civil community* make him head of the Church, or invest him with the supremacy just mention'd? I humbly apprehend, that it could not. It has been clearly and incontestably proved, by the excellent author of the *Alliance*, that the Church is a real society; and a society, in, and of, itself sovereign, and independent on any other: This too (however inconsistent with his other principles)

<sup>z</sup> Alliance, p. 65, 66.

is a favourite notion of the Doctor. Now if this be the true and real character of the Church, how is it possible, she should be deprived of this sovereignty, but by a voluntary concession of her own, or that she should have any foreign head, but one of her own appointing? It is manifestly begging the question to say, that the civil society may give her a head, as this supposes a natural subjection and dependency of the Church on the State; and takes away the character of sovereignty, allowed her, on both sides, (very gratuitously indeed by the Doctor) in the present question.

“ Protection, (says the Author of the *Alliance*)  
 “ is a kind of Guardianship; and Guardianship, in  
 “ its very nature, implies *Superiority* and *Rule*. The  
 “ charge therefore of *protection*, without a *right* of  
 “ *supremacy*, is giving the state no better office,  
 “ than that of *publick Executioner of the Church's*  
 “ *Decrees.*” p. 148.

If so, it is not to be imagined that the State will burden its magistrate with the *charge of protection*, unless it can give him the *right of supremacy* at the same time. But how can it give him this right, if the Church of itself form a society, sovereign and independent of the civil? Since therefore the State could not invest the magistrate with the right of supremacy over the Church, I would infer from hence, that it would not invest, or, to speak more properly, incumber, clog, and load him with the charge of *Protection* above-mention'd.

We see then the mischief and absurdity of supposing that civil society intrusted the magistrate with the care of religion, as this will necessarily lead the Doctor to assert the natural subjection and dependency of the Church on the State — or take the argument in another light. What the Doctor affirms, is, that when men enter'd into society,  
 their

their design was to erect a *perfect and compleat commonwealth*, of which the civil magistrate is head. But if he be Head of *the perfect and compleat commonwealth*, must he not of course be head too of the Church, which is only a part of this *perfect and compleat commonwealth*? or is it possible that a part of the society should have one sovereign and independent Head, and the society itself another?

Having observed that the Church must, upon the Doctor's Hypothesis, be consider'd as a part of *the perfect and compleat commonwealth*, I will next add, that it must be consider'd only as an inferior or lower part; since this will add fresh light and force to my present argument.—As the civil interests of men were (he says) the *first* and *leading* motive that induced them to enter into society, there can be no question, but these would be the things first consider'd by them, or be the principal object of their attention, while religion at best would come in but for a secondary share, and bear only an inferior part <sup>b</sup>.

It will, I think, after all, be extremely difficult for the Doctor to prove, even upon his own principle, that the magistrate is to protect and support religion, without any regard to its use and service to the State. With respect to that part of the public property assigned for the maintenance of the Clergy, I would know, whether it would not sometimes be useful to the State, to apply it to civil purposes; or whether the considerable sums raised on this score, might not, at certain junctures, be employ'd in the Defence of the state, to the great advantage of the Public. If they might; Upon what

<sup>b</sup> I desire it may be observed, that when I speak here of a Church, I speak only of a Church, as it stands under the law of nature, without any regard to the Jewish and the Christian institutions.

principle can the Doctor justify the magistrate in appropriating them to the use of the Clergy, as this is evidently weakening the State, in order to support the Church? The Doctor himself allows, that the first and principal motive which induced men to enter into society, was their regard for their civil interests, and therefore the magistrate must be commission'd to take care of these in the first place. Now if his commission be so circumstanced, how can he, without perverting and abusing the trust reposed in him, bestow that part of the public wealth on the Clergy, which might be usefully employ'd in the Defence and service of the State?

If it be said that religion is of great use and importance to the Public, and therefore deserves the constant support of it; I readily allow this to be a proper and sufficient answer. But then is not this deserting the Doctor's system, and recurring to the principles of the *Alliance*, which make it the business of the magistrate to countenance religion, for the sake of its use and service to the State?

But to proceed. The principle, on which the Doctor goes, is, that religion is the proper and direct, the natural and immediate business of the magistrate, as the civil community has already given him all the necessary and proper powers for this purpose. Now if so, he may meddle in matters of religion, without any leave or concession granted by the Church. He may therefore apply it to the use and service of the State, without regard to any previous contract and engagement between the two societies. But if he may apply religion to the use and service of the State, without regard to any previous contract, he may endow the Church with such powers, and grant it such liberties *as he only shall think proper.*

Did you indeed suppose a previous *alliance* between Church and State, it might be reasonable to suppose too, that certain stipulations were made in favour of the first; that its distinct powers and rights were fixed and ascertained on the common principles of equity; might therefore be claimed in consequence of the original contract between Church and State, and not left *precarious and uncertain, as depending on the mere will of the magistrate*. But more of this in the 4th chapter.

And here 'tis curious to observe, in what manner the Doctor manages and conducts his argument; how exactly his *project* and his *materials* are fitted to each other. For he has all his life been an advocate for the power and authority of the Church, and yet has all his life been asserting the principle above-mentioned, a principle absolutely destructive of her true and proper interests.

So much for the observations produced by the Doctor to shew, that religion, as such, is the proper and immediate business of the magistrate.

Let us come now to an *Establishment* and a *Test-law*. They may be consider'd either as mere *utilities*, or as designed to propagate, countenance, and support *truth*. In this last light what has the magistrate to do with them, since it does not appear, that religion, as such, is his proper and direct business? And if he considers them in the *first*, what is this but to adopt the grand principle, laid down in the *Alliance between Church and State*?

To what a Dilemma therefore, is this learned Gentleman reduced! He must either support an establishment and test-law on this very principle, or give them up as utterly indefensible?

I will just add too, that this scheme of the Doctor's will greatly lessen the public maintenance of the Clergy, as it will justify all, who are not of the

establish'd Church, if they should refuse and withhold the payment of tithes.

If the magistrate establishes a religion, merely because he conceives it to be *true*; he does too assign the Clergy a public maintenance, purely for the support of the *true religion*, or for the Defence of certain opinions, consider'd, *as such*.

But here, should the Dissenter ask, why am I to contribute to the maintenance of opinions, which I hold erroneous? What reply can one possibly make? Is not the thing unfit and unreasonable in itself? And if so, can any human law make it fit and reasonable?

And even as to those, who believe the establish'd religion to be true; the magistrate could have no right to impose a tax upon them for the support of it. For let us recollect, that he is then to consider religion purely as a truth; and what has he to do with it, when consider'd in this light; or how can he assign a public maintenance to the teachers of it? Here the Doctor's own words would take place, "his appointing a maintenance for a Christian teacher in every parish, is as great a breach of his trust, as would be his settling a stipend for the maintenance of a music, or a dancing-master." p. 43.

And here let me observe upon the strange inconsistency and contradiction of those Gentlemen, who contend with so much zeal for *establishments*, on the strength of the principle above-mention'd. 'Tis often complain'd, (and I apprehend with good reason) that the *main Body of the Clergy* have not a reasonable and sufficient maintenance; and yet these of them defend *Establishments* on such principles, as would even lessen the revenue, which they already lament as too small.

I will

I will conclude this chapter with an observation, which *old, trite, and common* as it is, I shall not scruple to repeat, since it hardly would have subsisted so long, had the *Defenders of the common Hypothesis* been able to give it a proper answer.

The magistrate has thought fit to establish *English* Episcopacy on this side the *Tweed*, and given it the preference to *Scotch* Presbytery. But on the other side of the same river, he has chose to establish *Scotch* Presbytery, and given it the pass before *English* Episcopacy. Now what is this but establishing *error* by a Law, and giving all that sanction and authority to it, which, on the common hypothesis, it is the Duty of the magistrate to bestow on truth only? If the support of truth be what the magistrate should aim at, is it not necessary to conclude, that the same ecclesiastical establishment should be settled in both parts of the same Kingdom?

How then can our Legislature be defended, but on the principle of *utility*, laid down in the *Alliance between Church and State*? If this principle be not well founded, the conduct of our Legislature cannot be justified; they must stand or fall together. Far more considerable persons therefore than the *Author* of the *Alliance* are concerned and interested in the defence of this maxim. You cannot censure him, without blaming the Legislature at the same time, and blending his condemnation with that of our constitution. And can it be any disgrace to him to be accused in such company; and accused by *Dr. Stebbing*?

Let us put the case of a Pagan magistrate, who espouses the true religion, before it has made any considerable progress among his subjects. I would ask then how he is to conduct himself in these circumstances, or whether he is to employ the power,



committed to his care, in the protection and support of the true religion?

It is affirm'd by the Doctor, that religion, as such, properly comes within the sphere of the civil magistrate; for that the people, in the original institution of government, actually invested him with this charge. But he observes withal, that they limited and confin'd this commission; they did not give him a power to chuse a religion for them, but only inabled him to defend that which was already embraced and entertained by them<sup>i</sup>. But if so, how can he, consistently with the trust reposed in him, assign a public maintenance to the ministers of the true religion, and guard it by an Establishment and a Test-law?

And here now lies the difficulty. The Doctor tells us, that the magistrate is to support the true faith, as such; is to assign it an Establishment and a Test-law, and provide for its ministers at the expence of the public. But how can he do this in the case just suppos'd, unless he violate his trust, and break the original contract between him and his people?

If therefore he is to regulate his conduct, according to the Doctor's principles, I do not see what he has to do, but to resign his power; since the terms and condition of his commission would oblige him to act against the dictates of his conscience.

<sup>i</sup> Essay, p. 31.

## CHAPTER II.

*Proving that bare negative Discouragements, on the old and common Hypothesis, are real and actual persecution ; pointing out the Difference between the two Hypotheses advanced by Dr. Stebbing and the Bishop of London, with some remarks on the vindication of the Corporation and Test-acts.*

**B**EFORE I enter upon this part of the argument, it will be proper to observe, that the civil incapacities, appointed by a *Test-law*, have been represented in two very different lights. 1. We are told by some that they are nothing more than a *mere restraint* ; intended only to prevent and repell mischief. And this, by keeping Dissenters out of the State, or the public administration ; the single place, in which they will be able to do any harm. A Test-law, when viewed in this light, is only designed for our own security and self-defence ; and not to incommode, harass, and distress others, who differ from us. It is a guard or fence, placed round the Church, in order to protect her from the violence, insults, and oppression of her enemies ; and not with a view to annoy, molest, and disturb those enemies, in the enjoyment of their own opinions<sup>k</sup>.

2. But there are men, who argue in another manner. As they make it the business of the magistrate to discountenance and restrain error, so they make it his business too, to incumber men with difficulties and discouragements, and to load them with temporal hardships and inconveniencies, unless they are members of the true Church. It is supposed that the burdens and inconveniencies, laid on non-conformity, will bring many over to the na-

<sup>k</sup> See the *Alliance*.

tional religion, and make them quit their present prejudices, rather than submit to a hardship, which will so sensibly incommode them in civil life<sup>1</sup>.

In the first case, the Test-law is said to be establish'd on the principle of *utility*, and to aim only at the publick good, and the repose and quiet of the State : In the second, it is founded on the principle of *truth*, and designed to provide for the security of the true Faith.

It has been alledged too, on the one side, that it is a *restraint* only, if you view it in the first light ;

<sup>1</sup> This is the scheme espoused by Doctor *Stebbing*. “ 'Tis something to do good to a few, and how inconsiderable soever the Body of Dissenters might be supposed to be upon this foot, consider'd as a party against the Church ; yet as consider'd as men in error, they should not be beneath the magistrate's care, who is to look upon himself, as much a Father to the meanest of his subjects, as he is to the greatest,” Dr. S.'s *Essay*, p. 93.

“ That which prejudices men against the faith, is commonly some worldly interest or other ; which presents itself in opposition to it.—Prejudice is the great source of error ; and there are very few who reject or depart from the truth thro' the fault of their understandings, comparatively to the number of those, who are led aside by the prevalency of their fleshly appetites.”

“ The proper remedy therefore for this evil, will be to place truth and interest in the same view.” p. 13.

“ None of these exceptions have any tendency to shew, that if Dissenters are laid under outward inconveniencies, this will not be a means to make them consider what they do before they separate.” p. 15.

“ Make *Dissenters* consider what they do *before they separate*.”—I suppose the Doctor knows of some *Dissenters*, who have not *already separated*.

But what I would principally observe, is, that the scheme explained above, is that espoused by the Doctor. It is evident from the several passages just recited, that he makes it the business of the magistrate to recover Dissenters from the prejudices, which they have entertain'd against the Church ; and that they are to be loaded with temporal inconveniencies for this very purpose, and not in order to *prevent and repel mischief*.

but

but converts into an actual and real *punishment*, when consider'd in the second.

