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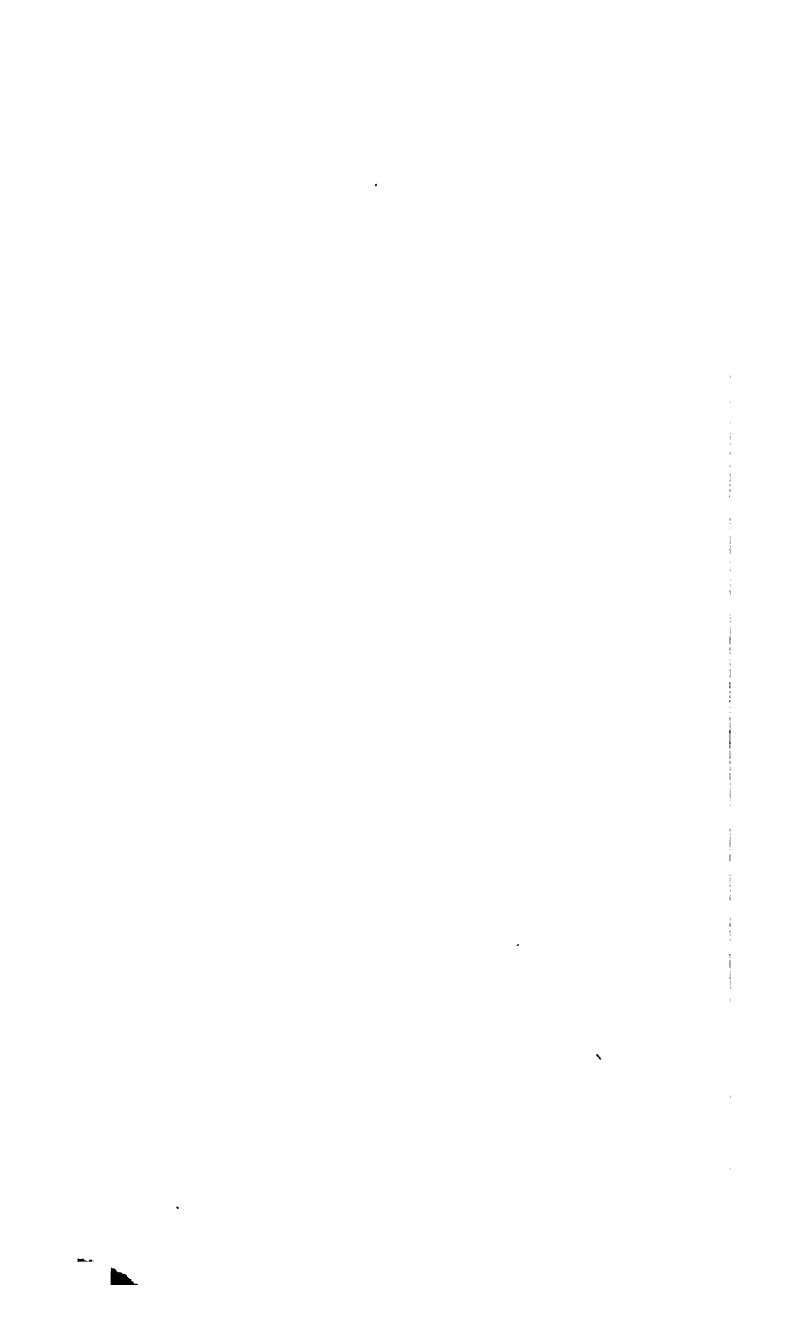


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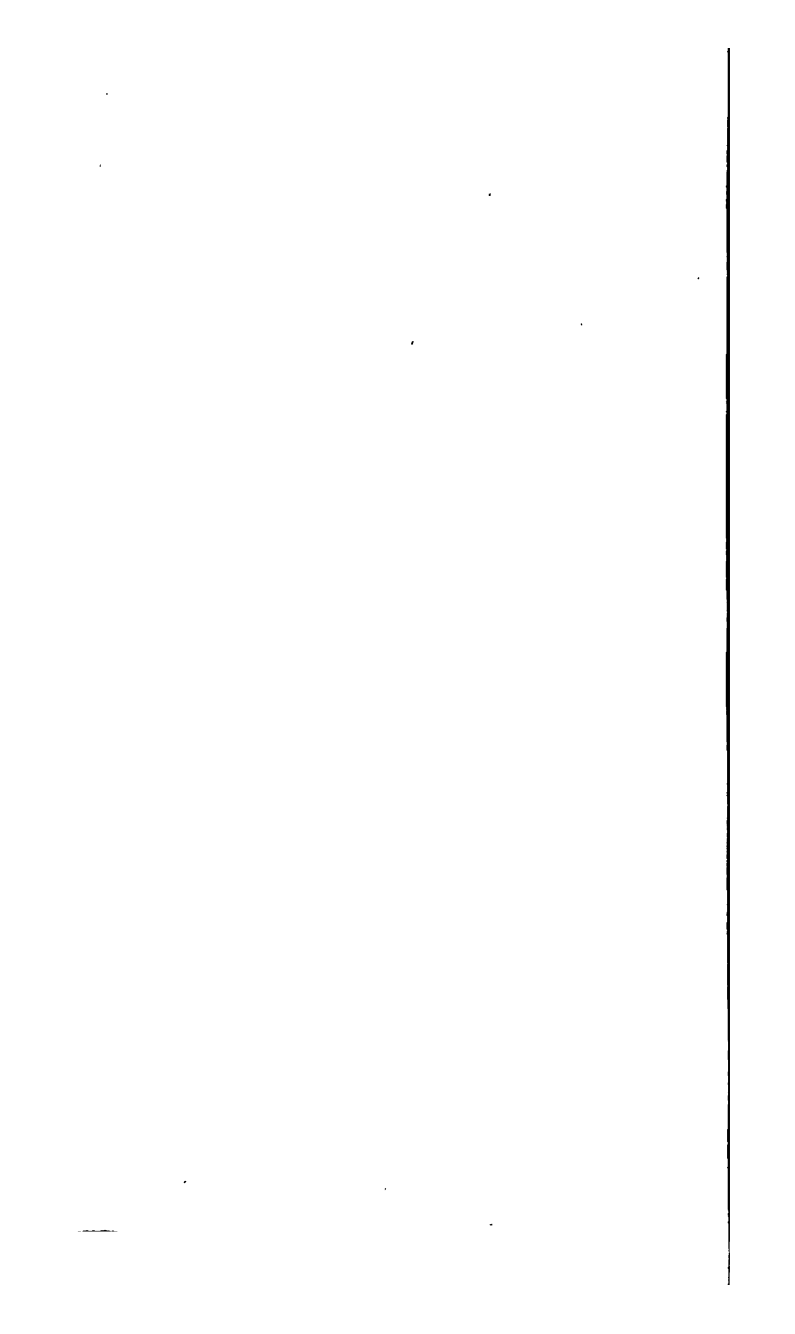
ARTES SCIENTIA VERITAS

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Baron, Richard

THE  
P I L L A R S  
O F  
P R I E S T C R A F T  
A N D  
O R T H O D O X Y  
S H A K E N.

---

*As for the rending of the church, we have many reasons to think it is not that which ye labour to prevent, so much as the rending of your pontifical sleeves: That schism would be the sorest schism to you.*

MILTON.

*Neither can religion receive any wound by disgrace thrown upon the prelates, since religion and they surely were never in such amity. They rather are the men who have wounded religion, and their stripes-must heal her.*

IDEM.

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V O L. II.

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L O N D O N:

Printed for Mr. CADELL in the Strand;  
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( iii )

T O

Mr. *John Barton,*

O F

L O N D O N.

S I R,

**A**S this Volume consists of very instructive treatises, I inscribe it to you; both as a public acknowledgement of your favours to the Editor, and also that I may have an opportunity of exhorting you to zeal and ardour in asserting the principles of liberty.

You will here see, that the *christian* religion which contains every motive to goodness personal and social, and the

A 2

design

design of which was to bless all nations, and to make men universally good and happy, hath been so perverted and abused, as to become the instrument of oppression and tyranny, and productive of those very evils that it was intended to prevent or remedy.

You will perceive that all these mischiefs have arisen from investing its ministers with worldly power and dominion, contrary to the design of its author, and to the precepts and pattern of his gospel.

You will find, that these men so degenerated from their first institution, as to set up for ruling, instead of instructing; and though they pretended a zeal for souls, yet their behaviour plainly shewed, that they cared not what became of sou's if they could but obtain power and wealth,  
the

## The DEDICATION.

the constant objects of their pursuit : that for many ages they manifested either the grossest ignorance of the nature and design of christianity, or the most wilful and wicked opposition to it ; and that they so blinded and deluded the people, that temporal ideas were constantly annexed to a religion that is spiritual ; and *Christ's* kingdom, which is not of this world, was made a worldly kingdom indeed !

You will see that what they called the *Church*, was a mighty *Babel*, built upon the ruins of reason, righteousness, truth, goodness and mercy, all that is dear and sacred to men ! You will observe, that notwithstanding it was the design of their holy office to lead men to all happiness, they have been the greatest foes to the ease and comfort of men, preferring at all times their own pride and grandeur to the peace and welfare of nations : That

for this end, they have promoted and encouraged superstition in the people, oppression and tyranny in princes; have soothed and flattered wicked kings in all their violent and ruinous measures; have preached doctrines of slavery, justified all despotic and arbitrary encroachments; have taught that obedience to the will of the prince was the indispensable duty of the people, and that where the latter could not in conscience comply with the demands of the former, they must not however resist, but be *passive* where they could not be *active*: and that by these selfish and lying doctrines, they have brought this nation to the very brink of ruin and perdition.

