



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.

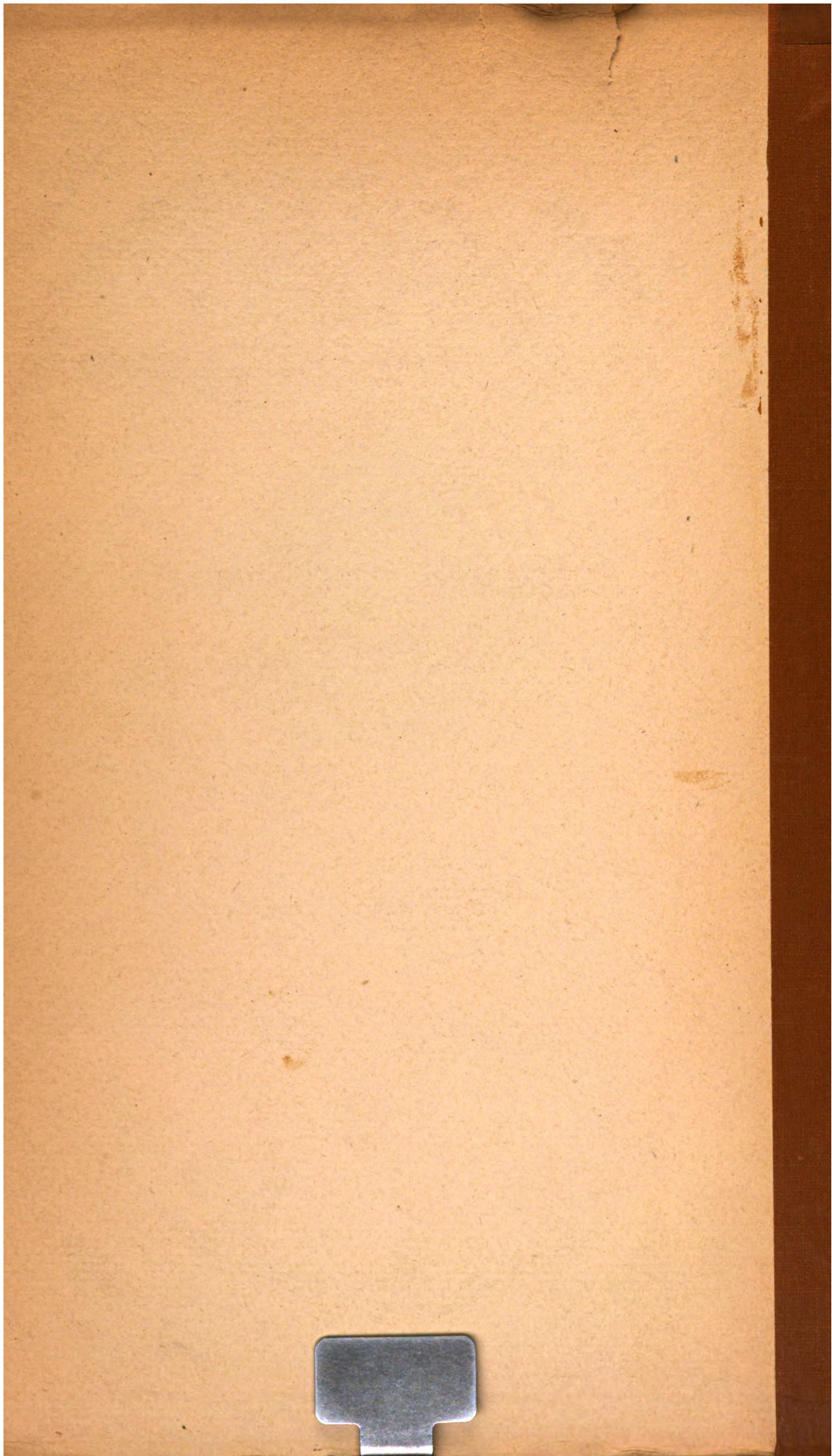
For more information see:

<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.





1735.

Hart-Hall.

