



Bodleian Libraries

UNIVERSITY OF OXFORD

This book is part of the collection held by the Bodleian Libraries and scanned by Google, Inc. for the Google Books Library Project.

For more information see:

<http://www.bodleian.ox.ac.uk/dbooks>



This work is licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 2.0 UK: England & Wales (CC BY-NC-SA 2.0) licence.

0 8 7

A
SECOND PART
Of the FULL and IMPARTIAL
ACCOUNT
Of all the late
PROCEEDINGS
IN THE
Univerfity of Cambridge
AGAINST
Dr. BENTLEY.

Iracundus, inexorabilis, acer
Jura neget fibi nata, nihil non arroget. — Hor.
Ergò ignem, cujus scintillas ipse dedifti,
Flagrantem latè, & rapientem cuncta videbis,
Nectibi parcetur misero, trepidumque MAGISTRUM
In caveâ magno fremitu Leo tollet alumnus. Juv.

By a Member of the UNIVERSITY.

L O N D O N,
Printed for J. Bettenham at the Crown in Pater-
Noster-Row, 1719. (Price Six Pence.)





A
SECOND PART
Of the FULL and IMPARTIAL
ACCOUNT
OF THE
PROCEEDINGS, &c.

Since the publishing of *the full and impartial Account of our Proceedings*, tho' the Performance, I am told, has done me no Discredit, which is some Satisfaction to an Author not used to the Press; yet the only Pleasure I find from it, is in the Consciousness of the Truth and Sincerity with which it is writ, and in the Hopes it gives me of doing some good to our Cause; by the kind Reception it has met with.

B

The

The Master of *Trinity* has not yet attempted, by himself or Friends, to disprove any one single Fact in it; tho' there are some alledged against him, which hardly any Man but himself would bear the Scandal or Odium of, for all the Preferments or Learning he is so proud of.

The *Letter-writer* indeed, whom I had often occasion to mention, has in a third Letter lately printed, made some Cavils and Reflections, not upon its Veracity but its Reasoning, which I can easily forgive him; for in this I am just the Reverse of our Professor, and had rather have my Understanding than my Integrity call'd in question.

His Friends, when they can no longer defend his Honour, think it enough to display his Learning; but Virtue, tho' joined with Ignorance, makes a much fairer Character, than Vice with the greatest Learning.

Invidiam placare paras virtute relicta?

He may comfort himself, if he pleases, with the dying Speech of *Nero*,

Qualis Artifex pereo?

What a Critick is lost to the World?

Or like another learned Tyrant, when expelled his College as unfit to govern Men, he
may

may turn an useful Schoolmaster and Governour of Boys.

In encountring this *Letter-writer*, I must comply with the *Ceremonial* observed by all fair Combatants; who before they fall on salute each other always with much Decency and Respect; I return him therefore the Complement which he makes me at setting out, and own him as a Champion full as good as his Cause; and tho' his Objections will soon appear both frivolous and false, yet I allow 'em to be the best which his Subject can afford him.

He begins by reviving the Story of the *Fee*, which the Professor will hardly thank him for: he must, I am sure, be heartily sick of it by this time; and the Surfeit it has given him, will make him very squeamish for the future of touching *Gold* again.

————— *Melius non tangere clamo,
Flebit, & insignis totâ cantabitur Urbe.*

He little thought that such a Trifle could have brought so much Trouble and Disgrace upon him: but it is, we see, with a *foul Character*, just as with a *foul Constitution*, the least Accident that sets the Humours in Motion, generally raises such a Ferment, as is always dangerous, and often fatal: the gentle *Evacuation* which the Vice-Chancellor would have given him, had been properer *Physick* for his

Case, than what his *Ash*—*st* can prescribe him; his Friends and Enemies agree in this, that the Advice of this *Physician* will one day be the Ruin of him.

By the whole Tenor and Design of this Third Letter, the Author endeavours to draw his Reader into this Error and Mistake, that while all the other Officers of the University are allowed a Right to *Fees* at a *Royal Commencement*, the Professor of Divinity is the only one, who is not permitted to claim any; he takes not the least notice of a *Broadpiece* which he receives from every Doctor as the special *Fee* on this Occasion, which no body disputes with him, which is more than sufficient for his Trouble, and more than he can equitably claim from any Degrees whatsoever.

It is this *Fee*, and not the four Guineas in dispute, which must be put upon the same Foot, and compared with those of the other Officers; he has just the same Right to it, and no other, than they have to theirs; if the other *Fees* are an Encroachment, so is this; if the rest take a Guinea where a Shilling only is due, he receives his *Broadpiece* for a Shilling, which will appear to be all that he has a Right to by Statute, when ever the Table of *Fees* we are threaten'd with comes to be published.

But tho' we are defied to shew any Precedents of these *Fees* before the *Revolution*;

I now

I now know many in the University, who remember their being Customary; and some, who themselves have paid them in King *Charles* the II^d's time: It is strange to see things roundly affirmed as true, which the least Enquiry about them can so easily prove to be false.

————— *Phalaris licet imperet ut sis
Falsus, &c.
Summum crede nefas.*

The Difference then between our other Magistrates and the Professor, is this; That while they were content with the *Fees* which they found their Predecessors possessed of, he was resolved to add four Guineas extraordinary to his; which had never been heard of or demanded before, and in Defiance of the Authority of the University, and the Remonstrances of his Friends, did violently extort them from several of the Doctors.

But these Officers of ours are the Men, says this Writer, who have condemned Dr. *Bentley* for *exorbitant* and *unstatutable Fees*; he insists upon it and repeats it, that these are the Men who have *voted against*, these the Judges who have *condemned* him for *Exaction*; which is another Blunder so egregious, that I cannot easily find a Name for it: Every Freshman cannot but know, that there has not yet been either *Sentence* or *Vote* in the University up-

on

on the *Fee* in question; the Case is now depending before the Vice-Chancellor, and the Professor still at liberty to make the best Defence he can for himself, but to as little purpose, probably, as his Advocate pleads here for him to the World.