It will here be manifest to you, that they were the men that bred all the discord betwixt King *Charles I.* and his parliament; that such firebrands as *Laud*,  
*Manwaring*.

*Manwaring*, and others (the *Sacbeverels* of that day) advised and promoted all the cruel and pernicious *Highb-Commission* and *Star-Chamber* courts, and hurried on that prince to those illegal practices, which afterwards justly brought him to the block: for it is evident that he deserved it, and that the people were under a necessity either of cutting him off, or of being slaves themselves without redemption.

Hence you will learn, that it must be the extremest stupidity and infatuation, the effect either of the greatest ignorance or the greatest malice, to countenance or support any power in priests; and that it is the duty of all men to oppose and break their power by all possible means: that it is poison and destruction both to religion and civil government, to give the ministers of religion any power, except that of reason and persuasion; this being all the power which consists with the nature

nature of christianity (a free and rational religion) and with the peace and happiness of human society: for that wherever priests had more power, they always employed it to the worst purposes; to blind, deceive, and enslave the world.

You will learn also from hence, not to be abused and imposed upon by words and sounds, and particularly by the word *Church*, the most senseless sound of all others, which has no meaning but a wicked one; for the priests never use it but either for fond superstition or terrible dominion: and when they damn a man in their creeds, worry him in their diabolical courts, and throw him into prison, and call this the *Power of the Church*, they can mean nothing by that phrase but their *own power*; these things being as contrary to christianity, as they are to all reason and natural justice. And indeed, if the *christian religion* gave the least countenance to such practices,

practices, no miracles could support its divine pretensions, at least it could never proceed from a righteous and good being. You will hence reject with scorn the great argument urged by priests in support of their oppressive doings, viz. that they have *the laws on their side*; which will justify *Popeery*, the *Inquisition*, the *Bastile*, and every tyranny under heaven. You will be amazed, that in such an age as this, an age boasting of light and knowledge, there should be so many absurd doctrines and such iniquitous practices in the *established* religion: witness the *Arbanasian* creed, &c. and witness the confiscation of men's goods, and the imprisonment of their persons for non-payment of tythe, &c. And finally, you will hence plainly see, that those men are the greatest friends to society, and worthy of all support and encouragement, who are for stripping priests of all their power: that to vilify

and

and abuse such men, is monstrous folly and a sort of high treason to the commonwealth; since the public can have no security for its liberty and happiness, whilst priests are rampant and mighty; and they and their trumpery will flourish eternally, if no man shall dare to contradict and oppose them.

These, Sir, are reflections, which a man of your understanding will naturally make on a perusal of the following tracts; which being of great worth and value, on very interesting and important subjects, are here collected and preserved: and I persuade myself, that they will have a place in every library, among other defences of liberty and the rights of mankind, against all invaders and oppressors thereof.

I only add, that it will give me a singular pleasure to find that this dedication contributes to your firm establishment in  
the



*The* DEDICATION. xi

the principles of liberty, and that I am with  
the most hearty wishes for your welfare  
and happiness,

SIR,

*Your most obedient,*

*And humble servant,*

Richard Baron.

THE  
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A  
SHORT VIEW  
OF THE  
CONDUCT  
OF THE  
ENGLISH CLERGY,  
So far as relates to  
CIVIL AFFAIRS,  
FROM THE  
CONQUEST to the REVOLUTION.

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By Sir EDMUND THOMAS, Baronet,  
and Member of Parliament.

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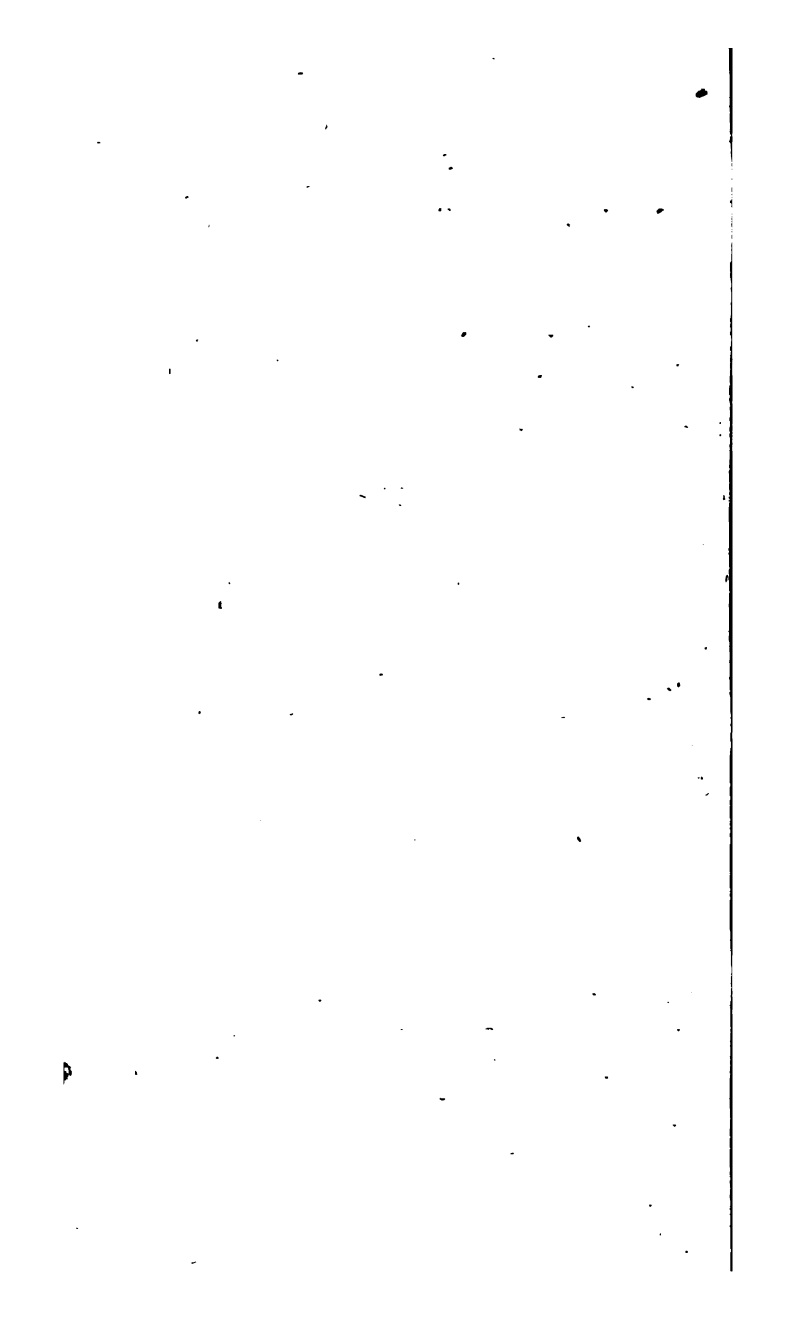
*But tract of time, and long prosperity  
(That nurse of vice, this of insolency)  
Lulled the shepherds in such security,  
That, not content with loyal obedience,  
Some 'gan to gaze at greedy governance,  
And match themselves with mighty potentates,  
Lovers of lordships, and troublers of states.* SPENCER.

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VOL. II.

B



## SHORT VIEW.

**T**HE behaviour of the clergy having seemed to be very extraordinary on some late occasions, I was led by my reflections on that head to make some further enquiry, than I had hitherto done, what the conduct of that set of men had been from the more early times of our government down to the present, and what had been the opinions of the wisest of our ancestors about it.

I thought it was far from improper at this time to know not only what restrictions to the power and wealth of the church, the legislature had formerly deemed requisite, but also whether the clergy had not by their behaviour made those restrictions absolutely necessary. From thence we may better know what to think of their clamours of late, upon any attempt to put the least limits to their property, or restrictions to their power, in such cases, where it might be made use of to oppress any of their fellow-subjects.

#### 4      *The Pillars of* PRIESTCRAFT

For though the reasonableness of laws to prevent the abuse of power, or an exorbitant increase of property in any set of men, where there is only a probability of either, is itself sufficient to recommend the enacting them, even though we had not already been sensible of such abuses; yet the necessity of such laws is still further enforced, when founded on examples and experience, and confirmed by the opinions of our wise predecessors.

It is for this reason, I trouble the public with the following sheets, that by laying before them in as short and compendious a manner, as I am able, an historical account of the conduct of the clergy of this nation, as far as it any way affected civil affairs since the time of *William I.* they may form a judgment from matters of fact, how far necessary all precautions in the laity against the designs of the clergy are, according as they see this conduct of theirs has promoted the public good or otherwise.

Whoever looks into our antient histories, will find the clergy have been always guided by a distinct interest of their own, most frequently contrary to that of the nation: instead of asserting the liberty of the people, they  
have

have been most instrumental in all attempts to destroy it; instead of propagating generous notions of freedom, they have constantly endeavoured to instil into the minds of men the most slavish maxims, and taught lessons of the most blind and abject submission.