In Exeter Coll

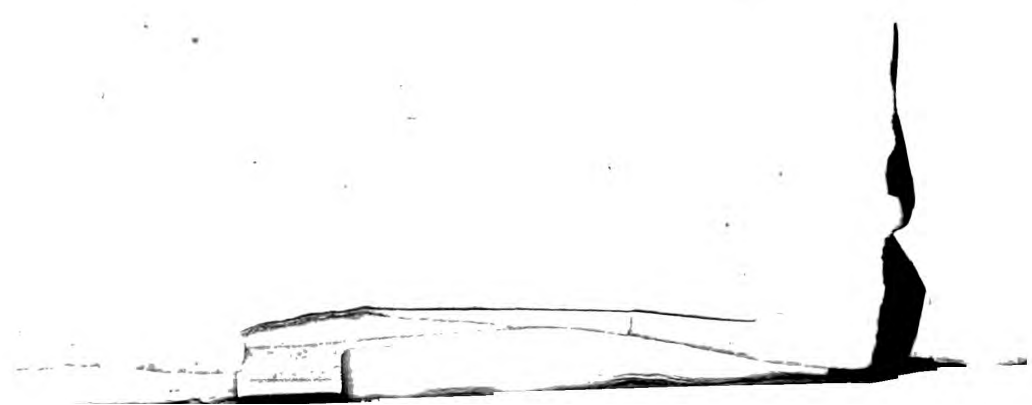
Decm. C 235

131 P. Marshall executor.

Nov 1925.

[Faint, illegible handwriting]

[Faint, illegible handwriting]



THE
Grounds of the Complaint
OF THE
Principal of *Hart-Hall*,

Concerning the OBSTRUCTION given to the
INCORPORATION of his SOCIETY,
BY
Exeter-College and their VISITOR,

As lately set forth

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

More fully REPRESENTED and JUSTIFIED;

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

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

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

VIRG.

The SECOND EDITION.



LONDON:
Printed for G. STRAHAN, in *Cornhill*, and J. ROBERTS, in *Warwick-Lane*.
M.DCC.XXXV.





T H E
P R E F A C E.



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

(a) Pref. to Calumny Refuted.

The P R E F A C E.

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

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



E R R A T A.

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



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

C H A P. I.



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

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

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

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

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

* N. B. In the Lease which *Exeter-College* formerly took of the University of *Black-Hall*, and of One other Parcel of Ground or Garden (whereon *Cat-Hall* anciently stood) *Cat-Hall* is not mentioned; neither is it mention'd in the Lease of the Premises to me. I conceive the Mention of the said Hall to have been first omitted by the Lessors, upon its going to Decay, at the Request of the Lessees, that they might not be charged with the Repairs. But, for all this, *Exeter-College* whilst they were Lessees, paid the reserv'd Rent annually under this Title, 10 s. for *Black-Hall*; and 1 s. 8 d. for *Cat-Hall*: The same is enter'd in the University-Register's Book of Accounts, as paid for *Black-Hall* and *Cat-Hall*; and the Receipts continue to be given by the said Register to this Day for the said Rent due to the University for *Black-Hall* and *Cat-Hall*. And in his said Book of Accounts *Exeter-College* appear to have paid the said Rent for *Black-Hall* and *Cat-Hall*, for the Year 1663. Not having made any of the Mistakes imputed to me by Mr. *Dean*, p. 95, I hope I shall not be thought to have been so Careless in these Matters as he would have it believ'd,

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

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

With Respect to the *Statutes*, I say,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) p. 62. 69. (b) p. 75. (c) The Principal's 60 *l.* a Year; and the Lady *Holford's* 51 *l.* 13 *s.* 4 *d.* a Year; and 16 *l.* 13 *s.* 4 *d.* a Year in Exhibitions.
 (d) *University College*, founded in 1280 by the *University* with *William of Durham's* Money deposited in their Hands by his Executors, for the Relief of *Masters* in the Schools of *Oxford*, began with an *Endowment* not exceeding fifty *Shillings* a Year to each of 4 *Masters*, and fifty *Shillings* a Year more to One of them who should be their Procurator, if the Rents of certain Houses settled upon them shou'd reach to so much. *Wood's Eng. Ant.* p. 165, 166.
Baliol College, intended to have been founded by Sir *John Baliol* about 1267, founded by *Derovergille's* his Wife about 1284, began with an *Endowment* of 8 *d.* a Week only to each of 16 Scholars. *Wood* p. 143, 146.
Jesus College, founded by *Hugh Price* in 1571, began with an *Endowment* of certain Rents in *Brecknockshire* (of what Value not mention'd by *Wood*, but said only to be *Inconsiderable*, but generally estimated at no more than 60 *l.* a Year) for the Maintenance of a *Principal*, 8 *Fellows*, and 8 *Scholars*. *Wood* p. 415, 416.
 (e) *Baliol*. See *Baliofergus* p. 24. *Jesus*, See *Wood* p. 416.