Now in order to illustrate and explain more effectually the difference between *restraint*, and *punishment* properly so called, I shall take the liberty to transcribe the following pages from the third book of the *Alliance*. “ Evil of all kinds, and whence-  
 “ soever proceeding, man has by nature a right to  
 “ repel. Evil that proceeds not from the will is  
 “ called a *mischief*, and may be simply repelled ;  
 “ and this Repulsion is called a restraint. Evil  
 “ that proceeds from the will is called a *Crime* ;  
 “ and may, not only, be repelled, but have addi-  
 “ tional pain, more than sufficient for the restraint,  
 “ inflicted on the author ; and this Repulsion is  
 “ properly called *punishment*.” p. 212, 213. “ We  
 “ have only then (says he) to shew that the pain  
 “ inflicted by a Test-law is no more than just ne-  
 “ cessary to repel the *evil of Diversity of sects in the*  
 “ *administration* : and consequently that it is a *re-*  
 “ *straint* only. To make this evident, let us sup-  
 “ pose a person able, in one certain place only, to  
 “ do mischief ; and that he is disposed to do it :  
 “ It is plain there is no other means of repelling  
 “ this evil than by debarring his entrance into *that*  
 “ place. This means then is necessary ; but what  
 “ is necessary to repel an evil is a *restraint* only. But  
 “ was this pain extended ; and, because he can do  
 “ no mischief in one place, he is debarred Entrance  
 “ into ten, then the pain becomes a *punishment*, be-  
 “ cause more than necessary for repelling the Evil.  
 “ This is exactly the case in hand. Diversity of  
 “ sects can do no mischief but by getting into the  
 “ administration ; therefore to keep them out, is,  
 “ for the reasons above, only a *restraint*. But was  
 “ their civil incapacity extended further, then it  
 “ would become a punishment. By the Test-law  
 “ it

“ it is not extended further, therefore it is no punishment, but a restraint only.” p. 216, 217.

If the reader considers a test-law in the light, in which it is represented by this learned writer ; and suppose it designed *only to prevent and repel mischief*, and to inflict no more pain, than what is barely necessary for this purpose ; in this case, it must be looked on as *a restraint only*, as it aims at nothing more, than to debar the Entrance of Dissenters into that *single* place, in which they are able to do mischief.

But then, as to the Gentlemen, who speak of a Test-law, as designed to bring men into the Church, and to discountenance and restrain error, can they too reason in the same manner, and make the same use and advantage of the *distinction* above-mentioned? I humbly conceive, that they cannot.

They cannot consider the Test-law, as an instrument of mere defence, since the avowed purpose and design of it, is to load Dissenters with hardships and inconveniencies, or to disquiet and molest others, and not to protect and guard ourselves. It is a weapon purely *offensive*, contrived for the hurt of others, and not to ward off the blows level'd at ourselves.

Upon this principle, the very same incapacities must take place, and Dissenters be excluded from all civil offices, whether their admission into them would be a real prejudice to the state or not. Could one suppose, that their possession of these very places would no ways disturb the public peace and quiet, yet they are to be deprived of them merely on the score of their religious opinions. To talk therefore of the repulsion or prevention of *mischief* in the present case, is only to shew our want of attention to the point before us.

Upon

Upon this principle 'tis not danger or hurt to the public, which is the proper and immediate object of the Law, but the real intent of it, is to clog men with hardships and inconveniencies, unless they will conform to the national religion.

But, after all, 'tis evident that these incapacities must be either a pure *restraint*, intended only to prevent mischief, or an actual and real punishment. Since I have proved therefore, that they cannot be considered in the first light, we must of force consider them in the second?

Did the Law appoint, that all who dissent from the national religion, should suffer in their persons or their fortunes, it would be readily allow'd that this was a real punishment. But, are not these civil incapacities contriv'd with the very same purpose and design? And if so, are not all these discouragements of the same *nature and kind*, however they may chance to differ in *degree*? And if they be all of the same *kind*, are not civil incapacities as real punishments, as fines, imprisonments, and corporal pains and torments?

If these Gentlemen would speak to the purpose, 'tis their business to prove that these Discouragements are not of the same *kind*, or shew, what ground there is for the distinction between *punishment* and *restraint*, upon their Hypothesis.

It was alledged against a learned Prelate, that the *Corporation and Test-acts* were chargeable with oppression, and that he could not defend them, unless he would avow the principle of persecution. The substance of what his Lordship thought proper to reply on the occasion, is collected in the following passages. " They are acts founded on the  
 " principle of self-defence; and not made to *exclude*  
 " *Christians from civil offices, for the sake of their*  
*conscientious*

“ *conscientious scruples*. The Corporation act says  
 “ expressly, it was *for prevention of mischief*; such  
 “ *mischief* as the nation had then but just recovered  
 “ from; and not for *prevention* of conscientious  
 “ scruples. And if there be no difference between  
 “ *persecuting* a man for *his* opinions, and securing  
 “ myself from being persecuted for my own; then  
 “ indeed it is a persecution to exclude men for the  
 “ sake of their disaffection to the establish’d Church  
 “ from power.” *Vind. of Corp. &c.* p. 49.

“ It would be very unreasonable to *beat* a man  
 “ because he has an infectious Distemper, yet ’tis  
 “ very reasonable to deny him a place in the fami-  
 “ ly upon this account; for in *one* case I should *in-*  
 “ *jure* him, in the *other*, I only *take care of* myself.”  
 p. 36.

“ Negative discouragements are not meant as in-  
 “ struments of persuasion to those who dissent from  
 “ the Church; but merely as a security to the  
 “ Church from those who would destroy it. Is  
 “ there no difference between forcing a man to join  
 “ with you, and hindring him from hurting you?  
 “ Is it persecution, not to trust a man with power  
 “ to injure yourself? This is the only use of ne-  
 “ gative discouragements.” *Answer to Dr. Sykes’s*  
*Letter*, p. 20.

When his Lordship, in the first passage, asserts,  
 that men are not to be excluded from civil power  
 for the sake of their religion; does not this destroy  
 the very Basis and Foundation of the common Hy-  
 pothesis?

As to the distinction between the principle of  
 self-defence and persecution; I must take the free-  
 dom to remark, that how solid, proper, and perti-  
 nent soever it may be, ’tis of no use to the Gentle-  
 men, whose opinion I am here considering. It  
 goes upon the supposition, that the test-law was in-  
 tended

tended only to keep Dissenters out of the State, and not to bring them over to the national religion. But the Gentlemen, with whom I have to do, will not allow this position: so far from it, that the very contrary is the favourite and fundamental maxim, on which they build their system.

What his Lordship then blames in the common Hypothesis, is the very *principle, basis, and foundation*, on which it goes; or the *view, purpose, and intention*, which it would assign for these incapacities, or the exclusion of Dissenters from civil power.

And here it is remarkable, that, in order to support the reasonableness and necessity of the test-act, he discards the very principles on which Dr. *Stebbing* and others take upon them to defend it. And what can more effectually discredit those principles, than to observe, that the most able and candid advocate for this law, found himself obliged to abandon and desert them?

I would ask, are these negative discouragements a real and sensible inconveniency to Dissenters, or are they not? if they are not, what end do they answer, or why are they used at all? if they are a real and sensible inconveniency and burden, are they not at the same time an actual punishment?

Again, how grossly ridiculous and absurd is the conduct of the Legislature, on the supposition, that these negative discouragements are intended to recover men from error to the true religion? For, on this scheme, you must maintain, that it is the duty of the magistrate to propagate and encourage truth in one part of his Dominions, and error in the other; or that the religion which he believes in the South, he condemns as erroneous in North *Britain*.\*

\* It is of no consequence to my argument, whether there be such an express law in *Scotland*, or only a settled custom and practice without it.

Having



Having said so much as to the *equity* and *justice* of a test-law, I must beg leave to add a word or two with respect to its *usefulness*. The design of it is to guard men from error and delusion. And who are the men, whom the magistrate is more particularly to guard from error and delusion? Why, according to Dr. *Stebbing*, “the low part of mankind, who for want of judgment, being the most open to receive wrong impressions; and the most greedy of novelties, are therefore always the persons amongst whom seducers of all sorts reap the most plentiful harvest.” p. 93. But will your negative discouragements reach these men, or can they be supposed to have any great influence on the *low part of mankind*? What burden or inconvenience can it be to *them*, to be debarr’d all prospect of rising in the state?

As for the Gentlemen, who contend only for negative discouragements, and are unwilling to load and disgrace their system with the additional mulcts and fines so warmly and zealously recommended by the Doctor; I must beg leave to ask them, in what manner the magistrate is to secure the lower part of mankind from error and delusion? mere negative penalties cannot be supposed to make much impression; and as for every thing beyond these, they themselves arraign and condemn it, as utterly unlawful.

Had not the Doctor perceived the common principle to be ineffectual and insufficient, he never would have talked of these mulcts and fines, as an addition to, and improvement of it. This would be wantonness and insolence indeed, if negative penalties would do the work without them.

And here I cannot but take notice, in how different a manner the Doctor and his great Patron have refined on the common system. The grand principle

principle of it is, that men are to be excluded from civil power purely for matters of opinion ; but this his Lordship generously and wisely discards, as having too much of the spirit of persecution in it : But however it may displease him, for having too much, it disgusts and revolts the Doctor, for having too little of it ; and therefore, in order to supply the defect, he thought proper to add his pecuniary mulcts and fines.

For the common system, therefore, what is there to be said ? It has no real and natural foundation ; as religion is not the proper, immediate, and direct business of the magistrate. It is an unreasonable, unrighteous, and oppressive scheme ; as it goes upon the principle of persecution. It blackens and defames the credit of our own Legislature, as it arraigns the Establishment settled in *North Britain* ; an Establishment declared perpetual by the act of union. To which I may add, that Dr. *Stebbing* himself does in effect declare these civil incapacities to be insufficient for attaining the end proposed by them ; and that my Lord of *London* represents them, as quite indefensible on the Doctor's principles.

SECT. II. For it may not be improper to take notice that the difference between his Lordship and the Doctor is very considerable, and that they actually disagree in some very material and important articles.

His Lordship is content with bare negative discouragements, and arraigns every thing beyond these as rank persecution ; whereas the Doctor calls for mulcts, fines and positive punishments. And yet, referring to his Lordship's Treatise, the Doctor declares, *that it would be an inexcusable vanity in him to pretend to add any thing to it by way of improvement.*

*provement* <sup>a</sup>. Are *mulets* and *finer* no addition? Indeed I think they are neither an ornament or *improvement* of the scheme: But I am afraid, wherever they are found, they rarely go for *nothing*.

They differ too as to the nature and tendency of these negative discouragements. According to his Lordship they are merely a guard, security and fence to the Church, from those who would destroy it; whereas, on the Doctor's scheme, they are so far from being purely defensive, that they are contriv'd to molest, harass and disturb those who differ from us. And yet the Doctor appeals to the book abovementioned in support of his own doctrine <sup>b</sup>. But what then? Tho' the Book be no support, the Author may. The liberty taken is only with the Reader, who is accustomed to such like liberties; *i. e.* to quote a treatise in confirmation of a principle, plainly condemned and disclaim'd by it. For does not his Lordship maintain here, *that no man is to be excluded from civil power, for the sake of his religious opinions?* Does he not therefore discard the Doctor's fundamental maxim, and adopt another, and (by the Doctor's leave) a wiser in its stead?

It is observed too, by his Lordship, that the *Test-law* was really and actually designed *only to prevent mischief*. Now if so, the Doctor does not defend it on the true and proper principle, on which the Legislature thought proper to enact it. However he assures us, that 'tis his design to vindicate *our civil establishment*, p. 5. But how does he do this when the *Test-act* is, we see, founded on one principle, and he defends it on another?

I could wish therefore, the Doctor would inform us, what book he means, when he says, that the *Test-act* had been defended with *much greater ability*,

<sup>a</sup> Page 83.

<sup>b</sup> *Ibid.*

than

than it is by the Author of the *Alliance*. It is evident he could not mean *the vindication of the Corporation and Test-acts*. For

The scheme here laid down is, on the Doctor's principles, too *narrow* and *ineffectual*, as it disclaims the mulcts and fines so often mentioned.

It is founded too on a wrong principle, as it aims only to prevent mischief, confusion, and disorder, or the persecution of the true religion ; and not to discountenance and restrain error.

It quite overthrows the Doctor's whole system, as it will suffer no man to be excluded from civil power on the score of his religion.

As therefore the Doctor cannot be supposed to refer to this piece, I could wish he would point out his author, and shew us to whom we are indebted for a more *rational* and *solid* defence of the Test-law, than that publish'd by his learned patron.

But before I conclude this chapter, give me leave to add a few words, with respect to the *vindication of the Corporation and Test-acts*.

Now the true merit of this piece (and a great one it is) is, that it justifies a test-law, agreeably to the spirit, principles, and frame of our own constitution.

But let his Lordship do this never so effectually, what impression is it likely to make, or how can it serve to silence and confute his Adversary ? The question is, whether the Test be agreeable to the Law of nature and nations. Now of what significancy to it are arguments, which relate to the constitution of a particular country, and derive all their force from thence ?

But I apprehend, it will not be easy to vindicate even our own constitution, according to his Lordship's reasoning ; that is, on the simple principle of *truth*. For is it reasonable on this footing, for the

magistrate to establish one religion in *South*, and another in *North Britain*; or is it not his duty to provide for the interests of *truth*, in one part of his dominions, as well as in another?