Their opposition to power, whenever they have made any, has generally been factious and selfish, not grounded on motives of regard for the good of the commonwealth, but occasioned by some attempt upon their temporal interest or privileges, which was often no other than a just intention of retrenching their encroachments upon the crown, and people.

Accordingly we may observe, that the most dangerous designs against the public have been formed by such of our princes, who began with securing the clergy to their interest by great condescensions to them; for we seldom find the clergy to have failed returning the compliment by a concurrence in promoting the most arbitrary attempts by their doctrine and actions.

The use the clergy have made of what power they have acquired under such princes,

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has always been most insupportable to the laity, especially to such as have opposed it.

I will not detain the reader any longer from forming his own judgment on this subject, but hasten to my relation of facts, by which only I desire he may be determined, as he shall find them agreeable to truth, to which I have endeavoured to have the strictest regard.

The battle of *Hastings*, gained by the duke of *Normandy*, would have been very far from determining the fate of this country, had the *English* sufficiently united in its defence. He was in possession of but one castle in the kingdom, that of *Dover*. The earls *Marcgar* and *Edwin*, who had distinguished themselves already in the defence of their country, had shut themselves up in *London* with the remains of the army defeated at *Hastings*. *William* could not without evident danger march into the heart of the kingdom, and leave that city behind him in possession of his enemies; nor could he lay siege to a place, that would cost him much time, and employ the greatest part of his army, which was no large one, without leaving all the remote counties in *England* at liberty to take proper measures for their security, and to raise  
several



several armies, which might have been greatly superior to his own.

Whilst he was in this perplexed situation, the *English* had no reason to despair; and indeed the two earls just mentioned used all their efforts to animate the *Londoners*.

To unite them the more, it was proposed to declare young *Edgar* king. In this generous design it was reasonable to think, the clergy would have unanimously concurred. One would expect to find that body of men making use of all their influence over the people to inspire them with a sense of the duty, they owed their country, and the obligations they were under to venture their lives in defending it from an army of rapacious adventurers; that they would have employed their intercession with heaven (which they would willingly have thought to be so efficacious) to avert the impending slavery, and by it have promoted a confident zeal in their countrymen to exert themselves with intrepidity in so glorious a cause.

But how little was the public good any motive of their conduct! they could not think of continuing a war, which exposed the lands of the church to rapine and desolation, when

## § The Pillars of PRIESTCRAFT

by a timely sacrifice of the liberty of their fellow-subjects, they had it in their power to make their own terms: they could not help being partial in favour of one, who had undertaken his enterprize with the countenance of the pope: and they thought the church might make an acquisition of wealth and power under a prince, that had the character of being religious, and who could not but think himself under the greatest obligations to them, should the people by their means be prevailed on to receive him for their king.

With these views they opposed the designs of the people, who had now come to a resolution of placing young \* *Edgar* on the throne; but by the bishops declaring for *William*, the citizens were by their example at last prevail'd on to open their gates, and receive him.

Thus by the interested cabals of the clergy were the *English* dissuaded from uniting in defence of their country; and the desirable state of liberty, founded on and secured by prudent and wholesome laws, which they had enjoyed under the race of *Saxon* kings, was changed for the oppressive government of a *Norman* invader.

\* *Ceteri proceres Edgarum eligerent, si episcopos assertores haberent. Malmib. fol. 57.*

Nor was it long before the clergy themselves found, how ill grounded their selfish policy had been, notwithstanding the monasteries had a share in the distribution of king *Harold's* treasure; but what opposition any of them made to the invasion of their own rights, when they had given up those of their country, served only as a pretext for a more rigorous treatment.

During the life of *William Rufus*, the clergy felt so great a share in the general oppression of that reign, and were always so disregarded by him, that they had very little opportunity of furnishing any circumstances by their conduct worth relating here. It may not however be amiss to observe, that the promoter and instrument of all this oppression and violence, was *Ranulph Flambert*, bishop of *Durham* \*.

*Henry I.* had not been long on the throne, before the encroaching spirit of the church discovered itself in the person of *Anselm*, archbishop of *Canterbury*. That haughty prelate resolved to wrest from the king his right of investiture of bishops and abbots; a prerogative his predecessors had enjoyed without disturbance, and with great reason; for other-

\* *M. Paris.*

wife the clergy might have made it one of their pretences for denying, they owed the foundation of their authority to the civil power. In pursuance of this design, upon the king's shewing some resolution at first to maintain his right, *Anselm*, attended by several prelates who had resigned their bishopricks, insolently carried his complaints to *Rome*, and desired the pope by his sole authority to re-instate them in their sees. We may infer from \* *M. Paris*, the good archbishop judged it no simony in so righteous a cause, to make use of the rhetorick of gold with his holiness, who failed not to grant his request. In this manner did the ambition of that prelate not only invade the just rights of the king, but introduced a precedent, through the want of resolution in *Henry*, tending to render both him and his successors slaves to the papal authority, which never failed by its interposition in all affairs of this kind to improve them to its own advantage.

Upon the death of *Henry*, we are furnished with a most lively instance of the regard, the clergy paid to the most solemn oaths taken in

\* *Tunc sedes clementissima, quæ nulli deesse consuevit (dummodo albi a'iquid vel rubei intercedat) p'æscriptos pontifices & abbates. ad pristinas dignitates m. fer. corditer revocavit. M. Paris, p. 49.*

the most public manner. Before the departure of the late king to *Normandy*, he called an \* assembly of the great men, in which the bishops were the first, that swore to acknowledge his daughter the empress *Matilda* for their sovereign, in case *Henry* died without issue male. The right of birth undoubtedly pleaded in her behalf, and her descent by her mother's side from the race of *Saxon* kings, was a circumstance, which could not but greatly recommend her to the *English*. However, *Henry's* death, which fell out in a short time after, was no sooner known, than the clergy declared in favour of *Stephen*, and by their example, not only countenanced part of the nobility in the violation of the oath solemnly taken to *Matilda*, but by their superior power in the kingdom deterred others from opposing their designs. The archbishop of *Canterbury*, the bishops of *Winchester*, and *Salisbury*, were three of the richest subjects in *England*: the last owed his rise, from nothing as it were, to the late king, whose will he was ungratefully now going to subvert. I will just mention what *Ropin* says on this occasion, who entirely attributes *Stephen's* advancement to the clergy. "It was (says he) a great advantage to *Stephen* to have for him three

\* *Malmsh. fol. 99*

12 *The Pillars of PRIESTCRAFT*

“ prelates, whose interest secured him the suff-  
 “ frages of the clergy. This body was then  
 “ so powerful, that the lay-lords who were  
 “ not in the plot, did not think themselves  
 “ able to oppose the design, which they saw  
 “ was entirely formed, of placing *Stephen* on  
 “ the throne; since all the bishops declared in  
 “ his favour, not one attempted to speak for  
 “ *Matilda*, so great an influence had the ex-  
 “ ample and authority of the clergy over the  
 “ minds of the nobles and people.” How  
 false the assertions were, on which the bishops  
 grounded the evasion of their oaths, appears  
 from the opinion of *Malmshury*. That histo-  
 rian mentioning the reason, which the bishop  
 of *Salisbury* alledged in his hearing, concludes  
 with saying, that he \* does not mention it  
 there as giving any credit to those words of a  
 man, who could so well accommodate himself  
 to all times, as fortune shifted the scene, but  
 in order to discharge his duty as an historian.  
 Let us now see how they behaved to that *Ste-*  
*phen*, whom they had placed on the throne.  
 They were not long before they shewed the  
 use, they intended to make of the advancement  
 of a king, who was indebted solely to them-  
 selves for it. They supposed, he would not  
 think it his interest to disturb them in the

\* *Malmsh. fol. 99.*

design

design they had formed, of embracing the present opportunity to render themselves formidable, and become independent of him and his successors for the future. In order to accomplish this project, they not only fortified such castles, as they had already in their hands, but erected several new ones. They outvied all the nobility in the magnificence of their houses and retinue, and affected to appear so numerously attended on all occasions, that they looked much more like military chiefs at the head of so many little armies, than the meek and peaceable pastors of Christ's flock.

It cannot be wondered at, that a behaviour of this kind alarmed the king, and almost necessitated him to take those steps towards depriving some of them of their castles, which afterwards involved him in so much trouble. It was not only his own private sentiments, which determined him in that point, but the advice of most of the nobles concurred with his own opinion, that some stop should be put to the formidable power of the bishops\*, which increased so fast. But however desirable this might be, it was now not to be effected: the clergy had so great an influence over the lower people, that the nation was in

\* *Mabius. fol. 102.*

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a flame at the king's seizing the bishop's castles. Religion itself was looked upon as invaded, which, as *Rapin* says, was now thought to consist in upholding the church in whatever privileges and immunities she herself was pleased to assume. The bishops openly talked of opposing the king by arms, and became so strong, that great numbers of the lay lords thought it safest to go over to their side. *Stephen* had indeed some time before given the people in general too much cause to alter the good opinion they had once entertained of him; and we find several barons had then taken up arms against him in defence of their liberty: but that affair had at this time been made up, and, as I before observed, it was now the sentiments of most of the lay-lords, that the power of the bishops required a stop to be put to it: though when the attempt had embroiled the king in these troubles, but few of those lords had recovered their esteem for him so far, as to assert his cause with the zeal, they would otherwise have done, and draw upon themselves the fury of a body of men at that time more formidable than their own.