The next Point which this Author insists upon is, that the Professor having been arrested in an Action of Debt, and given bail for his Appearance, it was illegal and absurd to punish him for a *Contempt*, when he was liable only to a *Forfeiture of his Bail*; he acutely distinguishes between a *Civil* and *Criminal* Process, but does not imagine, I guess, that there can be any of a *mixt* and *compound* Nature: But let him ask, as he says, *the emptiest, ignorantest Limb of the Law*, let him ask *Proctor Lisle himself*, whether, in the Prosecution of a *Civil* Cause, a Man may not be guilty of something *Criminal*, and in an Action of Debt commit a *Contempt of the Court*? Grant me but this, which is as self-evident as any *Axiom* in *Mathematicks*, and I will demonstrate the Legality and Necessity of our Proceedings.

Our Statutes without exception direct, that in all Causes, both Parties must make their Appearance and own the Authority of the Vice-Chancellor: The Professor was sued in an Action of Debt; before the Cause came on, he defied and threaten'd the Judge to his Face; on the Court-Day he refused to appear;

pear; his *Contempt* was accused by the Proctor, and proved to be a wilful and resolved one by the Deposition of the Beadle: Where then lies the Difficulty? The Statutes are clear, besides a *Forfeiture of Bail* or Loss of the Cause, the *contumacious* and *disobedient* are to be punished by a *Suspension from Degrees*; both these are very consistent, and both very necessary; the one as the *Satisfaction* given to the *Judge*, the other as the *Security* provided for the *Creditor*; the Professor has already suffered the one, and his Friends need not be in any Pain for the other; it will without doubt be adjusted to Satisfaction when the Merits of this Cause shall come to be determined, which because of this incidental Point of *Contempt* have been necessarily delayed for some time.

Whatever has been said in Defence of our Professor turns only upon mere *Subtleties* and *Niceties* of Law, which we have nothing to do with; they do not pretend to say, that he has not deserved Punishment, but that we have been mistaken in our Methods of applying it; but unless they could prove that the Charge against him was false; that the Judge was not fully informed; that he was mistaken in the Facts on which his Sentence was grounded; whatever else they can say will be little to their purpose: For we do not enough consider in this Case the Fallacy of arguing from the Practice of other Courts
to.

to that of ours, which is of a very different and peculiar Constitution; whatever Forms are necessary, whatever Omissions fatal elsewhere, we are for good Reasons discharged from them all; Ours is a *Court of Equity*, where the Judge is obliged to determine *ex æquo & bono*; to decide upon the Truth, as soon as it appears to him, and which way soever it happens to be proved, and an *Affidavit* taken in a *Chamber* by the Register, if it be credible, is the same Evidence with us as one taken in *Court*.

But the *Letter-Writer* tells us, that if the Master of *Trinity* had been guilty of a *Contempt*, it was to the *first Writ* only, which the Vice-Chancellor himself did in effect *contemn* by granting a *second*; which is a mere Gingle upon Words, without any Sense or Meaning at all: The first *Decree* or *Writ* was fraudulently seized and violently detained from the Officer; a *second* was granted, which whether necessary or no, is not much to the Purpose; it was then perhaps thought proper for the Security of the Plaintiff, lest the Validity of the Arrest might otherwise be disputed; it was to all Intents and Purposes the same with the first, conceived in the same Terms, issuing from the same Authority; and is therefore so far from proving (as this Author would make it) any Nullity or Illegality in the other, that it demonstrates just the contrary; if there had been any Want of Form
or

or Authority to the first, it would have been supplied to the second; but both being the same, to allow the Validity of the one, is to establish that of the other: A *single Writ* had certainly been sufficient for any other Member of the University, but *double Fetters* are not strong enough for this *subtle old Offender*.

—*mille adde catenas,*
Effugiet tamen hæc sceleratus vincula
Proteus.

I would now advise this Writer to keep close to himself the *ridiculous Nonsense* he is so free of to others: As for the *Retraction* he promises, we will allow it to pass for mere Ceremony and Grimace; if he had a mind to have been believed, he should have retracted the *many Falshoods*, and made amends for the Scandal of his *two former Letters*; but if he once begins to have *Qualms*, he is no longer an Advocate for the Master of *Trinity*; *Ash*—*st* would soon be dispatch'd to discharge him the Cause; where to own the Truth is to betray his Client, who, tho' often *convicted*, was never known to *re-cant*.

It must however be owned that this third Letter, as weak as it may seem to be to common Readers, has been declared unanswerable by a *learned Civilian* and *Chancel-*

tor of a Diocese. If this Gentleman would but give himself the Trouble of writing upon the Subject, I could be proud of owning my self convinced by such an Authority; I have often wished that he would give me an Opportunity of displaying to the World his great Character and Abilities; whenever he will do me the Honour to sit to me for his Picture, I have got such Colours by me, as will paint him to the Life, Sir *Godfrey* himself shall not draw him half so like; the Piece I shall make of him, may be proper for a Present to the Bilhops his Patrons.

Now that the Friends of the Master of *Trinity* have nothing more left to say for him, but find themselves only exposed for the little Cavils and Exceptions they have made to our Proceedings; they begin to hector and threaten us with a *Royal Visitation*, which we are told is now preparing to chastise the insolent and sawcy Spirit of the University.

But how ridiculous is it to imagine, that we, who are desirous to prove to all the World the Justice of our Cause, who, like the Universities of *France*, would appeal even to a *General Council* against the Insolence of this *Pope of ours*; that we, I say, should have reason to be afraid of such Judges, as his Majesty will send down to us!

A *Visitation* is what many amongst us have wish'd, what the Fellows of *Trinity* have long petition'd for, what no Man has any Reason

(11)

Reason to fear, but such whose ill Lives and Practices cannot answer the Obligations they are sworn to :

———*At bene si quis,
Et puris vivat manibus, contemnat.*

The very mention of Visitors has given a new Life and Joy to every honest Member of *Trinity-College*; they now congratulate each other, that their Deliverance is at hand, that their Slavery is near expiring, when their Master must give an Account of such a *Violation of Statutes*, such an *Abuse of Discipline*, such a *squandering of their Revenues*, as has never been known in any College since it's Foundation.

