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The Case of the PRÆMUNIENTES considered :

In an Answer to the Letter sent lately to a Clergy Man in the Country, concerning the Choice of Members, and Execution of the Parliament-Writ, for the Ensuing Convocation.

To the Author of that Letter.

S I R,



FINDING your Letter industriously spread among Us, I have retir'd for an hour or two to give You my Thoughts of it. I perceive your Argument runs upon two several Heads. One is the *Electing proper Members to defend the Lower Clergy from the late Encroachments of the Archbishop and Bishops*. The other is to *Renew and Enforce the Execution of the Clause PRÆMUNIENTES in the Bishops Writ*.

As to the *First*. 'Tis now a year or two ago, since the English Clergy have had a loud Alarm, that the Governours of the Church are *destroying* the Constitution of it. Letters and Books were warmly writ to *this effect*, that the Metropolitan and his Suffragans, who make the Upper House of Convocation, were Enemies to the very *Being* of a Convocation. That the Intermittions of Sitting and Acting in a Synod concurrent with every Parliament were owing to *their Neglect*, or rather to their *Design*. That when a Convocation did meet and sit during the Session of last Parliament, the same Prelates did obstruct all the good Effects of it, by *denying* to the Lower Clergy their fundamental Rights and Liberties; and so cutting off all *Correspondence* between the two Houses. I must confess, I and many of my honest Neighbours did labour under this *Prejudice*; and nothing but a diligent Reading and Reflecting could have brought Us back to think Ourselves still Safe and Happy, if We *please* to be so; and God *please* to keep Us so.

There was a late Reign, when some Bishops were made, in order to serve an *Ill Cause*; and to carry on very *Arbitrary Measures*. We might have then justly suspected their Affections to this *Church* and to their *Clergy*: We were dissatisfied in their Characters, and might be naturally Jealous of their Designs: But Providence has delivered Us from those Times and from those Men. I think all Impartial People do Agree, that since the Revolution, no other Regard has been had to the filling of *vacant Sees*, but the Piety, Learning, and Integrity of Eminent Divines. And modestly speaking, the two Metropolitan Sees have been fill'd with Prelates, who by their Living and Preaching and Writing have been as Useful in this Church, as any since the Confessors and Martyrs of it.

And yet if I could believe, that our Prelates were in any other Interest but that of the present Establishment: That they had any Project of *new modelling* the Government in Church or State: that they had any Ambitious Ends to prosecute; or could be under the Temptations of driving at any new Means of Tyranny and Despotick Power; I could then easily forget all their *Personal Worth*; and almost lay aside the Reverence due to their *Dignity and Order*. I could heartily oppose their Injurious Attempts, and fall in with You to defend the Presbyters against *these Bishops*.

But in truth, I cannot believe, that Men of their Knowledge and Experience, would offer at the least Innovation upon a juncture, when there is no manner of Pretension for it; and no other Prospect in it but *Division and Ruin*. Conscience, Honour, Interest, and a thousand Obligations must restrain their Lordships from any such Wickedness and Folly: from advancing any new Arbitrary Schemes, wilfully to lose the Affections of their Clergy, and obstinately to disturb the *Peace*, and endanger the *Preservation* of this Church and Kingdom.

Upon the best Enquiries that I can possibly make, I do perceive it at last to be a meer *Faction*, which thus runs down the Governours of our Church for Imperious and Arbitrary Men. And those many Tragical Complaints that have been so publicly urg'd against them, seem to Me nothing but the *unreasonable Noise and Clamour* of some of their Inferiors, mov'd by Discontent and *Disappointment*. I could hint to You some Reasons (and I have barely time to hint them) why I am thus fully persuaded.

1. The *Challenge* was made all on *that Side*, that does oppose the Bishops. They *began* the Dispute, and made the *Assault*. Their Lordships have been purely on the *Defensive* part, to guard themselves, and keep the *Ground*, where the Laws had plac'd them. The Articles and Objections came All from the Advocates of that Party in the Lower House, who have perfectly *extorted* proper Answers and Replications.

2. Those Writers that have prosecuted the Cause against the Bishops, have certainly trespass'd in point of *Charity and Good Manners*. They have been *undeniably*

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deniably Indecent in treating those their *Fathers*. They have cast many odd Suggestions and open Slanders at them. I appeal to the *Letter to a Convocation Man*, &c. 4to. *The Rights, Powers, and Privileges of an English Convocation*. 8vo. And indeed to every One of their later Pamphlets. In which there are so many Insinuations, Colours and Stories; as even *Martin MAR-PRE LATE* did not more effectually affront the Bishops of the *Church of England*.

3. Those who have publickly Pleaded against the Bishops have been very *inconsistent* with One Another. The Author of the *Rights, Powers, and Privileges*, &c. came in for a *Second* to the Writer of the *Letter to a Convocation Man*, and yet recedes from Him in one of his three *Principal Points*, and in many other matters of Opinion and Fact. This *Second* came in soon after to relieve *Himself*, in a new Edition of his *Rights, Powers*, &c. owning his Name and Titles: And then He differs from *Himself* more than He had differ'd from his *Friend*: He builds the History of our Reformation upon another Model, and raises Pretensions absolutely *New*. Then comes the *Power of the Lower House to adjourn itself*, &c. which tho' justly suppos'd to come from the same Hand, is clearly another *Scheme*. For it was All before calculated to *restrain* the King's Supremacy; and 'tis now All to *advance* it beyond the Act of Submission, and above all appearance of Authority in the Archbishop and Bishops. Then follows the *Narrative of Proceedings in the Lower House*, and perfectly contradicts the former Principles; In denying the Lower House an *inherent Power* of Adjourning at Discretion, and confining them not to go beyond the Bishop's day; in denying the Members to *Absent* themselves without leave of the *President*; in making other Concessions, and laying down Positions, wholly repugnant to them that had gone before. Which Uncertainty in their Principles, shews clearly enough that they begun these New Claims, before they had fixt either the *Grounds* or *Extent* of them.

4. They themselves own, that the Rights they now claim have not been claimed within the *Memory of Man*. And because the oldest Members of Convocation could not recollect any such Pretensions of the Lower House, therefore they abuse Them most irreverently. They say *Old Mens Memories fail them sometimes; and crafty Men have now and then convenient Memories*. P. L. H. p. 21. c. 2.) Nay because those old Members could have given Testimony upon their own Knowledge to the contrary, they except against the Evidence, and say, *their Testimony how express soever would signify little*, for any thing done since 1664. For ALL after that may be suppos'd to have been a continued DREAM, in which the Convocation SLEPT over their Privileges. (ib. p. 21.) An odd way of Claiming a *Prescription*, and yet renouncing the Witnesses of the oldest Men Alive.

5. They again confess, that the Power of Presiding over a Convocation (tho' too great to be lodg'd in one Hand, for fear of the Abuses of it, yet) is safe in the

Hands of our present *Primate*, who would be more moderate in the use of his Power, and truer to the sacred Trust reposed in him. But the Question is, not what THIS Archbishop WILL do, but what ANOTHER MAY do; when a good Man may have a very Ill Successor, &c. (P. L. H. p. 6. c. 1.) This methinks is an Argument that we should not run into immediate Distractions, to avoid a sort of Danger in *Reversion*. But that at least for the present, we may be Compos'd and Quiet; and prepare only for Resistance, when the Blows shall be made hereafter at Us.

6. The Managers of that Cause against the Bishops have not been Ingenuous and Fair in their Relation of Things. They have told matters of Fact directly wrong: they have charg'd *Falshood* on their Adversaries, that has turn'd purely upon their own Heads: they have over and over repeated some Slanders, when the World knew them to be such: they have been so gross in those ways of Insincerity, that solemn Proof has been made of it under the Attestation of a *Publick Notary*. And 'tis said, there will be other Convictions of the like kind, when they please to call for any farther Satisfaction.

7. And yet after All, the Bishop of our Diocese assures me, that his Grace the Metropolitan has bore all their Behaviour with that Tendernefs and Paternal Affection, that did become his Character, and are peculiar to his Temper. That as *President of the Convocation*, He receiv'd the Lower Clergy with all Kindness and Respect; that he forbore to inflict the least Censure upon any one *Contumacious* Member: that He pass'd over in Silence many Instances of *Irregularity*, and used all the possible Means of melting them into Peace and Submission: that since the Dissolution, he has upbraided or reprov'd no One Person. And now upon the Summoning of another Convocation, his Grace is said to promise the forgetting All that is past; and the heartily promoting any good Designs, that may tend to the Strength and Beauty, to the Peace and Union of this Church and Nation.

I am very well inform'd of these things I hint to You, and could give You many other Intimations: But that You'l think I am running away from your Letter, which I propos'd to Answer. You begin, Sir, with begging a Question, that I can by no means allow. You would have Us All take for granted, that *when ever the Disputes now depending between the two Houses of Convocation are determin'd to the Prejudice of the Lower Clergy, there's an End of all the Rights and Liberties of their House, and they are from that Moment an Useless and Insignificant Part of the Constitution* (p. 1. c. 1.) I think Not. I think, Nothing can determine those Disputes while the Church stands, but the Lower Clergy returning to their Duty, and to the obedient Practice of their Predecessors. And when they have done so, they are as far from being *Useless and Insignificant*, as You, Sir, are from being Just and Civil to them. For even then, the Bishops can do no *Synodical Act* without them. Even then, the Presbyters will have

have a *Negative* upon the Metropolitan and his Suffragans; in all Synodical Determinations which is a greater Power and Privilege than the Presbyters had in the *Primitive Church*; and even greater than they *now* have under any other Episcopal Constitution, or themselves had in this National Church till within 350 years.

You go on to complain of the *Influence my Lords the Bishops have in determining the Choice of Proctors*. You represent their Lordships as *over-ruling their Elections*, and cry out of it as the *most Unreasonable thing in the World, and the highest Violence to our Constitution*. 'Tis not true, that Any Elections have been *over-ruled* by the Bishops. But we may consider, that Electors and Candidates are all Clergy Men of one Diocese, bound in *Canonical Obedience* to the Bishop of that Diocese. The Right and Liberty of Suffrage in the Clergy no One questions. But what if in a matter of Moment, the Parish Priests apply themselves to their *Diocesan*, and ask his Lordship's Opinion of the Abilities and Integrity of *such and such* Divines? Or what if his Lordship, upon the long Experience of his own Clergy, does undertake to commend this or that Reverend Person as best qualified to represent his Brethren? Is there any Harm in this? At least, is it so Odious and Intolerable as here suggested? How would this have founded in the late Reign? If when the Convocations were summon'd to meet, and the Event of Benefit or Mischief to the Church depended on the Conscience and Courage of the Clergy; and if some Attempts had been then made to get Proctors return'd that were *disaffected* to the Bishops, and would have run into different Measures from Them! as Methods like these were used for assembling the Parliament. What, if on such a Prospect every Bishop had labour'd with his Clergy, not to chuse Men of *Guilt* or of *Suspicion*; but rather to unite their Interest for such of their Brethren, as He could safely recommend to them for Men of Piety and Wisdom! Must this Practice have been then arraign'd for the *highest Violence to our Constitution*? And must their Lordships have been expos'd to the *Bills and Informations* that were then ready to be prefer'd against them, for the least Offence against the Will of their Enemies? Must there be a profest Distinction between the Interest of the Bishops and their Clergy, who were *united* upon the first Institution of Episcopacy, and must so continue while they expect the Blessing of an Episcopal Church?