It was produced as a strong objection against my Lord of *Winchester*, that his argument against the Test here, would break in upon the like security granted to the Kirk in *North Britain*; and yet that the last was *one of the Fundamentals of the act of union, and declared by it to be perpetual*<sup>a</sup>. But does not this suggestion come with an ill grace from those writers, whose own principles oblige them to oppose this very security granted to the *Kirk*, notwithstanding the sanction it receives from the act of union?

One may take notice, that my Lord of *Winchester* is all along uniform and consistent with himself, since he declares against these negative discouragements both in *South* and *North Britain*. But can we say the same of his learned Antagonist, who seems to defend them in the South, upon such principles, as do of course arraign and condemn them in the North?

The principle of *truth* therefore, what is it but an *awkward prop* in the old system, which *effectually* undermines one side of the Edifice, while it only bears up the other in imagination.

All his Lordship gives the magistrate, is a right to secure himself against persecution, and from having any thing imposed upon him, as religion, by undue means. (p. 49.) And hence he infers the reasonableness and necessity of a Test-law. But then does not his Lordship in this very page assert the same right to *every* magistrate? And

<sup>a</sup> *Vindication of Corp. and Test-acts*, p. 64.

consequently assign him a power to fence and guard his Religion by a Test-law ?

So far therefore as this Law is of any real use and service to the public religion, it will advance the interests of error in a hundred places, for one where *truth* will receive any benefit ; as the Establishments that favour error are so much more numerous than those which advance Truth. How then, let me ask, are the interests of truth to be promoted on this scheme ? And yet the promotion of these interests is, (as his Lordship contends) the very purpose and foundation of a Test-law.

The great error seems to be, his Lordship's making religion, as such, the proper, immediate, and direct business of the magistrate. This is the Basis, on which he builds his system ; but till the arguments, alledged by Mr. *Warburton*, in support of the contrary opinion, be well confuted, it will not be thought to have either solidity or use.

What his Lordship himself urges as it's principal support may deserve to be considered. He says, 'tis evidently " the magistrate's duty, *as he is the Vice-gerent of God*, to maintain the honour of God " and religion." *Answer to Dr. Sykes, p. 7.*

But may I have leave to ask, in what sense the Magistrate is supposed to be the *Vice-gerent* of God ? If in a literal, strict, and real sense, it must be supposed too that God is our civil Governor. If so, there is no distinction between religious and civil laws ; both having one and the same Author. And then indeed as religious laws are part of the political and civil constitution, they necessarily come within the sphere of the civil magistrate.

If we call the magistrate God's *Vice-gerent* only in a figurative, and improper sense ; this is no more than to assert the sacred character of every lawful

magistrate; to declare with *St. Paul*, that he is the minister of God, or that his office is agreeable and well pleasing to the will of God. And may not this be the case, although it relate only to our civil and temporal concerns?

The sum of the argument is this: If we would infer any thing material or conclusive in the present argument from the *vice-gerency* of the magistrate, it will be necessary to prove first, that he is *Vice-gerent* in the literal, strict, and proper sense; or, in other words, that God has assumed the character of our civil Governor. But when did he do that but once by the ministry of *Moses*?

I presume, therefore, it appears, that the common Hypothesis is groundless and invalid: so that to defend Establishments and Test-laws on reasonable principles, we must seek out for some *new* assistance.

It may be proper to observe here, that his Lordship's scheme is indeed subject to many of the difficulties, which have been urged against *Dr. Stebbing* in the foregoing Chapter. When his Lordship tells us, "that 'tis the proper business of the magistrate to see that obedience be paid to the law of reason, with respect to God, as well as men." — "That 'tis his duty, as he is the Vice-gerent of God, to maintain the honour of God and religion." (*Answer to Dr. Sykes's Letter*, p. 5, 7.) What is this, but to declare, that 'tis the proper business of the magistrate to punish sins as sins, or purely as offences against God? Which seems to be calling for a general reform of the civil laws in almost all countries in Christendom.

Since his Lordship is pleased to suppose that religion is as truly and properly the province of the magistrate, as men's civil interests; must he not suppose too, that civil government was instituted for

for more ends than one, or for attaining all the benefits, which may possibly be attained by it? Which is falling into the Doctor's notion of a *complete and perfect common-wealth*.

In his Lordship's treatise last quoted I find the following passage. "The Royal Authority, being the immediate power of God, *has no more immediate concern*, than to promote the service, and establish the honour of God in the hearts of men." p. 27, 28. Does then his Lordship mean, that religion is the *most immediate* business and concern of the civil magistrate? If so, the public good, or the civil interest of the State is only so far to be consulted and attended to by him, as the interest of religion will permit.

Or does his Lordship mean, that religion is *as much* the immediate concern and business of the magistrate, as the civil interest of the State? On this supposition, his care will be equally divided between Church and State; it will be as much his duty to protect and defend the first as the last.

But which ever of these be his Lordship's meaning; I apprehend, that neither of them will be readily admitted by the Enemies of *Establishments*. They will say, if the Government in question arise from compact, Dr. *Stebbing* himself allows, that the first and leading motive, which would induce men to abridge themselves of their natural liberty, and enter into society, was a concern for their temporal and civil interests. And if so, the *first and principal* charge committed to the magistrate, must be to protect and defend the liberty and property of his subjects. And if the magistrate be commission'd to do this in the first place, it is evident that he has *a more immediate concern than to promote the service, and establish the honour of God in the hearts of men*.



In order then to support his Lordship's assertion, it will be necessary to affirm, that civil government did not arise from compact. But this, I fear, in an age where the spirit of Liberty runs so high, would be thought too great a paradox. And indeed, if there be any one fixed and settled principle, unquestioned and undisputed by all sober writers on politics, it is that civil government did arise from compact.

But should we even admit this doctrine, that the Royal Authority is the immediate power of God; yet it would not follow that religion is the immediate concern of the civil magistrate. This consequence seems to be founded on a very precarious supposition, that nothing but our *future* interests were worthy the *immediate* care of the Almighty. If our *present* be of any value in his sight, it is certain that temporal and civil matters will be best provided for, if they be consider'd as the immediate end of civil Government; (that the interests of religion are best secured, upon the same principle, shall be proved at large hereafter.) So that, if this be the case, we may reasonably enough suppose that religion may *not* be the *immediate* concern of the magistrate, even admitting that the Royal Authority is the *immediate* power of God.

But to proceed. It does, I think, evidently follow from ~~the Doctor's~~ <sup>Ship's</sup> principle, that the *Supremacy* of the civil magistrate is an actual incroachment on the rights and liberties of the Church.

It is agreed, on all hands, that the Church before its union and *alliance* with the civil Government, was really sovereign and independent of the State. And if so, it could not be depriv'd of this independency, but by its own voluntary and free act. Now what could possibly induce it to resign this privilege in favour of the State? On the principles  
of

of the *Alliance* it is well accounted for; the Church does this, in order to secure and engage the protection and defence of the civil power. But now, according to this other system, the Church has a natural, inherent and previous claim to this defence; why therefore should she give up her independency?

Would it not greatly flatter the views of ambitious Churchmen, to be taught, that the religious society is sovereign and independent of the State, and yet has a natural right and claim to the protection and support of the civil magistrate? Under such a persuasion, it is not to be thought that they would give up so flattering a prerogative as that of independency; because, under that persuasion, no real interest or advantage could be offered to induce them to it?

This Hypothesis does, I think, look with an unfriendly aspect on the civil powers, bears hard upon their present privileges, and may be attended with very pernicious and mischievous effects in a country of liberty. It is of the greatest importance to every free state, that the magistrate should be supreme head in all matters, as well ecclesiastical as civil: And yet the Church only can give him this station. But then the Church, upon this Hypothesis, has no motive of interest or advantage, to induce her to give it him; it must therefore intirely depend upon her own generosity. And as her supremacy is not a matter of indifference, but on the contrary, of the utmost importance to her, she must be extremely generous indeed, if she freely and gratuitously give it up for asking for, or rather without that ceremony.

The whole force and power of the community is lodged in the hands of the supreme magistrate, and is to be employed by him in defence of the religious society as well as the civil; of the Church as well as the State. Since then they have an equal right to his assistance, what must he do in case their two interests should clash and interfere?

What

What must he do, I say, if both Church and State should call upon him for his aid and assistance with contrary views and to contrary purposes? There cannot be any thing more absurd than to suppose, that the supreme power is obliged to pursue contrary ends at the same time. And yet this is the plain consequence of supposing, that religion is as much the immediate business of the magistrate, as the civil and temporal concerns of his subjects.

But should we suppose, that religion is *more immediately* the province of the magistrate, than any thing else; the consequence will be, that he is commissioned to take care of religion in the first place; or that the Church has a *previous* right to his aid and assistance, and must be served, by him, before the State.

If then the religious society has a *prior* right to the aid and assistance of the civil power; having too the *nobler province*, as the care of souls belong to it, and pretending to, and sometimes, really, having a divine origin; while that of the State is purely human; would it not with all these advantages, in time, prove an over-match for the State, and naturally draw all power to itself?

I have endeavoured above to point out the difference between the two Hypotheses advanced by Dr. Stebbing and my Lord of *London*, and to shew that these two celebrated writers actually disagree in the most fundamental articles, since each labours to undermine and overturn the system espoused by the other. I will add here a few observations, in order to mark out a little more precisely, how far the difference between them extends.

It is evident that the Dissenters may be consider'd in two very different lights, either as a party against the Church, or merely as men in error. The magistrate, according to my Lord of *London*, has nothing to do with them, when consider'd in the last light. For it is not his business to make Converts, or to bring over to the

the Church those Gentlemen who dissent from us : all he has to do, is to prevent and repel the injuries, which they are disposed, if enabled by a proper situation, to bring upon the Church. The Test-act aims at nothing more than to keep them out of the public administration, and not to bring them to the national religion. *Vindic. of Cor. &c. p. 83.*

Now hear the Doctor; “ still 'tis something to do  
 “ good to a few, and how inconsiderable soever the  
 “ Body of Dissenters might be supposed to be upon  
 “ this foot, consider'd *as a Party against the Church,*  
 “ yet consider'd *as men in error,* they should not be  
 “ beneath the magistrate's care, who is to look up-  
 “ on himself as much *a Father* to the meanest of his  
 “ subjects, as he is to the greatest.” Dr. S. Essay,  
 p. 93. what must the Doctor think then of his Pa-  
 tron's Hypothesis, which strips the magistrate of the  
 most amiable, and venerable part of his character,  
 since it will not allow him to behave or conduct him-  
 self, as *the Father of his subjects?* or did he only  
 mean to *brand* and *reproach* his own Governors, for not  
 acting in their proper character, as they have not em-  
 ploy'd the means prescribed by him, to reduce their  
 subjects in *North Britain* to their own persuasion.

*Secondly,* Upon the principles, embraced by my Lord  
 of *London,* the magistrate is to concern himself with  
 the Dissenters only as *a Party against the Church.* If then  
 I may be allowed to argue on the supposition advanc-  
 ed by Doctor *Stebbing,* or to consider the Body of  
 Dissenters as no ways disposed to attempt the ruin  
 and destruction of the Church, but only *as men in er-*  
*ror;* the magistrate in this case, upon his Lordship's  
 principles, could have no right to impose even nega-  
 tive penalties, or to exclude these Gentlemen from  
 offices of power and trust.

If he is to make a distinction between true religion  
 and the contrary, all he can do, will be to grant the  
 first a *bare establishment,* unattended by a Test-law.

An

An Ecclesiastical Establishment will indeed of course infer ecclesiastical revenues ; and therefore the Clergy of the national Church will be in a better situation than the ministers that belong to the Churches unestablished. But the state and condition of the Laity will be the same in both cases, as places of profit and trust will be open to both.

If then the Doctor would preserve, or, to speak more properly, *restore* and *retrieve* the Credit of the old Hypothesis, it will be necessary for him to prove, against his Lordship, that the magistrate is to favour and support the true religion by the aid of a *Test-law* as well as of an *Establishment*. But here I must take notice, that the Author of the *Alliance* is no more concerned, than myself in this part of the dispute, the whole controversy will lie between the Doctor and his learned Patron.

Were then the Doctor able to prove against Mr. *Lock*, and the *Friends of Liberty*, that religion was the proper, immediate, and direct business of the magistrate, yet how will it follow from hence that we must have a test-law, or what bond of connexion is there between his premises and his consequence? my Lord of *London* asserts the first, and contends that religion, as such, comes within the sphere of the civil magistrate, and yet makes a test-law unnecessary, unless the Body of the Dissenters be formidable enough to create disturbance, and endanger the peace and safety of the Church.

Should then the Doctor get the better in this part of the argument, and shew that the test-law is a necessary attendant on an Establishment in the nature and reason of things ; — what would be the consequence? why, if his Lordship supposes the Doctor's reasoning to have any force, he must suppose too, that men are to be excluded from civil offices purely for their opinions and speculations in matters of religion. And would not this be giving up the very distinction, by which he endeavours all along to clear the test-act from the charge of Persecution?