I cannot help remembering here an Instance or two of his *Discipline*, which will hardly be forgot when his Indictment comes to be drawn : There is now a Senior Fellow in his College, whose Name he once covered upon the Buttery-tables ; which Punishment, tho' unknown to the Practice and Statutes of the House, is looked upon as the next thing to an Expulsion. The Reason of it in this Case could not so much as be guessed at, till it was discovered to us by one of his Confidants ; it was not that the *Morals* or the *Learning*, but the *Courage* of this honest Gentleman was suspected ; if I can frighten, says the Master, such as are no way obnoxious,

I shall easily bring those who are so into my Measures.

This is the Encouragement he gives to the Virtue; let us see what Use he makes of the Vices of his Fellows.

A certain *Archdeacon's Official* sent one Day for two of the Senior Fellows, to acquaint them, that he was obliged in Conscience and in Virtue of his Office, to prosecute them in his Court, for the notorious and publick Scandal of their Lives and Conversations; the good old Man declared with Tears in his Eyes, the great Uneasiness it gave him, to bring his old Friends, and his Chamber-Fellow to such a Shame; but he conjured them to save him and themselves a Trouble so disagreeable, by making up Matters with their Master, and complying with his Proposals.

——— ——— *Quis non*
Jupiter! exclamat simul atq; audivit?

I have heard this Story more than once from the Parties themselves concerned, who, as abandon'd as they were thought to be, had yet Honour enough to detest this scandalous Profanation of the Church's Authority.

The Project he was then forcing his Fellows to was, at the Expence of the College, to double the Revenue of his Mastership, which is otherwise the most valuable one of any in *England*.

I have

I have added in the *Appendix* the Petition from many of his Fellows, which near three Years ago was address'd to his Majesty ; it is drawn in such modest and general Terms, that the Master himself might and ought to have signed it, as he would certainly have done, if he had not been conscious to himself of the *Male-Administration* he is accused of: These are the *Tories* he complains so much of, who beg to throw themselves into the Hands of the Bishop of *Ely*, or any other *Visitor* which his Majesty will appoint for them: But it is well known that he has drawn several to his Party, by suggesting the Terrors of a Visitation; which while the others would fain bring down upon 'em, he undertook to secure them from. And it is not wonder'd at, that he has insulted, abused, and treated always as Enemies, those who subscribed the *Petition*, since he knows that a *Visitation* must certainly be fatal to him, and cannot but end in his Confusion.

We all know with what Arrogance to the University, he lately endeavour'd to engross to himself and his College the whole Honour of entertaining his Majesty; he will hardly shew such an Eagerness to *monopolize the Royal Visitors*, tho' he can find such Entertainment for them, as all the University beside can neither furnish, or will envy him for.

Besides

Besides the Complaints of his College, his Right to the Professorship will be enquired into by our Visitors; we charge him with an *illegal Seizure*, a *violent Usurpation*, and an *unstatutable Discharge* of it; the University will demand and insist that this Charge be examined; and it is the Opinion of all whom I have ever talked with upon the Subject, that his Chair must be vacated.

Yet this is the Man who pretends to threaten us with a *Visitation*, which he has ten times more reason to fear, than any other Member of the University; if any other Man can suffer, he is sure to be undone by it; but like a second *Codrus* he devotes himself to sure Destruction for the Good of our *Athens*.

Codrus pro patria non timidus mori.

Or like another *Sampson*, if he can but pull the Houe upon his Enemies, he is content to bury himself in the Ruins.

Ash—*It* would now persuade us, that the Game *his Master* has been playing was all a *Bite* upon the University, all pure Art and Stratagem, to make himself the glorious Instrument of bringing down this *Visitation*, he has been defying, contemning and provoking our Resentment, to draw us by a rash Pursuit of him into this *Ambush* prepared for us.

But let them talk whatever they please, he cannot dissemble the Dread and Concern he is under;

under; he and all his Creatures shew the plain Symptoms of Disappointment and Uneasiness.

Hi sunt, qui trepidant.

We have heard nothing lately of his Gayety or his Wit, he is become sullen and silent; Dr. *Ash*—*st* himself is grown somewhat less Impudent; and a certain *smooth* Gentleman, so famous for his Complaisance

—————*amicum*
Mancipium Domino.

has quite lost his *Art*, which with some had passed for *Nature*; for mere Despair betrays the *genuine Rage* of his Temper, and instead of *bowing to the Ground*, is ready to fly in your Face.

Ὅχι ἐγένετ' νῦν κακός, ἀλλ' ἐφάνης.

The way of *visiting Religious Houses* and *Societies* abroad, is by summoning every particular Member to answer to certain Interrogatories, and give an Account upon Oath, of all they know of any Breach of Statutes, Abuse of Discipline, Immorality of their Members, or any thing else, contrary to the Honour and Design of their Foundation.

If this were the Method to be observed with us, what good Man could apprehend a-
ny

ny Danger or ill Consequence from it? It would be a Means of detecting and banishing from amongst us such ill Customs, or ill Members, as are found to be a Scandal and Re-proach to us; of which kind, I'll venture to say, the small Number of *Voters* for the Professor shall furnish more Instances, than the great *Majority* against him.

But this is a *Visitation* which would be very far from answering the Purposes, and doing the Business of those who talk the loudest, and would seem most to wish for it: For want of Virtue and Learning, to make themselves esteemed or considerable upon our present Model, they hope to gain a Reputation by their Malice and Spite to our Establishment; by searching into, and exposing all the little Flaws and Weaknesses of our Institution; and by betraying the Privileges, which they have often sworn to defend: They long to see our Foundations torn in pieces, our Constitution dissolved and new modelled, and our Members put under such new Obligations, as are better levelled and adapted to their Genius and Capacity: This is the only *Visitation* they desire, or would thank his Majesty for; this is the only one they now threaten us with; and they have the Assurance to use the *Great* and *Venerable Names* of Archb--ps, L--d Ch--nc--rs, and Min---rs of St--te, as embarked in this Design.