You make it an Argument against the Bishops intermeddling with Elections, because *the Chief Business of the Proctors when they come to Convocation is to represent the Grievances and Hardships which the Clergy suffer from their Lordships Courts and Officers*. (p. 1. c. 2.) But in truth, the Abuses (whatever they are) of Ecclesiastical Courts and Officers were never made a subject of the Lower Clergy's Remonstrance, till this very last Convocation. They might dutifully petition the Bishops to stop a growing Innovation; but They never formally *Resolv'd* this and that to be a Grievance, because it

was neither decent in It self; nor was it likely to obtain a Reformation. If any Corruptions or exorbitant Courses prevail'd in the *Exercise* of the Government and Discipline of the Church; they knew the Civil Judges could *prohibit* and restrain 'em; or upon great Occasion the Legislative Power would regulate and fix 'em Right. And therefore our *Tear Books and Reports* are not only full of Prohibitions and Appeals; but our *Parliament Rolls and Journals* do abound with Bills and Complaints of the like nature. Yet in the *Registers* of Convocation, the Lower Clergy never *once* appear to have censur'd the Bishops Courts, nor to have condemn'd the Officers subordinate to them. It was now the peculiar Honour of the Lower House to protest against this and other Grievances, which my *Lords the Bishops endeavoured to impose upon the Clergy*. P. L. H. p. 2. c. 1.) To a degree of Servitude as they term it.

You make bold to say, that this *Unreasonable Method* was *practis'd in a most Open and Arbitrary manner, particularly in the Diocese of B. and W. where the Bishop employ'd his Officers to ride up and down, soliciting and securing Votes, and He himself was present in Consistory at the Election, &c.* This seems to be meant of a worthy Prelate, who upon a like occasion of scandalous Words, was oblig'd to vindicate his Honour by an *Action* that humbled a malicious Tongue. But Pens are in the Dark; and the Press has a deplorable Liberty. There is hardly one of their Lordships, who discountenanc'd the late Attempts of the Lower Clergy, but what has been expressly revil'd and slander'd in some one or other of the late *Papers and Pamphlets*. In the present Case, granting some Foundation in this Story; It was very Just, that his Lordship should have dissuaded his Clergy from being drawn in to chuse a certain Person, whose dubious Principles and intemperate Heat would have made Him a very unfitting Member; and in such a way of Prevention, should have encourag'd their Agreeing upon two more worthy Persons. But why must it be objected to his Lordship, that *He himself was present in Consistory at the Election*, when his Lordship did his Duty in being there present. I perceive you are yet to learn, that of Right and Custom, *Diocesan Proctors* are to be chose in *Diocesan Synods* or Conventions of the Clergy, which should be held by the Bishop in *Person*, and in his Absence must be held by One *Deputed* or *Commissioned* by Him.

You say, *the Clergy when met* (in Convocation) *appear'd deeply sensible of this Invasion of their Rights, and of the mischievous Consequences of it: And a Committee therefore, which was appointed to consider of the GRAMINA and REFORMANDA of Ecclesiastical Cognizance, came to this Resolution.*

*Resolv'd,*

“ That the Intermeddling of Bishops or their Officers, to byass the Election of Procurators, to serve in Convocation, is a Grievance.

I hear that *Committees* were so Appointed and so Manag'd, that their Reports were the Sense of a *Part*.

not of a House. 'Tis somewhat, when You add, *This Resolution was reported, and agreed to in a Full House, and order'd to be carried up to the Bishops.* But I question the truth of this. I have it from good Hands, that when the *Report* of these Grievances to us brought into the House, several of the Members excepted to them, and argued against them; and then went out, to express their Dissent from them. So that if ever they were Agreed to, it could not be in a Full House. But if they were ordered (as You say) to be carried up to the Bishops, why were they not carry'd up? The Correspondence was not so cut off, but that they might have been carry'd, and even offer'd to their Lordships, tho' till the Irregularity was set right, they could not be receiv'd. But I find many of the Members to believe, that after all the Noise of Grievances, the Majority were Asham'd of 'em, and so dropt 'em, upon Question afterward made about carrying 'em up to the Bishops; nor have they inserted them in the Acts or Minutes of the House, nor since put them into their *Narrative*, nor suffer'd a Copy to go out of their own Hands.

You cannot forbear many other warm Reflexions upon these Attempts towards Influencing Elections — a Practice highly Injurious to the Rights of the Clergy, and utterly destructive of the Constitution of an English Synod. (p. 2. c. 1.) Bringing the Lower House into an absolute Subjection and Vassallage to the Upper, &c. But your condemning the Practice depends much, I doubt, on your dislike of the Men. For (as I before hinted) it would not have been odious in the excellent Prelates of the late Reign: Nor will it be Criminal, when our Bishops shall again defend us from the Insults of Popery, to which our Feuds and Animofities may too soon expose us. But I am sure in former Reigns, the Bishops could thus Influence their Clergy, without any Outcries for so doing. I see it here upon the Registers, where the Bishop being in London writes to his Commissary in the Country, to take care about the Election of Proctors, and bids Him acquaint the Clergy, that He himself approves and recommends two such Persons, who were accordingly Chosen. Nay I have seen an Instance, where the Archbishop has concern'd himself to regulate the Election of Proctors for the whole Province; and to command that no Dean or Archdeacon should represent the Clergy of the Diocese (as was often done to save Trouble and Money) but that there should be Special Proctors return'd to make the Appearance more full and the Assembly more Solemn. — Anno 1597.

I can least of All forgive the dreadful Application You make of this Complaint. No Less than that of setting on the Laity to redress this Grievance by grinding the Church to Powder. — Such a Constitution (as You presume to prophecy) is not likely to last long. The Laity will soon take Umbrage at an Assembly of Men so entirely at the Mercy of their Superiours — They will be justly jealous that a numerous Body of Men so manag'd and inclin'd, will be fit for nothing but to be the Instruments

of Arbitrary Dominion; and for fear lest such a Constitution in the CHURCH should by degrees infect the STATE, may think it Wisdom to FALL first upon THAT and to GRIND it to POWDER (p. 2. c. 1.) You need not call for Judgments, nor direct the Hands that shall pull them down upon Us. Pray God avert his Anger, and take away our Provocations of it! I have heard indeed of some in a Neighbouring Parish, who have wish'd the Body of the Church to fall down, because they could not get a Seat of their own Chusing in it. And by that sort of Imprecation I sadly guess'd what manner of Spirit they were of.

I shall pass over your other Reflexions, of a Spiritual Society supported by Slavery — of carrying the Archbishop's Power to such an exorbitant Height as must naturally end in a Depression of that and of the Order — of Preserving the Lower House in a moderate State of Liberty, as suiting best with the GENTLE PLAN of Primitive Episcopacy — of pleading the Cause of my Lords the Bishops, even where their Lordships themselves sit by unconcern'd — of the Asserters of his Grace's Power making the Bishops as Implicit and Insignificant a Part of the Convocation as the Presbyters. When You had taken these and other Freedoms in your Letter, You should have done one thing more, You should have set your Name to the bottom of it.

I must pass on to your second Head of Observation, which is the Executing the Clause Præmunientes in the Bishop's Writ.

That Clause was first inserted in every Parliamentary Writ to a Bishop by King Edward I. in the 23 Year of his Reign, to bring the Lower Clergy actually to Parliament, to give their own Money in proportion with the Lay Commons of this Realm. This Call of the Inferiour Clergy to Parliament, was such a Burden and Grievance to them, that They oft remonstrated against it, and continually claim'd Exemption from it; under Edw. I. and II. had frequent Relaxations of it. And under Edw. III. finding Taxes the Only Design of being so call'd to Parliament, they had agreed to give their Taxes in Provincial Convocations, and by degrees in them only. After which Expedient, the Civil Government were as Indifferent about the Clergy's Attending in Parliament, as the Clergy themselves were desirous to be excus'd from such Attendance. So that from henceforth, tho' the Kings of England kept up such a Clause, nay and had the formal Execution of it, by the Return of Proctors made into the Court of Chancery; that if the Clergy should fail to assist the Crown in Provincial Convocations, They might be still call'd upon to do it in a National Assembly. Yet there being no such Occasion, the Appearance of the Clergy upon such a Summons to Parliament was in every Reign more thin, and more frequently intermitted: It being the Interest of the Clergy to wave it, and the Consent of the Government not to insist upon it. So that in all the Rolls of Parliament from Edward III. to Henry VIII. there is not above one clear Instance of the Proctors of the Lower Clergy appearing in Parliament

liament at the Opening of it. When Henry VIII. began the Reformation, his great Business was to keep under the Popish Clergy: It was for this Reason He made the Provincial Convocations more strictly concurrent with every Parliament; and Prorogu'd and Dissolv'd (by Writs of Precept to the Archbishops) the Convocations as frequently and constantly as He did the Parliaments of his Reign. And to keep the Clergy in greater Awe, He made some Bishops formally to execute the *Præmunientes* upon their Clergy, and to make a Return to Him to certify their Execution. To make this lighter to the Clergy, the Bishops soon contriv'd a new way, for the Chapters and Dioceses to empower the same Proctors to appear for them in Parliament by the Premonishing Clause, that were at the same time to appear in Convocation by the Provincial Writ. And so began the Practice of a Double Return of the same Members to appear as well before the King in Parliament at Westminster, as before the Archbishop in Convocation at St. Pauls. Not that it now signified any thing, but to shew the Power the King had to command his Clergy; and to protect those Clergy from any Snare of another *Præmunire*, if they should be call'd to Account for omitting their Obedience to such a formal customary Clause in the Royal Writs. And therefore when the Reformation was settled under Protestant Princes, who were secure in the Subjection of their Protestant Clergy; then again the Clause dropt into Silence and Disuse: They kept up indeed the Formality of Procuratorial Letters, *ad comparand' tam in Parlamento Principis — quam in Convocatione Archiepiscopi*, or the like. But the Bishops made no Return to the Crown of their executing this Clause; nor did the Crown claim, or the Parliament enquire after any such Return. So that from the Settlement of the Reformation, the Clause was always lookt upon as Useless and Insignificant; and tho' many of the Actuaries kept up a little of the Letter of it in their Instruments of Proxy, yet that was known to be Form and no more. So that after the Restauration of Charles II. they let the meer Form drop as well as the Substance had dropt many Reigns before. And for forty Years together there was not so much as a Procuratorial Instrument that mention'd the Parliament: For that of the Diocese of Peterborough in 1676, produc'd by Dr. Atterbury in his *Addenda*, p. 626. is found to be a pure Mistake. See Dr. Hody of *Convocations*, p. 287.

The Bishops and Clergy and whole Nation were so well satisfied in this Matter, that for three successive Reigns, not a Word was made of it. No Prince claim'd the Execution. No House of Parliament complain'd of the Omission. No Judges or Lawyers thought it any way concern'd the Constitution, or any Part of it. No Bishop intermedled in it. No Clergy Man was aggriev'd. No Mortal troubled himself about it. The Impertinence of the Matter was so well known, that even Mr. Atterbury in the first Edition of his *Rights, Powers, &c.* thought nothing of it; but taking for granted, that the Execution had ceas'd even before the Refor-

mation, He offers not a Syllable to restore the Practice of it. But I'll let you into the Secret, how this Author came to change his Opinion, and violently to demand, what He had just before given up.