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

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

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

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

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

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

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

3. THAT

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

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

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

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

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

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

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

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

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

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

CH A P. II.



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

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

MR. *Dean*, p. 56. recites the same Proposal made at the same Time thus: " Exeter-College were in no kind of Disposition to Distress the Principal, either by perplexing Matters, or drawing them out to an Inconvenient Length, but were willing to bring them to a speedy Issue, in a way the most Easy and Peaceable, and least liable to Expence. It was with this View, that I was Deputed to wait on him by the Society, with an Offer of Referring Our Claim to Two skilful Lawyers, One to be chosen by the Doctor, and Another by Ourselves. But was this received (as it ought to have been) with Respect? No: But with Scorn and Haughtiness peculiar to this Gentleman, who certainly thinks himself privileg'd above others, and dispens'd with from the common Rules of Behaviour." And then charges the Principal with Imprudence in treating the Offer with Contempt, and with manifest want of Equity in not accepting it.

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

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

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

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

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

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

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

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

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

(b) p. 15.

THE Question to be propofed to the *Two Lawyers* for their Opinion was, Whofe was the *Soil* whereon the Two *Meffuages* called *Hart-Hall* and *Arthur-Hall* flood? *i. e.* Whether this *Soil* belong'd to the Rector and Fellows of *Exeter-College*, or to the Principal and Scholars of that Houfe of Learning which comprifes, not only *Thefe Two* *Meffuages*, but feveral *Others* alfo, much more confiderable, called all together at this Day by the fingle Name of *Hart-Hall*?

SUCH a Reference I declined. For, I confidered, as I told Mr. C—re, that I was only a Tenant for Life; That the *Prefentation* to the Headfhip was in the Chancellor of the Univerfity, of which I was in Poffeffion by his Favour; that if I fhould fubmit to the Reference propofed, and the Two *Lawyers* fhould adjudge the *Soil* to belong to the *College*, I might bring the Chancellor's *Interelt* in the *Hall* into Difpute; that it would be very weak in me to fuppoze it Doubtful, which my fubmitting to a Reference would imply; that I could not Juftify the *hazarding* any *Interelt* of my *Patron* without his Confent; nor with any Propriety *ask* his Confent to what it could not be reafonable for him to Comply with. The Chancellor had given his Confent to the *Incorporation* of the *Hall*, and it would be time enough for him to fubmit to an Enquiry whether he had a *Right* to do fo, when, in the regular Courfe of my Proceeding to obtain a *Charter*, it fhould be difputed; and when alfo, whatever fhould be the *IfTue*, I could not be blam'd.

THIS Propofal being declin'd, I Admit that *Another*, as mention'd p. 21. was made to me; or rather the *Same* in *Another* Shape, "That I fhould STAND to a Trial at Common Law," *i. e.* abide by what fhould be the *IfTue* of fuch a Trial. This alfo, I admit, I declin'd, becaufe the *Objections* to it were the fame as to a *Reference*, or rather ftronger, forafmuch as the Chancellor's *Interelt* in the *Hall* might have been more hurt by a *Verdict* in favour of the *College*, than by an *Opinion* only.

