BRIEF

REMARKS

UPON THE

Dispute adjusted,

ABOUT THE

Proper Time of applying for a Repeal of the CORPORATION and TEST ACTS, by shewing *that no Time is proper.*

In a LETTER to a FRIEND.

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SIR,

Sat down one Evening and made the following Remarks for my own Entertainment, without consulting any Book, or any Friend; which I mention, only because I wholly trusted to Memory for Facts; though, I hope, upon a Review, I shall not be found to have made any considerable Mistake in them. I send them you at your Desire, and leave you to make any Use of them you think fit.

This Author has seen fit so far to *make himself a Party* in the present Controversy among the Dissenters, about the proper Time to seek Relief in Parliament from the *Corporation* and *Test* Acts,

as to undertake to ſhew, that *no Time is proper*; that is, that the Diſpute it ſelf is without any Subject or Foundation, and is wholly trifling and impertinent: A pretty free Cenſure in a Stander by, upon a whole Body of Men, who have many among them better able to judge of their own Intereſt, and preſume he has not the Direction of the Legiſlature; and which, upon that Account, muſt be either very aſſuming, or very impertinent.

What he ſays, to this Purpoſe, may be reduced to the following Points: The original Deſign of the Corporation and Teſt Acts; their not being removed at the Revolution; ſome of the Diſſenters being againſt a Church-Eſtabliſhment; the Neceſſity of it to keep out the Papiſts; the no Pretence of natural Rights, and the Examples of other Countries.

P. 6. He ſays, the *Corporation and Teſt Acts were deſigned for the Security and Support of the Conſtitution in Church and State*, and that the Corporation Act *was wholly levelled againſt the Diſſenters.* This, I think, is not exactly ſo, becauſe the *Corporation*

poration Act passed some Time before the Act of *Uniformity*, which settled the present Constitution of the Church, and before there were any Dissenters, properly speaking, in the Kingdom. The former passed in *December* 61. the latter not till *May* 62. But by whom was it thus designed and levelled? By those who set the Terms of Conformity so high, not to comprehend, but purposely to exclude the Dissenters; and who were evidently acted by a Spirit of Rancour and Resentment, owing very much to the Troubles and Sufferings of the former Times. It was the violent Bigots, and the mere worldly Politicians, who devised this Security; and, as appeared more plainly afterwards, not without the secret Influence of Popish Councils too. And has it been always such a *Security* and *Support?* Not in the Reign of King *James*, or in the Time of *Sacheverel*; in the former of which, the Church, notwithstanding those Acts, was really in the greatest Danger; and in the latter, there was the loudest Pretence of it, and the whole Nation rung with the Noise of it. Surely the Strength and Safety of any Government lies not in narrowing, but in widening the Foundations

tions of it, and employing all who are well affected to it, and in giving the Preference to those who have the greatest Affection to it.

Besides, what have the *Corporation* and *Test* Acts to do with the *Constitution* of the Church? Would not that be just the same it was, both in its spiritual and temporal Constitution, notwithstanding? Would the Repeal of these Acts alter the Hierarchy, or touch the Preferments of it? As to the Dissenters Concurrence to pass the Test, which was only designed against the Papists, a *Merit* it really was, if the greatest Self-denial for Publick Good, be any Merit; and *Encouragement* was given them to expect Relief, without *Pretence*, and beyond Contradiction, if this Author need to be informed of the Truth of it.

That the *Legislature at the Revolution did not think fit to exempt, but include the Dissenters under the Disabilities and Penalties of those Acts*, was against the express Recommendation of the *Crown*, and the Sense of many of the greatest Men, who sat in both Houses, and were the best affected, and bore the greatest

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Share in the Revolution. And the *Reasons* of the protesting Lords who were for that Repeal, so wise and well weighed, may justly be laid in the Ballance against the mere Numbers who were against it. It was owing to the Narrowness and Violence of some leading Members of both Houses, under the Influence of some of the Clergy, and the high Principles in which they were bred in the former Reigns. But this cannot be mentioned with Honour to the Church, when the Bishops but just before, in the Time of their Distress, had made a publick Profession of their "Readiness to "come to Temper with the Protestant "Dissenters, when that Matter should "come to be considered in Parliament," and which had a particular Relation to the holding Places in the Government. Will nothing but Distress make Men wise and temperate? And it was not the *Church* and the *Clergy* who carried the Toleration, but opposed it. It was by the Influence of the *State*, and the moderate Part of the Lords and Commons of *England*, as the Reformation from Popery was at first; and so, I doubt, must all our Relief, and every Amend-

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ment be, in any other Instance, or any future Time.