You must know, that the Sitting and Acting of Convocations had been intermitted in the two last Reigns for about thirty Years together, without any Complaint or Murmurs of the Clergy, who rather took it for an Ease in one Reign; and for a Security from Danger in another. But at the late Happy Revolution, their Majesties in Wisdom thought it a proper *Juncture* for the Redeemed Clergy to Meet together, and consult of the Best Means to preserve the Doctrine, and to enforce the Discipline, and to promote the Unity of the Church of England. For these good Purposes a Convocation Met, and had a legal Commission to Act. But some Men obstructed all the Designs of Charity and Peace; and the Convocation rose, in effect, with doing Nothing. Upon this, our Governors thought it not proper for some Years to make that Part of the Clergy uneasie by bringing them into a form'd Assembly, when as they themselves own, *Not to Sit was rather their Desire*. For this reason there was an Intermission or Excuse of Sitting Convocations for about ten Years (less by twenty than a like Intermission in the two former Reigns) But this, instead of pleasing some Men, gave 'em a Pretence of new Displeasure; and when so lately they chose not to Sit and Act, now again Sitting and Acting in concurrence with every Session of Parliament, was their fundamental Right and Liberty. Upon this Discontent, a Letter to a Convocation Man was publish'd in 1697, and a Defence of it by Mr. Atterbury in his *Rights, Powers, &c.* 1700. But, I say, neither of these Writers, nor the Lawyer, nor the Divine ever thought of pressing the Execution of the *Premonitory Clause*, tho' they took Occasions to mention the Clause, and to graft Privileges on it. But, as I promised, I am bringing You into the Secret. Our Governors were resolv'd, if possible, to silence all Murmurs, tho' never so unjustly Rais'd. And therefore it was determin'd, that with the Parliament call'd in February 1700, there should be a Convocation of the Province of Canterbury meeting and forming themselves into a Body. Upon this Prospect, the same Men began to value themselves upon gaining this Point (as they pretended) upon their Governours. The Art would be now to make the best Use of it. They were sensible, that if after All, the Lower Clergy were to Sit under the Presidency of the Archbishop, and to hold their Sessions only concurrent with the Bishops; they could then make no great Figure of Distinction in a Synod, nor prosecute the Scheme laid down before them. The only way would be to be a House of Spiritual Commons, in the Parliamentary Sense of the word House, and so come to be coordinate with the Upper House, determining their own Time, and taking their own distinct Measures. But how should they justify the Doing this? The Provincial

vincial Writ, ( by which *Alone* they had so many Years been summon'd, ) mention'd nothing of the Parliament and bore no Relation to it but in a *later* concurrence of Time. This Writ brought them before the Archbishop to be presided over by *Him*, as Head of his Provincial Synod, to be continued and prorogued in *one* Body by his *own* Act ; still giving Place to obeying the King's Precept of Proroguing and Dissolving ( as by later Custom ) with the Parliament. *This* therefore would not do. This could not answer the Design. They must have a Call to Parliament, and that should entitle them more surely to a *Parliamentary* Relation, and to the Rights of a *House* in the same sense with the Temporal Commons. Upon this, they considered, that the Clergy once upon a time were call'd to Parliament; and the *Clause* to call Them, was still continued in the Bishops Writs. Only the *Use* and the *Execution* of it had been lost for an Age or two; and the very *Formality* of Instruments had been omitted for above the Memory of Man. However, if any thing specious could be said to revive this obsolete Custom, it would be of singular use to serve the present Turn.

And to serve this Turn, upon the view of a new Convocation in 1700, Mr. Atterbury resolv'd upon a new Edition of his Book, to supply the defect of the former, and to set up for executing the *Old Clause*, which He had forgot and dropt before. To this purpose He makes it the greater Part of his *Addenda*, to give Instances of Procuratorial Forms upon the *Præmunientes* down from *Hen. 8.* where he had before let them sink, to 1678, tho' in every Case it was but pure Matter of *Form*; and in the last Instance, it was not so much as *Form*, but meer *Mistake*. However, He press'd the renewing of this *Formality* with so much Vehemence and Zeal, that some of the Bishops did let their Officers comply, and in a manner make double Elections upon the two Writs, to Parliament and Convocation. But no proper *Return* being made: And those Proctors in that imperfect way *premonish'd* to Parliament, being very Few in comparison with *Those*, whose Procuratorial Letters sent them only to the Convocation. It seem'd on all Hands confess'd to signify Nothing. The Proctors *premonish'd* to appear before the King at *Westminster*, did not at all distinguish themselves from the Members *summon'd* only to appear before the Archbishop at *St. Paul's*. They were ashamed to mention themselves as duly *premonish'd*, and afraid to charge Others for not being so *premonish'd*. In short, the whole Convocation ( as far as I hear ) gave it up for a *Jest*, and could only thank Mr. A. for his Learned Endeavours that way. Accordingly, after the Regal Prorogation, they made no farther noise about executing the *Præmunientes*, but seem'd to pass it over for lost and gone. The Author of the *Power of the Lower House of Convocation to Adjourn it self*, ( how intimate soever with Dr. A. ) let fall all the Doctor's Notion about that *Warning Clause*, and chuses wisely to say nothing of it. Nay, He builds such a new Scheme, by

a new interpreting of the *Provincial Writ*, that if true, would entirely supersede all pretence of Need or Expediency in executing the *Clause* of the *Bishop's Writ*. And agreeable to this sense of Insignificancy, the Publisher of the *Narrative*, He too gives up the *Clause* for Dead and Buried, and openly declares, it would be to little purpose to revive it. For, were the *Præmunientes* executed, it would indeed be a means of bringing Us together; but could not alter the Nature of the Synod when met, which would then be a Meeting as purely Ecclesiastical as it is at present. If any private Person has got such a Fancy in his Head, as to think we sit in in a CIVIL CAPACITY also, yet the World should not be told the Lower Clergy are of this Opinion, for nothing can be more FALSE, ( Pref. of Publisher, p. xii. )

Upon these Reasons and Concessions on both Sides, I did conclude, That We should hear of no more Demands to my Lords the Bishops for executing the *Præmunientes*. I thought no One upon Principle, could renew that Dispute but Dr. Atterbury; and, that He himself must do it upon a Mistaken Principle of Honour, to make his Friends, if possible, believe, that He did not about a Year ago make so much Noise about Nothing.

I am now writing Sir, to I know not whom. But, I say, if this Letter before Me was not wrote by Dr. A. I am at a loss what other Person to guess at, that should espouse this Cause of His, which I thought the Judgment of all Men had dropt and deserted. However, since You have given your self a needless Trouble, I am resolv'd to spare as much as I can of my own Pains. For I am turning to Dr. Kennett's late Tract of *Ecclesiastical Synods, &c. Octav. 1701*, and from thence I'll transcribe the Sum of his Arguments against the Executing of this *Clause*; doing this Justice, Sir, to your Letter, that where You have answered any of those Arguments, I'll make a brief Reply, and so conclude.

Dr. A. you know in his last Edition, had pleaded warmly for this *premonishing* the Clergy to Parliament. He made it sometimes a *Humble Request* to the Bishops. *Addend. p. 628, 670.* then told them, the *Neglect* began indeed before their Lordships time, but was no longer now excusable, *ib. p. 628.* For after his Discoveries, he must tell them, that future Omissions of this kind cannot pass under the soft Name of *NEGLECTS*, but will have some harsher Censure bestow'd on them. Therefore, if their Lordships or their Officers should forget, the Clergy should demand it, &c. p. 629.

Upon this Requesting and Threatning the Bishops, and inflaming their Clergy against them, Dr. Kennett in the foresaid Tract offers these Reasons, why their Lordships may be still excus'd from executing the *PRÆMUNIENTES*, and if they please, may yet take farther time to consider of it, p. 305.

I. " The not executing the *Præmunientes Clause* did not begin with their Lordships, nor with the Eldest of them. They found the Matter so, and " there-



“ therefore are not chargable with so much Neglect  
 “ and Omission, as Mr. A. does cast upon them. —  
 “ Had the Neglect indeed very lately began by their  
 “ Lordships Breach of the Inferiour Clergy's Privi-  
 “ lege: Had the Omission been a modern Trespass to  
 “ answer any new Design: Had it within Memory  
 “ proceeded from any Default in the Bishops, or any  
 “ Negligence of their Officers! Then indeed the  
 “ Matter might have bore some decent Expostulation  
 “ with their Lordships, why they did so, or why  
 “ they suffered it to be so? But, since they keep  
 “ things on just the same Foot they found them, and  
 “ do full as much as their Predecessors did before  
 “ them, They have Example at least to justify their  
 “ Practice, and may have some Allowance for their  
 “ respect to the Dead, and their fear of Innovation.  
 “ If Mr. A. had flourish'd in the Age when this Exe-  
 “ cution was first dropt, what a noble Subject had he  
 “ got of arraigning Bishops? And yet I believe the  
 “ Bishops who first dropt it, had the good Fortune  
 “ to be never blam'd for it. —

What says your Letter to this Argument? It says,  
*We are sure this Clause has been executed all along,  
 without any legal Intermission, from the Date of its Ori-  
 ginal Insertion under EDWARD the First, to the late  
 Times of Confusion under King CHARLES, (p. 5. c. 1.)*  
 But, Sir, give me leave to say, This is laying down a  
 round Assertion with a certain Reserve in it, that in  
 your sense may salve the Falshood, when 'tis prov'd  
 directly False. All along executed from the first Date,  
 23 Ed. 1. to the 17 of Car. 1. I'll prove, that This  
 was not executed without a hundred Intermissions;  
 But You'll say, it was without any legal Intermission;  
 because, say You, no Intermission was indeed legal:  
 And so 'tis a folly for Me to prove Falts, when You  
 have that distinction to evade 'em. Well, but You  
 grant from the Convocations of 1640, there have not  
 been so much as any Instruments of Proxy that men-  
 tion the Clergy coming to Parliament, (being satis-  
 fy'd, I presume, that the one Instance of 1676, pro-  
 duc'd by Dr. Atterbury, was a pure Mistake.) You  
 resolve this upon the Crown putting the Clergy upon  
 Sitting, and acting for many Days after the Parlia-  
 ment broke up abruptly; and the justifying this Pra-  
 ctice led them naturally into Schemes of breaking the  
 Union that was between the TWO WRITS, and of  
 loosening themselves as much as they could from the  
 Parliament, (p. 5. c. 2.) But all this is an imaginary  
 Scheme of your own. They had no desire of loosening  
 themselves from the Parliament. It was the King's  
 own Act, and the Judges Opinion, that so loosen'd  
 them, and left them at liberty to sit and act in Con-  
 vocation after the Parliament was dissolv'd, because  
 the Convocation being call'd by the King's Provincial  
 Writ or Commission to the Archbishop, doth continue un-  
 til it be dissolved by a like Writ or Commission under the  
 Broad Seal, notwithstanding the Parliament be dissolv'd.  
 The Clergy suffered too much by this extraordinary  
 Practice, to be fond of it: They never urg'd it for

a Precedent to future Times. And therefore, it is in-  
 jurious in You to represent them at the Restauration,  
 as neglecting the *Præmunientes* upon this Prejudice.  
 You say, when the Clergy return'd from Exile, they  
 brought along with them the Impressions that they had  
 taken up of this Matter at their last Meeting; and so the  
 Execution of the Parliament Writ came to be generally  
 neglected and disus'd, (p. 6. c. 1.) So far from being  
 true, that they could not but remember the Jealousies  
 rais'd of them upon that occasion; and would the  
 more decline becoming liable to new Suspicions. But  
 however, they return'd with so much Glory for their  
 Sufferings, and so much Interest in the King and Peo-  
 ple; that if They had imagin'd the old Warning to  
 Parliament would be of any benefit to their Order;  
 They had now the most favourable Juncture to revive  
 the Execution of that forgotten Clause. And their  
 not doing it is to Me a demonstration, that they did not  
 care to have it done. I pass to Dr. K.'s Second Ar-  
 gument.

II. “ To restore a Practice obsolete, and not by ex-  
 “ press Authority renew'd, should have some prevail-  
 “ ing Reasons for the expedience and advantage of it.  
 “ And if Mr. A. could have offered any one Reason,  
 “ that had a colour of Interest to the Clergy, or the  
 “ Church, I should readily submit. — But certainly  
 “ there is no one Privilege, or pretence of Privilege,  
 “ that our Clergy shall have or ought to have, if  
 “ They are return'd by the *Præmunientes* Clause, any  
 “ more than if they are return'd only by the *Provin-*  
 “ *cial Writ*. — Who would move quiet Things, when  
 “ they are as well at least in their present Station?