## CHAPTER III.

*Containing some remarks on Dr. Stebbing's scheme of pecuniary mulcts and fines.*

SO much for *negative Discouragements*. But the Doctor does not chuse to stop here, or to subject Dissenters to these only; he insists withal, that pecuniary *fines* and *mulcts* should be added, in order to press down the load the heavier, and the more speedily reduce them to the national religion.

The end then of these mulcts and fines, is to recover Dissenters from their errors. But why does the magistrate interest himself in endeavouring to suppress and restrain error, as such; since it has been shewn, that this is no branch of his office? It has been already proved, that he has no right to impose even negative discouragements *for this purpose*.

It has been proved too, that even negative Discouragements, if designed to discountenance and restrain error, are an actual and real punishment. What must we think then of additional and positive evils? or why does the Doctor labour to infuse new prejudices, when 'tis impossible, upon his principles, to remove the old ones?

But how does he propose to qualify and temper these fines? Why, they are to be so proportion'd and contriv'd, that, to use his own words, *the burden may always be heavy enough to be felt, but never so heavy as to crush and overwhelm*<sup>a</sup>. Now he might, I apprehend, with the same reason have propos'd *corporal pains and punishments*, not indeed so sharp and severe, that human nature must necessarily succumb under them, but so temper'd, that *they might*

<sup>a</sup> Dr. Stebbing's Essay, p. 85.

be heavy enough to be felt, and yet not so heavy as to crush and overwhelm. In opposition to this system, I must beg leave to observe, that my Lord of London, with great justice, condemns both these methods as tyrannical and unreasonable; declares that the magistrate has no right to punish Dissenters by either of the means above-mention'd<sup>b</sup>. The Doctor therefore must pardon me, if I take the liberty to arraign this as a PERSECUTING SCHEME, since I do no more than barely repeat the sentence, which his very learned patron has already passed upon it.

His Lordship too, speaking of the exercise of violence and force in matters of religion, says, “ Since our Saviour has told us, that the design of his coming into the world, and the end of the religion he taught, was not to destroy, but to save men’s lives; there can be no greater indignity offered to God; no greater contempt shewn of Christ, or blemish cast upon religion; than to make religion, which was designed to save men, the means and instrument of destroying them.

<sup>b</sup> “ And this may help his Lordship [the then B. of Bangor] to see, how *consistent* it is in me to declare against *punishing* men in their lives or *fortunes* for those reasons; which, nevertheless, I think to be good reasons for excluding them from places of power and trust. It would be very unreasonable to *beat* a man because he has an infectious Distemper, yet ’tis very reasonable to deny him a place in the family on this account; for in *one* case I should *injure* him, in the *other* I only *take care* of myself.” *Vindication of Corporation and Test-acts*, p. 36. “ It can only serve to shew, that he mistakes the nature and tendency of negative discouragements; which are not meant as instruments of persuasion to those who dissent from the Church, but merely as a security to the Church from those who would destroy it. Is there no difference between forcing a man to join with you, and hindering him from hurting you? Is it persecution, not to trust a man with power to injure yourself? This is the only use of negative Discouragements.” *Answer to Sykes’s Letter*, p. 20.

“ *The argument reaches to all methods of propagating*  
 “ *religion, which are Hurtful or Injurious to men, as*  
 “ *well as merely to the destroying them by the fire and*  
 “ *sword: For the Son of man, no more came to in-*  
 “ *jure and abuse men, than he did to destroy them:*  
 “ *And the argument is equally strong against injuring*  
 “ *or abusing our fellow-creatures in order to propa-*  
 “ *gate the faith, as it is against destroying them.*” *An-*  
*swer to Sykes's Letter, p. 42, 43.* Let us apply this  
 truly christian reasoning to the Doctor's system. It  
 is evident, that these fines and mulcts are *hurtful*  
 and *injurious*, since, in his Lordship's opinion, no  
 man should be molested and disturbed in his person  
 or fortune for mere notions and speculations in mat-  
 ters of religion. But if they are actually *hurtful*  
 and *injurious* to men, are they not, upon the prin-  
 ciple laid down in the passage just recited, as un-  
 lawful and unreasonable, as imprisonments, banish-  
 ments, or even *destroying men by the fire and sword?*  
 And what heavier censure can one possibly fix upon  
 the Doctor's system, than to affirm with his humane  
 and learned patron, that these favourite mulcts and  
 fines are as contrary to the nature, spirit, and genius  
 of the Gospel, as the destroying men by Fire and  
 Sword, or any the most violent and sanguinary me-  
 thod of propagating the faith?

But besides the evidence arising from the nature  
 and reason of the thing, and the authority of the  
 excellent Prelate just mentioned, I will now add,  
 that, even on the Doctor's own principles, these  
 mulcts and fines are a real oppression and punishment.

“ He who is not permitted to reap the fruits of  
 “ his own labour, skill, and industry, may (says  
 “ the Doctor) have *just reason to complain that he is*  
 “ *oppressed.*” p. 79.

“ To avoid (says he) all ambiguities which  
 “ may arise from the different use of words,  
 “ it



“ it will be proper to acquaint the Reader, that by  
 “ Punishments I understand all those administra-  
 “ tions, by which a man is molested, hurt, or  
 “ vexed, in any matter or thing, to the free use or  
 “ enjoymēt whereof, he hath antecedently a right  
 “ either natural or civil; whether this property  
 “ concerns his life, his body, his liberty, *or his*  
 “ *goods.*” p. 68. Now as to the money levied by  
 the fines above-mention’d, had not the Dissenters  
 antecedently a right to the free use and enjoymēt  
 of it? It does then appear, even by his own con-  
 fession, that these mulcts and fines are an actual and  
 real punishment; and therefore, being inflicted  
 without demerit, an act of oppression, violence,  
 and injustice.

But notwithstanding the aukward air of candour  
 and moderation with which he sometimes talks, ’tis  
 obvious that these mulcts and fines, as proportion’d  
 and adjust’d on his principles, would really *distress*  
 men, and make them *uneasy* in civil life; otherwise,  
 how is it possible that they should be *a sensible in-*  
*convenience, or a burden heavy enough to be felt?*

They are not, it seems, to be so heavy, as to *op-*  
*press, crush, and overwhelm.* But may they not serve  
 to *harass* and *molest* men, and be exceeding *trouble-*  
*some* and *vexatious*, and yet not rise high enough to  
*oppress, crush, and overwhelm?* And for the *credit* of  
 the Doctor’s system, I must add, that the nearer  
 they come to this, the more reasonable, proper, and  
 perfect they will be.

But here I must take notice, that the loose, care-  
 less, and inconsiderate part of mankind, who have  
 no real concern for religion; and yet, for fashion  
 sake, think fit to profess some; will, of course,  
 fall into the establish’d Church: as thereby they best  
 consult their own ease, emolument, and reputation.

But

But very few can be supposed to go into separate communions, against the conviction of their own minds, where they meet with nothing temporal, but *negative discouragements* ; unless haply they come to find themselves regaled with the Doctor's *pecuniary mulcts and fines*.

But who are the men, on whom these fines are to be levied ? And here the Doctor steps forth, and tells us, “ that they are those who separate themselves from the establish'd religion, upon *mere worldly motives* ; pretending conscience, but having none.” If they separate *upon mere worldly motives*, it appears, from what has been just observed, that the interest and advantage moving them must be *considerable*. How then can these mulcts and fines be supposed to operate effectually, unless they are an equivalent to the profit attained on the other side ? Whatever therefore the Doctor may be pleased to intimate, 'tis evident that these mulcts and fines must be very considerable, or that they will not answer the end intended by them. For if *considerable advantages* are necessary to draw men into separate communions, 'tis equally necessary that *considerable penalties* should be employ'd to bring them back again, or to prevent their going over.

However the Doctor sometimes argues, as if he was not sensible of this clear and obvious consequence of his own doctrine ; or at least, as if unwilling, that it should be charged upon him. “ Let us suppose (says he) a law made to this, or “ some such effect, that every person who does not “ think fit to conform to the national religion, “ should be obliged to enter his name in some “ public register ; and that so many pounds as he “ is rated to the King, so many six-pences (or any

‡ *A true state of the controversy with Mr. Foster, p. 38.*

“ other

“ other sum you like better) he should pay yearly  
 “ as a tribute for his liberty.” p. 84. “ But how  
 would the penalty of six-pence in the pound dispose  
 a man to join in the national religion, if his separa-  
 tion would bring him in ten or twenty times  
 as much? How can the forfeiture of so slight a  
 sum be supposed to have any influence, while a *con-*  
*siderable interest* in trade or business, or the gratify-  
 ing our vanity and ambition, are set, on the other  
 side, in opposition to it ?

I mention’d a considerable interest in trade and  
 business, or the gratifying their vanity and ambition,  
 as the most likely motives, which might induce  
 men to separate against conscience. And how can  
 you overbalance these by virtue of mulcts and fines,  
 unless these are an equivalent to the advantage pro-  
 posed on the other side ? And how can they be an  
 equivalent, unless they are *considerable* ?

But has the Doctor then no salvo, no distinction  
 or subterfuge in reserve, to shew, that he is not  
 obliged to carry these fines to an immoderate and  
 excessive height ?

He has : And see now the Dexterity with  
 which he employs them. Is it objected, that the  
 fines and mulcts he would impose, are too heavy  
 and severe ? ’Tis obvious to reply, that he speaks  
 only of slight, moderate, and reasonable penalties.  
 For does he not expressly mention an ordinary poor’s

“ Can you believe that if a man in good circumstances were  
 “ obliged to pay as much for his scruples, as it would cost him  
 “ to keep a horse, or to defray the charges of an ordinary poor’s  
 “ rate, and a labourer or a servant no more than what he can  
 “ afford to spend yearly at Foot-ball Matches, Wakes, and such  
 “ like idle Diversions ; can you believe, I say, that if this were  
 “ the case, so many would separate from the Church ?” p. 85.  
 Perhaps not ; unless what they did before for interest, they  
 should now take it into their head to continue to do out of op-  
 position : And this would be enough to vex an Imposer of *pecu-*  
*niary mulcts and fines.*

rate,

rate, six-pence in the pound, or the expence of keeping a horse to a man in good circumstances?

Do you object, that these are not equal to and sufficient for the purposes proposed by the Doctor. The answer is still ready;—he never meant to confine you to these, but left you the liberty of appointing *any other, which you like better*<sup>c</sup>. And does not (he may add) my argument require, that you should have recourse to heavier, if the fines specified and mention'd by me, are not found effectual?

“ These fines, says the Doctor, should be such, “ as no conscientious man would be unwilling to “ pay, and every prudent man, having no real “ scruples, would chuse not to pay.” “ Such (says “ he) as a conscientious man would not be unwilling to pay.” What does he mean? Is it a sum, about which a conscientious man is perfectly indifferent? no; 'tis what every prudent man would chuse to decline paying.

He can only mean, then, such a sum, as every conscientious man would be ready to resign, rather than part with his religion, or make shipwreck of his conscience? And may not this amount to *half*, or *all* his fortune?

Besides, will not the magistrate, in virtue of this reasoning, have a right to inflict every degree of pain, which a conscientious man would chuse to undergo, rather than part with his religion? And will not this justify all the horrors of the Inquisition; Imprisonments, tortures, and even Death itself; as a conscientious man would rather submit to these,

<sup>c</sup> “ So many pounds as he is rated to the King, so many six-pences (or any other sum you like better) he should pay yearly as a tribute for his liberty.” p. 84. *Essay*.

<sup>e</sup> *True state of the controversy with Mr. Foster*, p. 38.

than quit his religion against the conviction of his own mind ?

“ My opinion, says the Doctor, is, that all penal Laws, which inflict either Death, or torture, or banishment, or imprisonment, ought in this case to be laid aside.” But why would he have them laid aside while fines and mulcts remain ? Are not moderate imprisonments and corporal punishments as lawful and reasonable, as moderate fines and penalties ?

And, what is more, would not many Dissenters rather undergo heavy imprisonments or corporal punishments, than submit to those burdensome, vexatious, and exorbitant mulcts, which are the plain and necessary consequence of the Doctor’s principles ?

But why may not the magistrate inflict banishment, imprisonment, tortures, and even death itself, if he has a right to exercise and employ every degree of force, which a conscientious man would chuse to submit to, rather than depart from his integrity, or conform against conviction ?

It may be alledged, that the Doctor did not intend to pursue his principles to this extent. We must charge him then with strange *blindness*, if we suppose he did not see so *clear* and *evident* a consequence of his own doctrine ; and with strange *disingenuity*, if we suppose he did not believe the very thing asserted by him in one of the passages just quoted.

But to proceed. The Doctor, speaking of the different states and conditions of mankind, observes, that there are some, who cannot earn a penny more than *what is necessary for themselves and families*, p. 84. What then is to become of Dissenters of this rank ?