P. 8. He says, *The present Attempt would let those into Places of Power and Trust, who think the Service of the Church sinful, and themselves bound to abolish it.* There is a great Concern every where discover'd, to engross the Places of Power and Trust to one Set of Men: But the Repeal of these Acts would not let any *Dissenter* into any Places of Power and Trust *in the Church*, nor qualify the best of them, for the meanest Dignity or Preferment in it. There are other Bars and Securities left, sufficient to guard the Church, and exclude them; as *Subscriptions*, the *Canonical Oath*, &c. The *strictest* sort of Dissenters think they have the *natural* Rights of Fellow-Subjects, as well as of their own way of Worship; but how does it appear that they have a *rooted Aversion to the Church, and think themselves bound in Conscience to destroy it?* On the contrary, I believe they are, in Principle and Conscience, for other Mens enjoying *their* Liberty, as well as for enjoying their own, and are willing to leave the Church to it self, and to stand or fall

by its own Evidence and Strength: But if they had, how does *this* give them any Power to do it? *They* only have the Power to alter the Constitution of the Church, who are entrusted with the Honour of sitting in Parliament, where there is no sacramental Test required, but only the Security of civil Oaths. But how much greater a Part of the Dissenters are friendly and brotherly disposed to the Church, and have always professed a Readiness to submit to *reasonable Accommodations*, in Matters of Scruple to them, and of no possible Disadvantage to the Church, some of which *they* think *sinful*, and the *Church* declares are *indifferent*; as appears by the Proposals at the *Savoy Conference*, and some Overtures at the *Revolution*, though nothing could be obtained at either, of the smallest Consequence, to so great an End. We are content to leave the Merits of the Cause to the two great Combitants referred to: The impartial World, and more impartial Posterity, will judge between them. I shall only make a single Remark upon his three Remarks: "That "the same Test which is allowed by the "Legislature to qualify Members of "Parliament for the greatest Trust in

" the Kingdom, is ſufficient to qualify
" for Places in Corporations, or any
" inferior Poſts in the Government;
" and that Teſt is *found out* already.

P. 10. But *why did the Legiſlature appoint the ſacramental Teſt in the ſame Act, over and above the Oath of Allegiance and Supremacy, and the Declaration againſt Tranſubſtantiation, if they did not think it neceſſary to exclude the Papiſts?* Suppoſe they thought it neceſſary at that Time, and when a Popiſh Succeſſor was in view. That is not the Caſe at preſent: But what if the Legiſlature was miſtaken? Is every Thing always right becauſe a Legiſlature once thinks it fit? Or muſt it be therefore always fit, becauſe it was fit at that time? Then no Law muſt ever be repealed. And there were violent Acts made at that Time againſt the Diſſenters, and vigorouſly executed too; as the *five Mile Act* made at *Oxford* in the very Time of the great Plague, which, I believe, every ſober Church-man in *England* is now aſhamed of. What if Circumſtances are greatly altered ſince? What if Experience has taught them better? What if they ſee further into the Nature of civil Liberty?

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What if they are less prejudiced than they were at that Time? It was not the merely communicating once with the Church of *England* to qualify for a Place, which was the Reason of the Pope's Prohibition to the *Roman* Catholicks, in Queen *Elizabeth*'s Time; but their constant going to Church, which was apprehended would, by Degrees, reconcile their Minds to the Protestant Church, and alienate them from the Church of *Rome*, and which therefore extended to all the Protestant Worship, as well as to the Sacrament, and forbid all Communion in it.

And what if the Test it self has been *dispensed* with too, *for the Good of the Catholick Cause?* 'Tis hard to assign a Reason why it mayn't, as well as Oaths; and we are informed of several Instances of it in *Ireland*, upon some special Occasions. And why, I desire to know, should the *Sacrament* be looked upon as greater Security than *Oaths and Declarations?* To be sure, no honest Man can break through these; and dishonest Men, who have no Regard to God, or Leavings of Conscience, may break thro' any other. An Oath is a natural Obligation

upon the Conſcience of every reaſonable Creature, who only believes the Being of a God, whether a Chriſtian or a Jew, a Mahometan or a Pagan, as 'tis a ſolemn Appeal to his infinite Knowledge and Power; whereas the Sacrament, in a Proteſtant Church, is no Sacrament in the Judgment of a Papiſt, but only eating Bread and drinking Wine, having no *Conſecration* of a Prieſt, or being *tranſubſtantiated* into the Body and Blood of Chriſt, which is the *eſſential Form* of the Sacrament in his Account. How ſhould that bind him ſtronger than any thing elſe, which has really no manner of Force in it ſelf; or be an *Acknowledgment* of a *true Church and Miniſtry*, which in him, is no Chriſtian Worſhip at all?