I can find no other Answer in Yours to this Obje-  
 ction of its Insignificancy, but only this, That if this  
 Execution HATH been done, it certainly MAY be done,  
 and therefore OUGHT to be done still. Which, if it  
 be any serious Argument, will hold stronger for the  
 Omission of it; for This too hath been done more lately  
 and more universally, and for all the clamours against  
 it, may still be done; and till better Reasons offer, I  
 think ought to be done. Dr. K.'s Third Argument  
 is This:

III. “ There is indeed one material Reason, that  
 “ is not so much urg'd as suggested by Mr. A. to im-  
 “ ply the great Need of restoring this Practice, the  
 “ Execution of the *Præmunientes* Clause. And that is,  
 “ that by virtue of the Bishops Writs, there may be  
 “ a Parliamentary Convocation, even when the Pro-  
 “ vincial Writs to the Archbishops are omitted or  
 “ forgot. For, it is the continued Design of Mr. A.  
 “ to possess the Clergy, that the Provincial Convo-  
 “ cations concurrent with a new Parliament, are in  
 “ this Reign to be laid aside; their very Summons to  
 “ be dropp'd, or at least their Sitting to be no longer  
 “ suffer'd: — Therefore the more needful to re-  
 “ store the One, for fear we should lose the Other.  
 “ If this would be any Security for the Churches  
 “ good, I am content we should so provide for any  
 “ future Contingency. — But alas! This would be  
 “ no

“ no Provision or Security at all. Were it possible, that our Governours should wilfully break thro’ a settled Practice, and purposely omit or suppress the Provincial Writs at the Call of a New Parliament. Why then, Would the Execution of the *Præmonentes* falve and supply this Omission of the Convocation Writs? Would this Method bring together One National Body of the Lower Clergy, equivalent at least to two Provincial Convocations? If it did so, there were some Argument in it. But alas! it would not do so. Suppose the Clergy call’d to Parliament by the Diocesan Clause of Warning without the Provincial Writ. What are they? Where shall they go? How shall they act? Can they by virtue of that *Præmonition* alone appear at Westminster? Where is their Apartment? What are their Rules and Orders? Would they be admitted into the House of Commons? No. Would they be allow’d to send in their Votes? No. Could they form a House of their own? No. Would there be any President or any Prolocutor! No. — A National Meeting of the Clergy in Parliament-time, by virtue of the *Præmonentes* Clause alone, (without the Provincial Writs,) would be neither Parliament nor Synod; would be nothing but Confusion.

To all this, I perceive You answer Nothing, unless it be meant in these words: *The PREMUNITORY CLAUSE is the very Ground-work and Basis of all the Interest which the Lower Clergy in this Church have in the State; Upon it, was built not only their Right of attending on every Parliament, but their Right also of being form’d into a SEPARATE HOUSE from the Bishops, with distinct Privileges and Immunities of its own, (p. 5. c. 1.)* But, would You have any Person understand You, that the Lower Clergy when *premonish’d* to Parliament, did ever, or can ever make a distinct House from the Bishops? From the History of past Times, ’tis said to be very plain, That the Clergy were frequently *premonish’d* to Parliament without any concurrent Provincial Writ, and did frequently so come to attend upon their Bishops in Parliament. But, I say, when a Provincial Writ did not call them at the same time to Convocation, the Lower Clergy never once were form’d into any separate House, nor had any manner of Privileges or Immunities distinct from the Bishops, but were one Body with them, as Members inferior to them. Not Prelates of Upper and Clergy of Lower House: Nor Spiritual Commons incorporated with the Temporal: Nor making any State of Themselves. But, Prelates and Clergy were the One Ecclesiastical State in Parliament. And therefore we never find the *premonish’d* Clergy in any close Attendance upon the Parliament; but at a convenient Distance from it. Not alway suppose at Westminster, but commonly at Paul’s or in the Temple; Not under the Notion of a House; nor under the conduct of a Prolocutor. Not of Themselves petitioning the King; nor of Themselves conferring with any Lords or Commons; but treating only with the Bi-

shops, and thro’ their Hands conveying all their correspondence with King and Parliament. So careful was the Civil Government of not breaking in upon the Ecclesiastical Institution of Episcopacy, that when the Presbyters were in Parliament, They were even in Parliament subject to the Bishops; and that Civil Capacity did not exempt them from Canonical Obedience. Therefore, I say, the Lower Clergy making a House separate from the Bishops, was not founded in their Parliamentary Attendance; For, while they attended in Parliament, they never were a separate House. But, the Separation was made in Provincial Convocations at the appointment of the Archbishop, more for conveniency of the Archbishop and Bishops than for any inherent Right of the Lower Clergy. — But I’ll give You the Fourth Argument of Dr. K.

IV. “ The not executing any Writ, is directly answerable to that Authority alone from whence the Writ proceeds. And especially all Royal Writs and Precepts, if they are stifled or suppress’d, there is a legal Prerogative in the Crown, to punish the Neglect, and to enforce the Execution. The *Præmonentes* Clause is in a Writ from the King; and if each Bishop to whom it is directed, should fail in his Obedience to it, the Offence is to the King, and the Enquiry belongs to his Majesty’s proper Courts and Officers. If the not executing such a Clause were any Contempt of the Royal Authority, no doubt the King and his Ministers would understand it, and would redress it. But, if Obedience to the Body of the Writ, by Appearance of the Bishops before the King in Parliament, has been all along accepted as a full Execution of the Writ, without other regard to any appending Clause in it; then are their Lordships discharg’d coram Rege in Parlamento, and Mr. A. has nothing to do to question them for any Neglect or Omission. His Majesty and his Great Council can best judge, &c.

To this You say nothing that can seem an Answer, unless this following Passage will bear that Name. In former Reigns, we are sure the Execution regularly obtain’d; and so often at least; as is necessary to shew, that the Obligation of this Clause was never either remitted by the Crown, or declin’d by the Clergy, (p. 5. c. 2.) The question is not now of former but of later Reigns, yet no later than for 150 Years together, when the Obligation of the Clause has been effectually remitted by the Crown, because the want of Execution by the generality of the Bishops, has never been once question’d by the Crown or the Ministers of it. And it has been as apparently declin’d by the Clergy. For, they never once solicited the Bishops to warn them to Parliament, nor petition’d the King to bring them thither: For their two Attempts to be united to the Lower House of Parliament, were of a different Nature, and what I suppose you do not aim at. And indeed it was happy for Us, that the High Court of Parliament, and all inferior Courts of Justice have agreed, that the regular Execution of this

this Clause has been long enough remitted by the Crown. Or otherwise in the late Reign, there were some Counsellors ready to advise the King, to have taken this Advantage against the Bishops: When the neglect of Executing the Parliamentary Writs might have founded more Odious, and have been made more Penal, than any other pretended Misdemeanor of their Lordships.— Dr. K. proceeds to argue, Fifthly :

V. “ I presume the State will not be concern’d to enforce the Execution of that Clause by our Right Reverend Bishops. And therefore Mr. Atterbury’s Persuasions to revive it, must run all upon the Interest of Church and Clergy. And their Interest indeed should obtain and prevail, with Me at least, above many other Political Reasons. But I can never imagine, that all our Divines before Mr. A. should know so little of their Duty or their Interest, as never to Petition the Bishops to execute the *Præmonentes* on them. Surely, some of them were Men of Sense and Reading: At least, they had very good Advocates among the *Civilians*, and they had very Learned Council at the *Common Law*. The Clergy must needs have been able of themselves, or have been sufficiently instructed by Others, not to drop a Privilege that was of any consequence to their Order, or of any prejudice to their Churches Constitution, &c.

I find no manner of Answer in Yours to this Objection. But to be ingenuous, there is a shrewd Answer given in a late Pamphlet, Entituled, *The Power of the Lower House*, p. 21. c. 2. that the Clergy may be excus’d for sitting by unconcern’d, because for near 40 Years they have slept over their Privileges, and All may be suppos’d to have been a continued Dream. But how decently soever this is spoken of his Brethren, He should have put in an Exception of our Fathers; and especially, those whom He calls of that venerable Body. *Prelates of great Experience in Church Affairs, and such as have sate longer in their Sees than almost any of their Order*, (p. 23. c. 2.)

I’ll recite the next Argument of Dr. K.

VI. “ Since the Dispute has been buried in deep Silence and Safety for many Successions in Church and State: It will become a Wise Man to consider, whether now raising the Dispute may not occasion some *Mischiefs*, even greater than the longer Suppression of it.— There may be many ill Consequences. — I. If the *Præmonentes* were to be executed after so long Intermission, it might be the Subject of some unseasonable Difference among the worthy Bishops of our Church. Some might now begin to execute, and some might still forbear. Some might pay a Deference to the Opinion, or to the Example of their Metropolitan. Others might ap-

prehend it a matter of Obedience to the King, within their own *Dioecese*, without respect to the Province. And at this little Difference, tho’ on both sides Inoffensive, some common Enemy might take Advantage, and pretend it a Breach of the *Union of the Church of England*, which it was never more needful to preserve. 2. If it were possible, the Arguments of Mr. A. should prevail at Once upon all our excellent Prelates: Yet it might raise some unhappy Questions in their Ecclesiastical Courts, and the Methods of Proceeding in this *Renovation*.

Several of which are there suggested, particularly with relation to the double Choice of Proctors.

You solve none of these Difficulties in your Letter, nor prescribe any effectual way of Proceeding in this *double Choice*. Which had been proper to do, because in those few Sees where they lately offered to execute the *Præmonentes* Clause, they were under great *Uncertainties*, and took various Ways. For the most part, the Citation of the Clergy to elect, was grounded upon the Archbishop’s Mandate only, to appear in Convocation, without mention of the King’s Writ to appear in Parliament: So as the Clergy came to Election not at all *premonish’d* about executing the King’s Writ. Then again at the Place of Election, they did not make their Choice distinctly upon each distinct Writ, but by one confused Nomination of Proctors upon both the Writs, left it doubtful whether they duly executed either. Such Disorder attended the Aiming to do a thing, of which no body knew how it should be done.

3. “ Again, when one Writ calls to *Westminster*, and the other to *Paul’s*, and this too on the same Day; it may be question’d, whether the same Persons can be chose in that double Capacity; and be so oblig’d to an Impossibility of appearing in two Places at one time.