Servius iratus leges minitatur & urnam.

A certain angry Doctor of ours, *learned in the Law*, had rather, he says, live under the *Great Turk*, than under the Power exercised by our Vice-Chancellors; yet he has already spent the best part of his Life under it, and is himself an infallible Proof of its Mildness and Lenity: but let him go whenever he pleases, our Church will lose no Credit by his turning *Mahometan*.

He talks loudly, I hear, in our Coffee-Houses, of a Letter to him, from a *Great Prelate*, condemning our Proceedings in Terms as strong as he himself had done: If this were true, it is however a Discovery, that he had owned to his *Grace*, what he had denied here to our Vice-Chancellor.

It is now one of his Threats to us, that the *Passive Obedience* of the University will soon be put to the Trial; which is such a Reflection upon the Government, as I hope to see him called to an Account for. Whatever has been condemned as extravagant and ridiculous in that *Principle* of the *Tories*, is a tame Submission to our Princes, when acting contrary to the Laws and Constitution of the Realm; a *legal Obedience* is, I hope, a Duty of *Whigs* as well as *Tories*: A Trial then of our *Passive Obedience* implies necessarily some arbitrary and illegal Act of Power against us;

D

which

which is such an impudent Suggestion, as no Man durst have made, but one so thoughtless, absurd and rash as himself.

—————alter
Si fecisset idem, caderet sub iudice morum.

If these Men be Friends to *King George*, they are such, I may be bold to say, as do him more Mischief, than the worst of his Enemies.

In all civilized Nations, Universities or publick Seminaries of Learning and Education, have always been cherished and encouraged by *special Favours* and *Immunities*, and distinguished by *peculiar Privileges*, from all other Corporations whatsoever: This is but necessary to the End and Design of their Institution, in which Mankind in general has such an Interest and Advantage.

Our Universities have always been the peculiar Care and Pride of our Princes; and we may affirm, with much Truth, that none ever in Christendom have made such a Figure in History, have been so useful to the World, have done so much Honour to their Founders, so much Service as well as Credit to their Countrey, as the two equal Sisters, *Cambridge* and *Oxford*.

They have neither been *servile* in their Compliances with *Courts*, nor *disloyal* in the Adherence to their Privileges; they have always

ways shewn as much Duty and Obedience to the *One*, as was consistent with their Oaths and Obligations to the *Other*; the generous and liberal Education found there, gives them a Spirit superior to that of other *Bodies Corporate*; and they have in all Ages testified a laudable Zeal and Firmness in Defence of their Rights and Liberties:

————— *quid oportet*
Nos facere à vulgo longè latè que remotos?

The World expects from them a good Account and Reason of their Conduct, and has hardly ever found them unable to justify their *Proceedings*: they are not, like the Monkish Societies, a *Nest of Drones*, but have often been compared to a *Nest of Hornets*, provided with Stings for such *B--ntl--ys* as would violate their Privileges, and disturb their Repose.

King *Henry* the VIIIth, tho' so resolute and arbitrary a Monarch, and so impatient of Contradiction, was forced to use much Art and Management, with a good deal of Patience and Gentleness, before he could bring the Universities to declare for some Opinions he had recommended to 'em: He procured the Concurrence of the other foreign Universities of *Europe*, with much less Difficulty than of his *Own Two* at home; tho' they were then much more at the Mercy, and sub-

ject to the Power of the Court than they have since been ; yet the Opposition he met with from them in some Points so critical and so much at his Heart, did not hinder him from being afterwards one of our greatest Founders and *Benefactors*.

In the Reign of Queen *Elizabeth*, at the instance and solicitation of *the Heads of Colleges*, the Court sent down *Visitors* to the University to compile a Body of new Statutes for us, by which we have ever since been govern'd ; this was necessary in the Circumstances of those Times, when the *Old Statutes*, which were made under the influence, and adapted to the Principles of *Popery*, were many of them become impracticable after the *Reformation* was establish'd : With our Statutes, an *Act of Parliament* was also procur'd for us by the favour of this Princess, to confirm to us the *Charters* and *Privileges* given us by herself, or any of her Predecessors ; a Clause of which may be seen in the *Appendix*.

About this time, tho' there were many *Judicial Proceedings* amongst us, and as many Complaints and Appeals to the Queen or her Ministry ; the *Court*, whenever it was disposed to shew any Favour, used only the gentle Style of recommending the Complainants to the Mercy and Forgiveness of the University, and was always satisfy'd when it appear'd by their humble Remonstrance, that such an Obedience

bedience was prejudicial to their Interest, or *contrary* to their *Statutes*.

We may find in our *Records*, and in the *Annals* of this *Reign*, many instances of this kind; some, where even the *Relations* or *Dependants* of the *Prime Ministers of State* were not able to get Redress against the *Censures* they complained of.

So indulgent was this wise Princess to us, and so tender of our *Rights* and *Privileges*, which were then many of them, but new and in their infancy, granted and procured to us by her self; she well knew how useful it was to keep up a *strict Correspondence* with her two Universities, that they might act together and in Concert against the common Enemy of Church and State, and support with joint Forces the *Reformation* she had accomplished: *These* furnished her with *Champions* as necessary to the *Cause*, as her *Drakes* in the *Fleet*, or her *Burleighs* in the *Cabinet*. *These* fought as successfully with the *Pen*, as she did with the *Sword*; maintain'd against all the World the Necessity and Justice of what the Government had enacted, and inspired the Courage which was so bravely exerted.

If the Favours of this Reign to us were now to be revers'd and annulled; if the Power of our *Courts*, which we are so much envied for, were to be taken from us, or made only less absolute, by the Allowance of an *Appeal* to a superior Jurisdiction, our University might
bid

bid adieu to its Peace and its Discipline: the very Nature and Design of our Institution made it necessary to every private Founder of a College strictly to prohibit all *Appeals* from the Authority of the Society.