I had the more Reafon to be Cautious in this Matter, becaufe it was at this time whifper'd, that the *College* had a View of getting the *NOMINATION* of the *Principal* from the Chancellor to Themfelves. And this now appears certain, from what the *Memorandum* which Mr. C—re fays he cafually difcover'd in *Eveleigh's* Register Book of *Exeter College* *Eftates*, fuggelred, *viz.* "That the Title of *Exeter College* to *Hart-Hall* was much clearer than the Title of *Magdalen College* to "Magdalen Hall." It is plain this *Memorandum* refers to a Trial at Law between the Chancellor of the Univerfity and *Magdalen College*, about the *NOMINATION* of a *Principal* to *Magdalen Hall*. Now, if *Exeter College* Title to *Hart-Hall* was much clearer, than that of *Magdalen College* to *Magdalen Hall*, upon which Prefumption the *College* grounded their *Oppofition* to Me, they muft mean, that *Exeter College* had a much clearer Title than *Magdalen College* to the *NOMINATION* of a *Principal*. And this there is no Doubt but they would have contended for, had the *Right* of the *Soil* been adjudged to *Them*.

IF the *College* had been inclined to Try to recover their fuppozed *Right* in the *Hall* by *Ejectment*, after the Example of *Magdalen College*, They had no Occafion to *Ask* my Leave. They could have done This whenever they pleas'd, and whether I would or no. But for me to Invite them to Try this *Right* by a previous Agreement that I would STAND to the *IfTue* of fuch Trial, was to go further than I could warrant with refpedt to the Chancellor, whofe *Interelt* it could not become me to Expoze; and further than in Prudence I ought to have gone with refpedt to Myfelf, and my *Defign*. For, with refpedt to Myfelf, if it fhould have been found the *College* had a *Right* to the *Soil*, I fhould have been concluded to have Agreed to yield it to them, and *Retire*, or to give them for it whatever they fhould Demand. And with refpedt to my *Defign*, I fhould have Oblig'd myfelf to forgo the Relief I might expect from the *Court of Chancery*, which was by no means Reafonable. For They might have a good Title in *Law*, and I in *Equity*. That I had an *Equitable* Title was not difputed, but rather Allowed by their *Own Council* at the Hearing afterwards in the *Attorney General's* Chambers; and was the Foundation alfo of this Part of the *Attorney General's* Report, "But if the *Legal* *Eftate* fhould be taken to be in *Exeter College*, a *Court of Equity* would Decree it to be merely a *Truft* "in them for the Society of the *Hall*, and for the Advancement of Learning, That appearing from "the *Acts* of the *College* itfelf, as well as from the long and uninterrupted Enjoyment." And this I take to be the True Reafon why the *College* would never attempt an *Ejectment*, how often foever they had threatned it; becaufe if they fhould have obtained a *Victory*, it could only have brought the Difpute into the *Court of Chancery*, where I fhould have been *Invincible*.

THIS being the Cafe, the Reader will acquit Me of *Want of Equity*, in declining *Thefe* *Offers*, and conclude alfo with me, That Mr. C—re's Affurance, "to ufe his Credit with his Brethren, after "the *College* *Right* fhould be once acknowledg'd, to difpofe them to part with it to me upon reafonable Terms," ought

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

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

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

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

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

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

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

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

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

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

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

(b) p. 22.

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

(d) p. 22.

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

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

C H A P. III.



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

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

(a) p. 22, 23.

(b) p. 49.

(c) p. 50.

(d) p. 18, 19.

(e) p. 19.

(f) p. 18.

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

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

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

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

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

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

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

With Respect to the INFORMATION, I observe,

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

(a) p. 17.

(b) p. 18.

(c) p. 23.

(d) p. 29, 20.

(e) p. 29.

(f) p. 27.

what

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

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

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

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

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

(a) p. 21.

(b) p. 34, 37.

(c) Ibid.

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

BUT,

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

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

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

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

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

C H A P. IV.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

* Wood Eng. Ant. 238. 471.

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

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

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

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

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

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

(a) 26 Novemb. 1514. *Magister* Thomas Mede dimisit [resigned] *Principatatem Aulae Cervinae & Nigrae*, atq; instanter & cum effectu * [in good Earnest] rogavit & oravit Nos [Commissarium] ut *M. Parkhurst* nuper *Principal*, ibidem, vel quem ipse nominaret, admitteremus ad eandem, sed quia omnes *Commensales* ibidem consenserunt in quendam *Magistrum Irish*, igitur diximus eundem eligendum, & eodem die *Admissimus* eundem *Magistrum Irish* ad *Principatatem Aulae Cervinae & Nigrae*. Re. 7 f. 242. b.