You seem to think, there was somewhat in this Objection: For You allow several sorts of Answers to it. First, You say, *this Objection is aim’d at a Modern Practice of about Fifteen Years standing only; for the two Writs summon’d always to different Days, till then*, (p. 6. c. 2.) I agree with You, that the Writ for Convocation is so very different in Law from the Writ for Parliament, that they may well keep at a little distance from one another. Before the Reformation, their Distance was commonly many Weeks and Months. Afterward some few Days; and by degrees one Day only; till by inadvertence of later Times, the Writs have prescribed the very same Day for opening the two Assemblies Ecclesiastical and Civil. Let the distinction of Days be restor’d as soon as the Government please. But till that be done, it looks impracticable for the same Men to be bound to appear upon the very same Day before different Persons, at

distant Places, upon a separate Design. You offer to reconcile this Matter, by saying, *Though now the Writs summon to the same Day, yet I hope, it is very possible for the Clergy to meet at St. PAUL's in the Morning, and at WESTMINSTER in the Afternoon, or VICE VERSA, as they please,* ( p. 6. c. 2. ) If this be possible, I am sure 'tis very absurd. If the Morning be the time of opening the Parliament at Westminster, there is no Proviso that I know, to expect the Appearance of such and such Members in the Afternoon. Nor would it be altogether so decent for the Lower Clergy to attend the Archbishop and Prelates in Convocation, before they have attended the King Lords and Commons in Parliament, if they were equally bound to pay their Attendance in both Meetings. And therefore, You do well to allow the Clergy to give Precedency to the King and Parliament. You say, they may do it VICE VERSA, as they please, i. e. may meet at Westminster in the Morning, and at St. Paul's in the Afternoon. But then they may fall under this perplexity, Their Meeting at Westminster in the Morning will make no Figure, and gain no Place, and be indeed to no purpose, but that of making Wise Men smile. While at the same time, their absence from St. Paul's in the Morning, may be denounc'd a Contumacy; for they know by the Form of holding a Convocation, the Archbishop comes to St. Paul's soon after Eight in the Morning; the Prayers, Sermon, Certificate of executing the Mandate, Speech of the Archbishop, leave to chuse a Prolocutor, the Election of Him, and some other Preliminaries are All in the Morning. So that it would be very singular for the Parliamentary Proctors to be all this while at Westminster, and come to Paul's in the Afternoon, when there is nothing at all to be there done. Give me leave to say, You advance a Scheme that is perfectly ridiculous; and, were it to be put in practice, it would confute, and would expose it self and Author in a shameful manner. You are wise enough to seem a little sensible of it; and therefore You try at another Evasion: *It is not expected, nor is it necessary, that the Clergy should appear at both Places; for the last Writ releases the Obligation of the Former in point of PLACE, and gives the Clergy a Latitude in this part of their Obedience. — The Parliament Writ Issues first, being TESTED, that is, bearing date always a Day or two at least before that for the Convocation; which therefore when it follows, ordering the same Persons to attend at a DIFFERENT PLACE, is in this respect a kind of Check or Countermand to the other, leaving the Clergy free to meet first at PAUL's, and to adjourn to WESTMINSTER afterwards, as they shall see occasion.* This Argument of Yours stands upon this Foundation, that the Parliament Writ bears date always a day or two at least before the Convoca-

tion Writ. But is this always so? Has it never hapned, that both Writs have been dated the very same Day, so as you could not tell which was the last to release the Obligation of the Former? Are not You your self conscious, that the Writs have been concurrently Tested? You betray your own knowledge of it, when You say, *The Case is (or should be) thus, the Parliament Writ issues first, &c.* You should plainly tell the prime Minister whom it concerns to issue out the Writs, that He lets the Case be sometimes otherwise than it should be: For You your self have printed the two Copies of the very last two Writs for Parliament and Convocation, both expressly dated on the same Day, Decemb. 26. Regn. 12. But you shall have it granted, if You please, that the Case should be so, and always is so, i. e. the Parliament Writ to bear date a day or two before the Convocation Writ. And then your consequence is, that the last Writ releases the Obligation of the former, i. e. dispenses with the Clergy's Obedience to the Parliament Writ in point of Place. This is a Dispensing Power higher than was ever claim'd by any Arbitrary Prince. No Creature of State in the worst of Reigns, ever advanc'd a Notion of the King's dispensing with the obligation of his Parliamentary Writs; so as to give a Check and Countermand to certain Members not to appear at the Place appointed for the rest. Nay, if the Lower Clergy could be thus legally countermanded, the Writ for Convocation does equally extend to the Prelates as well as to the Clergy, and will equally release their Lordship's Obligation to appear at Westminster. There would be many other Consequences so foul and even fatal to the Church and State, that I am perfectly amaz'd at your way of arguing against all Law and Reason whatsoever.

4. " Farther still, in the larger Dioceses, which  
" are divided into several Archdeaconries, there  
" may a Doubt arise, how they shall chuse Two  
" in every District, and yet return but Two (out  
" of those Eight or Ten suppose,) for the whole  
" Diocese. — If two Proctors should be abso-  
" lutely chose to Parliament in every one of four  
" or five Archdeaconries, and out of this Number  
" Eight or Ten equal Proctors, the Bishop should  
" appoint Two and discharge all the Rest: This  
" as to a Convocation or Synod, might by custom  
" be very regular. But as to Parliament, it might  
" not seem so strictly Legal; because there is no  
" Precedent for it in the Lay-Elections to Parlia-  
" ment. No Sheriff suppose lets the Freehol-  
" ders chuse two Knights for every Hundred, and  
" then takes Two out of All for the whole County.  
You pass over this Difficulty as frivolous; and labour much to wipe away the following Objection.

5. " In fine, the Execution of the Writ would  
" depend

“ depend much upon the Return of it. But what way of Return is there upon the Bishop’s Execution? Shall the Return be made to the Archbishop? His Grace can receive no other Return, but that of the Provincial Writ. Shall the Return be endors’d upon the King’s Writ of Summons? But that Writ is to be lodg’d in the House of Lords; and it is less proper in the Upper House, to testify an Election for Members of some Lower House. Shall a Return of the Concomitant Clause be made separately from the Principal Writ? And, shall such a separate Return be given in to the Clerk of the Crown? Will He think himself concern’d for any other Elections, than those of the Temporal Commons? Is there a way of lodging a Notification in any other Office? And, will such a Notification be sufficient? &c.

You dwell long upon this Objection, as if it were indeed Material. But really, You evade it without coming up to the strength of it. First, You say, A Return in the Parliamentary Sense of the Word, is a Certificate from the Officer, appointed to execute a Writ, that he hath done, as it directs; accompany’d with a Schedule or Indorsement of the Names of the several Persons chosen by Virtue of it. As the Sheriff of every County makes Return of the Writ for choosing Knights, &c. But now, Sir, He that says, such a Return from the Bishop to the King is necessary upon the PRÆMUNIENTES, either knows nothing of these Matters himself, or hopes that no body else does; for from the first framing of the Clause to this Day, no such Return was ever made of it, (p. 7. c. 1.) But who, Sir, ever said, that just such a Return was necessary? Or, who but your self thought, there could be no other manner of Return? A Return upon a Writ is any kind of sufficient Notice given, that the Writ is duly executed. You argue like the Author of P. L. H. that every Bishop is a Ministerial Officer and Instrument only of the King, as much subordinate as any Sheriff of a County; and therefore, if his Lordship make any Return, He must do just as the Sheriff does, or not at all. But this is Fallacy, and a Force upon our Constitution. The Sheriff had this Clause in his Writ, *Electionem in pleno Comitatu factam distincte & aperte sub sigillo tuo & sigillis eorum qui electioni illi interfuerint Nobis in Cancellariam nostram ad Diem & Locum in Breui contentos certificetis indilate*, because the Sheriff had no personal Appearance to make in Parliament, and not coming with the Writ Himself, was properly requir’d to certify the Execution under Hand and Seal. But the Bishops bringing up their own Writs in their own Persons, had no occasion to Indorse them. For, the principal End of the Writ was executed by their Personal Appearance; and the Concomitant Clause of the Writ of premonish-

ing the Clergy, that was notify’d to the King in Chancery, and duly notify’d in a more proper way. The Chapters and Clergy who chose their Parliamentary Proctors, gave them *Procuratorial Letters* to represent them in Parliament. These Letters of Proxy were sometimes directed immediately to the King, *Excellentissimo Principi & Domino Domino* — Sometimes in general to all Men, *Pateat Universis, &c.* and often to Both, One of each Kind. But however directed, they were always design’d to be a Certificate and Return to the King in Chancery; and accordingly they were always deliver’d into Chancery, and there reposit’d among the different Returns of the Lay-Commons to Parliament. You cannot but know this. You own the Fact, tho’ You conceal the Consequence. You say, the Records of the Tower are a plain Proof of the Execution of the *Præmunientes*. Yes! and they are as plain a Proof of the Returns made upon it, when ever it was executed. For in your own words, from the vast heaps of these Records, that lye confus’dly together mouldring in the white Tower, there have lately been retriev’d great Numbers of Original Instruments of Proxy fram’d by the premonish’d Clergy in obedience to this Clause, thro’ all the Reigns of our Princes, down to that of EDWARD the Fourth, with which those Records end, (p. 5. c. 2.) I have been to see many of those Original Instruments, and think them happily retriev’d; for they rise up in Judgment against your great Untruth, That there was no Return of the *Præmunientes*, when every one of these Instruments was an actual Return, delivered actually into the Office of Chancery, and thence transmitted to the Tower; where they lay a Demonstration to the Eyes of Mankind, that while the *Præmunientes* was in earnest executed, there was ALWAYS a Return made of it, by legal Notice to the King in Chancery. Take an Example of it:

*Excellentissimo Principi Domino Domino EDWARDO Dei gratia Regi ANGLIÆ — Capitulum Ecclesie Cathedralis WIGORN’ subjectionem omnimodam cum omni Reverentia & honore debitæ Regiæ Majestati. Noverit Excellentia vestra quod Nos dilectum Nobis in Christo Dominum REGINALDUM DE EVESHAM Rectorem Ecclesie de KYSELINGBURY nostrum Procuratorem verum & legitimum facimus ordinamus & constituimus per Presentes ad faciend’ omnia & singula quæ in Parlamento vestro apud WESTM’ in crastino S. MICHAELIS prox’ futur’ disponent’ Domino celebrando juxta formam vim & effectum Præmunitionis factæ Nobis in hac parte per venerabilem Patrem Dominum ADAM dei gratia WIGORN’ Episcopum facere deberemus. Dantes eisdem potestatem substituendi alium Procuratorem loco sui ad præmissa substitutumq; revocandi & Procuratoris officium reassumendi quotiens & quando viderit oportunum. Ratum habituri & gratum quicquid per*

*eundem REGINALDUM vel substitutum ab eodem nomine nostro factum fuerit in Premissis. In cuius rei testimonium Sigillum nostrum commune fecimus hiis apponi. Dat' in Capitulo nostro WYGORN' 11 Kal. OCTOB. Anno Domini M. CCC. XXXI. (5 Ed. iii.)*

Is not This as Full and Satisfactory a Return, as could possibly be made upon executing the *Præmunientes*? And such were made while the Crown expelled any Execution. But by degrees the Clergy were less and less expected (never fond of Attendance, but when it was to answer the Expectation of their Governours) especially when they gave their Money in *Convocations*, and deny'd at last to give their Money in *Parliamentary Meetings*; then their Attendance was more and more excus'd; for which reason after *Edw. the Third*, we find those Returns in the Tower less frequent and less solemn in the following Reigns. Till by gradual decrease of Custom, there came at last to be no Proxies at all return'd into Chancery; but the Procuratorial Powers for Parliament were slightly mention'd in the same Form of Proxy for the Convocation: And from that time it was known, to signify nothing at all but a formal Mention without a Regular Execution.

It is thus evident, that while the Crown did insist upon Execution of the *Præmunientes*; and while the Clergy had any Notion of paying Obedience to it, so long there were punctual Certificates or Returns made to the King in Chancery. Not a Return endors'd upon the Bishops Writ (as was upon the Sheriffs Writ;) for that had been absurd: But a Return that fully notify'd an Obedience to the Writ; and remain'd in Chancery upon Record among the other Returns to Parliament.