But that the ground of this quarrel was no national cause, appears further from hence. Had the point in dispute concerned the public liberty, the king must have answered for his



conduct only before the great council of the kingdom; whereas in this case he was cited before a synod at *Winchester* \*, convened by the bishop of that place as legate: which not only shews the dispute to be particular with the bishops, but was itself a greater insult offered the community, than ever *Stephen* had been guilty of.

During this dispute, *Matilda* thought it a favourable juncture to land in *England*, and claim her right to the crown. She no sooner arrived, than the clergy were forward to declare for her: but the bishop of *Winchester*, who had hitherto chiefly excited and promoted the troubles of the king his brother, begun now to see his error in raising the storm so high, and that his own ruin would be inseparable from that of his brother. With this consideration, he, at first, did him some service; but no sooner had the chance of war declared itself in favour of *Matilda* by *Stephen's* being taken prisoner, than he again threw up his brother's cause, and won by a promise, that he should dispose of all ecclesiastical preferments, undertook to procure *Matilda* the suffrages of the clergy to elect her queen. In order to this he convened a synod by his legatine authority, the day before the opening of

\* *Malmsh.*

which

which he conferred in private first with the bishops, then with the abbots, and lastly with the arch-deacons. When the time appointed for their meeting was come, after he had made a speech, in which he publickly asserted \* the principal right of chusing a prince belonged to the clergy, the synod declared *Matilda* queen. It was thus with an unheard-of, and unprecedented insolence the clergy alone pretended to give the nation a sovereign without consulting the barons, nay contrary to the sentiments of many of them, who had at this time sent their deputies with those of the city of *London* to demand *Stephen's* liberty. But this message had no other effect than to draw an excommunication upon the king and his adherents.

However monstrous this conduct appears to be, the measure of their insolent and treacherous proceedings was not yet completed: for in a very short time afterwards the bishop of *Winchester* having been disobliged by *Matilda*, he once more deserted her cause; and assembling another synod at *Westminster* † he found his brethren nothing loath in undoing, what they had so lately done at *Winchester*. *Stephen*, who was now at liberty, having been

\* *Malsb. fol. 106.* † *Ibid. fol. 108.*

exchanged for the duke of *Gloucester*, was again acknowledged by them as king, and *Matilda* in her turn excommunicated with her adherents. This change soon rendered her affairs so desperate, that she was obliged to quit this kingdom, and leave *Stephen* in possession of a crown, which he first obtained, afterwards lost, and again recovered by the intrigues and power of the ecclesiasticks.

The power the church assumed to itself in the next reign, and the entire independence on the state, that it laid claim to, evidently appears in the contest between *Henry II.* and *Becket*. The laity were reduced to a kind of slavery by the clergy: whatever outrages they suffered from them, they durst not repel for fear of excommunication (the effects of which were at that time so terrible) nor could they expect any redress from the laws, since the ecclesiasticks claimed a privilege of being tried only in their own courts; there every thing was carried on with the most open partiality; the ecclesiasticks were only liable to slight corrections, and for the most heinous crimes punished no further than with degradation, short suspension, or short confinement.

It was proved \*, there had been above a hundred murders committed by churchmen since the king's accession to the throne, of whom not one had been punished so much as by degradation.

For attempting to redress such an unparalleled enormity, the king and the whole body of peers in parliament, were treated by this haughty prelate with that insolence, and open contempt of their authority, as fills every reader of this part of our history with the utmost indignation.

Of such consequence is it at all times to prevent every step, which may insensibly tend to procure such wealth and power in the clergy, or any other set of men, as may create an independency in them; since we see a prince of so much spirit, as *Henry II.* is allowed to be, for endeavouring to retrench that part of ecclesiastical usurpation, which protected criminals from justice, forced to atone for this so unchristian and wicked attempt, by the most abject condescension and submission; though his design had the good wishes and concurrence of all the nobility in the king-

\* *Rapin, vol. 1. 226. Tind. transl.*

dom, who at this time groaned under the ecclesiastical yoke.

*Richard I's* was a reign, in which we find very little said of ecclesiastical affairs or persons. That prince was but a few months in *England* after he came to the crown. The accounts of that time chiefly concern that romantic expedition of his to the *Holy-land*, so expensive to his country, and fatal to himself in being made prisoner by the emperor.

The tyrannical government of king *John* made the opposition, which he met with from his barons, an indispensable duty, they owed themselves, their country, and posterity. The temper of this monarch was such a mixture of folly, pride, and meanness, that it was impossible, but he should embroil himself with all sets of men, however different and opposite their interests might be. Therefore though the clergy seem to have a great share in the events of this reign, we should however carefully distinguish the motives of their conduct, as well as consequences of it, from that of the barons. The first troubles of importance in this reign were merely ecclesiastical. The pope's nominating cardinal *Langton* to the see of *Canterbury*, plunged the kingdom into very great

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great difficulties and misery. The king's refusal to admit him as archbishop, brought an interdict on the kingdom; and the clergy were so far from being displeased at this usurpation in the pope, that those few of them, who would willingly have lessened the general confusion occasioned by the interdict, by continuing to perform the duties of their office, such as reading prayer, burying the dead, and the like, met with continual insults from the zealots\*. This drew upon the ecclesiasticks the king's utmost severity, who seized on their lands, imprisoned their persons, and committed all manner of outrages on them. The interdict was soon after followed by an excommunication of the king, and the people were absolved by the pope from their oath of allegiance.

The nation in general had been so much oppressed, that the barons took this occasion to throw off all obedience to king *John*. Had he been a prince in the esteem of his subjects, no doubt they would have greatly resented this insult to their sovereign. But the consequence was, the king to support himself against the lords, found himself obliged to submit to the holy see, whose reconciliation was to be purchased on no other terms than a

\* *Rapin, vol. 1. p. 269.*

resignation of his crown after the most ignominious manner to the pope, in the person of his legate ; which he was to receive back, and hold ever after as his vassal, and as such to pay a yearly tribute. The general defection of the barons, which followed, though they made a political use of these troubles, yet was a thing quite distinct from them, and founded wholly on principles of liberty. And as the grounds were different, so were the consequences : the first rendered the kingdom tributary to the see of Rome, the latter procured the signing of *Magna Charta*, that basis of the liberty of England ever since.

It will perhaps be said, that after the reconciliation of *John* to the pope, from which time he condemned the barons opposition, and sent a legate to reconcile the king to the clergy, yet they still refused to comply with the terms proposed, and several of them adhered firmly to the cause of the barons.

But we may with great reason conclude the consideration of their own particular interest was what influenced them chiefly on that occasion ; for the reparations settled by the \* pope for the damages, the clergy had sustained from

\* *M. Paris.*

But that their regard for the interest of the laity was no greater than at other times, plainly appears from the open attempts they themselves made towards subverting the laws, which my lord *Coke* mentions in his preface to the *articuli cleri* \*. “ in the forty-second year of  
 “ *Henry III. Boniface* archbishop of *Canter-*  
 “ *bury*, made diverse and many canons and  
 “ constitutions provincial, directly against the  
 “ laws of the realm, and tending to usurp and  
 “ encroach upon many matters which appa-  
 “ rently belonged to the common law; but  
 “ notwithstanding the greatness of *Boniface*,  
 “ and that diverse of the judges of the realm  
 “ were of the clergy, and all the great officers  
 “ of the realm, as chancellor, treasurer, privy  
 “ seal, &c. were prelates, yet the judges pro-  
 “ ceeded according to the laws of the realm,  
 “ and still kept, though with great difficulty,  
 “ the ecclesiastical courts within their just and  
 “ proper limits.” We may reasonably con-  
 clude, had the king taken the method, some  
 of his more politic successors have done, of  
 attaching the clergy to his interest, by shew-  
 ing a zeal for their pretended rights, and a  
 readiness in contributing to the advancement  
 of their riches and power, and had himself

\* *Second vol. of Inst.*



only plundered and harassed his other subjects; he would have met with their full concurrence in his designs: and all precautions in the laity for the security of their liberty; would have been censured as unwarrantable, and rebellious. For what could not be expected from a set of men, whose power and wealth were become so dangerous to liberty, and their endeavours to encrease them so strenuous, that, as the great man just quoted says, it was with great difficulty the laws of the land were rescued from their all-engrossing ambition?

In this and the following reign, we may observe, how difficult it was by the wisest provisions and restrictions of the law to prevent the clergy from evading such statutes as set any bounds to their wealth or power. At the time of signing *Magna Charta* by *Henry*, the barons were so sensible of the dangerous consequence of the immense riches, the church was every day acquiring, that they inserted a clause to prevent the further disposition of lands to religious houses. But the clergy found so many ways to creep out of that statute, and their possessions continued still to encrease so fast, that in the seventh of *Edward I.* the statute of mortmain was enacted to the general joy of the people. The words intended to provide against their devices are so strong, that I will

insert them here: “ \* *Quod nullus religiosus  
 “ aut alius quicumque terras aut tenementa  
 “ aliqua emere vel vendere sub colore dona-  
 “ tionis aut termini,”* (and to prevent all  
 other inventions and evasions, these general  
 words were added) “ *aut ratione alterius ti-  
 “ tuli terras aut tenementa ab aliquo recipere,  
 “ aut alio quovis modo, arte vel ingenio, sibi  
 “ appropriare præsumat, sub forisfactura eorum-  
 “ derum.”*”

A man would have thought, says my lord *Coke*, that this should have prevented all new devices; but they soon found out an evasion for this statute also.