(b) *Vicesimo quinto Martii A. D. 1540. Comparuerunt coram Commissario Scholares Aulae Cervinae allegantes famam constantem volare in Aulae praedictae Magistrum Joh. Frenche Artium Professorem ac Praesidem Supradictae Aulae secum Statuisse & ad hoc Statuere, absentibus sine ignorantibus Scholasticis ejusdem Aulae, vel majori parte eorundem resignare & renuntiare Principatui suae ibidem eo animo, ut alius Praeficiatur, qui verisimiliter non est profuturus Scholasticis ejusdem Domus, quique (ut publice fertur) daturus est, eo nomine tantum, dicto Magistro Frenche magnam pecuniae summam, haecque contra justitiam & aequitatem: unde Supplices orabant ut dictus Dominus Commissarius non admitteret resignationem (siquam fecerit dictus Magister Frenche) nisi consultis & convocatis omnibus Scholasticis antedictae Aulae. Unde Magister Commissarius, substituendo Magistrum Joh. Hastryngs vice & loco sui, reservat sibi ipse jus & potestatem admittendi & approbandi antedictae resignationem, siquam fieri contigerit, dicens irritum & inane quicquid in contrarium factum fuerit, idque ex causis praedictis, &c. Reg. 7 f. 260. b.*

(c) Septimo die Julii A. D. 1541. comparuit *Magister Joh. Frenche* *Principalis Aulae Cervinae* & resignavit officium *Principatus* suae in manus *Commissarii*. Et maturae consultatione habita de alio *Principali* substituendo cum *Scholasticis* & *Magistris* ejusdem *Aulae*, *Scholasticam* *aule* *praedictae* omnes & singuli consenserunt in *Magistrum Rogerum Bromhall*, f. 403. b.

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

(e) Quia resignatione admittit dictoque Officio vacante, ex nostro consensu praehabito *Scholastici* ejusdem *Aulae* elegerunt, nominaverunt, & praesentaverunt Nobis [Commissario] *Magistrum Morganum Philippum* ut admittatur in *Princ.* &c. 5 Feb. 1546. GG. Reg. f. 16. b.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Laundon Grange,
29 July, 1724.

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

THUS much concerning the *Hearing*.

C H A P. V.



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

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

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

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

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

P. Y O R K E.

Oct. 1, 1724.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

W I L L. W R I G H T.

2 July, 1713.

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

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

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

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

3. I enquire

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

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

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

CHAP. VI.



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

- P. 16. " That the College Burfary was searched as far as Dr. *Hole* would give us Leave to do so.
- P. 41. " A great Part of our *Evidences* were at *his* Command.
- P. 51. " We could come at a Small Part of Our *Evidence* without *his* Leave.
- P. 61. " Dr. *N.* by Influence on Dr. *H.* had a great Part of Our *Evidences* at *his* Command.
" The College were not in a reasonable State of *Defence* [for want of *Evidence* and *Money*,]
" reduced to that State by Dr. *H.* under the Influence of Dr. *N.*
- P. 62. " Dr. *N.* knew in what a *Defenceless* State the College *then* were.
- P. 63. " Dr. *N.* insinuates a Doubt concerning the Merits of his Cause, and therefore is stung with
" the Reflection of not having been able to bring on a Hearing, whilst we were in-
" capable of Supporting the *Expence*, and Producing our *Evidence*.
- P. 80. " By his Practices on Dr. *Hole*, he had in a manner Shut up our *Treasury*, and Suppressed
" our *Evidences*.
" The College were in no reasonable State of *Defence*; of which the Dr. Himself was *Con-*
" sious, and (which is worse) the *Author*.
- P. 103. " Dr. *N.* practising on Dr. *H.* had made it impossible for them to Enter the Lifts with
" him upon *Equal Terms*.
- P. 104. " Our *Evidences* not *capable* of being produced by this Good Man's Means."

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

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

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

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

WHAT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) P. 44.