How cou'd it be possible for us to govern and keep in Order such a Body as ours, without a final and absolute Power within our selves of inflicting and supporting our Censures? What Magistrate would run the risk of doing Justice upon an Offender; if it made him liable to answer for it before the *Council*; or to the Trouble and Expence of defending his Sentence in any *other Court*?

The very Report of our Vice-Chancellor's being call'd to an account for his *late Proceedings*, rais'd such a Spirit of *Mutiny* and *Sedition* amongst us, as is an Earnest of what we must expect, if his Authority were to be lessened and reduced. His back was no sooner turned, but the *Senior Proctor* of the University, who by his *Office* is the *Governor* and *Censor of the Manners* of our Youth, took the occasion of a Speech he was to make to the Scholars, to abuse publicly and grossly the Conduct and Discipline of the University.

The Subject and Purpose of this Speech had always been, to exhort them to *Modesty* and *Duty* to their *Governors*, to Diligence and Application in their *Academical Studies*, and to prescribe Rules for the regular and orderly Performance of their *Exercises*: yet this
Man

Man prostituted his *Office* so far, as to make himself the Example to 'em, how they should insult their Superiors, by introducing a stupid Piece of *Ridicule*, as he thought it, without the least turn of *Wit* or *good Sense*, and contrary to all Decency and Custom of those Schools. In *plain English*, his *Dulness*, if discreetly managed, might have passed perhaps for *Gravity*, but the *Poor Creature* must needs betray himself by aiming at *Wit*, and drew the *Laugh* upon himself, which he had designed for his Jest: his Conduct is such an Offence to our Statutes, as well as to all grave Men amongst us, that while we still have the Power, I do not know how to answer its remaining yet uncensured.

From the Time of Queen *Elizabeth*, when we were settled upon a new Bottom and Foundation, made more secure in our *Privileges*, and less depending on our Princes, there has not been one Instance of a Visitation of the University, to this Day, except in the *Great Rebellion* under *Cromwell*, when our Form and Discipline was new-modelled to the Humour of the Times; and the *Loyalists*, the *Malignants* of those Days, ejected from their *Fellowships*; there were twenty Fellows, I think, of this kind expelled then from *Trinity College*, which the *Master* would now fain make a Precedent for about the same Number of his *Tory Petitioners*.

In King *James* the 2^d's Time, the brave
Struggle

Struggle which both Universities made for their *Rights* and *Liberties* will be remember'd in all History to their Honour; it was of the utmost Service to the *Church of England*, and the greatest Blow and Obstacle to the Designs of the *Papists*: And the *high Proceedings of the Court* against us were more *odious* to the *People*, more *fatal* to the *Prince*, more *effectual* towards bringing about the *Revolution* than all the other violent Measures of this unhappy King.

With the Change then made in the *Succession* and *Settlement* of the *Crown*, the Liberty and Property of the Subject obtained also a new Settlement and Security. We have now a Right to maintain and defend them, by Laws which cannot be suspended but by the Authority which enacted them; no *Power* less than the *Legislative* can deprive us of them; our Courts of Justice are open to the meanest Subject to contest them, even with his Sovereign: the Grievances and arbitrary Methods of former Reigns, particularly *those* relating to the *Universities*, were then represented and redressed, and our Princes since this time have been willing for our Ease and Quiet to remit to us every dubious and disputable Point of their Prerogative: these are the *Principles of the Revolution* so much talked of, and it is by these only, that we desire to possess and enjoy what belongs to us.

Yet, as if the Reverse of all this were true,

as if the *Revolution* had thrown us back from a State of *Liberty* into *Slavery*, we are now threatened by many of our noisy, forward Members; that our *Privileges* and *Charters*, granted by our *Kings* and confirmed by *Parliament*, under which our *Universities* have so long flourished to the *Envy* and *Admiration* of *Europe*, will, with little *Difficulty* and *Ceremony*, be voided and dissolved, because a *B-nl-y* has been punished by 'em, or a *J-hns-n* is obnoxious and afraid of them.

These Creatures are silly enough to imagine, that the *Precedents* of *Visitations* in *Edward* the 6th and *Queen Mary's* Days relating to *Papists* and *Protestants* in the *University* are applicable to the present *Circumstances* of our *Whigs* and *Tories*: if they can make us pass for *Tories*, the *Business*, they think is done, and because there may be some few amongst us (as there are every where else) whose *Loyalty* may be questioned, they roundly charge us all with *Disaffection to the Government*; and if there is any thing we have ever done, which they can wrest and misrepresent to their Purpose, they take no notice of the many clear *Proofs* and undeniable *Instances* of our *Zeal* and *good Affections*: they deal with the *University* as *Sharppers* load their *Dice*, to bring their *high Throws* always uppermost, and keep the *low ones* out of *Play*.

—*Perrarò hæc alea fallit.*

E

But

But let them search into our Statutes for the Crime and Punishment of *these invidious Denominations*; let them enquire in *Westminster-Hall* for the Penalty and Forfeiture of being a *Whig* or a *Tory*; like the *Ancient Greeks*, let us send to the *Oracles* of that *venerable Pile*, and let our *Fate* be determined by the *Answer* they return us.

If Mr. *Bentley* indeed has a mind to be tried upon the Foot of a *Tory*, we will readily join issue, and find Proof enough to convict him; especially if Dr. *Ash*——*st* would but turn *Evidence* against him, as I am confident he will, when the Court has once dropp'd him; this *sole Favourite* of his, tho' he has *taken the Oaths* himself, yet for the Respect he declares for *Nonjurors*, has taken withal a *Resolution* never to accept any Fees from them, and he hopes, as he lays, that the *one* will atone for the *other*; but I know how he will come off from this, by telling us that it was in pure Zeal to King *George*, that he insinuated himself into their Favour; it being the surest way of destroying his Enemies by making himself *their Physician*.