Nay, and for a farther confirmation of Obedience to the King's Precept: If any Bishop did not personally appear in Parliament, but substituted a Proctor for Him; He did then direct his Letter of Proxy to the King, and did certify to Him, that He had executed the *Præmunientes* in his Diocese. And this was another Authentick and Solemn way of Return. This way You know was taken, tho' You slur it off. You say, 'Tis true, when the Bishops excus'd themselves from a Personal Attendance, which by the Writ they were bound to, and appointed their Proctors to appear for them in Parliament, they did NOW AND THEN in their Instruments of Proxy, directed to the King, recite the whole Writ, and mention their Obedience to the warning Clause of it. But such Forms are very RARE, and to be sure therefore SUPERFLUOUS, considering the frequent Occasion there was for them, (p. 7. c. 2.) But for all your Restrictions of now and then, and very rare, 'tis plain, it was the common and the regular Practice; while the Crown, I say, did exact the Execution; and during that time, there

is not one Episcopal Proxy of ten that wants such a certifying the said Execution. To say, *this to be sure was superfluous*, is to charge their Lordships with Impertinence in their solemn Letters to the King; which however true, does not come well from Him, who takes so much pains to put the present Bishops upon a new Trouble, which by his own Arguments is at best a very superfluous thing. 'Tis an odd Exception that You again offer: *Even in the few Forms of this kind, there is never any Specification of the Persons Names, who were chosen upon the Clause there said to be obey'd; which is a constant and necessary Ingredient in every formal Return for the Parliament.* For this again betrays it self: The Reason why the Bishop did not specify the Persons Names, is, because those Names were already specify'd in the Forms of Proxy delivered in, to certify the King of all elected Members. As there was no new specification of Lay Representatives, even for a like Reason, because their Names were before specify'd upon the Sheriff's Writ.

And therefore, You impose most grossly upon the Bishops and their Officers, when You thus prescribe. *All a Bishop hath to do, when he receives this Writ, is to transmit it by Mandate to the Persons concern'd, and to give the same Directions for a Choice upon this Writ, as he doth in his Mandate for the Convocation Writ; and to take care that such a Choice be accordingly made: And when this is done, and He has ordered an Entry of the Forms in the Registry of his See, he hath executed the Writ as legally and effectually as it EVER WAS, or NEED to be Executed.* This is not true. It was otherwise executed by due Notice to the King, and must be so again, if ever the Execution be in earnest required.

You go on, Sir, upon a plain Mistake. *If it be said, How then shall it be known, what Proctors are chosen in Obedience to the warning Clause, if no Return be made of them to the King? I Answer, — Just as it was known in former Ages, when no such Return was made.* But, I assure You, and appeal to the Instruments in the Tower, that the choice of Proctors was better known in former Ages; for solemn Notice to the King was reposit'd in Chancery. You would suggest, that an equivalent Notice is now given, when there is no such Thing. You say, *The Procuratorial Powers under Hand and Seal, which they bring up from their Principals, are the Authentick Evidences of their Choice, and of their Right to appear for them. And these Instruments supply the place of a formal Return.* Such Procuratorial Instruments were indeed a formal Return, when they were made directly upon the *Præmunientes* Clause, and put directly into the King's Registry for Parliament Writs and Returns, the Court of Chancery. But now, when there

there is no such Return made, and indeed seldom distinct Procurational Letters upon the Choice to Parliament, but a Confusion of the same Persons in the same Proxy as well for Parliament as Convocation. Now, such promiscuous Forms of Proxy are not sent to the King, nor can they be received in Chancery: and therefore are no manner of Return for Parliamentary Proctors; who yet cannot legally be Proctors for Parliament without such a Return.

It is a due fate of false Principles to be supported by mistaken Facts. Upon which occasion I must observe, that you apply to this imaginary Scheme, a pretended instance that is a pure Mistake. You make it very observable, that in the several Returns or Certifications, which the several Bishops make upon that Writ to the Archbishop's Mandate (by virtue of a Clause in that Mandate expressly ordering them so to do) they DO, or SHOULD specify the Names only of such Prelates of their Diocese, as they have personally cited: But the Names of the Proctors chosen by the Chapter and Diocese ARE NOT (at least OUGHT NOT to be) return'd by the Bishop, because the Proxy Powers they bring up are supposed to vouch for them. (p. 8. c. 1.) How can you lay down this as matter of Fact, when there is no such thing? And when You your self seem to know it will not bear asserting? For You are forc'd to qualify it with a Supposition, the Bishops do so or should do so; the Names of Proctors are not (or at least ought not to be) return'd by the Bishops. This is rudely to condemn their Lordships for doing in their solemn Acts what they should not and ought not to do. But in Reverence to their Lordships, I must say, they do Well and Right in not doing what you Affirm, nor what You Prescribe, i. e. in not specifying the Names of those only that are personally cited; but in equally specifying the Names of Proctors or chosen Members. As for Example, the Principal of the Suffragans, the Dean of the Province, Lord Bishop of London, in his *Certificatorium* or Return to the Archbishop, when he comes to account for his own Diocese, He specifies not only the Dean and Archdeacons, but the Proctor for the Chapter, and Those for the Diocese: And this his Lordship does by Custom and by Right, and all the other Suffragans do the same. And what just Resentments may their Lordships have against a bold Writer, that to serve a Design of disturbing their returns to Convocation, tells the World a Story of what their Lordships have never done; and then pretends that they ought however to have done so: when yet the Fact and the Right are both directly t'other way.

When you have thus misrepresented the Bishops, and condemn'd their Establish'd Practice; You come with a like censure on the Metropolitan,

which is as weak and groundless. Every Bishop certifies the Archbishop (as they are by Him directed to do) how they have obey'd his Mandate; but the Archbishop himself never certifies the King, how he hath obey'd the Royal Writ. Why? because there are no Words in the King's Writ which direct any such Certification (p. 3. c. 1.) This again is All Precarious and wrong. The Archbishop in his Mandate does not merely Execute the King's Precept, but he does exert his own Metropolitane Power, having License and Request and Command from the King to convene the Prelates and Clergy of his Province before Himself by his own Mandatory Summons. There is indeed a late Writer, who to take away all the remaining Liberties of this National Church, has made the Archbishop the King's Instrument only, and the proper Officer who is to execute the Royal Summons: having in his own Right no summoning Power, but what is purely Ministerial, &c. (Power of Lower House, p. 2. c. 1.) If this were sadly true; If the Archbishop were only a Royal Instrument, and merely Officer to execute a Precept of the King, and all the Bishops were inferior Instruments and subordinate Officers for executing the King's Will and Pleasure only; Then the Call to a Synod would be a bare Execution of a Civil Writ, and then a Return upon that Writ ought to be made to the King; and the now omitting such a Return would be irregular and indeed Illegal. But it has been Always the Ecclesiastical Liberty of this Church, that when the King has sent his Letters to the Archbishop to call a Convocation of his Province; then the Archbishop has Issu'd his own Mandate to All his Suffragans, who are themselves summon'd, and do summon their Clergy in Canonical Obedience to the Archbishop's Mandate, legally Issu'd by Virtue and in pursuance of the King's Writ. So that Returns are always made upon the King's Writ. Because the Ecclesiastical Assembly (by Leave and at Command of the Civil Magistrate) is really conven'd by Ecclesiastical Summons, or the Execution of the Archbishop's Mandate. And this method of Return is it self a Demonstration how You and that Author (we presume the same Man) have done Violence to our Constitution, and prepar'd Fetters for the Church of England, which this Reign at least will never put upon Her.

You have but one more Advice upon this Head, and that is to direct the Bishops how to make a Return upon the *Præmunientes*, when You have told them they ought to make no Return. If any Bishop is still scrupulous, and thinks it his Duty to make such a Return, he hath a very ready and natural way of doing it, by entering on the Back of his Writ,

Writ, a Certificate of his Execution of it, when he brings it up with Him to Parliament (p. 8. c. 1.) You are an unhappy Man in teaching your Superiours a ready and natural way of doing what was never so done: And should Any now do it, it would but defile the Writ of calling the Baron to Parliament, and would in effect turn the Honourable Character of Lord Spiritual into that of a County Sheriff. The way of Return was to lodge the Instruments of Proxy in the King's Court of Chancery: and was for the Bishops if Absent from Parliament to certify the King by Letter that they had done their Duty in that Respect. But as to Endorsing their own Writ of Personal Summons, that they never did, And I believe for all your Instructions, they never will. I pass on to another Argument in Dr. K's Book; p. 316.

VII. "The Lower Clergy were call'd formerly the Commons Spiritual of the Realm, in respect of their giving Money, as every one of the Instances produc'd by Mr. A. does make appear. And if Mr. A. would have the Lower Clergy to be now again warn'd to Parliament, that they may be the Spiritual Commonalty of the Kingdom; they must have the same Power of representing the Clergy as to their property in Spiritualities or Ecclesiastical Benefices, they must do, as was before done, they must tax themselves and their Brethren. — Would not the Temporal Commons think themselves concern'd in this Separation of the Clergy? — would they suffer any Money-Bills but their own? — would it be any Ease to the Clergy themselves? — was not the very method of the Clergy's taxing by Subsidies a Grievance? — were not the Poor Vicars grievously oppress'd in the old Valuation of their Livings? &c.

To this You say, *The Answer to this is Ready, that for above 350 Years no Grant from the Spirituality hath been made by Virtue of this Præmonishing Clause. — And therefore seeing the Clergy granted nothing by this Clause, even when the Execution of it was more regularly kept up, the ceasing of those Grants can never be a Reason why it should cease to be executed now, any more than in former Ages.* (p. 6. c. 1.) But this ready Answer is none at all to them that consider; how the Præmonishing Clause was first inserted in the Bishops Writs, purely for this Reason of bringing the Clergy to Parliament to give their own Money: when they first obey'd this Præmonition, they did so actually give their Money in Parliament; till to exempt themselves from that Burthen of a Parliamentary Attendance, they agreed to give their Money rather in a Provincial Convocation: And by degrees they deny'd to grant any Aid in Parliament. And this was the true Reason, why the Præmunientes was less and

less Executed upon the Clergy. For when the King saw his Occasions of supply as well serv'd in Provincial Meetings of the Clergy as in a National Body; And when the Clergy found, they had no other Privilege or Power that could invite them to Parliament, (being never allow'd a Negative, and never so much as called to Debates, with the Temporal Commons) I say by degrees, the Crown had no Reason to insist upon the strict Attendance of the Lower Clergy in Parliament: And the Clergy had less Reason to chuse and prefer such Attendance. So that from this Time the King kept up the formal Command of Præmonishing, only for a Hold upon the Clergy, that he might still require their Aid in Parliament, if they should at any Time deny Him a Reasonable Aid in Convocation: And the Clergy from henceforth more and more loosely obey'd the Præmunientes, because they knew the King and the States to be very Indifferent in the Matter; and as for themselves, they alway thought it their own Interest to wear off the Obligation of it. However, Giving Money was still thought a Parliamentary Act, and was to be reputed as done in a Parliamentary way. Hence two Provincial Convocations of the English Clergy were judg'd to be accepted by the Crown, and by the whole Legislature as an Equivalent to the one Parliamentary Assembly of 'em. And what Subsidies soever they gave in Convocations, were as valid and Legal as if they had been given in Parliament. Till K. Hen. 8th to bring the Clergy more depending on the Civil power, would have the Subsidies granted in Convocation to be afterwards confirm'd in Parliament: And yet Benevolences of the Convocational Clergy with Royal Licence to make Canons for raising them were still good without any Parliamentary Ratification of 'em. So as the Clergy still knew, they had as many Privileges, Rights, and Interests in Convocation, as they could hope for in Parliament. So that from the Reign of Hen. VIII. they came off more and more from their Parliamentary Attendance, they did no longer deliver their Forms of Proxy into the Court of Chancery for a solemn Return of Obedience to the Writ. Nay, they now rarely made any distinct Form of Proxy upon the Præmonitory Clause, but threw a slight mention of it only into the Proxy upon the Archbishop's Mandate, by which means they had made very little of it from the Time of settled Reformation to the Return of K. Ch. II. And then a Juncture hapned when they had Reason to bring it to Nothing at all. For then the Clergy dropt their continued Right of giving their own Money; and from that Time the Præmonishing Clause was known to be so very Insignificant, that for ought we find from 1663. to 1701. No one Bishop ever order'd



orderd the Execution of it: No one *Proffor* was ever chose upon that Title, and no mention of it was made in any one Form of Proxy to Convocation. And at this final Dissuetude and Extinction of it, the Civil Government was fully *satisfy'd*; the Bench of Bishops and their whole Clergy *acquiesced* in it; nor did one single Writer ever Disturb the World about it: Nay, Dr. A. himself in the first Edition of his Book did not find out the Execution of this Clause to be any of the *Rights, Powers, or Privileges* of the *English Clergy*: Till upon a new Prospect He entred upon a new Design of exempting the Lower Clergy from the Præsidency of the Archbishop in Convocation; which He could not better do, than by setting up for a *Parliamentary Call* of the Clergy, to give them a *Civil Capacity*; and make them a *House Independent* on the Archbishop, and coordinate with the Bishops; a *House* in the *Parliamentary Sense* of the word. Hence all that Noise and Fierceness about Admonishing Threatning and Demanding the Bishops to execute a Clause of Præmonishing the Clergy to Parliament: when neither King, Lords, Commons, Judges, nor any One *English Subject* ever thought of it.