(b) P. 62, 63.

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

C H A P. VII.



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

- as,
- P. 32. " How to prevail with the Rector (who was so much Governed by Dr. N.) to
" come into our Measures, was difficult.
- P. 33. " And appeared more difficult by Dr. N.'s coming from London about this Time, probably
" to give the Rector his Lesson, and teach him how to behave.
- P. 34. " The Doctor obtained a Letter from Dr. Hole, Signifying that he should have no further
" Opposition, which he shewed to the D. of N. and Others.
- P. 41. " That Dr. H. being in Dr. N.'s Interests, both could, and would distress them.
- P. 51. " That Dr. N. had drawn over the Rector to his Interests.
" That Dr. N. thought he had the entire Management of him, which was the Motive of
" his rejecting the Offer of a Reference.
- P. 57. " That the College were not so ignorant, as not to know that Dr. H. was in a great measure
" under Dr. N.'s Management: Had frequently made use of Dr. N.'s Name, had been
" confirmed in his Contradiction to the College Interests by Dr. N.
- P. 59. " That Dr. H. had entered into Measures directly contrary to the Interests of the College in
" favour of Dr. N. from whence the College had Reason to think he did it by Dr. N.'s
" Advice, and under his Influence.
" This is certain, there was a Close Correspondence between the Principal and the Rector,
" whilst they were both in Oxford.
- P. 60. " That he advised the Rector about a thing in which the Common Interests of the College
" were concerned, and in order to favour his own Invasions of the College Rights.
- P. 61. " The College lay under Disadvantages arising from the Power of Dr. H. directed and ma-
" naged as it was by Dr. N. whilst Dr. N. had almost as much Influence within our
" Walls, as without.
" The College were reduced to a Defenceless State by means of Dr. H. under the Influence
" of Dr. N.
- P. 74. " Dr. N. would have had his Lordship given him an Opportunity, by practising upon poor
" Dr. Hole, to steal from Exeter College Part of the Possessions granted them by their
" Founder.
- P. 80. " By Dr. N.'s Practices on Dr. H. he had in a manner shut up Our Treasury, and Sup-
" pressed Our Evidences.

- P. 92. " He had so much Influence over him, as to make him endeavour to undo every Right and
" *Worthy thing in this Affair.*
- P. 103. " The College never endeavoured to Evade a Contest with Dr. N. but, at a Time, when, by
" *practising on poor Dr. H. he had made it impossible for them to enter the Lifts with him*
" *upon Equal Terms."*

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

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

I desire Mr. Dean will name this One thing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Good Mr. RECTOR,

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

Your faithful Friend and Servant,

R. NEWTON.

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

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

REV. SIR,

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

Exon Coll. Oxon,
3 Dec. 1724.

MATT. HOLÉ.

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

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

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

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

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

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

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

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

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

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

No w, if these Things were so, I enquire, What SERVICE he did me? Why,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) P. 48. (c) P. 117. (d) P. 130. L. 21, 22. (e) L. 25, 26.

C H A P. VIII.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) See p. 124.

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

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

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

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

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

(b) p. 33.

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

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

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

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

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

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

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

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

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

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

C H A P. IX.



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

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

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

(a) P. 32.

(b) P. 35.

(c) P. 36.

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

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

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

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

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

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

(a) P. 29.

(b) P. 38.

(c) P. 38.

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

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

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

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

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

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

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

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

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

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

(b) P. 39.

(c) P. 59.

(d) P. 35.

(e) P. 33.

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

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

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

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

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

(a) P. 39.

(b) P. 39.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) P. 43.

(b) P. 41.

(c) P. 41.

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

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

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

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

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

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

(a) P. 44.

(b) P. 39.

(c) P. 39.

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

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

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

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

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

(a) P. 41.

(b) P. 17.

(c) P. 44.