While some Writers are now labouring to shew the Hardship and Injustice of subjecting People to any *Tests* or *Civil Incapacities* for *Opinions* even in *Religion*, our charitable Enemies can think it reasonable to deprive us even of *Freeholds* for *Notions* merely *speculative*.

The

The *Parliament* has just now quieted the Fears of the *City of London*, by a Bill brought in on purpose to exempt them from the Penalties of a *certain Law* which they had neglected as *obsolete*: And can we believe, that *our Corporation*, which is more securely established than any other in the Kingdom, will be made liable to any Forfeitures for what *no Law* has made *penal*? Our *Charters and Privileges* are the *Property* of the University, which cannot be taken from us but by the *same Power* and for the *same Reasons*, that any other *Body Corporate* in *England* may be disfranchised, or any private Man's Property seized and alienated.

In the first Speech which his *Majesty* made to his Council upon his *happy Accession to the Crown*, he was pleased, as I remember, to observe, that the good Effects of our *Property* being secured to us, were in no other Nation of the World so visible as in this of ours: And in the *gracious Answers* which he has since made to the *Addresses* of this University, he has repeated to us the Assurance of his *Royal Protection* in our special Rights and Privileges. This, one would think, should be sufficient to confound the Insolence of our *Praters*, who make no Scruple to talk in publick, what is criminal even to imagine. But tho' a *B—ntl—y*, a *J—bns—n*, or an *Ash—st* be never so impudent; tho' this *Religious Divine* should make it a Point

of *Conscience and Duty* to reform us ; tho' this *Civilian* give it for *Law*, that our *Privileges* are a *Grievance* ; tho' this *Physician* subscribe an *Opinion*, that the University wants *Physick*, we shall still rest easy and secure in the *Justice of our Cause*, and the *Word of his Majesty*.

Let our *Visitors* then come whenever they please ; the University, I dare say, has not been, since the *Reformation*, in better Order and Disposition to receive them than at this Day : In so many Members as compose this Body of ours, *human Frailty* must needs display itself in several Instances amongst us ; in such a Number of Youth as is committed to our Care, some few Extravagances, some Offences to our Statutes and Discipline must sometimes be committed ;

————— *Unus & alter*
Forsitan hæc spernant Juvenes.

But they are never sooner detected than chastised. Let our *Senior Proctor*, who is so forward to accuse us, discover, if he pleases, to the World all the Corruption and Debauchery he has found out, since his coming into Office ; let him say what Irregularities he has complained of, which have not been punished ; and whether our *Discipline* be not regularly, constantly, and equally administered.

If

If there is any *Breach of Statutes* amongst us, it is of such only as have out-last'd the End and Design of their Institution, and are no longer applicable to any good Use and Purpose.

If there are any of our Members under any Censure, Disgrace, or Discredit with us, they are such only, whose ill Lives are a Reproach to us, or who are profess'd Enemies to our *Constitution and Establishment*, who commit the *infamous Parricide* of destroying the *Mother* that has brought them up, and to whose Care and Indulgence they owe all the Credit and Merit they pretend to.

—*Interimis Matremque veneno,
Incolumi capite es?—*

If there have been any Insinuations of our *Disloyalty* and *Disaffection to the Government*, they will be found *false and frivolous*, without any just Ground or Foundation. We are ready to give every Proof of the contrary, to answer every *Test* of our *Loyalty*, which the *Law* has required; and more, I suppose, will not be expected from us.

—*Domus hęc nec purior ulla est,
Nec magis his aliena malis.*

But if it were possible to be true, which it is hardly so to imagine; and the University
was

was to suffer all that her Enemies now threaten her with; she could never hope to fall with more Honour, than in the *Cause* she is now engaged in, *fighting* for her *Privileges* and her *Discipline*.



A P P E N D I X.

I Shall make no Remarks upon the following *Petition* of the Master of *Trinity*, nor the Vice-Chancellor's *Answer*, since they both lie before the Council; nor would I indeed have printed them, but that a Copy of the *Petition* had long been exposed in all our Coffee-Houses, and is common in every Body's Hands; and the *Answer* was produced, and argued from, publickly in the Vice-Chancellor's Court by the Master's *Proctor Lisle*, in a late Cause he was engaged in.

To

To the KING's Most Excellent MAJESTY
in Council.

*The Humble Petition of Richard Bentley, D.D.
Master of Trinity-College, and Regius
Professor of Divinity in the University of
Cambridge,*

Humbly sheweth,

THAT Your Petitioner was made Ma-
ster of *Trinity-College*, aforesaid, by
His Majesty King *William* the III^d of Glori-
ous Memory; That Your Majesty's Royal
Predecessor founded the Regius Professorship;
and, That Your Petitioner was *duly elected*
thereunto, and did afterwards peaceably exer-
cise the Office; That the Reverend Dr. *Gooch*,
the present Vice-Chancellor, in a Cause de-
pending before him, under a Pretence of cer-
tain Contempts, committed by Your Petiti-
oner, did, with six Assessors, especially call'd
to that End, (*viz.*) the Reverend Dr. *Covel*,
Dr. *Ashton*, Dr. *Laney*, Dr. *Adams*, Dr. *Jen-*
kins, and Dr. *Grigg*, suspend Your Petitioner
from all Degrees in the University, without
hearing Your Petitioner, or *summoning him to*
that purpose: And upon that Suspension, the
said Vice-Chancellor afterwards, (*viz.*) out of
Court, did totally obstruct Your Petitioner in
the Execution of his Office, as Regius Pro-
fessor; That afterwards the said Vice-Chan-
cellor

cellor call'd a Congregation of the University, and the same being assembled, propos'd a Grace to the *Caput* for degrading Your Petitioner for the aforesaid *pretended* Contempt, and, Dr. *Otway*, one of the *Caput*, being *suspected of not having taken the Oaths* to Your Majesty, Dr. *Asheburst* and Mr. *Bull*, two Members of the said Congregation, demanded of the Vice-Chancellor, who is a Justice of the Peace, that *the Vice-Chancellor, with Dr. Laney, another Justice of the Peace also* present, should tender the Oaths to the said Dr. *Otway*, before he gave his Vote as one of the said *Caput*, but the Vice-Chancellor refused so to do, with Threats to the said Dr. *Asheburst*, that he would *take care of him*, or to that Effect, and permitted the said Dr. *Otway* to vote, and the Grace pass'd the *Caput*; and the said Grace being read to the Congregation, it there pass'd by a Majority: whereby Your Petitioner stands degraded, and excluded from all Degrees in the said University: That the said Proceedings being *unjustifiable and illegal*, tending to the *Confusion of the Methods of Justice* in the University, to the *Disquiet of the same*, and to the *Support of Disaffection to Your Majesty's Person and Government*, Your Petitioner doth most humbly apply to Your Majesty, as the Supreme Visitor of Your Own University.