In the progress of this reign we see the grounds of their opposition in the former fully made out by the willingness, the clergy shewed, in making use of the pope's authority, whenever it chimed with their own interest: they now made a bull of *Boniface VIII.* † a pretence to exempt them from the payment of any taxes to secular princes, without the consent of the holy see; and by so doing, openly put themselves upon a foot of independence on the rest of the kingdom; and even assumed

\* See lord *Coke's magna charta*, ch. 35.

† *M. West.* 405. *Walsing.* p. 68.

a superiority, by declaring they were not obliged to join with them in contributing to the public expences.

In the close of this reign, the bishops give us a further more convincing proof of what I have before said, that hitherto whenever they shewed a disapprobation of any innovations or oppressions, it was merely because they had no share in the profits. *Edward*, notwithstanding the encomiums of some historians, had no less fondness for arbitrary power than his predecessors, though his superior understanding made him sensible, how necessary it was to conceal it; of which he was convinced by the resolute behaviour of some of the barons. However, towards the decline of his life, he began to act with less reserve in that respect; and having procured from *Rome* a dispensation of his oath, in regard to the two charters, he by virtue of a grant from thence levied the tenth of all ecclesiastical revenues for two years; in consideration of which, the pope reserved to himself the first-fruits of all the benefices. Here one would imagine, that the chief men of the clergy were concerned in the greatest degree to prevent any innovation of this kind, which so particularly affected their own body; but in this care was taken, that the bishops should

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have a fellow-feeling, and therefore they quietly submitted to it: for \* *M. of Westminster* tells us, the pope was induced to this through the covetousness of the bishops, who submitted to this innovation, on condition that they might enjoy one year's profits of all vacant benefices in their gift. At the same time the parliament † shewed a more disinterested regard for the clergy, than their own heads had done, by prohibiting the collectors to gather the tax, though the power of the king made their prohibitions useless.

Never was the parliament more sensible of the ecclesiastical yoke, or more ready to come to resolutions of putting a stop to the papal oppressions, than under *Edward II.* But the weakness of that king, and the circumstances he was in, made all their endeavours ineffectual. The clergy were so satisfied of his weakness, and so intoxicated with their own pride and power, that they committed the most unparalleled insult and violence to public justice, the laws of the realm, and therein to the whole nation. *Adam Orleton* ‡, bishop of *Hereford*, having been indicted of high-treason, for being concerned with *Mortimer* earl of *March* in his open rebellion; the arch-

\* *Mat. Westm.* 457. † *Rapin.* ‡ *Walsing.* p. 119.  
bishops

bishops of *Canterbury*, *York*, and *Dublin*, with several of their suffragans, came to the bar, and by force took him away, threatening to excommunicate all that should oppose them, and proceed against him: and this they did under pretext of the canons \* of the church, though the benefit of the clergy, however they had found means of late to extend it, was never allowed to reach to high-treason against the king. And all this was done in defence of a man the most abandoned by every virtue, and of whose character nothing can convey a more perfect idea, than his own order afterwards to the keepers of the unhappy *Edward*: "*Edwardum occidere nolite timere bonum est.*"

Under *Edward III.* (most eminently the best and greatest of our princes, who undeniably deserves those encomiums given him by historians, which flattery, or want of discernment, made them too apt to bestow on others) more vigorous methods were taken by the king and parliament, to deliver the nation from the so long complained of papal oppressions. With that intent the statutes of provisors and præmunire were enacted: the first to prevent the court of *Rome* from dis-

\* See lord *Coke's 2d Inst.* p. 634, and 635.

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posing of ecclesiastical benefices contrary to the right of the king, or any other person; the second to prevent the subjects of *England* carrying causes to any foreign or other court, the cognizance of which belonged to the king's courts. However, notwithstanding these precautions, we find the grievances still continued, and the pope exacted as a tax from ecclesiastical dignities, "five \* times as much as the tax of all the profits that appertained to the king by the year of this whole realm." Accordingly we find hardly any meeting of parliament in this reign, in which these grievances are not complained of, notwithstanding the statutes made, and so frequently confirmed for preventing them.

Now when we consider the unanimous and constant opinion of both king and parliament on this head, and the vigorous resolutions, they so often came to; can we reasonably account, why the measures taken by them should prove ineffectual any other way than from the timidity or connivance of the clergy themselves? Both of which I think appear pretty plain. The parliament expressly mention the first, in saying "† the whole clergy

\* *Cotton's Parl. Roll.* 50 Ed. III.

† *Parl. Roll.* 50 Ed. III.

“ were

“ were so obedient to the pope’s collector, that  
“ they did not dare displease him.” And that  
they did more than barely connive at appeals  
from the king’s courts, contrary to the statute  
of *præmunire*, appears, in that they themselves  
presumed to take cognizance of appeals from  
those courts in their own ecclesiastical courts.  
“ And to reverse judgment given in the king’s  
“ courts, to the prejudice and disherison of the  
“ king and commonalty:” as the parliament  
of the twenty-first of *Edward III.* recite in their  
complaint.

That the parliaments in this reign were no  
less apprehensive of the power and encroach-  
ments of the clergy at home, than of the see  
of *Rome*, appears from the several parliamentary  
petitions\* and resolutions on that head. At  
one time we find them praying the king,  
that remedy might be had against the oppres-  
sion of ordinaries, and their officers. At an-  
other time they made their request to the  
king, that “ no † ordinance might be made at  
“ the petition of the clergy without consent  
“ of parliament, and that no man might be  
“ bound by any their constitutions made for  
“ their advantage.”

\* *Parl. Roll.* 25 *Ed. III.*

† *Parl. Roll.* 51 *Ed. III.*

The clergy had for some time past intruded themselves into all the great places of trust, power, and profit in the state, the civil courts, and king's household \*. The lords and commons therefore represented to the king, that the realm had long been governed by churchmen, to the great prejudice of the crown; and therefore required, that for the future the great officers of the king's courts might be only laymen.

The justness of these complaints, and of the precautions of the parliament, is fully confirmed by the conduct of the clergy in the following reign. *Richard II.* had not been long on the throne, before they took the advantage of the youth and weakness of that prince to procure his consent to an ordinance for the imprisoning of such, as they should think fit to declare heretics: and this entirely without consent of parliament, a most notorious outrage, if ever there was any, upon the established constitution of this kingdom. But what measures would they not take to destroy a growing sect, such as the *Wicliffites*, who propagated principles of so damnable a nature, as tended to destroy the temporal grandeur

\* *Walsing.* p. 186. & *Parl. Roll.*



and power of the church? A doctrine that in all ages will never fail being censured by most of them, as highly heretical. But the house of commons were so sensible of this heinous encroachment upon the rights of the people, that the ordinance was repealed by the king next parliament; and the declaration of the commons on this occasion had so much becoming resolution and spirit in it, that it may not be amiss to set down their own words, “ that \* it was never their meaning to be justified, and bind themselves and successors to the prelates, no more than their ancestors had done before them.” A resolution ever worthy to be remembered and followed by all succeeding parliaments.

I took notice in the last reign, that the continued oppressions of the pope, notwithstanding the repeated resolutions of the king and parliament against them, must have been owing to the connivance of the clergy: the following instance under *Richard*, is a further and full confirmation of their backwardness to retrench any of the pretended prerogatives of the see of *Rome*. “ The † archbishops of *Canterbury* and *York* for themselves,

\* *Parl. Roll. 6 Ricb. II.*

† *Parl. Roll. 13 Ricb. II.*

“ and the whole clergy of their province,  
 “ make their solemn protestation in open par-  
 “ liament, that they in no wise meant or  
 “ would assent to any statute or law made  
 “ in restraint of the pope’s authority, but  
 “ utterly withstood the same.”

The following prostitution of the clergy, (an expression aptly made use of) and their superior talents in doing with a better grace the very same profligate and slavish jobs, in which the laity have at any time equally concurred, is worth observing from a passage in an historian that treats of that reign. When *Richard II.* had at last by corruption, or putting out such returning officers, whose complaisance for his designs he suspected, got a parliament chiefly packed up of such persons, as he knew would be at his devotion, (the first, if I mistake not, that was openly procured in that manner;) after the session was opened by a time serving speech of the bishop of *Exeter*, it was proposed by the king’s ministers, that the acts of grace passed nine years before in favour of certain lords, who had opposed the king in his attempts upon the public \* liberty, should be repealed. The prelates without any hesitation not only gave

\* *Walsing.* p. 354.

their

their assent, but, by the expression of the historian, seemed to have used arguments to shew those acts to be revocable: upon which, says he, the temporal lords seeing the clergy approved of it, gave also their assent, more induced to it through fear of the king, than any conviction of their minds. Now though their concurrence is absolutely inexcusable; yet the reader, I believe, will agree with me in observing a manifest difference in their behaviour. For the clergy, no reason is assigned by the historian, but their forwardness in the affair seems abandoned like that of men hackney'd in prostitution; the other have the example of the clergy, and the fear of the king mentioned as determining them. And that I may not be thought to have exaggerated this matter, I will give the reader *Walsingham's* own words.