(d) If his Lordship be displeas'd with the Letter written to him on the 5th of March, 1733, this was no Part of My Correspondence. I have already said, “ I neither writ this Letter Myself, nor was it written by my Advice, or Procurement, or with my Priviety.” This Declaration, it seems, is not quite Satisfactory to Mr. Dean, who thinks, or says, at least, I might COMPOSE it, though I did not WRITE, i. e. TRANSCRIBE, and send it *. Little did Mr. Dean apprehend, when he made this ingenious Remark, what Constructions Men would generally put upon it to his Disadvantage. For, since it is a Thought that would have occurred to very few, may he not induce a Suspicion, that his Own Natural Bent is this way? That he hath Himself been accustomed to these *Mental Reservations*? That He is not yet aware that *Prevarication* is *Lying*? And that, next to the *Meanest* of being guilty of such an Evasion, is that of Imputing it? But after all, there is such a thing as *Simplicity* yet remaining in the World. And, notwithstanding what Mr. Dean hath permitted himself to suggest, I am sure it is not possible for him to shew, that I have, in a single Instance, departed from it with regard to Him. However, since he thinks it *Necessary* I should be more *explicite* in this Particular, I find it to be so too; and therefore I assure him, I did not COMPOSE the said Letter; no, nor dictate it through a thin Partition; no, nor blow it through a Speaking Trumpet; No, nor was any Way whatsoever, that can possibly be imagined by the most *Acute* Man living, a Cause that it was *Composed, Written, or Sent* to the Bishop of Exeter; excepting that I have been a Sufferer by his Lordship to a Degree thought worthy the *Notice, the Compassion, and the Regretment* of the Writer, though a Stranger. To this I will add, that I have not even yet learnt who was the Author of it; that when first I was informed such a Letter had been written, it was, at second hand, from One of Exeter College; and that the said Letter may have been written, for ought I know, by One, if not of, yet at least a Well-wisher to that Society, of which I have heretofore had
many

* P. 90.

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

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

C H A P. X.



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

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

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

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

(e) P. 87.

(f) P. 44.

(g) P. 86.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) P. 43.

(b) P. 92.

(c) P. 47.

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

DEAR SIR,

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

Hart-Hall,
Decemb. 4. 1730.

Your Affectionate Friend,
R. NEWTON.

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

HONOUR'D SIR,

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

Sarum,
Jan. 6. 1730.

HONOUR'D SIR,
Your Most Obligated, Obedient Humble Servant,
W. GREENAWAY.

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

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

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

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

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

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

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

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

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

(a) P. 46, 66.

(b) See P. 46, 67.

(c) See P. 47, 67.

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

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

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

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

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

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

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

(d) P. 67.

(e) P. 66.

(f) P. 66.

(g) P. 44.

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

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

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

C H A P. XI.



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

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

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

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

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

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

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

(a) P. 13.

(b) Compare this with p. 110.

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

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

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

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

IT has been said indeed, that though it *Be True*, and be not *Calumny*, yet still it is a *Libel*, and subjects the Author of it to the *Penalty* of the University *Statute* DE LIBELLIS FAMOSIS COHIBENDIS, which is *Banishment* from the University.

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

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

Mr. VICE-CHANCELLOR,

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

Hart-Hall,

Sept. 18. 1734.

Your Most Obedient Servant,

R. NEWTON.

(a) P. 44.

(b) P. 1.

(c) P. 13.

C H A P. XII.

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

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



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

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

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

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

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

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

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

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

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

THE

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

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

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

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

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

This IS the Cafe.

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

Q

will

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

BUT, after all, what hath the *Principal* done, that is *Irregular*, or that renders him unfit to Live in the fame Univerfity with the *Dean* of *Christ-Church*? He had no OTHER Refuge in his Diftrefs but to a *Publick Expoftulation*. Hither He is DRIVEN by thofe who have exceedingly *Grieved* him, and yet are exceedingly *Angry* that He Complains. If the Expoftulation be fuch as they diflike, they had Reafon to expect it would be fo; and it was in their Power to have avoided it. They could not but be Confcious to themfelves they were Obnoxious; the Provocation they had given was very great; they had been threatened with this Expoftulation above a Year ago, not in the manner they themfelves have threatened Ejectments, but as a thing *Certain*; and had experienced that the *Principal* did not want *Refolution* to do himfelf Right. If then the Reputation of His Opponents be Hurt, it will generally be esteemed to have been hurt by themfelves. And if they have Adventured to give the *Principal* the Provocation He hath received, in confidence that he would be refrained from any *Remonftrance* by *this Statute*, the Scheme was not *Laudable*, and they find themfelves to have been *Miftaken*. This Statute, fo underftood as Mr. *Dean* feems to have hoped it might, would be an *Inconvenient* and an *Unjuft Law*; Invite great Hardfhips from the *Potentiores*; and often be the *Occafion* of the *Disturbance* of the Peace of the Univerfity which it was defigned to *Preferve*.