Your Petitioner therefore doth must humbly beseech Your Majesty, to hear Your Peti-

Petitioner's Case; and to give such Relief in the Premises, as to Your Royal Justice and Wisdom shall seem meet: And Your Petitioner shall ever pray, &c.

At the Court at St. James's the 30th of October, 1718.

The KING's Most Excellent MAJESTY in Council.

His Majesty in Council taking the said Petition into Consideration, is pleas'd to order the same to be sent to the Reverend Dr. *Gooch* Vice-Chancellor; who is thereby directed to attend His Majesty in Council on *Thursday* next, being the 6th of *November*, at 12 of the Clock, at *St. James's*, and give an Account of the Proceedings which have occasion'd this Complaint.

To the KING's Most Excellent MAJESTY in Council.

An Account of the Proceedings against the Reverend the Master of Trinity-College in the University of Cambridge, most humbly presented, in Obedience to Your Majesty's Commands, by Thomas Gooch Vice-Chancellor of the said University.

AT a Court holden the 3^d of *October* in the Consistory of the said University,
F in

in a Cause between *Conyers Middleton*, Dr in Divinity, and the said Master of *Trinity*, for a Debt claimed as due from the said Master to the said Dr. *Middleton*, who appear'd personally, and constituted Mr. *Cook* his *Proctor*. The Return of the Decree, which before had been issued against the said Master, being called for, and the said Master not appearing, the Register of the Court exhibited the Beadle's Deposition taken upon Oath, a Copy whereof is hereunto annexed, which being read, Mr. *Cook*, Proctor for Dr. *Middleton*, alledged to the Court, that the said Master was in Contempt, and prayed that he might be suspended for the same. Whereupon the said Vice-Chancellor, with the Consent of his *Assessors*, did pronounce the said Master suspended from all Degrees in the said University, which is a Legal Punishment provided for such Contempt.

He the said Vice-Chancellor apprehended then, and does still apprehend, that such his Proceedings were according to the ancient and dinary Method of the Court; and that such Non-appearance of the said Master, was a Contumacy and Contempt to the Court; and he is inform'd, such Proceeding is agreeable to the Rules and Practice of all Courts of the like Nature, where there is no Proceſs known to call Persons to be heard, in order to punish the Contempt of a former Proceſs.

He

He the said Vice-Chancellor held three Courts after the Suspension, for no other Purpose, but to give the said Master an Opportunity of appearing, in order to the being discharg'd from his Suspension.

The first Court was held on *Tuesday, October* the 17th.

The second on *Thursday, October* the 9th. At which Court the Master not appearing, nothing was done.

The Third Court was held on *Wednesday, October* the 15th.

Before the Vice-Chancellor.

ASSESSORS.

Dr. Covel,	Dr. Adams,
Dr. Balderston,	Dr. Jenkins,
Dr. Fisher,	Dr. Sherlock,
Dr. Laney,	Dr. Grigg.

Whereas the Master of *Trinity* not appearing, the Vice-Chancellor took time to deliberate, how the Authority of the University might be reserv'd and maintain'd. And this was all the Business done in this third Court.

The Vice-Chancellor did take the Advice of all the Heads then present in the University (the Master of *Trinity* only excepted) who, considering that the several steps taken by the Vice-Chancellor's Authority, had been

without Effect, were of Opinion, that the said Master's Behaviour, in Contempt of the University, was proper to be laid before a Congregation of the University, together with a Grace for his Degradation.

A Congregation was call'd on *Friday Morning, October the 17th*.

The Vice-Chancellor propos'd the Grace to the *Caput*, who are select Persons appointed to consider what is proper to come before the Body; each of them having a *Negative* upon every Grace propos'd by the Vice-Chancellor, the only Person that can propose any to them.

The Grace was, without any Difficulty or Scruple made, approv'd by the *Caput*.

In the same Congregation it was publish'd in both Houses, after which the Vice-Chancellor continued the Congregation to the Afternoon. In the second Meeting of the Congregation the Grace was again read and voted in both Houses.

It passed in the Regent-	}	<i>Placets</i>	40
House,		<i>Non Placets</i>	15
It pass'd likewise in the	}	<i>Placets</i>	62
Non-Regent-House,		<i>Non Placets</i>	35

A Copy of the said Grace is hereunto annexed.

The

The said Grace is a Decree of the University, and the only Proceeding remaining with Effect, upon the Reverend the Master of *Trinity*. And that whereby he stands Degraded and Excluded from all Degrees, Titles and Rights in the said University, which is the only present Subject of his Complaint, the Suspension being sunk in the Degradation.

The said Vice-Chancellor humbly conceives, that he is not personally accountable for an Act of the Body Corporate of the University of *Cambridge*, whereof he is but one Member.

Whereas it is objected in the Petition of the Master of *Trinity*, That he the said Vice-Chancellor did totally obstruct the said Master in the Execution of his Office as *Regius Professor*.

He the said Vice-Chancellor (not intending hereby to admit, that the said Master is legally possessed of the said Professorship) answereth:

That after the Suspension the said Master of *Trinity*, did attempt to preach a *Latin* Sermon in the University Church.

That the said Attempt was a Contempt of the Jurisdiction of the Court, the said Master well knowing, that no Persons under Suspension can preach in the University Church.