“ *Hi importunis clamoribus petierunt ut*  
 “ *chartæ perdonationum in primis revocaren-*  
 “ *tur & annullarentur, super quibus requisiti*  
 “ *pælati de facile indicarunt tales chartas*  
 “ *fore revocabiles, non attendentes quod hu-*  
 “ *jus gratiæ revocatio personæ regis maxime*  
 “ *repugnabat; cum misericordia sit solii re-*  
 “ *galis confirmatio, & qui tollit misericordi-*  
 “ *am, tollit solii regalis firmamentum. Con-*  
 “ *sequenter demini temporales videntes offen-*  
 “ *sum*

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“ *sum cleri, consuerunt & ipsi hujus chartas  
annullandas, magis timore regis dicti, quam  
mentium ratione.*”

• Glorious pre-eminence of the clergy, even in a parliament composed of men culled out from amongst the whole people for servility and corruption !

• *Henry IV.* a haughty designing prince, who though he owed his crown purely to a parliamentary right, yet ever affected to build his claim on other foundations, not only weak, but absolutely false, was sensible, that he had against him a powerful faction in the kingdom, and that his conduct was such, as could not fail adding to the number of his enemies.

His policy in taking all methods, and being most vigilant to secure the possession of his crown, was the most distinguishing qualification of his genius : and he had too much discernment not to see, how necessary it was for carrying on his ends to have the clergy firmly in his interest. That body was now become more than ever wealthy, powerful, and insolent. Accordingly, *Henry* made it a maxim, to do nothing, which might disoblige them, but to take every opportunity of testifying

fyng a regard for their interest. He knew by that means, however ill he used his other subjects, he should still preserve the reputation of a pious prince, zealous for the cause and honour of God; which could not but greatly contribute to baffle any opposition to his measures. The clergy had all along so connived at the pretensions of the court of *Rome*, that the endeavours of former parliaments to put a stop to that abuse, proved ineffectual. The people groaned for a reformation; therefore, though the king was obliged at first in compliance with his parliament to revive the statutes of præmunire, yet never was the breach of them more winked at, than in this reign. To give the ecclesiasticks a more public instance of his zeal, *Henry* at their petition procured the bloody act to pass in parliament for the burning such as they should declare heretics. Immediately the poor *Lollards*, who had incurred their unrelenting displeasure for broaching doctrines repugnant to their temporal grandeur, are without mercy delivered to the flames; and the churches sound with the encomiums of a king, who had given such unquestionable proof of his piety and zeal.

But a parliament, that met some time after, had not the same compliance for the clergy.

This

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This was that which by way of reproach, they have called the illiterate parliament, representing them as a set of men chosen according to the king's private letters, merely on account of their ignorance; an error most people since, and amongst the rest a very eminent man in our law †, has been led into. But these letters were in reality writs of summons, in which there were directions, in pursuance of a statute made in *Edward III's* time, excluding all sheriffs and practising lawyers from being elected: the reason of which was, that such procured themselves to be elected merely to serve views of their own, and did not faithfully discharge their duty to their country. Instead therefore of looking upon this parliament in the light, in which it has been represented, we are to consider it as composed of honest, disinterested country gentlemen, who having no private views to serve, came up fraught with the sentiments of those they represented, who impatiently wished to see themselves freed from the ecclesiastical yoke.

Accordingly, when the king, laying his necessities before them, demanded an aid, they remonstrated the hardship of burthening his subjects with further taxes, when at the same

† *Pryn's pref. to parl. roll.*

time the clergy contributed nothing to the necessities of the state, though possessed of the third part of all the lands in the kingdom; wallowing, to the neglect of their duty, in luxury and idleness: that therefore it was their desire that his wants should be supplied out of the ecclesiastical revenues, as not only just, and agreeable to the sentiments of the people, but in the main of real service to the church itself.

We may easily imagine, what treatment a proposition of this kind met with from the clergy. The † archbishop of *Canterbury*, who was present, could not forbear treating the commons in the most arrogant and insolent manner: he even told them in a menacing way, no attempt of that sort should be offered the church without impunity, and that it should be at their peril if they seized any of its revenues; that for his part he would sooner lose his life than see it deprived of them.

The king, in pursuance of the maxim he had laid down, to keep well with the clergy, took this opportunity to assure the archbishop of his resolution to maintain the church in

† *Walving. p.* 371.

its full possessions, and of his desire rather to increase than diminish its splendor. The commons, not intimidated by the threats of any dignified church-man, went on and prepared a bill for supplying the king's necessities out of the revenues of the church; but when the bill came to the lords, they refused their concurrence, through the cabals of the bishops, who had gained a considerable party in that house, for having opposed the commons not long before in a laudable design they had of supplying the king's wants, by a revocation of several lands alienated from the crown by grants in the late reign, and squandered upon favourites, to the great impoverishing of the crown, and burthening the people; which revocation would greatly have affected several peers, who at that time were in possession of such lands. Here we see the bishops, opposers, in general of every step taken for the ease of the subject, and treating the representative body of the whole people in parliament with insolence, ill language, and threats for the attempt.

Though the commons were disappointed this time in their design, yet the grievance was too generally felt, and a redress too much desired by the people for them to sit down dismayed at this repulse. In a parliament assembled



bled some time after, they renewed their former instances in regard to the clergy's revenues; the consequences also of the statute against the *Lollards* obtained by influence and cabal were now known to be so terrible, that they likewise desired a repeal of it; at least an amendment. As to their first instances, they set forth, that the king might easily seize out of the revenues of the ecclesiasticks, what would be sufficient to provide in a most ample manner for fifteen earls, fifteen hundred knights, six thousand two hundred esquires, and a hundred hospitals. But they had the mortification to have their remonstrances meet with no better success with the king, who was now more than ever confirmed in his resolution of being well with the church. Therefore he not only refused his assent, but did it in a most arbitrary manner, forbidding them for the future to presume to meddle with such affairs\*; and as for the statutes against the *Lollards*, he was so far from allowing any mitigation, that he said he could wish they were made more rigorous. To please the ecclesiasticks still further with an open affront upon the commons, he affected at that time to sign a warrant for the burning of a poor *Lollard*, who suffered death with great resolution.

\* *Walsing.* p. 375.

If the parliament (as *Rapin* says) that first moved the lessening the clergy's revenues was filled unlearned, it may well be supposed this met with no better treatment. The names of *Lollard* and *Heretic* were plentifully bestowed: they were set forth as a set of men who were for the destruction of religion itself. They were however so sensible of their ill usage, that upon the king's demanding a power to levy a subsidy during life, though the parliament should not sit, they boldly refused it him. The commons would also have denied him a supply for his present occasions, since he had not thought proper to receive it by the methods they proposed, had not the king forced them to a compliance by the same arbitrary manner, which he had succeeded in once before; that was, by keeping them sitting, till the inconvenience of not being dismissed, obliged them to consent to his demands: a most remarkable abuse of prerogative, and tending to destroy all freedom in their resolutions! But notwithstanding this, he had done enough in this meeting to be looked upon as the champion of religion, and darling of its priests. We find him cried up by them as a prince endued with mildness, piety, and every virtue; though whoever will carefully look into that reign, will find his conduct perfectly tyrannical, and  
most

most ungrateful in a prince, who had no other title to his crown than the good-will of the people, and free gift of parliament, whose rights he ever tried to subvert. To conclude therefore with Mr. *Rapin's* observations on this reign: "When I consider (says he) the excessive commendations bestowed on that prince, I cannot help suspecting, that the glory of being the first burner of heretics, and of protecting the clergy against the attempts of the house of commons, were the main springs of all their encomiums. It is well known, the ecclesiastics are as zealous in praising their benefactors, as in blackening their opposers."

No sooner was *Henry IV.* dead, than the clergy determined to secure themselves for the future against all attempts to lessen their revenues, by taking advantage of the complaisance, that is usually met with from young princes in the beginning of their reigns. They did not doubt, but such attempts had been greatly promoted by the doctrine of the *Lollards*. Therefore as those principles were countenanced by several men of the greatest rank, and highest esteem of any in the kingdom, they resolved to lay the ax to the root of the tree, and by boldly attacking the patrons of the sect, deter all others from presuming to advance

vance any propositions, which they should disapprove of, that might render them liable to be suspected of *Wickliffite* principles. In pursuance of this resolution, the archbishop of *Canterbury* waited on the king, and represented to him the great growth of heresy, which could not fail drawing down the wrath of heaven on the kingdom; and the glory it would be to a young monarch to begin his reign with engaging in the cause of God, by defending the church from heretics, for which heaven would certainly crown all his undertakings with success. Thus said *Nestorius* once to the younger *Theodosius*; "Give me, O emperor, the earth weeded from heretics, and I in my turn will give you heaven; destroy with me the heretic, and I will destroy the *Persian* with you." The archbishop then informed him, that Sir *John Oldcastle*, baron of *Cobham*, a domestic of his own, was the most open abetter of the doctrine of the *Lollards* \*; and therefore he desired, he might be allowed to proceed against him with the utmost severity and rigour.

The king answered him in such a manner, as shewed, he was far from approving of force for reclaiming people from errors in religion;

\* *Walsing.* p. 383.

But however told him, that if he could not by talking to Sir *John Oldcastle* restore him to the right way, he would then give leave for a process against him.