P. 11. When the Author ſays, *That Government is founded in the Abridgment of natural Rights*; that can only be underſtood of the *actual* Exerciſe of them, not of a *Capacity* of them; for that has a Tendency to ſubvert the Foundation of Government, and introduce a general Diſſatisfaction, as contrary to natural Equity and Reaſon. Though every Man cannot be actually employed in Places in the Government, yet every Man ought

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to be left capable of holding them, in proper Circumstances. The *possessing an Estate of a certain Value*, and holding certain religious *Principles*, are very different Things; the one may be a wise Provision for the greater Ease and Safety of a Government, when the other has nothing to do with it: For why mayn't Men be, in every Respect, as capable and qualified to serve and secure the Government, who are of different religious Opinions, and Ways of Worship, as those who are of the established ones, provided they hold no Opinion inconsistent, or prejudicial in any respect to its Welfare, and are known to be thoroughly well affected to it? That is an Affair of another Nature, and which wholly relates to God, and a Man's own Conscience, and not to the civil Government. If therefore the Law requires a Man to be of such a certain *Value* to be capable of voting for Members, or of serving in Parliament, for common Convenience, or greater Security to the Government, that don't at all affect his religious Principles, but only his Consequence and Importance to the Community; for a Dissenter of such a Value, is capable of voting and serving in any Borough or County

County in the Kingdom, notwithſtanding his religious Principles; and why not, I pray, of ſerving in Corporations, and Commiſſions of Peace, and other Offices in the Government? 'Tis not therefore *juſt ſo, and no otherwiſe*, in the Caſe of theſe Acts, but a Caſe entirely different, and of quite another Kind. Theſe Acts diſable a Man merely for being a *Diſſenter*, though he poſſeſs an Eſtate of never ſo great a Value. Certainly, in all Reaſon and Equity, every Subject has a natural Right to all the Privileges of the civil Community, in like Circumſtances, who pays all the Duties of a Subject to the Sovereign and the Country; eſpecially if they are known to be better affected to the true Intereſts of both, than many who have them ſecured to them, and ſome whom great Places and Preferments can ſcarcely keep from ſhewing an open Diſaffection to them.

P. 12. He obſerves further, That *many who are for aboliſhing theſe Acts are, in Principle, againſt any Church Eſtabliſhment at all.* But what if many who are *not* for aboliſhing them, are againſt the preſent *civil* Eſtabliſhment, and for overturning

turning the present Government? I heartily wish the Number on one Side were not far greater than the Number on the other; and that there were no greater Danger to the *State* from the one than, I believe, there is to the *Church* from the other. There is no more Equity in reminding them of the Confusions occasioned by a civil War, than in reproaching the present Church of *England* with the *Persecutions* of Dissenters in the Reign of King *Charles* the Second. If any Dissenters are against a *Church Establishment by civil Power*, the removing these Acts gives them no Power to destroy it. But he might easily know, that the Dissenters, in *England*, are not generally against submitting to such an Establishment, any more than the *Presbyterians* in *Scotland* and *Holland*. And, provided it were upon a Scripture Bottom, and with a just Freedom, with a due Deference to the Constitution and Laws of the Kingdom of Christ, and without unnecessary Imposition of human Articles and Rites, or persecuting those who differ from them: I believe there is no Dissenter in *England* who would not readily come into such an Establishment.

P. 14. If the *true State of the Case between the Church and the Dissenters, in this Matter*, is, *Whether the civil Power* can *establish a national Church*, and *whether it be not conducive to the Ends of Religion and Peace, and ought not to be maintained and preserved?* I answer, I humbly apprehend, whatsoever the civil Power in a Christian Nation *can* do, it cannot *rightfully* make an Establishment, which shall, in any respect, interfere with, or be disagreeable to the Laws of Christ, the only Legislator in the Christian Church; as when it applies any of the Christian Ordinances to a Purpose quite foreign to its Nature, and the Design of its Institution; or when it excludes any from the Christian Privileges whom Christ would admit, and are every way qualified according to the Laws of the Gospel. For, whence have the civil Powers such a Right? and who *gave them that Authority?* Is it *from God*, or *of Men?* This has been the fatal Source of all the Corruptions and Violence in the Christian Church for many Ages; and never can be a Means of promoting *proper* Religion, or securing a wise and rational *Peace*.