Are they to be denied the privilege of serving God in their own way, merely *because they cannot pay for it?*

Or are they, on his scheme, to be exempt from fines and mulcts? so far from it, that these penalties are particularly calculated for the use of *the lower part of mankind*<sup>b</sup>.

The purpose and design of them, is, to recover Dissenters to the Body of the Church. So that the exaction of these penalties will chiefly fall on the men of real integrity and virtue, who will not be disposed to conform against conviction. And can the Doctor flatter himself, that the magistrate, in a *free country*, will ever consent to such a law? a law which fixes and confines its penalties chiefly to those who least deserve them.

Upon the whole, could the Doctor prove against the Author of the *Alliance*, that religion, as such, is the proper, immediate, and direct business of the magistrate; yet there are two points still behind, which will serve to confute and overthrow his whole system. My Lord of *London* himself agrees to this idea of the magistrate's office; yet insists, that the magistrate has no right to punish any one in his fortune, or even exclude him from civil power, on account of his religion. When therefore the Doctor has made good the first point against his adversary, let him not forget that he is to support the two last against his patron.

The purpose and design of these *fines*, is, to recover Dissenters from the prejudices they have imbibed against the Church. Now there was a time when very burdensome and severe laws

<sup>b</sup> "And this is that, which above all things recommends the use of pecuniary mulcts, *viz.* that they administer a remedy, where a remedy is most wanted; i. e. to the lower part of mankind." *Essay*, p. 93.

were enacted against them, and yet their prejudices were so far from being removed by them, that fewer conformed then, than since those laws have been repealed. If therefore mulcts and fines, or any vexatious laws are to operate effectually in the present case, it is necessary that they be more heavy, oppressive and severe, than the ineffectual ones above-mentioned.

It will give great pleasure to every liberal mind, that our superiors in the Church have lately endeavour'd to bring over the Dissenters, by more mild and gentle methods. So far were they from approving the Doctor's scheme, or for clogging these Gentlemen with fresh inconveniencies and restraints, that they were ready to make concessions in their favour, as the most effectual and likely means, to soften and abate their prejudices. But though this Project of a nearer union has not succeeded in the manner one could wish, yet these learned Prelates have not, in order to supply the miscarriage, attempted to revive the mulcts and fines so warmly and zealously recommended by the Doctor. It would be presumption in me to pretend to say, why they have not ; whether as unwilling to load and disgrace the Church with the *odium* of persecution ; or whether they imagin'd this would leave Dissenters harden'd and embitter'd in their prejudices against it ; add real aversion to their scruples, and either dispose them not to examine the arguments alledged in behalf of conformity, or to examine them with such a spirit and temper, as to produce no good effect.

And indeed what purpose can this *mongrel Inquisition* probably serve, but to clog and retard an union amongst Protestants ? The Doctor certainly mistook his object ; and fitted his scheme for another

other meridian ; an union, of the like kind, not long ago projected with the Church of *Rome* ; of which, this catholic doctrine of fines and penalties would have made no improper preliminary. And only add to it another *favourite maxim* of our Doctor's, which forbids the study of the Scriptures, and brands by the name of EXPERIMENTS all attempts to throw fresh light on the evidence of our holy Faith ; this project set on foot between an *English* Metropolitan and some Doctors of the *Sorbon*, might not perhaps prove so visionary and fanciful a thing, as the more serious and sober Protestants seem to think it.

It is observed by the Doctor, that “ that which  
 “ prejudices men against the Faith, is commonly  
 “ some *worldly interest* or other which presents itself  
 “ in opposition to it. That there are very few  
 “ who reject or depart from the truth through the  
 “ fault of their understandings, comparatively to  
 “ the number of those who are led aside by the pre-  
 “ valency of their *fleshy appetites*.” p. 13. Now I can see but one end to be served in telling the Dissenters, *that they are led aside by their worldly interests and fleshy appetites* ; and that is, to sharpen and whet their prejudices, and consequently to rivet and confirm their errors.

I could wish the Doctor would point out the particular advantages, or worldly motives, which he supposes of force to influence the Body of those Gentlemen. Whatever may be the case of some particulars, it will, I think, be difficult to prove that the Body of the several sects is tempted to continue in its separation, by any *secular* or *worldly interest* whatsoever.

*SECT. 2.* 'Tis a request often repeated by the Doctor, that he may not be charged and represented as *in advocate for persecution*. But this, let me tell him,



will scarce be granted while he continues to support and enforce the *Principles* of Persecution.

And this I the rather say, as my Lord of *London* himself does not scruple to arraign and brand his favourite mulcts and fines as real persecution.

Besides, has it not been shewn, even upon the Doctor's own principles, that the most slight, moderate, and inconsiderable fines, would, in the present case, be real punishments? And punishment for religion is *Persecution* all the world over.

Has it not been shewn too, that he cannot reduce to the Church, those who separate from it upon mere worldly principles, unless his fines are very considerable, burdensome, and oppressive? To assert therefore the reasonableness and necessity of fines in a case, *where 'tis notorious*, that none but *large and excessive* will do the business, is to plead for the exercise and imposition of *large and excessive*.

Besides he gives the magistrate a right to impose *any* fine on Dissenters, which a conscientious man would submit to, rather than quit his religion against the conviction of his own mind. And may not this amount to *half*, or *all* his fortune?

But there are, says the Doctor, "men who cannot earn a penny more than what is *necessary* for themselves and families." And can any the least fine be imposed upon these, without real persecution? The very consideration of their circumstances and outward condition will raise pity and compassion in any breast where false zeal has not worked out humanity. And such will think it cruel and barbarous, to add to their misfortunes, and load them with *fresh burdens*, by denying them the liberty to serve God according to their own conscience, purely *because they are not able to pay for it*.

In his last page the Doctor considers the case of those, who join in no way of public worship at all. If then the magistrate grants an universal Toleration to all religions, and yet men neglect “ to join in any one way of public worship,” the Doctor’s DETERMINATION is, “ that they are punishable *with any degree of severity*, that the magistrate thinks proper to make use of.” Put the case then of the first founder of a sect; a man dissatisfied with the several modes of worship in his country, and persuaded in his own mind, that it is not lawful to join in any of them; what is to be done with him? Why, the magistrate may punish him with whatever degree of rigour and severity he thinks proper.

“ But there is no probability, says the Doctor, “ but he may find enough of the same mind, to “ make a separate congregation.” Mr. *Whiston* has not found it so. What then must become of him *in the mean time* \* ?

In the same page he puts the case of a religion not tolerated by the magistrate: such, for instance, is Popery here in *England*. As then the Papists cannot join in any publick worship, the Doctor would not be *severe* upon them. However he would have them treated in the same manner as *Absenters*. They are then to be punish’d, though but lightly. But is it not manifestly unreasonable and unjust to *debar* men the liberty of serving God in their own way, and yet to *fine* them for not serving him in that way?

For let it be observed, that, upon this scheme, men are not punish’d for not going to the *national Church*,

\* I mention the case of Mr. *Whiston*, because I am informed, that he is now actually distressed to form a congregation to join himself unto. Should my information be ill-grounded, yet my general argument will suffer nothing by it; as nothing is more natural or reasonable than to suppose, that this may be really the case of the first Founder of a Sect.

but only for not joining in that particular form of worship, in which they *conscientiously* might join.

It has been observed, that even according to the Doctor's own representation, some men are so extremely poor, that they cannot possibly discharge the *Turkish Tribute* yearly imposed upon them for the liberty of worshipping God in their own way. What therefore must become of them, if they should hold the Terms of our Communion to be unlawful? Why, to use the Doctor's own words, "as they neglect to join in any one way of public worship, they are *punishable with any degree of severity*, that the magistrate thinks fit to make use of." p. 96.

The reverend Mr. *White* speaks of men, who are supposed to adhere to the conventicle merely thro' *invincible ignorance, and a natural incapacity to judge of the matters* in dispute between us. (*Letter* 1. p. 73.) But are *invincible ignorance* and *natural incapacity* the proper objects of fines and mulcts?

With regard to these favourite mulcts and fines, I must too take notice, that they are to be repeated and renew'd annually; or that the *fortieth* part of what they are worth, (*or any sum you like better*) is to be levied on Dissenters *yearly as a Tribute for their Liberty*. (p. 84.) 'Tis possible therefore that many Dissenters may live long enough to pay all the forty parts; or, indeed, sums more than equivalent to the whole of their present fortunes; and therefore may not be able to leave so much for the support of their families, as they have already disbursed for the support of their Consciences. How insulting is it in the Doctor *after* this to tell us, that he STRONGLY ASSERTS THE RIGHTS OF CONSCIENCE? unless, what he forces others to do, he takes the merit of, to himself. And it must be owned he has contrived a way to make honest Dissenters *strongly assert the rights of conscience*. But why will he chuse to remind us of *a certain Ecclesiastical Tribunal*, where

where the Judges never express themselves with so much Tenderness, Affection, and Concern for their dear Brethren, the *Dissenters* from them, as at the very time they consign them to all the ruin and destruction, that fire and supposed damnation are capable of procuring.

After all, I wish as ardently as he himself can, that these Gentlemen were actually recover'd to the Bosom of the Church ; but then I wish for the Credit, and the Honour of the Church to which he belongs, that he would attempt, with a late excellent writer, to bring them over by Persuasion, Argument, and Reason. I could indeed wish he would so far assert the Dignity of his own *Polemic* Character, as to contemn and disdain a victory, in which the *magistrate must triumph with him*.

As for the Doctor's scheme for restraining the liberty of the Press—and his proposal, “ that libels  
“ against the Church should be punish'd with the  
“ same severity as libels against the State,” (p. 70,  
72.) it would be affronting the understandings of all who know or love our Constitution, to suppose they expect or want an answer to this exploded Bigottry, to say no worse of it. All the Answer I shall give it is a passage from the Author of the *Divine Legation*, which will serve at least to shew us the different spirit, views, and tempers of these so different Writers.—“ Nor less friendly is this liberty to the  
“ generous advocate for Religion ; For how could  
“ such a one, when in earnest convinced of the  
“ strength of evidence in his cause, desire an adversary whom the Laws had before disarmed ; or  
“ value a victory, where the magistrate must triumph with him ? Even I, the meanest in this  
“ Controversy, should have been ashamed of projecting the Defence, of *the great Jewish Legislator*,  
“ did

“ did not I know, that his Assailants and Defenders  
 “ all skirmish'd under *one equal law of liberty* <sup>k</sup>.”

#### CHAPTER IV.

*In which is shewn the reasonableness and necessity of supposing a convention between Church and State; and that the privileges and powers, of which the Church stands possess'd under an Establishment, are best secur'd on this principle: — with some observations in favour of the new Hypothesis laid down in the Alliance between Church and State.*

**T**HE *first* point that I propose to make good in this chapter, is, that it is necessary to suppose *an Alliance between Church and State*, or to admit the reality of this convention between them.

Now I find myself under a *necessity* of supposing this *Alliance*, since I find both State and Church actually possess'd of such powers, as do not properly belong to them; or to which they have no natural, immediate, and inherent right.

It will, I presume, be readily allow'd, that the magistrate is the supreme Head of the Church. But here I must desire to be informed a little more precisely, upon what footing he lays claim to this supremacy; whether he be rightfully possess'd of it, or it be an Usurpation and Incroachment on the Rights and Authority of the Church. If you say he is rightfully possess'd, I must desire to know whence he receiv'd it? — not surely from the civil Community, which has no business to appoint and give a Head to a society really sovereign and independent on it. If therefore this Supremacy

<sup>k</sup> V. 1. Ded. p. 5.

be not an actual Invasion and Infringement of the rights of the Church, it must be borrow'd and deriv'd from the Church.

But now the religious Society cannot be suppos'd to give up her Independency, unless some proper and reasonable Advantage, in lieu of it, be promis'd by the State. And if the Church and State have granted mutual Powers to, and actually enter'd into mutual Engagements with, each other; does not this necessarily imply a *previous* League or Contract between the two Societies?

Again; I find myself under a necessity of supposing this Alliance, because I find the Church, under an Establishment, possess'd of temporal and coercive power, to which it could have no pretence, or even shadow of pretence, in its natural and independent state. I must therefore take the liberty to ask, how she came by this power? It will be answer'd, that it was granted and lent by the State. But is it to be conceiv'd, that the State would make so considerable a Concession, unless the Church was able and dispos'd to give an Equivalent in return for it? And if we suppose the State and Church to convey real Powers, and to make considerable Grants to each other, is there not a necessity of supposing, at the same time, the *Reality* of the Alliance in Question?

“ The Church of *England*, says a learned Prelate,  
 “ owns itself to be subject to the civil power in  
 “ making Canons and Constitutions for external  
 “ Government and Discipline: whether the State  
 “ has reason to like the Church worse for this, let  
 “ others judge<sup>1</sup>.”

Does not his Lordship suppose that the Church, before her union with the State, has a proper and

<sup>1</sup> *Vindication of Corp. and Test-acts*, p. 46.

independent power of her own, to make rules for her own Government? and yet does he not here affirm, that the Church, after this union, cannot claim or assume this power independently of the State? How is it possible to reconcile these two assertions, but by supposing that the Church has given up her Supremacy to the civil Power? And that a free and voluntary Concession of this kind must needs be attended with a *Treaty of Alliance*, will not require any particular and precise proof.