This lord was a man the most esteemed of any in the kingdom, and particularly dear to the king, as *Walsingham* the monk owns, for his consummate probity. Notwithstanding, the king finding him unmoveable as to his opinions, no longer opposed the clergy's request, and he was accordingly condemned to be burnt, though for some time he avoided suffering the sentence by an escape out of prison.

The king in his discourse with the archbishop had discovered too much moderation in his opinions, for the clergy to be able to have their full desire upon their enemies, especially as he did not seem very solicitous to have *Oldcastle* retaken. It was their interest (says *Rapin*) that the king should have other sentiments more agreeable to the barbarous zeal, with which ecclesiasticks are generally animated. In order thereto they represented the *Lollards* as men, that not only sought the destruction of the established church and religion, but even of the king's person and state itself. To confirm him in such a belief, they fathered upon them a more absurd and senseless

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less plot, than ever was invented by the most profligate dilatores employed by the cruellest of the *Roman* emperors for such purposes. The poor *Lollards*, since a \* proclamation the king had made to suppress their assemblies, had continued their meeting with great secrecy in woods, and other unfrequented places in the country for the worship of God in their own manner. Upon these occasions some of them chose *St. Giles's fields* near *London* where they thought to be concealed by bushes, and shrubs, that grew there: but being discovered by the clergy, the king was immediately told, that *Oldcastle* at the head of twenty thousand *Lollards* were in the fields, with a design to kill the king and his brothers, and all the lords spiritual and temporal, who were not their friends. Alarmed at this information, *Henry*, who was at *Elibam*, immediately marched to *London* to attack this powerful body of conspirators. He arrived about midnight, and finding about fourscore persons, fell upon them, and killed about twenty, and took most of the rest prisoners. The poor wretches, knowing how liable they were to the insults of their persecutors, had unfortunately brought arms with them, which probably served as a pretence to convince the

\* *Rapin, vol. 1. p. 507.*

king of the design; and that their accusation might have the greater weight, means were found by threats or promises to prevail with some to confess the fact, though the absurdity was unsurmountable to every considering man. For instead of twenty thousand to execute so great a design, there were only a few mean people, with none of great rank; and as for *Oldcastle* himself, he was not present. But it seems the clergy gained a great point by it, in rendering the *Lollards* odious to the king, and obtaining a vast price to be set on *Oldcastle's* head, who was soon after taken, and fell a sacrifice to their malice and cruelty. The whole behaviour of *Henry* towards this great man gives us no advantageous idea of the integrity of that prince, since he acted intirely in opposition to his own declared sentiments, and sacrificed a man, he had the greatest esteem for; to which he could have no other motive than to gain the clergy to his interest, and to prevent from them any interruption in the ambitious projects, he was probably at that time meditating. As to the pretended conspiracy, he had too much sense really to credit it, the absurdity of which, if not at first, yet he certainly soon after must have been convinced of, though he had never the ingenuity to own it, or act accordingly. Sir *Robert Cotton*, in his abridgment of the parliament-rolls, speaking of the parlia-

parliament that met at this time, in which the *Lollards* were so persecuted, makes this remark. “The clergy, at this their own  
 “parliament, cease not to rage and roar af-  
 “ter christian blood, *tanquam leones ru-*  
 “*gientes*; and whosoever did the fault, they  
 “put *John Porter* in the stocks, and cried,  
 “*crucify Christ, and deliver us Barrabas*; for  
 “now all horrible mischiefs whatsoever were  
 “imputed to the poor *Lollards*.”

Bishop \* *Burnet*, in his history of the reformation, tells us, the disingenuous and inhuman way, the clergy had, of dealing with the *Lollards*: “which was in their proceedings against  
 “them always to mix some capital errors,  
 “which all christians rejected, with those, for  
 “which they accused them: and some parti-  
 “culars being proved, they gave it out, that  
 “they were guilty of them all, to represent  
 “them the more odious,” of which he gives us some examples.

It was not the *Lollards* alone that in this reign were convinced of the necessity of lessening the revenues of the church: for a parliament, that agreed to the severest statutes against those miserable people, shewed the greatest ear-

\* *Hist. of the reformat. vol. 1. p. 29.*



ness for reducing the clergy within proper bounds.

It was an artifice of the clergy at that time to confound every body, that opposed their temporal grandeur, under the general name of *Lollards*, and to render them and their designs odious, they represented them as acting from heretical principles; in the same manner as in a latter reign every man, that discovered any zeal for liberty against the arbitrary designs of the court and church, was branded with the name of puritan. And in this I have the concurrence of the learned author last mentioned, who tells us, that “ when \* the clergy had  
“ their authority fortified with such severe  
“ laws, they became more cruel and insolent  
“ than ever. And if any man denied them  
“ any part of that respect, or of those advantages, to which they pretended, he was presently brought under the suspicion of heresy, and vexed with imprisonments, and articles were brought against him.”

But the parliament I just now spoke of, were so apprehensive of this artifice, that they agreed to every proposal of the clergy for the extirpation of what was then called heresy;

\* Hist. of the reformation. vol. 1. p. 27.

so that all the pulpits in the kingdom sounded their praises. Therefore, when the commons presented an address for seizing their revenues, they were thunder-struck. There was no having recourse to their usual method of representing as *Lollards*, whomsoever they disliked; so that they had no way of diverting the impending danger, but by animating the young king to a war with *France*, and in order to carry it on, to compound for the resignation of the alien priories. Though of all the numerous and bloody wars, the clergy have engaged the world in, they may be said to have the best excuse for this; yet I cannot think the archbishop's speech on the occasion quite agreeable with the peace making character of a christian divine, howsoever it might have appeared from the mouth of an enterprising statesman.

From this time to that of *Henry VIII.* the kingdom was so much engaged in other \* matters, that we have few or no accounts of the proceedings of ecclesiasticks worth taking up the reader's time. It is probable they would have made great advantages from the weakness of *Henry VI.* had not so many troubles at court, the war with *France*, and the misfor-

\* *Rapin.*

tunes of this reign, prevented any attention to church-affairs. The same reasons for the most part subsisted in the following reigns, which were also taken up with domestick troubles. As for *Henry VII.* his whole thoughts were so employed in maintaining a quiet possession of the crown, of which he was beyond measure jealous, and on hoarding up money, that he avoided all occasions of such disputes, which might have given disturbance to either.

During the first eighteen years of his reign, king *Henry VIII.* was a most faithful son of the see of *Rome*, as the learned author of the history of the reformation tells us, except in one matter only, which seemed to lessen the greatness of the clergy. As this one affair was of very great importance, and will serve fully to set forth the temper of the clergy at this time, and also furnishes us with a most flagrant instance of the power they had assumed, and their most pernicious and insolent abuse of that power; I will give the reader as short an account of it, as possible, from bishop *Eurnet*, especially, as during the course of this affair a scene of cruelties came to light towards a person, who had offended the ecclesiasticks, which were nothing inferior to those of the most inhuman tyrants.

In the fourth \* year of this reign it was enacted in parliament, that all murderers and robbers should be denied the benefit of clergy. Though the reasonableness of this law, one would have thought, was sufficient to make it pass, yet to take off all objections there was added, that all such as were within the holy orders of bishop, priest, or deacon, should be excepted; and it was also continued in force only till the next parliament. Though this gave the greatest satisfaction to the people, the clergy were so offended, that the most inferior persons, who were any ways related to the church, should be proceeded against by the laity, that the act by their opposition was suffered to determine next parliament. But see the effects of an ill-judged compliance with whatsoever that body of men shall at any time be pleased to call their privileges: they were not satisfied, that it was suffered to expire, but with great audaciousness resolved to fix a public censure on this act of the legislature. Accordingly, the abbot of *Winchelcomb* openly preached against it at *St. Paul's cross*.

As this could not fail of making a noise, the temporal lords and house of commons con-

\* *Hist. of the reformation*. vol. 1. p. 13.

curred in petitioning the king to suppress the growing insolence of the clergy. Upon this a hearing was appointed before the king with all the judges and his temporal council. It will be too tedious to insert here the particulars of the dispute, which are to be seen in the history of the reformation: but in short, Dr. *Standish*, who was ecclesiastical council for the king, maintained his arguments against the immunities of the church with so much reason, and so clearly confuted the assertions of the abbot, that all the laity present were so confirmed in their former opinions, that the bishops were moved to order the abbot to make a recantation of his sermon in the place, where he had preached it; but they all flatly refused to do it, and openly justified the assertions of the abbot in every point. As this was followed by very great heats in parliament, an affair, that fell out just after, made the matter to be prosecuted still more warmly the *Michaelmas* term following.