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Besides, if the civil Power here has that Right, the civil Power has the same Right every where; and this will hold equally against a *Protestant* at *Rome*, and a *Christian* at *Constantinople*; and that can never be a just Right in any civil Power, which, in its natural Consequence, would establish the greatest *Superstition* and Corruptions of the Christian Church, and all the *Imposture* and *Idolatry* which are any where established by the civil Power in the *Infidel* and *Pagan* World.

It may be said, That the Church is a *Part of the Constitution*; and this Author speaks of the *Constitution in Church and State:* But our *Constitution*, properly speaking, is only our *Form of Government*, or the Power of the Legislature. And though the Church of Christ, as far as 'tis fixed by his Authority, and founded on the Laws of the Gospel, is invariable and independent on all the Powers of Earth; yet so far as 'tis settled by human Laws; and as to external Rites and worldly Emoluments, 'tis *subject* to the Constitution, and liable to change, as truly as any other civil Appointment whatsoever: In this Sense the *Toleration*

is as much a Part of the Conſtitution as the Church it ſelf.

P. 15. What he ſays of fetching Inſtances from *other* Countries, is ſtrongly againſt him: For there is no Proteſtant or Chriſtian Church in the World has a religious Teſt for ſecular Poſts, but our own: I believe it would be thought a Profanation and an Abomination every where elſe: That is a Blemiſh and Reproach peculiar to our ſelves. The particular Inſtance of *Holland*, to which he refers, is notoriouſly otherwiſe. I am certainly informed, upon the beſt Authority, that the *Arminians*, the *Dutch* Diſſenters, who firſt proſelyted the *Clergy* of *England*, and were not reckon'd the beſt affected to their own *State*, are *capable* of any Places in the Government; any Law or Teſt to the contrary notwithſtanding; and are ſometimes employ'd in ſome of the greateſt. And though there is an eſtabliſhed Church in *Scotland*, there is no religious Teſt for any civil Poſt whatſoever.

Let the *Epiſcopal Church* be never ſo well *adapted to ſupport the Monarchy*, and the *Biſhops and Clergy, and Friends*

of the Church, to perform Service to it; which yet they have no great Reason to boast of, when all the Disaffection and Rebellion against the present Government, has always, and only lain on their Side, not excepting some of the Bishops and Clergy themselves; besides many, in most Corporations, very indifferently affected towards it: Yet, why must *they be thrown into the Ballance* AGAINST *those which may be expected from the Dissenters?* Why may they not be rather thrown into the *same* Ballance, and united together to support and serve it? Why must the Service to the Monarch and the Crown be engrossed on our Side? Does not the Government owe equal Regard to both, as it receives equal Homage and Duty from both? Or is it above the Need of Help from all its Friends, and afraid of being too strong?

He says, the *Bounds between the Church* P. 17. *and the Dissenters cannot be better adjusted than it was by the Legislature at the Revolution:* I shall only say, the Dissenters are sensible of the Favour of the Government in every Instance of it, both then and now; but cannot think the Bounds were so wisely settled as they

might have been, or as they ought to have been, in due Tenderneſs and Juſtice to the Diſſenters, or Regard to the Welfare of the Country; when they had ſhewn ſo much Steadineſs in the Reign juſt before, and bore ſo great a Part in the Revolution, and were capable of adding ſo much Strength to it. They might have been better adjuſted, and more to the Service and Support of the Government, if the Diſſenters had been made capable of ſerving it. This was the Opinion of King *William* and Queen *Mary*, of Archbiſhop *Tillotſon* and Mr. *Lock*, and many noble Lords and Gentlemen in both Houſes, of the firſt Rank and Conſideration; tho' it was over-ruled by the High Party, who were not to be diſobliged at that Time: A very nice and critical Time, and when there was ſo much Difficulty, by the Oppoſition of that very Party, to the ſettling the *Crown* it ſelf, and ſecuring the common *Peace* of the Kingdom.