Come we now to the second point, which we here propose to illustrate and support, *viz.* that the rights and privileges of which the Church stands possess'd under an Establishment, are more firmly settled and secur'd, upon the principles of the **AL-  
LIANCE**, than upon those of the Doctor's system.

It is then agreed on all hands, that the Church is actually vested with certain Privileges and Powers which do not properly and immediately belong to her; or to which she has no claim, while she remains separate from, and unestablished by the State. If we would account for the origin of these Powers, we must either suppose them to be the consequence and result of an *Alliance* between the two Societies, or to be mere Favours, and arbitrary Concessions, bestow'd upon the Church at the sole will and pleasure of the civil magistrate.

And, 1. Does it not better suit and become the *Dignity* of the Church to represent them in the first light than in the second? or to consider her as an Ally, acting upon an equal and independent Footing, stipulating for such Advantages, as are really suitable and proper to her nature; rather than as the mere Engine and Instrument of the State without any claim to her present Privileges and Powers, but from the free grace of the magistrate, which he may as freely withdraw?

2. Upon

2. Upon this last supposition, I do not see, what real security the Church can have, with regard to the Powers, with which the magistrate has vouchsafed to invest her. For they must be consider'd as pure Favours, or mere arbitrary Concessions, to which she had no previous and proper claim. What better Foundation therefore have they than mere humour and caprice; or what ground is there to complain, if the magistrate should be disposed to strip and divest the Church of them?

It is evident, that, in this case, she can claim these rights on no better footing, than as the *precarious* Grants of the civil Power; or on the *base, sordid, and ignoble* Tenure of ancient Custom.

How different is the state of Things, upon the scheme of the ALLIANCE? On these principles, the several Rights, with which the Church is indowed, are given as an Equivalent for real Powers bestow'd upon the State; and in return for services, which she has engaged to perform for it. If therefore she actually performs these services, and leaves the State in quiet Possession of these Powers; would it not be manifestly unjust to deprive her of the Privileges above-mention'd? For these are not to be consider'd as mere Favours, but as strict and proper rights, to which the Church has a clear and undoubted claim, in consequence of the compact between the State and her.

The Church, I think, upon these principles, is supplied with an argument and plea really unanswerable. The magistrate takes upon him to act as her supreme Head, and to apply religion to the use and service of the State. Now 'tis certain that he has no business to assume this character, no right to act in this Capacity, unless the Church has thought fit to confer it on him.

What therefore has the magistrate to do in this case?



case? Why, he must either disclaim these Powers, or own that he derived them from the Church. And can he own that he derived them from the Church, without owning at the same time, that he receiv'd them, in virtue of an original compact between the two Societies?

But if he will fetch his Power from hence, it will be necessary for him to acknowledge the validity and force of this compact: And if the compact be really binding, it will oblige the State on one side, as well as the Church on the other.

It should be observed, that I am here pleading for the rights of the Church, and address my argument to the civil magistrate. Now, in order to support her claims, I appeal to the original contract between the two Societies. And sure there is nothing impertinent or absurd in this appeal, since the magistrate himself allows the reality of the covenant, and confessedly derives part of his power from it.

It will then, I apprehend, add great credit to the *new System*, that it settles and secures the rights of the Church, and fixes them upon a firm and solid foundation, upon the Authority of a Compact as valid and binding, as the ORIGINAL CONTRACT itself, which we generally suppose to have been made between the Sovereign and the People. And who would not rather chuse to hold them on this footing, than on the illiberal Tenure of ancient usage, or as the precarious and arbitrary Grants of the civil magistrate?

It may perhaps be said, that 'tis needless and unnecessary to suppose a contract between Church and State, since the real interest of the magistrate will not allow him to invade the rights and liberties of the Church. The same reasoning will prove too, that 'tis needless and unnecessary to suppose a Compact between the Sovereign and the People,  
since

since the real interest of the first will not allow him to invade the rights and liberties of the last.

If I have made good the point, which I undertook to prove, we see how false and groundless the Foundation is, on which Dr. *Stebbing* makes religion one of the ends of civil Government. It is, that the Interests of religion may be better provided for; whereas it has been shewn, that they are best supported on the contrary Hypothesis, which supposes civil society instituted for civil ends only.

I shall conclude these sheets with a few observations in favour of the new Hypothesis laid down in the *Alliance between Church and State*: and in the first place I shall address myself to the Members of the Church of *England*.

As the new System asserts to the Church no larger share of Power, than what the State has thought fit to grant it; this must of course recommend it to the Friends of our civil Constitution. And I need not stay to recommend it to the Friends of the Church, having already shewn that it is the only scheme, which can establish her moderate and reasonable Claims upon a solid and lasting Bottom: Whereas the wild and romantic Projects advanced by our modern Advocates for Church Power, leave the rights and liberties of which it is possess'd, on the most slippery and uncertain footing.

If therefore the Claims of the new Hypothesis do not rise so high, as to satisfy the views of ambitious, selfish, and interested Churchmen; or to gratify the *spleen* and *rancour* of others, by arming every *little Inquisitor* with a power to disturb, harass and molest all who differ from him: yet surely we need not be disturbed at this. For, after all, what is this to the Friends of Liberty and their Country; or to the Lovers of Truth, a pure Church, and an equitable State; or is it possible, that this

should bring the Author of the *Alliance* into any disgrace with these last, whatever resentments it may raise in some warm Bigots, ever jealous of attempts calculated to establish and secure the common rights of mankind ?

But to proceed. It is no slight or inconsiderable advantage to be prepared with a defence of the TEST-LAW, upon such principles as are most agreeable to the present Spirit, Genius, and Taste of LIBERTY. Now what principle is there more universally espous'd, than that the office of the magistrate relates only to our civil and temporal concerns ? The consequence of which is, that the *Test-act* must be defended on the maxim laid down in the *Alliance*, or it cannot be defended to the satisfaction of the age we live in. To assert its reasonableness upon the principle of *Truth*, would be just as prudent and seasonable, as to prove the Being of a God from innate Ideas.

The grand principle, advanced by the Gentlemen, who oppose this *Law*, is, that the Province of the magistrate does not extend to matters of religion. And do we not gain a great advantage by agreeing with them in this particular, as this tends to shorten the Debate, and reduce the Question in dispute to a narrow compass ?

My Lord of *London* undertakes to make good against his adversaries the two following points: 1. That religion, as such, is the proper business of the Magistrate. 2. That a Test-law is necessary, as the peace and tranquillity of the public, both in Church and State, would be greatly endanger'd, without some provision of this kind.

But is not the Advocate for this *Law*, eas'd of much trouble, if he need confine himself to the last point only, or if the proof of this one article will serve to decide the whole controversy ?

It may be proper to take notice, that my Lord of *London* himself allows every thing, that is necessary to establish and support the argument offer'd in the *Alliance*. The supposition, on which it goes, is, that Diversity of sects in the public Administration, would be a real evil ; and this very principle my Lord himself often asserts, and makes it one of the Foundations of his own scheme. Since therefore Mr. *Warburton* has proved, that the defence of this one point is all that is really necessary, why should we clog and incumber our cause with the defence of more ; especially, if we consider, that we gain no additional advantage either to Church or State, by making religion the proper and immediate business of the civil power ?

In the second chapter, I have explain'd at large the two Hypotheses, advanced by my Lord of *London*, and the Reverend Dr. *Stebbing*. It is evident that these celebrated Writers cannot possibly be both in the right, as they have thought fit to espouse schemes, directly inconsistent with one another. They have indeed both attack'd the common enemy ; but not with *united force*, since each undermines the system of the other, in the very attempt to establish and support his own.

To undertake the Vindication of a *Test-law*, upon the principle asserted by this learned Prelate ; will, I apprehend, be to very little purpose, unless you can remove the objections brought against his principle. And as for the Doctor's system, my Lord of *London* found himself obliged to abandon and desert it, as it would exclude men from civil offices, merely for matters of opinion : and this, my Lord assures us, was not the real Intention and Design of *our own* Test ; and consequently infers, as he proposes to vindicate our own Constitution

on reasonable principles, ought not to be the Design and Intention of *any* Test.

Upon this scheme, one cannot look upon these negative penalties, as instruments of self-defence; but as an Engine only contriv'd to harass and disturb our Adversaries in the injoyment of their opinions and religious speculations.

And is it possible, upon this supposition, to clear them from the Charge of Persecution?

It would therefore be strangely unnatural for the Friends of the Church to go into the Doctor's principle, as this would be concurring with her worst enemies, to fasten the charge of Persecution upon her. Nor can it surely be thought reasonable or prudent, to defend a Test-law upon maxims, which one of our most orthodox and learned Bishops, one of the greatest Lights and Ornaments of the present Church, has arraigned as oppressive, unjust, and persecuting.

But whoever would see the Doctor's Hypothesis expos'd more at large, is referred to chap. ii.

It is time then for the Gentlemen of the Church of *England* to look about them, and consider the situation they are in, since they must either give up the Test-act. as indefensible, or endeavour to support it on the principles, laid down in the *Alliance between Church and State*.

Now, if the Test-act be of the highest service and importance to the Church; if, without it, she would be left naked and defenceless; exposed, not only to the scorn and ridicule, but even to the violence, and oppression of her enemies:—If this, I say, be the case, what acknowledgments are due to the writer, who has supplied us with a proper and reasonable Defence of this Law? It will heighten the obligation, to consider, that he performed this service at the most seasonable Juncture; at the

very time, when the Enemies of our Establishment were commonly supposed to have proved it to be indefensible: and were generally thought to have Demonstration on their side, notwithstanding the *Vindication* offer'd by one of the ablest Writers of the present age.

But to proceed, it may not be improper to appeal to the civil magistrate, and to shew, that he has not the least reason to suspect or discountenance the principles laid down in the *Alliance between Church and State*.

We are often told, that it is dangerous making Experiments in Government; and we see the Magistrate every day less and less dispos'd to countenance and favour such schemes as are necessarily attended with public Innovations. How far this maxim is to be carried in a free State I shall not take upon me to say; it will be more to my purpose to shew, that the scheme propos'd by Dr. *Stebbing* is obnoxious on this score; and that that which I am here defending, is not at all so.

Would not the Doctor's pecuniary mulcts and fines be an Innovation? and I may add, a *strange* Innovation too in a *free Country*?

And what, pray, is the Magistrate to gain by them? It is but too evident, that the bare exclusion from civil power, tho' necessary to the peace and quiet of the State, has rais'd him many enemies among the Gentlemen who dissent from the established Church. Why then does the Doctor labour to make him still more odious and unpopular among them; or to aggravate and inflame their prejudices, by imposing this additional load of mulcts and fines?

But I must observe, that an Innovation would be necessary, even to vindicate and support the Test-act itself, upon the Doctor's principles. My Lord

of *London* assures us, that, in the eye and intention of the law, it is nothing more than an instrument of self-defence ; nor designed for any other purpose than to prevent mischief. But does not the Doctor himself call for a repeal of the Test-act, *consider'd in this light*, as he would have men excluded from civil offices, purely for the sake of their opinions and speculations in matters of religion ?

Again, it has been proved, that, upon his principles, the general body of civil laws should be almost every where modelled and framed anew ; and that the punishments annex'd to certain actions should be regulated and fixed by very different maxims from those which obtain at present.

Upon the Doctor's system, the magistrate is to look upon himself, as at the head of a *perfect and compleat common-wealth* ; and many Innovations will be necessary even on this account. For as no Government was erected with this view, so no Body of Laws is so framed and modelled, as to answer all the ends and purposes of such a *compleat and perfect common-wealth*.

But to come to the main point ; when he insists, that the chief view of the Magistrate, in establishing any particular mode or scheme of worship, should be to countenance and protect *Truth* ; does he not, in effect, tell him, that he should withdraw and recal the Establishment granted to the Kirk of *Scotland* ? and what would be the consequence of this, but to revive and inflame our ancient Jealousies, and perhaps imbroil us in a civil war ? and is the involving us in war and bloodshed to be less dreaded, than the kicking down an aukward prop, or removing a rotten peg in an old tottering system ?

But who, after all, could have expected this argument from the man, who declares so warmly against

gainst all *Innovations*, and expresse himself with so much zeal against making fresh *experiments* ?

If then the Magistrate be not disposed to countenance *Innovations*, as dangerous to the peace and quiet of the state; who does this offend but the Writers, who contend for an Establishment and a Test-law, upon the principle of *Truth* ? As to the Author of the *Alliance*, he confirms the Magistrate in his present dispositions by shewing, that the established frame and constitution of our Laws, I mean, in the fundamental parts, may be supported upon solid, rational, and proper principles. And if *Innovations* are so very disagreeable, must it not give the Magistrate great pleasure to find that they are not wanted ? while he sees the present system defended upon principles, brought from the schools of liberty and reason; and ready to be opposed to any innovations, either of bigotry or licentiousness.