I conclude therefore, It is not *So* to be underftood; nor can a fingle Instance be produced wherein it hath been put in Execution againft any Member of the Univerfity in the *fame*, or in *like* Circumftances with the *Principal*; nor fupposing an Instance could be found, would it be a Precedent that might be *fafely* followed. Profecution on *this Statute* with Effect, in His *particular* Cafe, would fuprefede a *Law* of *Nature* which no Legislature can repeal. If, in the Community of which he is a Member, there be not a *Law* that will *Reach* his Cafe; or, if, by Acts of *Power*, or *Otherwife*, he be deprived of the *Ufe* of it, he is fo far brought back to a *State* of *Nature*, and cannot juftly be denied the Benefit of the *Law* of *Nature*. Shall every *Controverfial* Writer, fo difpofed, impute to his *Antagonift* not only Ignorance and Impertinence, but Difingenuity alfo, and Prevarication, and Infincerity, and Difhonefty, Terms fufficiently *Injurious* to Reputation; and, what is more, not *Necceffary* to fupport his Cafe, without incurring the Penalty of *this*, or any *Other* Statute? And fhall the *Principal* of *Hart-Hall*, way-laid and circumvented in his purfuit of Publick Good, and chained down to a Rock to be expofed to the Infult and Derifion of his Oppreffors, who, for ten Years together, have, with ill-natured Pleafure beheld him wafting his Strength in vain Efforts, and impotent Struglings to be releafed, not fo much as dare to difcover to the World by what mean *Arts* and *Stratagems* he was brought into this miserable Condition, without which there could be no Poffibility of his Enlargement? When a certain Member of the Houfe of Commons infifted, with Vehemence, that he WOULD be Heard, for that he had a RIGHT to be Heard, the late Sir *E. Seymour* is faid to have Answered "He had a Right to SPEAK, but he had no Right to be HEARD." In a far worfe Cafe is the *Principal* of *Hart-Hall*, who, after having fo long been denied the Right he claimed to be HEARD, finds it now difputed whether he hath a Right to SPEAK. But give me leave to fay, the *Principal* will not be refrained from *Speaking*, no, nor from *Writing* neither, (for all *Other* Speaking hath been found, and will generally be found to be very *infignificant*;) until his Grievance be redreffed. The Circumftances of his Hard Cafe once laid before the Publick for their Perufal and Examination, may poffibly entitle fo great a Sufferer to general *Compaflion*, and his Defign to general *Favour*. And if from hence, as is natural, general *Cenfure* fhould become the Lot of his Opponents, He Answers, He was not obliged to take care of their Reputation: fo far from it, that where an Oppofition to a Publick Charity had been formed on fo *unfound* a Bottom, conducted in fo *exceptionable* a Manner, with fo much *Sport* to themfelves, and, at the fame time, with fo great *Severity*, and even *Inhumanity* to the *Principal*, and for an End *unwarrantable*; the *Principal* was not only at *liberty* to *Represent* it, but it was *Commendable* and *Virtuous* in him to *Expofe* it, that Others might hereafter be difcouraged from the like Attempts.

C H A P. XIII.

Concerning Affection to the Government.

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

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

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

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

THE Whole of my Want of *Affection* to the Present Government, thus limited, lies, according to Mr. Dean, in these *Two* things. 1. "*That I have not employed my Eloquence to SUPPORT his Majesty's TITLE.*" 2. *To RECOMMEND his Majesty's ADMINISTRATION.*" But, instead of doing either of these, "*have contented Myself to lie by QUIET.*"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

LET

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

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

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

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

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

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

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

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

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

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

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

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

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

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

F I N I S.