When I had finiſhed my Remarks, I was informed of a new Clauſe inſerted after the Book was publiſhed; I ſuppoſe, as an *After-Thought*, or freſh *Difficulty*, which lies in the Way; that is,

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concerning the Security to the Church by the *Act of Union.* I apprehend, 'tis some Question, whether the Constitution can ever be so bound up by any Act of Parliament, as not to be released by the Concurrence of all the Parts of the Constitution: As, suppose the King and both Houses of the *British* Parliament, should see Reason, at any Time hereafter, to dissolve the Union, and set the two Parts of the united Kingdom in the same State they were in before the Union; for that would seem to suppose a Power somewhere above the Supreme, or that the supreme Power, at one Time, could bind the supreme Power at another; and would make the Laws of *England* like the Decrees of Fate; or those of the antient *Medes* and *Persians*, which can never be changed. But be that as it will, I suppose, the true Design of the Act of Union, in this Matter, was only this; to secure the *Constitution* of the two national Churches, and to prevent any Change or Alteration of their *Form*; or as the Act expresses it, of the *Doctrine, Worship, Discipline, and Government* of them: And how would the Repeal of these Acts affect any of them?

them? Indeed it would be a Convenience and a Justice to *Scotland*, which is unreasonably crampt in this Point, and had Encouragement given, at the Time of the Union, to expect it. However, if this Author thinks it so great a *Difficulty in the Way*, I desire him to shew how the Repeal of the *Corporation* and *Test* Acts in *England*, can more affect the Church, or the Act of Union, than restoring the *Rights of Patronage* in *Scotland* does affect them on their Part, by an Act passed since the Union?

And now what does all this amount to towards shewing that the sacramental Test is in it self fit, or that there is *no proper Time* to remove it? Does any *one* Thing here advanced, so much as pretend to shew that 'tis agreeable to the Design of its *Institution*, and the *Will* of the great Legislator of the Christian Church, as if that was nothing in the Case; or only that it was once the Will of some human Legislators?

What, shall the *meanest* Subject in *England* have a Right to seek a Redress of any Grievance, and the whole *Body* of the Dis-

Dissenters be denied it? Shall there be a Time to establish a Law, which has occasioned the greatest Profanation and Abuse of a sacred Institution, and no Time proper to repeal it? Is there a Time to restrain the natural Rights of Subjects, and none proper to set them free; to cramp the Government, and disable a great Number of its faithful Friends, and no Time proper to take off the Incapacity? Is there a Time to fix a Brand of Reproach, and a Degree of Punishment, upon innocent and useful Men, without any Crime or Forfeiture, and none proper to take it off? Is there a Time to bind Hardships upon them, but no Time to loose them? Is this an equal Return to their inviolable Affection, steady Adherence, and faithful Service to the Government, upon all Occasions? Yea, was it once thought a proper Time, by both Houses of Parliament, in such a Reign as that of King *Charles* the Second, a Reign of *Loosenes*, *Bigotry*, and *Violence*; and shall it be said, There is *no Time proper* in the *present* Reign, a Reign of so much greater *Vertue*, *Liberty* and *Moderation*?

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And whatſoever the narrow and ſelfiſh Zeal of ambitious and deſigning Men may ſuggeſt, who *ſeek great Things for themſelves*, and *ſeek their own*, and *not the Things one of another*, we preſume the Government and Adminiſtration have greater Wiſdom and Equity, in ſo tender a Circumſtance of publick Affairs, than to countenance ſo injurious a Pretence, and which would provoke and affront ſo great a Body of its moſt ſteady and faithful Friends.

But, I hope, notwithſtanding all this Author has ſaid, it will ſoon be thought a proper Time, whether this be the proper Time or no; and believe that every Diſſenter in *England* will always think ſo; whoſe *Honeſty* and *Honour*, in all the Offices of civil Life, and *Fidelity* and *Affection* to the preſent Government, will vie with any equal Number of Subjects in the Eſtabliſhment; and who are capable of rendering *Services* to the Government of greater Conſequence to it, than the *Favour* they are now ſoliciting from it. And I will venture to ſay in the Cloſe, without pretending to Prophesy too, That it will greatly ſtrength-

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en every Interest of the *Government*, and promote the Safety and Prosperity of this *Country*, whensoever it is done, as well as the Honour of God and the Christian Institution; and that, in the Opinion of many of the wisest and greatest Men, within the Establishment, as well as without it.

I ask your Pardon for this Trouble,

And am,

with great Deference,

and Respect,

Yours, &c.