I must beg leave to observe next, that the most moderate enforcement of the old System does not look with a very friendly aspect on the civil Magistrate; since in consequence of its principles it would oblige him to retract the concessions granted to the *Kirk of Scotland*, and so might probably endanger the peace and safety of the public.

It has been proved, that an Union between Church and State is of great use and importance to the civil Magistrate. And surely the scheme of the *Alliance* bids fairer for his approbation on this score, than the other. For if you affirm, that the Church has an immediate right to his protection and support; why should she enter into any contract or alliance with him, unless it be one of her own prescribing ?

It is too of great importance to the magistrate that he should be supreme head of the Church. But why should she, upon the present supposition, give



up her supremacy, as there is no motive of interest or advantage that may induce her to it?

On the other side, by the scheme laid down in the *Alliance*; the Church, in her natural and independent state, has no claim to the protection of the civil power; and therefore cannot but be disposed to resign her independency, and enter into an Alliance with the state, upon reasonable and proper motives. What then have we here to alarm the Magistrate, and infuse prejudices against the Church, as if she was unwilling to join and unite with him, or join and unite only upon such conditions, as in the issue may prove dangerous and destructive to the State?

It will be proper to inquire next, whether the Magistrate can have any reasonable objection to the terms and conditions of the Alliance, as we find them proposed by the Author I am here defending.

What I would observe then, is, that this scheme does not call upon him to interfere in matters of opinion, or to lay men under civil inconveniencies for mere speculations in points of religion. Now even to exclude men from civil power on this score, my Lord of *London* himself allows to be real persecution; and yet this is the very scheme avow'd by Dr. *Stebbing*, without any regard to the heavy and severe censures publickly pass'd upon it by his learned Patron.

It is then some credit to the Author of the *Alliance*, that he does not, with the Doctor, ingage the Magistrate in the work of Persecution, or make him so far debase, and prostitute his office, as to become *the under Hangman of the Church*.

With regard to the scheme of pecuniary mulcts and fines, which are as contrary to the Nature and Genius of a free Government, as they are to the  
mild

mild and gentle spirit of the Gospel ; it cannot but be agreeable to the civil power to find, that the Author of the *Alliance* does not assign to it the *infamous*, and *despicable* task of *executing the orders and decrees* of those zealous Gentlemen, who have thought fit to supply the defects and imperfections of the Gospel Institution, by the wholesome and salutary discipline of the *Koran*.

One of the advantages arising to the Church, in consequence of this *Alliance*, is a public Endowment for the Clergy. And here it will be no discredit to my Author, to observe, that he puts their maintenance upon the most free, generous, and equitable footing ; upon such, as no friend of liberty can reasonably and justly blame. If the Magistrate is to bestow an endowment upon them, 'tis *merely for his own sake* ; or in order to make the religious society, which is so useful to him, the more firm and durable ; and to break the Dependency between the people and their teachers, so pernicious and hurtful to the State.

I must add too, that the Magistrate is not supposed to endow them, consider'd as Ministers of this or that religion, but only as they are become *a public order in the State*. And sure common Decency, as well as Justice requires, that all, who engage in the public service, should be supported at the public expence ; and as all public Officers have an Income allow'd them, proportion'd to the nature and dignity of the office they discharge, why should the Clergy be excluded from this common provision ?

Whether the Magistrate will not be sooner dispos'd to assign the Clergy a public Endowment on this footing, than on any other, must be submitted to the judgment of the public.

But I must take the liberty to add, that if the Magistrate do not assign it on this score, he cannot, on the principles of equity and justice, assign it at all. No man can be obliged to contribute to the maintenance of opinions, which he holds erroneous ; and therefore the Gentlemen, who separate from the establish'd Church, cannot be compelled to contribute to the support of the Clergy, upon the supposition, that they are appointed to propagate and teach Doctrines, purely for the sake of their Divinity and Truth. If therefore the magistrate would justify his Conduct, in having assign'd them a public Endowment, it will be necessary for him to adopt the principle, laid down in the *Alliance between Church and State*. This, I conceive, is the only Book, that can furnish him with a proper and reasonable defence of what he himself has thought fit to appoint, in the present, as well as in many other instances.

And it would be as unreasonable, for the Gentlemen, who separate from the Church, to refuse contributing to the maintenance of the Clergy upon the principle advanced by the Author of the *Alliance*, as to refuse contributing to the maintenance of any public officers whatsoever. I would ask them, whether they have not agreed by Compact to support the Magistrate in all expences, that are necessary to promote the public good ? If they answer in the negative, how can they be consider'd as Members of society, intitled to the benefit, and advantage of the Laws of their Country, who know so little of their duty ? If they answer in the affirmative, then they must prove, that it is of no real consequence to the Interests of the State, whether a public Endowment be assigned the Clergy or no. For till they do this, what are they demanding, but a right to be exempted from contributing to the  
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necessary Expences of Government, in the same proportion with their fellow-subjects ?

And here I would recommend it to the consideration of the Clergy, whether it will not be most prudent to claim their Revenues on the principle above-mention'd. The civil Magistrate can have no possible objection to this plea, as it is evidently calculated for his own use. And is it not for the real interest of the order, to enjoy their Revenues upon such principles as will give the least umbrage to the civil power ? To which I may add, that their most inveterate and determin'd Enemies seem ready to allow the reasonableness and justice of this plea, however warmly they may oppose their public maintenance, when claimed by Divine Right.

If then Mr. *W.* asserts to the Clergy a moderate and reasonable share of power, under the condition of *free subjects*, and not of *slaves* ; (*Alliance*, p. 107, 108. ) can the Magistrate be displeas'd at it ? I speak only of a lawful Magistrate, or one who considers the public good as the sole foundation of civil Government. And such a one will never think it can contribute to his Dignity and Credit, to be attended by a train of Slaves.

But what I would principally observe, is, that the Clergy cannot be made *Slaves*, or reduced to an intire Dependance on the Prince, without endangering public liberty. To prove this, Mr. *W.* has produc'd an Authority above Exception, Lord *Molesworth*, from whom nothing but the notoriety of the fact could have extorted so ingenuous a confession. If therefore Mr. *W.* asserts a moderate and reasonable share of power to the Clergy, 'tis not for the sake of the Church, but of the State.

One advantage which the Church was supposed to receive from the State, in consequence of the Alliance between the two Societies, was a public Endowment for the Clergy. A second is a place for her Representatives in the Court of Legislature; and this, with us, is the Bishops seat in Parliament. “ Without these Representatives, says “ Mr. *Warburton*, no Laws could reasonably be “ made in the Court of Legislature concerning the “ Church; because no free Man, or Body, can be “ bound by Laws, to which they have not given “ their consent, either in person, or by Represent- “ tative,” p. 128<sup>a</sup>. And what can the friends of liberty,

<sup>a</sup> Here we see the Author calls the Bishops in Parliament, *Representatives*: But p. 160. he says, It has been shewn that they [the Bishops] *make no distinct Estate there [in Parliament] and consequently are not Representatives but Agents only of the Church.* This I give to the Scriblers against him. Here is all they can desire: what they will call a contradiction. For they are the words and not the sense which such writers lye at catch for. The Truth is, the careless use of an ambiguous word, the *Church*, has afforded this advantage. In the passage, p. 128. the author by the word *Church*, we see, means the joint body of Clergy and Laity: and in p. 160, by the same word, the Clergy only; as appears from the notion he is speaking of concerning a *third Estate*, which estate is supposed to be composed of the representatives of the Clergy. So that it is as consistent as it is true, that the Bishops in Parliament are no representatives of the Church, *i. e.* the Clergy, as is said p. 160. And yet are representatives of the Church, *i. e.* the Religious Society, as is said, p. 128. And representatives of a Society are properly *Agents*, as they are called, p. 160. Yet 'tis probable had he attended to the ambiguity of the word *Church*, he would have obviated the cavil, here raised and refuted, by the addition of a word or two, in the passage, p. 160. after this manner—“ It “ has been shewn that they make no distinct Estate there, and “ consequently are not representatives [of the Clergy] but “ agents only of the Church.” Let me add, that this observation was much to the Author's purpose, who is here contending for the use of Convocations, which consist of the *Representatives of the Clergy*. Now if the Bishops in Parli-  
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liberty, or the Magistrate in a free Country, possibly object to such a scheme, which demands nothing more, than that the Church should be consider'd as a Free-subject, and not the Slave of the State?

It has been disputed, whether the Bishops have a seat in Parliament, in consequence of their Temporalities and Lay-fees, like the other Members; or whether the only end and purpose of their sitting, be to represent the Church. Mr. *W.* has declar'd for the last opinion, and, in confirmation of it, has produc'd a great authority; no less than Lord Chief Justice *Hales*, who, in support of this notion, observ'd, "that the writ of summons usually went *electo & confirmato*, before any restitution of the Temporalities. *So that their possessions were not the cause of their summons.*" (Alliance, p. 131.)

But I do not chuse to insist upon this Authority, having no design to ingage in that part of the controversy, which relates to the Laws and Constitution of our own Country. I would inquire only, what the real case might be, in the nature and reason of things; or what right the Bishops might claim, from the bare consideration of an Alliance between Church and State. I would confine myself merely to the matter of *right*, without any regard to the *fact*.

With respect then to this seat in Parliament; if you do not assert it to the Bishops, upon the consideration given above, I shall venture to affirm, that you can assert it upon no consideration at all; or that you cannot prove it to be the necessary consequence of an Alliance between Church and State. For to make this good, you must point out some  
*useful*

ment were representatives of the Clergy, there would be no need of Convocations.

*useful and necessary end*, which their sitting there may answer, *besides representing the Church*. But how is it possible to do this<sup>a</sup> ?

It will then be necessary, either to give up this privilege, or to maintain it in virtue of the principle mention'd above.

I would therefore recommend it to the Friends of the Church to consider, whether it will not be most adviseable to vindicate the Bishop's right upon the maxim laid down in the *Alliance*. Let them recollect, that the Church is surrounded with Enemies, ever ready to dispute the reasonableness of the Privileges possess'd by her, and to inquire into the Grounds and Foundation, upon which she claims them. Let it be remember'd, that the Gentlemen they have to do with, make no scruple to attack the Legislature; and to call for the repeal of Laws, when not satisfied with the fitness, equity, and justice of them. If therefore we are press'd with objections, it will be to no purpose, to take shelter under the sanction and authority of custom or usage. If we would offer any thing decisive in the present question, we must shew that the privilege in dispute is derived from the nature and reason of the thing; or that it is the necessary conse-

<sup>a</sup> " That they should act too, *when they are there*, like the other Members, *in civil matters*, is very useful to the State: As giving additional sanction to its laws, when the people see that Church and State have concurred in their enacting," p. 128. *Alliance*.

*When they are there*, without doubt, their acting in civil affairs, may answer this end. But how will you *bring them thither*, or prove that a right to a seat in Parliament is the necessary consequence of an Alliance between Church and State ?

Besides, upon the principle I am here opposing, they must, *even when there*, sit and act as mere Lay-men; and if so, how can they answer and promote the end mention'd in the passage just recited ?

consequence of an Alliance between the two Societies.

The sum then of all is this: the Bishops must either disclaim all right to a seat in Parliament, or hold it as the plain and necessary consequence of the Alliance between Church and State.

But I would not be understood to confine this reasoning to the single article I am here upon. Whatever claims the Church may make upon the State, or whatever advantages she may actually enjoy by the concession of the civil power; yet surely her Friends, in prudence, will not desire more, than can be strictly and properly deduc'd from the supposition of an Alliance between the two Societies, form'd upon the common principles of equity and freedom. Whatever she may possess more than this, will be consider'd by her enemies as an usurpation upon the rights of the State, made by ambitious, turbulent and factious Churchmen; or the Donation of weak and superstitious Princes, always more watchful over the Dignity and Immunities of the Priesthood, than attentive to their own proper charge, or the real interests of the Public. How therefore can her Friends more effectually promote her Honour and Credit, than, by disclaiming all pretensions of this kind, and agreeing, with the Author of the *Alliance*, to assign her no larger a share of power, than what immediately flows from the original compact between the two Societies?

The third and last Privilege the Church gains by this Alliance, is the being intrusted with *Jurisdiction enforced by coactive power*, for the *Reformation of manners*.

Since there are certain actions, which cannot be safely and commodiously restrain'd by the civil power, and which yield only to the influence of religion;



ligion; from these Mr. *W.* deduces the use and importance of spiritual Courts, invested with coactive power.

Now as these Courts take cognizance of such actions, as cannot be conveniently punish'd by the civil Courts, the number of restraints upon the inordinate passions is by this means augmented; and therefore it is not unreasonable to suppose, that the number of Transgressions will be proportionably diminish'd.

And as this so evidently tends to the interest and advantage of the State, why should the Magistrate decline vesting the Church, with proper powers for this purpose? For let it be observ'd, that the coactive power, lent to the Church, is not to be employ'd for her own use, or in her own service, but for the use, and in the service of the State only.

And what can better reconcile the Magistrate to these Courts, than to understand that they were erected for his own use? And that they have no temporal power and jurisdiction, but what they derive from him?