I'll now give You the substance of Dr. Kennett's last Argument against the execution of the *Præmunientes*.

VIII. " I doubt, there is one more danger in restoring the Execution of the *Premunientes Clause*, which does very much affect the whole Body of the Rural Clergy—which is *This*, All Parsons and Vicars have a Right to Vote for the *Knights* that are to represent the Freeholders of the County.— The Learned in History and Law will tell us, that this Privilege may be in some danger upon Execution of the *Præmonitory Clause*. — This was *Law*, that the Subjects of *England* could be represented in Parliament but in one Capacity, either Spiritual or Temporal: And this was *Fact*, that the Incumbents of Parochial Churches (as such) did vote only for the *Diocesan Proffors*, not for the County Members. — Our present Right of voting in Lay Elections does depend on the constitution of *Taxing*. While the Temporal Commons Tax the Clergy as well as the Laity, they must be Representatives of the *One*, as well as of the *Other*.— For it is a fundamental Law of this Kingdom, that no Subjects shall be *tax'd* but by their own consent in Parliament. But then, if we change the present Constitution, upon which this Liberty of *Voting* does depend: if we will again be Represented by our own Proffors in Parliament, and send up our consent to Taxes by them; We cut Our selves off from the Lay Commons, and we can give

" them no vote to *Represent* us, if we give them  
 " no Power to *Conclude* us.— Which would  
 " be such a Lessening of the Clergy's Interest (to  
 " say no worse) that no Man is their Friend  
 " and Brother, who would hazard the Retrieving  
 " of a Project so *Injurious* to them.

I wonder, Sir, You should not think of a little Answer to *This*: Because 'tis an Argument as they call it *ad Hominem*, and touches the Free-hold of all our Parochial Clergy. You know how often a Disaffected Party have question'd the *Parsons Votes* in County Elections. You know, it has been Resolv'd, that those who serve Personally in One House cannot vote for Representatives in Another. You know the Clergy Men were first excluded from serving in the *House of Commons*, because they were said to be Represented in another House. You know, how Natural it would be to exclude them from *Voting* as well as from *Representing*; if the Country be made sensible that the Clergy have took up another way of chusing Members of their own upon another *Parliamentary Writ* to appear before the King, the same day at *Westminster*.

You have one or two more Assertions which have not yet fell in my way, that I must now inform You are very *Apparent Mistakes*. Such as these that follow.

From the poor Remains of Convocation Records, left us since the Act of Submission, we learn, that the *CONSTANT Practice* was, in the Front of the Acts of EVERY Synod, to enter the King's *Parliament Writ* with this Clause, as well as that to the *Archbishops* for calling the Clergy of his Province — I appeal to the Original Acts of the Convocations of *YORK Province*, for the truth of this Assertion; and to the Authentick *Extracts* which we have from those of the Province of *CANTERBURY*: and if you find whensoever You shall have the Opportunity of consulting them, that I deceive You, I am contented to forfeit all the credit I have with You, or any other Good Man for ever. In the *York Acts*, which reach from 1545. downwards, the very Original Writ which Summons the Archbishop and the Clergy of his Diocese to Parliament is *OFTEN* sow'd in, (p. 5. c. 2.) I must tell You, that I have had opportunity to see several Extracts of the Acts of Convocation of the Province of *Canterbury*: Besides the entire Acts of some whole Convocations. And find no ground for such a Representation as you here make of this matter. And I hear from the most credible Persons who have seen the *York Acts*, that the Original Writ to Parliament is not *OFTEN* sow'd in; but Twice only; and one of those two Writs appears rather to be cancell'd, than to leave any Sign of it's being there in a proper Place. This is true, tho' directly contrary to what You affirm. And therefore I must claim  
 your

your own confession of *forfeiting all the Credit You have with Me or any other Good Man.*

You fall soon after into another Assertion, that I apprehend to be very false: You observe right, it would be some Perplexity and Confusion if any Chapter or Diocese would send up different Proctors upon the different Writs to Convocation and Parliament. But then you assert, that *the Custom and Usage of Convocation, which is the Law of Convocation, hath long ago determined this Difficulty, even from the time that the joint issuing of these two Writs was fixt and agreed upon: since when there is no One Instance of the Clergy's returning different Proctors by the One and by the Other: But the same Persons have been Always commission'd to act upon Both Writs, &c. (p. 6. c. 2.)* I beg you to consider, that you will not find This True in any one of those great Numbers of Original Instruments of Proxy, that You refer to in the Tower. They are All made upon the Parliamentary Writ only; no Instance of the same Persons commission'd to act upon both Writs: Though both Writs Provincial and Diocesan had been long in use, and were sometimes of a pretty near Concurrence. I never saw a Procuratorial Instrument of this double Nature before the Reformation. Since that time indeed the same Letters of Proxy were made to serve for the same Persons in each Capacity of doubly Representing the Clergy in Parliament and in Convocation. But this was only an Argument, that the Execution of the Writs was to be no longer distinguished; and therefore distinct Persons to be no longer chose; nor distinct Forms of Proxy given to the same Persons. To keep up a Shadow only, the same Form should as it were seem to send them to appear before the King in Parliament as well as before the Archbishop in Convocation, though they were elected for, return'd to, and appear'd in, the Latter only. It was yet a greater Jest in the Province of York, that the same Persons in the same Instrument should be constituted to Appear within a day or two at York in Convocation, and at Westminster in Parliament. And therefore in that Province, even since the Reformation, there seem to be some kind of Instances of different Proctors constituted upon the different Writs; till they found the *Præmunientes* so very Useless, that it was not worth a particular Trouble; and by degrees did not trouble themselves at all about it.

You have a pretty way of answering the difficulty in relation to the Clergy of YORK Province, who are call'd to attend at WESTMINSTER. But the succeeding Writ which commands them to attend at St. PETER'S YORK, doth in that respect vacate the former; and their attending at home shall be reputed and accepted as a sufficient Attendance on the

Parliament. (p. 6. c. 2.) This answering one difficulty creates many greater. For how if the two Writs are concurrent or of equal date? (as You know it has happen'd) which then is the succeeding Writ to vacate the former? But if One Writ should keep a due distance from the Other; Are You sure the following Writ can vacate, i. e. at least dispense with the antecedent Writ? Dispensing Power is at present, we thank God, no taking Doctrine. Especially for a Parliament Writ under the Great Seal to be dispens'd with, and even vacated, by a Convocation Writ under the Privy Seal, I heartily hope is not Law. But if your Opinion, Sir, could make it so: I am sure your own Cause suffers most by it: For if the *Præmunientes* or Express Call to Parliament and Place of Parliament be countermanded and vacated, what need it to be executed? If the Obligation be void, the Execution is indeed arbitrary and illegal. I have before observ'd, that You extend this Dispensation to Canterbury Province as well as to York, and say, that tho' the Clergy be summon'd to Westminster by the *Præmunientes Clause*, yet being summon'd to Pauls by the Provincial Writ, the Last Writ releases the Obligation of the former. If it really does so, Ask any Man of common Sense, how You can execute a Writ, when the main Obligation is releas'd? You may as well talk of suing a Bond when it is cancell'd; or executing a Decree after it is revert.

I'll point to one more of your positive Assertions, wherein you are so far mistaken, that you contradict your self for it. You say, *the Intention of the second Writ (that for the Convocation) manifestly is to call up the VERY SAME Persons as are chosen by the Parliament Writ, (p. 7. c. 1.)* By the very same, I can understand no less than All the same, and none but the same. And yet there was an apparent Difference in the number and quality of the Clergy in Convocation distinct from the Clergy in Parliament, and more were return'd on the Provincial Writ than were on the Warning Clause. This is still true, and was more especially, in our Province, and appears more so in the Province of York, even since the Reformation. So evident, that you confess it. *More of the Clergy have been comprehended in such (Convocational) Grants, than were included in that (Parliamentary) Summons, to wit, the Regulars and several Others, in Popish times; and the Deans and Chapters of Collegiate Churches since the Reformation, (p. 6. c. 1.)* And yet You come afterward to say, that the two Writs call up the very same Persons, when indeed the Parliament Writs call up the Clergy of the whole Nation: The Convocation Writs call only the Clergy of one Province.

Yet

Yet in each of these Provinces more of our Clergy have a Right to Convocation, than Those that are cited to Parliament.

I have now done with every thing that has the shew of an Argument or an Objection in your Letter. I did expect to meet with some moving Reasons of *Honour* and *Interest* to the Church and Clergy, by restoring the Execution of the Call to Parliament. And such Reasons I will assure you should have had their full Weight with Me. But You offer nothing of that nature. Nothing to prove the Clergy would have one *Mite* more of Privilege or Power if warn'd to Parliament, than if cited to Convocation only. So that the Effect of it (if You could bring it to Effect) stands upon your own Account for nothing but an *Elaborate Trifle*.

As to your Flights and alluding Fancies on the matter, I have nothing to do but to pity them. *The Præmunientes Clause is the very Ground-Work and Basis of all the Interest which the Lower Clergy of this Church have in the State — by which the Members have been many a time a sure Barrier to the Liberties of those they Represented, and*

*a Screen to them from the Oppression of their Superiours. And to let go this Clause therefore, is to loosen the Sheet Anchor from the Ship, by which alone, if by any thing, it must be enabled to ride safely in the worst of Weathers, ( p. 5. c. 1. )* At reading this and other Strokes in your Letter, I cannot but smile at your reflecting on a late Writer for his *Declaiming* and his *Harangues, a variety of false Colours, dress'd up in big Words, after his florid manner, ( p. 8. c. 1. )* I confess a flourishing Style is not well suited to a dry Point of History and Law, but 'tis never less excusable, than when it vapours into Railing at Superiours; and applies Sacred Scripture it self to the same Accusation, as I am sorry to find You do. For as *H. Peters* began with *Curse ye Meroz* — so You end with as loud a Call, *Be of good Courage, and let us play the Men for our People, and for the Cities of our God.* I pray that God may forgive You, and in so doing,

I am

Your Affectionate Friend.

## P. S.

**I**F You hear of any Person that requires farther satisfaction in this *Case of the Præmunientes*, and is not yet convinc'd, That to press the Execution of it, can serve no Design but that of a spiritual Sedition. Pray direct Him to the late Books, Entitled, *Ecclesiastical Synods and Parliamentary Convocations, &c. Octavo.* from p. 265, to 321, and *An Occasional Letter on the Subject of English Convocations*, by the same Author, from p. 91, to p. 137. where He will find at large the History of this Clause: The first Occasion of it to get Money: The Complaints of the Clergy, till they obtain'd a Relaxation of it: Their contrivance to evade it, by giving their Money in Convocations: Our Prin-

ces then accepting such *Provincial Assemblies* of the Clergy, instead of their *National Attendance* in Parliament: Then however keeping up the *Shadow*, that the Crown upon great occasions might resume the Substance of it: At last, by degrees and universal consent, letting the very *Shadow* of it vanish; till it rested in silence, without any Offence to our Princes, without any Jealousy to our Parliaments, without any Scruple of our Judges, without any Claim of our Bishops or Clergy, without the least Objection of any one Writer before *Dr. Atterbury*; He made upon occasion the first Plea for executing this Clause, and I believe He will have the honour to make the last.