That the Execution of his Office was the thing least in his Thoughts, it being notorious,

ous, that another Person was provided to do that Office, and that the said Master had no Intention to preach in Person, till he had notice of his Suspension.

And whereas it is objected in the said Petition, That Dr. *Otway*, one of the *Caput*, being suspected of not having taken the Oaths to Your Majesty, Dr. *Ashenburch* and Mr. *Bull*, two Members of the Congregation, demanded of the Vice-Chancellor, who is a Justice of the Peace, That the Vice-Chancellor, with Dr. *Laney*, another Justice of the Peace then present, should tender the Oaths to the said Dr. *Otway*, before he gave his Vote as one of the said *Caput*; but the Vice-Chancellor refused so to do.

He the said Vice-Chancellor answereth:

That he sat in the said Congregation in the Capacity of Vice-Chancellor, and as such had no Authority to tender the Oaths to the said Dr. *Otway*. That he never knew nor heard of any Persons acting as a Justice of the Peace in the Congregation of the University.

He denies that Dr. *Ashenburch* and Mr. *Bull*, or either of them, did apply to him as a Justice of the Peace, or that they or either of them mentioned to him or applied to Dr. *Laney* as another Justice then present, to join with him in tendering the Oaths.

That Dr. *Otway* was in the *Caput* pursuant to the Statute, as Senior of his Faculty then

then present, the Member of the *Caput* for that Faculty elected for the present Year being absent, and he the said Dr. *Otway* had a Right to vote, from which the Vice-Chancellor could not exclude him. That the very Day before, (*viz.*) *October* the 16th, Dr. *Asheburst* and Dr. *Otway* were in the *Caput* together, but then no Objection was made; and Dr. *Otway* was a standing Member of the *Caput* all last Year, but no Objection was made all that time against his acting in that Capacity, tho' Dr. *Asheburst* and Mr. *Bull* were all that time Members of the Congregation, as was also the Master of *Trinity*.

In Justice to the said Dr. *Otway*, he the said Vice-Chancellor begs leave to add, that he is very well assur'd, that the said Dr. *Otway* is ready upon any proper Occasion to take the Oaths to your Majesty. And in answer to the Suggestion of the said Master's Petition relating to himself, he the said Vice-Chancellor saith, that he is conscious to himself of an hearty Zeal for your Majesty's Service, of which he has given undoubted Evidence, as well before as since your happy Accession to the Crown of these Kingdoms; and there is nothing he should be better pleas'd with, than to have the Complaint against him made the Occasion of your Majesty's Enquiry into his Conduct in that Respect.

He

He humbly presumes to hope that your Majesty will receive the present Account with all favourable Allowance, considering the Shortness of Time he had to prepare it.

*Your Majesty's most Dutiful, and
Most Obedient Subject and Servant.*

To the KING's most Excellent MAJESTY.

*The Humble Petition of many of the Fellows
and Members of the College of the Holy
and Undivided Trinity in the Town and
Univerfity of Cambridge, of King Henry
the Eighth's Foundation,*

Sheweth,

THAT by the Forty sixth Chapter of the Statutes, by which the said College was at first govern'd, given by Your Majesty's Royal Predecessor King *Edward* the Sixth, of blessed Memory, the Lord Bishop of *Ely*, for the time being, was appointed Ordinary Visitor of the same. But in latter Statutes, given by Your Majesty's Royal Predecessor Queen *Elizabeth*, of like blessed and glorious Memory, (by which only the College hath been ever since governed) the said Forty sixth Chapter is wholly omitted, and yet, as Your Petitioners humbly conceive, is plainly referred to,
in

in the fortieth Chapter of these latter Statutes, the said Lord Bishop of *Ely* being there styled *The Visitor*. All which will appear from Copies of both those Chapters hereunto annexed. The which Omission and Reference, by making it uncertain how far the Power of the said Lord Bishop doth extend, have occasioned many great Inconveniences, through a long Disuse of regular Visitations *which Founders of Colleges have always thought necessary for the Maintenance of Good Discipline*; And the Want of some Person of undoubted Authority, to whom the several Members of the said College might, upon urgent Occasions, apply themselves for the Redress of Grievances, and a speedy Composure of such Differences as may arise, and of late Years have arisen, among them, concerning their respective Rights and Privileges; but remain still undetermined, to the great Disquiet of the College, the present Lord Bishop of *Ely* forbearing to interpose his Authority, till such time as his Right to the Ordinary Visitatorial Power shall be declared.

Wherefore Your Petitioners humbly Pray,
That Your Most Excellent Majesty, as
Royal Successor to the Founder of the
said College, will graciously please to
ascertain the Visitatorial Power, either by

G

a new

a new Grant, or Confirmation of it to the said Lord Bishop; or else by authorising such Persons to execute the same as to Your Royal Wisdom shall seem meet.

And Your Petitioners shall ever pray, &c.

A Clause of an Act of Parliament, confirming the Queen's Letters Patents to the University, in respect of their Privileges.

Tenor Actus Parliamenti.

And be it so enacted, &c. As the Letters Patents of the Queen's Majesty aforesaid, granted to the Chancellor, Masters and Scholars of the said University of *Cambridge*, bearing Date as is aforesaid; and other Letters Patents by any of the Progenitors or Predecessors of her Highness; and all manner of Liberties, Franchises, Immunities, Quietances and Privileges, Lites and Law-Days, and other things whatsoever therein expressed, given or granted, to the same Chancellor, Masters and Scholars of either of the said Universities, or to any of their Predecessors, or either of the Universities; by whatsoever Name the said Chancellors, Masters, and Scholars, of either of the said Universities, in any of the
the

the said Letters Patents be named, BE, and by virtue of this present Act, shall be from henceforth ratified, established and confirmed unto the said Chancellor, Masters and Scholars, of either of the said Universities; and to their Successors for ever; any Statute, Law, Usage, Custom, Construction, or other thing to the contrary in any wise notwithstanding.

FINIS.