And will not the sober Advocate for these Courts like the Doctrine of the *Alliance* on this account? For surely that scheme, which serves best to recommend them to the favour and approbation of the civil power, must be best calculated for the continuance, protection, and support of them.

It must be owned indeed, that they have been sometimes defended upon such principles as could do no credit to those who would support them: but thanks to the Author of the *Alliance*, he has put the merit of the Debate upon such a footing that the *Friends of Liberty*, may contend for them without a blush.

Indeed there is not (as far as I can see) one single point advanced by the Author of the *Alliance*, with respect

respect to these Courts, which can possibly give umbrage or offence to the civil Magistrate : on the contrary, every thing seems calculated to support his rights. An observation or two on some late controversial writings will afford me an opportunity of explaining myself.

It has been customary with a certain set of men to insult and upbraid the Church of *England* with the use of *Lay-Chancellors*. (*Mr. White's third Letter, p. 37.*) Now this, as I take it, is so far from being matter of real reproach, that it greatly redounds to the Credit and Honour of the Church. —For since spiritual courts were erected by the Magistrate for his own use, and derive their power and jurisdiction from him ; it cannot but be of importance to the State, to perpetuate and preserve the memory of their origin and dependency. And will not the appointing of a *Lay-Judge* be one proper way to do this? These men therefore can charge no more upon the Church for acquiescing in this custom, than that she is unwilling to incroach upon the proper Authority of the State, or to claim a power which does not indeed belong to her.

But now what must the Magistrate think of the management of those writers, who, when they are urged with this objection, are so far from an inclination to assert the Pertinence, Propriety, and Use of *Lay Chancellors* ; that, on the contrary, they plainly enough insinuate, they have reasons within themselves to wish it was otherwise ; and that they all along submit to the custom with reluctance and constraint, looking upon it as an infringement and invasion on the rights of the Church ?

So far is the Author of the *Alliance* from being under the influence of this little, narrow spirit of bigotry, that he both openly asserts the reasonableness and propriety of these *Lay-officers*, and is even  
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“ for admitting the Laity into Ecclesiastical Synods. There appearing to be much the same reason for Laymen sitting in Convocation, as for Churchmen in Parliament.” p. 160. A position, that will hardly disgust the civil power, or the honest and impartial Churchman, whatever Clamour it may raise against the Author from those whose zeal rather than their arguments would persuade us, that the *Clergy* must needs constitute the *Church*.

Again, the Church has been *reproach'd* with having its Courts subject to *Prohibitions*, issuing from the temporal Judicatures. (*Mr. White's third Letter*, p. 38, 39.) Which, in so many words, is blaming it for not affecting an Independence on the State. For it is of the nature and condition of all inferior Courts to be appealed from, to a superior.

To which I shall just add, that the Friends of Liberty, that is, the Lovers of their Country must of course plead for this subjection, since it is certain, that, but for it, Ecclesiastical Courts would soon erect themselves into Tyrannies.

Thus the objection of our Adversaries, to the form and discipline of Church Judicature, does in reality infer its excellence; since the very thing objected is that just and equal distribution of power which, in free Governments, will always take place, where the Credit of the Church is not too strong for that of the State, or the Authority of the Magistrate too weak for that of the Priest.

Whenever therefore the Clergy are attacked on these points, let them never be so weak to lament the Institution of *Lay Chancellors*, or the Law of *Prohibitions* as confessed Grievances; or make any Apology or Excuse for their submission to them, as if some unreasonable hardship were imposed. Let them not, as the manner of some is, affect to  
mourn

mourn over the Discipline of the Church, as if it were defective and imperfect on this score, or insinuate and suggest, even in the most distant and remote manner, that they wish to be exempt from these restraints. Because such insinuations and suggestions only serve, to make the Magistrate jealous of Church Power; and to confirm and strengthen his suspicions that Churchmen are labouring to effect an independence on the State.

Having said so much on this point, the Reader will give me leave to observe, that the reasoning advanced by Dr. *Stebbing*, will entirely overthrow one of the best arguments alledged by the Defenders of these Courts, to prove their necessity and use.

They were erected as a *Succedaneum* to the civil Judicatures. And such they are, because they take cognizance of, and punish *sins* as *sins*, which the State doth not.

“ We have observed, (says Mr. *W.*) that the  
 “ State punisheth Deviations from the rule of right,  
 “ as *crimes* only; and not as *such* Deviations; or  
 “ as *sins*; and on that first Idea proportions its  
 “ punishments: by which means some very enor-  
 “ mous Deviations from the rule of right, which  
 “ do not *immediately* affect society, and so are not  
 “ consider’d as *crimes*, are overlooked by the civil  
 “ Tribunal. Yet these being, *mediately*, highly per-  
 “ nicious to the State, it is for its interests that  
 “ they should be brought before some capable Tri-  
 “ bunal. But besides the Civil, there is no other  
 “ than the Ecclesiastical endowed with coactive  
 “ power.” (*Alliance*, p. 100, 1.) It is allow’d on  
 all sides, that this is one of the most solid and sub-  
 stantial arguments, that can be produced to prove  
 the necessity, reasonableness, and use of these Courts.  
 But what weight or force has this reasoning upon  
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the suppositions advanced by Dr. *Stebbing*, viz. that religion is the proper and immediate business of the Magistrate, or that it is his Duty to punish *sins*, as well as *crimes*?

I would observe too, that the Doctor in this case seems to deviate, even from the common, orthodox system. This system makes the suppression and restraint of sin the proper province of the Spirituality; and speaks of it, as a work that cannot be safely and commodiously lodged in lay-hands.

I have now explain'd the principal advantages, which the Church is supposed to receive from the State, in consequence of the Alliance. And what has Mr. *W.* asserted under any one article, that can possibly give umbrage, or alarm, to the Friends of Liberty, or even the most zealous Advocates for the civil rights of subjects? If nothing of this kind occurs, I have made good the point which I undertook to prove, viz. *that the Magistrate has all the reason in the world to countenance the principles laid down in the ALLIANCE BETWEEN CHURCH AND STATE.*

But, if I do not greatly deceive myself, I have done more, and shewn that this system is better calculated for the use and support of a free Government, than any of those avowed and contended for by party-writers of any denomination.

Before I dismiss the argument, I will just take notice that the Church is supposed by the Author of the *Alliance* to give up her Supremacy to the State, in consequence of the Alliance made with it, and in order to secure the Protection and Support promised by it.

I mention this, because it has been objected to our Church by a late Writer <sup>a</sup>, that she submits to be limited by the civil power, in making Canons and Constitutions for external Discipline and Go-

<sup>a</sup> *Vid. Mr. White's Defence of his Letters.*

vernment. But notwithstanding the insults and reproaches of her adversaries for this submission, the Magistrate surely can have no reason to dislike her for it. Nor need she be ashamed of this concession. For since she is received under his care and protection, she could not in modesty do less than enable him to perform his trust; which he could not do consistently with his prior trust from the State, without the concession of her supremacy. To clog and load him with the Charge of Protection, whilst she retains *her* Independency, would be little better than changing *his* Independency into a state of subjection and slavery.

Now if she gives up her Supremacy to the State, she must of course own herself to be subject to the civil Power in these particulars; and under its directions in making Canons and Constitutions for her own Government and Discipline.

I must therefore submit it to the Judgment of the public, whether the right of the Magistrate to preside in matters of religion, and the subjection of the Church to him, are not best accounted for, upon the principle above mentioned.

It is objected to the established Church, that she is fetter'd and restrain'd by the civil Power, and can make no rules and orders without its previous approbation and consent. It is usual for her Advocates to reply, that other Churches are fetter'd and restrain'd too, are subject to as great or greater limitations, and that other civil Sovereigns exercise as much or more power in Spirituals than our own.

But how does this, which is a mere argument *ad hominem*, take off the objection? The question is, whether the Supremacy of the Magistrate be a real disgrace to a national Church professing it's faith in Jesus; and an invasion of the natural and proper rights of the Church of Christ. And could

you prove, that all the Churches in the universe were in this very State of subjection, how would that shew that the affirmative is not true ?

If indeed we can prove, that the Magistrate actually derives this power from the Church ; and that the Church has conferred it upon him, on reasonable and proper motives ; this will come up to the point in question. For what ground will then remain, to insult and reproach the Church for parting with her independency, if she has resigned it, upon reasonable and proper terms ? And who hath proved she hath done so, but the Author of *the Alliance between Church and State* ?

But to return to our *Protestant Dissenter*. What must *he* think of the Magistrate, or rather what must the Magistrate think of him, while he contends for the *independency* of a Church, even when, by an actual *Alliance* with the State, she is become national and established ? For the right he claims, is attended with all the Evils of *Imperium in Imperio, an Empire within an Empire*. It is the claim of an absolute *Independency* of the Church, with all the Prerogatives and Powers she is found to stand possessed of under an Establishment.

This indeed has been long the favourite scheme of the *Jacobite Clergy* ; but little was it to be expected, that we should see it recommended at this time of day with so much warmth and zeal by a *Protestant Dissenter*. Would the Reader give himself the trouble of looking into the *French Translation* of the *Alliance*, or the notes publish'd in the *third Edition* of the original, he would find that there are even *Popish Priests*, who think more justly of the rights of Society, and of the due and proper powers of the civil Magistrate, than the *zealous Protestant*, I here take upon me to condemn.

If the Obedience of the Church, in these cases, be a real instance of hardship, violence, and oppression; the justice of his reproach will turn from the Church, against which he affects to aim it, and fall upon the civil magistrate. For does not He (with whom all power is lodged) evidently play the Tyrant, in thus limiting and restraining the rights of the Church, if the limitations and restraints are unreasonable and unrighteous?

It is therefore to be wished, that such as are in these sentiments, would express themselves with a little more caution, or rather decency, the next time they think it necessary to persuade us of their regard and affection for our *civil constitution*, or at least that they would forbear to *libel* it in so gross and insolent a manner, as is the accusing the King's Supremacy (in matters Ecclesiastical) of *Ufurpation*. So open an Attack upon the Justice of the Legislature (to say nothing worse of it) is surely a little unseasonable, at the time they are Candidates for *Power*, under the title of petitioners for *favour*.

Is it reasonable that the Magistrate should lodge more power in the hands of Men who are thus disposed to call for changes and innovations in points so fundamental? or how can they complain that they are excluded from civil Offices, while they make no scruple to avow their dislike and abhorrence of the civil Constitution. In a word, the Magistrate can hardly entertain any other idea of this *Coalition*, so much talked of, than of a confederacy to rob and despoil him of his just and established Prerogative. *To conclude,*

For I should think my time strangely misemployed, and the Reader's patience as much abused, to take the least notice of a thing called a *Commentary on the Book of Alliance*; in which the nameless Writer has not only proclaimed his profound ignorance of the Principles of that Book, (a case pretty general



ral amongst *Answerers*) but of all other Principles whatsoever, even those of his own trade, which is calumny. To conclude, I say, as for the *Alliance*, the Spirit of Liberty and Freedom, which breaths thro' every page of it, cannot fail to recommend it to the approbation of all Magistrates, who have the Happiness to govern in a free State;—it cannot but be agreeable to every Lover of his Country, to see our present happy Establishment defended upon such just, generous, and equitable principles;—to find that both the Civil and Ecclesiastical Constitution are, in the main, grounded upon the very maxims, which the warmest Friends of Liberty would propose in Theory for its most perfect security: and therefore that it does not, like all other Schemes, that have pretended to adjust the rights of Society and Religion, require or propose untried alterations or hazardous innovations.

No wonder, then, that the Author should chuse to leave this work as a *Monument of his Love to his Country*; or that the finest Genius of the Age<sup>a</sup>, and one, who has, in every public station, shewn the tenderest regard for Liberty, and the common rights of mankind, should with satisfaction and pleasure, see it addressed to him, as to one who understood the *principles* best, and had the *consequences* most at heart.

<sup>a</sup> Lord Chesterfield.

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### *Errata et Addenda.*

PAGE 2. l. 1. dele *great*. Ibid. l. 27. r. an utility. P. 6. l. 15. for *capaole* r. capable. P. 7. l. 1. for *upply* r. supply; l. 2. for *al* r. all. P. 12. r. the note immediately after l. 2, or transfer *c* from l. 2. to l. 3. P. 23. l. 1. r. I will next proceed to an observation, &c. P. 24. l. 8. r. that they did not. P. 27. l. 6. pages r. passages; l. 29. dele *no*. P. 40. l. 16. &c. r. if our *present* be of any value in his sight, or worthy his *immediate* care, it may not be unreasonable to suppose them the *principal* end of civil government, as they will be best supported and provided for by this means; l. 22. r. so that, if this be the case, or both our civil and religious interests will prosper and flourish most on the other system, we may reasonably enough suppose, &c. P. 47. l. 6. add, But very few, I say, can be supposed to go into separate communions, against the conviction of their own minds, under these circumstances, unless they are tempted by the prospect of some *considerable* Interest or Advantage. P. 53. l. 37. for *in* r. *an*. P. 63. l. 34. for *disturbed* r. *alarmed*.