C

Answer

## Answer to the SECOND LETTER, &c.

To the same Author.

S I R,

**I**F I had seen your *Second Letter to a Clergy Man in the Country*, dated Dec. 10. before these Sheets were in the Press, it would not have oblig'd me to alter any thing I wrote. But really it confirms Me in the Opinion, that your *Cause* is now capable of nothing but hardy Countenance and Slight of Hand. You were sufficiently told by your Friends, that You had run into very foul Mistakes in that *first Letter*. Upon this, You only resolve in some *second Paper* to bring your self off as well as you can.

First then, You had asserted a direct Falshood, p. 5. c. 2. that in order of executing the Præmonitory Clause, *the constant Practice was in the Front of the AEs of every Synod to enter the King's Parliament Writ*. Every body that had seen the AEs of any one Synod, knew this to be false. But to make it bear an Image of Truth, you say now, *That in the Transcripts and Extracts from the Upper House Book of CANTERBURY Province, particular Notice is taken of those several Parliament Writs, as entred in those AEs, viz. for the Parliaments which met 2 Apr. 1571, 8 May 1572, &c.— mention made of them in these or the like Words, The KING's WRIT TO SIT IN PARLIAMENT, or the KING's WRIT TO THE ARCHBISHOP FOR THE PARLIAMENT. And there is also a distinct Entry in every Case made of the King's Writ of Convocation. These last Words betray the former. For, if there be a distinct Entry of the Convocation Writ, there would have been as distinct an Entry of the Parliament Writ, if it had been for equal Execution. What signifies an occasional Hint of a Parliament Writ, (because the Sitting of Convocation was govern'd by the Sitting of Parliament,) when there is not so much as any Hint of its being Executed? Or, What signifies a slight mention in some Transcripts and Extracts, when in some others (that exceed in Authority and perhaps in Number,) there is no mention at all? Nay, and what signifies the wording of Extracts, when we have some Original AE Books within the times of Reformation, that say not a word of the Parliament Writ? And after all, none but you your self have seen Authentick Extracts and Transcripts of all those Years to which you refer. Nay, in one at least of those Convocations, there could be no Original AEs, and therefore no Transcript from 'em.*

Secondly, You had asserted another egregious Mistake, p. 5. c. 2. *That in the YORK AEs which reach from 1545 downwards, the very Original Writ which summons the Archbishop and the Clergy of his Diocese to Parliament, is OFTEN sow'd in. Often you know, must be at least more than once or twice. And this You prefac'd with a Declaration, That if upon your Friend's opportunity of consulting, He found you deceiv'd Him, you would be content to forfeit all the Credit you had with Him, or with any other good Man for ever. And yet the Misfortune is, You were presently told, that You had really deceiv'd your Friend and your Self. For instead of Writs often sow'd in, now upon a more exact and careful Review of your Papers, you find not any Note there of more than two Original Writs, and of one above half is torn off. I can tell, you had not this Discovery of your Error from your own Papers, but from better Information. Yet neither were these two Original Writs sow'd in with any design of Execution, or with any relation to the Synod: But they were put there to preserve 'em from being lost: And the half of one seems purposely torn away, to shew, it did not strictly belong to that Place. But, I had best leave this matter to another solemn Attestation: For there is no way of convicting some Men but upon Oath, nor upon that neither, if their own Word may be taken. But, see how naturally one Mistake begets another. You say in this last Letter, *The Original Parliament Writ being us'd to be affixed to the Convocation AEs by the Drawer of them, to save himself the trouble of copying it; they were in process of time easily torn out and imbezled. But, what if the Archbishops used to leave their Convocation Writ only at York, and to carry away their Parliament Writ to Westminster? Then the Original Writs to Parliament could not be usually affixed to the York AEs; for they were hardly left behind, but when the Archbishop, did not go up to Parliament; which possibly they very seldom omitted.**

Thirdly, You had argued upon another plain Mistake, p. 6. c. 2. *that the last Writ (to Convocation) releases the obligation of the former (to Parliament) as to Place: When yet there is no First or Last, but both are dated on the same Day. To bring your self off here, you tell your Friend, Sir, if you consider my words well, you will find that I am arguing there, not from the PRESENT but ELDER Usage. And yet, if your Friend consider better,*

He

He will find this to be false: He'll find you there arguing not upon the *Elder*, but upon the very present *Usage*. You had indeed been just before observing the modern Practice of the two Writs *summoning to the same Day*, which till about 15 Years ago *summon'd always to different Days*. But you had not said a word of the two Writs being *tested the same Day*, which should have been tested as formerly on *different Days*. However, your Argument begins upon the present *Usage*. Though NOW they *summon to the same day*, — Even NOW the last Writ in truth releases the obligation of the former, — and still the Case IS (or should be) *thus*. The Parliament Writ Issues FIRST, being tested ALWAY a Day or two at least before that for Convocation, which therefore when it follows — is a Check or Countermand to the other. You apply this to the present State of the Clergy, who are NOW left free to meet first at *Paul's*, and to adjourn to *Westminster* afterwards: As the *York* Clergy by virtue of the same Release are NOW allow'd to attend at home, and are excus'd from coming up to *Westminster*. Can you in this second Letter deny the Meaning of the former; unless you have a right to mean one thing, when your words must needs mean another?

Fourthly, You had been guilty of another evident mistake, p. 8. c. 1. that in the several Returns which the Bishops make to the Archbishop's Mandate, they specify the names only of those that are Personally cited, not of the elected Proctors. All People that had seen a Return trusted their own Eyes, that this was False; and found the Bishop did specify the Proctors as well as the Deans and Archdeacons. To salve this, You come in your second Letter to confess, that indeed the Practice is otherwise: therefore you desire, that your words may be weighed again, that you may be found speaking, not of what the Bishops DO, but of what they are OBLIG'D to do. If this be true that You meant so; then your Meaning as You explain your self is *this*, the Bishops make false returns, and actually do contrary to what they are oblig'd to do. A way of Reflecting that directs us to the Author of both Letters; For none but Dr. A. could have taken such a Liberty. Yet the first Letter did more decently presume the Bishops to DO their Duty, they do (or should) specify the Names of them only that are personally Cited— the names of the Proctors are not (at least ought not to be) Return'd by the Bishop. Do not these words refer somewhat to their Lordships Practice, as well as altogether to their Obligation? But after all, as their Lordships do not omit the Names of the Capital and Diocesan Proctors; so neither are they oblig'd to any such Omission. Their Lordships now do, as of Right and Custom they

ought to do. You say, By the Archbishop's Mandate, which directs them to certify their execution of it to Him, *per Literas eorum Patentes Nomina & Cognomina omnium & singulorum per eos respective citatorum continentes*. By this, You say, they are bound to return the Names of such Alone as have a Personal Right of Attending. Why so? Are none Cited to appear but the Personal Members, as Deans and Archdeacons? Are not Chapters and Dioceses expressly cited to appear by their Proctors? And are not such Proctors as soon as elected to be thought regularly Cited to Convocation? Can the Bishop make a sufficient Return, if He leave out the Names of perhaps one half or more of the Members within his Diocese? Or should He give a Reason of such Omission, that none of the Proctors are Cited to be Convocational Members? Alas! there is more Reason to return the Names of the Proctors, than even of the Deans and Archdeacons; For these latter being standing Members in *propriis Personis*, 'tis Easy to know who they are. But the Proctors being Elective and Changeable, the Archbishop could not be duly certified of their Persons, without a Return of their Names.

You see now in all the four Instances, You had better have left 'em to Answer for themselves; than to make a second Letter of Apologies, only to prove the Errors and Obstinacy greater.

You could not close your last Letter, without telling a Piece of news as you call it. That notwithstanding a late solemn Attestation under the Hand of a Publick Notary, concerning the want of a certain Clause in seventy Archiepiscopal Mandates; yet in the very Registers of the Archbishop, to which this Attestation refers, there is more than one Mandate with this very Clause in it. I must tell You, this News of Yours is False and Scandalous. There is All the Proof of which a matter of Fact is capable, that the Attestation of Mr. Tyllot prefix to the Right of the Archbishop, &c. is strictly and entirely true: That no one of those seventy Mandates, nor of many others, have any such Clause: And that in all the Registers of the Archbishop, there is not (as You affirm) more than one Mandate, nay, not so much as one Mandate, with that very Clause in it. You don't believe your self, when You make your Friend believe so: For You immediately throw it upon a Proverbial Lyar Fame. Yet FAME says that such Mandates there are in those very Registers. I know those Registers have been searcht more narrowly of late, than ever since the first compiling of them; by Dr. Wake, Dr. Hody, Dr. Atterbury, Mr. Tyllot, and several others. I appeal to the Memory and Conscience of every one of them, whether they ever met with any such Clause in any

any one Mandate of all those Volumes. They are still open to any Persons: Let a narrower Search if possible be made; and let us see any such Citation brought fairly out of 'em. You say, *there is ground to believe that the Editor of the Book about the Archbishop's SOLE POWER was not wholly a Stranger to them, at the moment He published Mr. Tillot's Attestation.* What ground in the World to believe such a Slander! I am satisfy'd that Author was *then* a *Stranger*, and is so *Still*, to any such Mandates in those Registers. He had heard indeed of *one* such Mandate in some *other* Registers, not of the Archbishops: And *this* He did sufficiently acknowledge; and did rightly account for the Reason of it. He has since heard, that there is *one more*, nigh the same time upon the

same occasion. But *this* does not any way affect the Attestation, which is still *Literally True*: and therefore is so far from *being suffered to impose upon the World*, as you call it: that your Denial of it's Truth is the Alone shameful *Imposition*. If Dr. A could have evicted that Attestation of Falshood, can You imagine He would let it pass upon *the World* ( as you observe ) for *six weeks together*? Or would You thus only *cover it*, when You stand up now to confute it? Your cause will be given up for gone with all honest Mankind, when it can be no longer supported with Sincerity and Plainness; when the last Resort is to great Untruths, to Ambiguous Reserves, and to the Artifices of *Deceiving*.

## F I N I S.

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*BOOKS printed for Richard Sare at Grays-Inn-Gate in Holborn.*

**T**HE Authority of Christian Princes over their Ecclesiastical Synods asserted, with particular respect to the Convocations of the Clergy of the Realm, and Church of *England*; occasioned by a late Pamphlet, Intituled, *A Letter to a Convocation-man*, Octav.

An Appeal to all the true Members of the Church of *England*, in behalf of the King's Supremacy, as by Law established, by our Convocations approved, and by our most eminent Bishops and Clergy-men stated and defended, against both the Popish and Fanatical Opposers of it.

Both by Dr. *William Wake*.

A Brief Inquiry into the Ground, Authority, and Rights of Ecclesiastical Synods, upon the Principles of Scripture and right Reason; occasioned by a late Book, Intituled, *Municipium Ecclesiasticum*, &c. Octav. price 6 d.

A Reconciling LETTER upon the late Differences about *Convocational* Rights and Proceedings, as manag'd by those who have maintain'd the Liberties of the *Lower Clergy*.

**T**HERE is in the PRESS, *The State of the Church and Clergy of ENGLAND*, faithfully Represented from the *Saxon Times* to the present Century: Wherein the Constitution of *Ecclesiastical Synods* and *State Convocations*, with respect to the *King's Supremacy* and the *Archbishop's Right*, is asserted against the pernicious Principles and mistaken Facts of Dr. *Atterbury's* Writings, in *Fol.*

