One *Richard Hunne*, a merchant-taylor in *London*, was sued in the ecclesiastical court by a *Middlesex* clerk for refusing a mortuary, which the clerk pretended was due to him on account of a child of *Hunne's* that had died five weeks old. As this spiritual court sat by the legate's authority, therefore was a

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foreign court, *Hunne* was advised to sue the clerk in a *præmunire*. The clergy were touched to the quick at this, and used all their arts to fasten heresy on *Hunne*; and having found *Wickliffe's* bible in his custody, he was taken up, and put in the *Lollards* tower at *St. Paul's*, and had several articles of heresy objected to him by the bishop of *London*. On his examination he denied them in the manner charged upon him; but owned he had said some things, which might seem to tend that way, for which he was sorry, and asked God's pardon, and submitted to the bishop's correction. For this, says our author, he should have been enjoined penance, and set at liberty. But as he still continued his suit in the king's court, he was used in a barbarous manner; for soon after he was found hanged in the chamber, where he was prisoner. This was given out to be done by himself; but when the coroner held his inquest on the body, so many circumstances appeared, that made it undeniably evident, he was murdered; upon which the dead body was acquitted, and the murder charged upon the officers of the prison; and by other proofs, they found the bishop's sumner and bell-ringer guilty of it; and by the deposition of the sumner himself it appeared, that *Dr. Horsey*, the bishop *London's*

den's chancellor, and he, and the bell-ringer did murder him, and then hang him up.

At the same time the bishop began a new process against *Hunne* for heresy; of which being found guilty, he was delivered over to the secular power to be burnt, which was accordingly done in *Smithfield*. When judgment was given, the bishops of *Durham* and *Lincoln*, with many doctors both of divinity and canon-law sat with the bishop of *London*; so that this (says our Author) was looked on as an act of the whole clergy, and done by common consent. The intent of this was to stifle all enquiry about the murder; for it was supposed that when once the deceased had been declared a heretic, no man would be so bold as to appear for him. But it fell out quite otherwise. The city of *London*, was enraged to the greatest degree at the cruelty of the clergy, and made it a common cause. That a poor fellow for suing a clerk according to law, should be long imprisoned, and at last murdered, and the reproach of it cast upon himself to defame him, and ruin his family; and then to burn the dead body that had been so used, was thought such a complication of cruelties, as few *Barbarians* had ever been guilty of.

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So that notwithstanding the very great pains taken to stop the proceedings, and the endeavours of the cardinal to forbid their going on, the thing was so foul and evident, that they were ineffectual : and the trial went on, and the chancellor and sumner were indicted as principals in the murder. *Hunne's* children were also restored in parliament.

The convocation, which was now sitting, finding all this stir made, resolved to call Dr. *Standish* to an account ; whose arguments in the affair before mentioned they thought greatly to have contributed in raising this flame. When he was first summoned, some articles were objected to him by word of mouth concerning the judging of clerks in civil courts ; but the next day a bill was delivered to him in writing, to which a day was appointed for his answer.

*Standish* finding they were determined to oppress him, begged the king's protection for what he had done only in discharge of his duty, as his counsel : but the clergy pretended to the king, that it was for something he had said in his lectures, which he had read at *St. Paul's* and therefore begged him to maintain the rights of the church. On the other hand, the temporal lords and house of commons addressed



dressed the king to maintain the temporal jurisdiction, and protect *Standish* from the malice of his enemies. Upon this the king appointed the matter to be argued at *Black-friars*, where he ordered his council spiritual and temporal, all the judges, and some of both houses to be present. I shall not relate the arguments on both sides here; but after the debate all the judges gave their opinion, that all those of the convocation, who did award the citation against *Standish*, were guilty of a præmunire. The court then broke up. But at another meeting soon after, the king having express'd his opinion in favour of *Standish*, and that he was resolv'd to maintain the rights of the crown and temporal jurisdiction; the archbishop of *Canterbury* begged the matter might be so long respited, till they could get an answer from the court of *Rome*, and they would then conform themselves to the laws of the land in whatever was consistent with the law of God. To this the king made no answer then, but upon his command *Standish* was soon after dismiss'd out of the court of convocation. And the king, not willing to break off with the clergy about *Hunne's* affair, came to this expedient, that Dr. *Horslev*, who had absconded in the archbishop's house, (tho' it was pretended he was prisoner there) since warrants had been out to apprehend him, should

render himself prisoner in the king's bench; where, upon his pleading not guilty, the attorney-general should acknowledge it, and withdraw the indictment; the king thinking he had maintained his prerogative, by bringing him to the bar.

Thus ended this great affair, which though far from giving the people in general satisfaction, as they thought justice had not been done against the criminals; yet it made the pretensions of church-men appear very weak, and gave all men such a detestation of their conduct, as disposed the public to be well pleased with the alterations, that followed in this reign, and every attempt towards reducing their power.

It cannot be supposed, that a clergy with this disposition would countenance any reformation, which at all lessened their riches or power; accordingly this, which followed in the present reign, was entirely against the will of the greatest part of them. It has been justly observed, there was never any reformation, but the clergy was against. Indeed what was done in this reign was more properly a few steps towards a reformation, than the thing itself; and though outwardly most of them paid a submission to the king's will in the alterations

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tions then made, yet at the same time we find them using all their artifices to prevent their being carried on to such a length, as should render the breach with *Rome* irreparable. With those views, when they had brought themselves to own the supremacy, yet they still endeavoured to cherish in the king a regard for the most absurd doctrines of the *Roman* church. And lest the few steps the king had taken towards a reformation, might encourage the followers of *Luther* to be more open in promulging their opinions, the greatest arts were used to make the king discourage them; and therefore we find persecution never raged with greater violence and injustice, than under this reforming monarch.

For the same reason, and in order to make the clergy less sensible of the absurdity of several doctrines of the church, and of the implicit and servile obedience claimed by it, they endeavoured to suppress the translation of the bible in this reign; for it was their maxim, to use the laity, as *Herodotus* tells us, the *Scythians* did their slaves, which was to deprive them of their eyes, that they might churn their master's milk with more attention.

Therefore, whatever merit there was in accomplishing the reformation, the clergy have

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no pretence to any part of it; and the few of them, that really and with sincerity laboured to bring it about, of whom bishop *Cranmer* was at the head, were a very inconsiderable number in respect to that whole body.

And since I have mentioned that great man, upon whose character such encomiums have been made, I must here own my opinion, that if we consider with attention his whole conduct, we shall find some parts of it, which cannot fail very much to lessen those ideas, we are at first apt to conceive of him.

It is far from my intention to derogate from the merit of a man so much celebrated, by making no allowances for the frailties of human nature, from which it would be unreasonable to expect, that he or any man whatever should be exempt by the sanctity of his profession: and as such, I am very willing to consider his recantation in the latter part of his life; and whatever other slips he might have been guilty of, which may be allowed to be consequences of human frailty, are readily to be excused, provided they are mere frailties: but we cannot consider in that light some of his actions. The protestation, he made at his consecration\*, when he took his oath to

\* Hist of the refor. vol. 1. p. 129.

the pope, was a deliberate act; and however agreeable it might have been to the maxims of canonists † and casuists at that time, was very unfuitable to the integrity of his character.

The taking of oaths with reserved meanings and particular explications, can have no other tendency than to destroy all faith amongst men. And it was formerly observable, that the clergy in general too much countenanced the taking of oaths with mental reservations; though in justice to the present clergy, surely it must be owned, they never allow of any private explications in what they subscribe as necessary to qualify them for their holy function, or on any other occasion.

His compliance, as well as that of the whole convocation, with the king's will, in annulling

\* In how different a light were oaths considered by the ancient heathens, when at *Athens*, one of their greatest tragedians brought upon himself the highest indignation of his audience, by putting into the mouth of a worthy character, a sentiment agreeable to the behaviour of this great and pious divine.

Ἡ γλῶσσο' ὀμωμοχ', ἢ δὲ φρήν ἀνώμοτο•.

*My tongue has sworn, but not my mind.*

*Euripid. Hippel. l. 612.*

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the marriage with *Anne of Cleves*, is extremely unjustifiable, and not to be excused by the fear of incurring the king's displeasure; which, if allowed, will equally justify the worst actions committed at the commands of the most unjust tyrants. The author of the history of the reformation says, " this \* was  
 " the greatest piece of compliance that ever  
 " the king had from his clergy: for as they  
 " all knew there was nothing of weight in  
 " that pre-contract, so they laid down a most  
 " pernicious precedent for invalidating all pub-  
 " lic treaties and agreements; since if one  
 " of the parties being unwilling to it, so that  
 " his consent was not inward, he was not  
 " bound by it, there was no safety among  
 " men more."

And again, " for that argument, that was  
 " taken from the want of consummation,  
 " they had forgotten what was pleaded on the  
 " king's behalf ten years before, that con-  
 " sent without consummation made a mar-  
 " riage compleat.—But as the king was re-  
 " solved on any terms to get rid of the queen,  
 " so the clergy were also resolved not to in-  
 " cur his displeasure; in which they rather  
 " sought for reasons to give some colour to  
 " their sentence, than passed their judgment  
 " upon the strength of them."

\* Vol. 1. p. 281.

But what alone is sufficient to destroy the great veneration for *Cranmer*, is the treatment some Anabaptists met with in the succeeding reign. As that young prince *Edward VI.* was entirely under the direction of protestant bishops, we might expect to see religion put on a much more amiable face, when its chief reformers were now no longer obstructed by that great restraint and submission, to which they were subjected, by the imperious will of the late king. We might expect to see the clergy recommending the protestant religion by the reasonableness of its doctrines, by gentleness, moderation, and disinterestedness in its teachers, and by the reverse of a behaviour so much complained of in the popish church. But alas! we shall soon find ourselves mistaken in those pleasing hopes. The sword of persecution had only changed hands, and, an implicit compliance with the present clergy, was likely to be as much claimed, as ever it had been by the church of *Rome*. The young king, in whose disposition good-nature was as prevalent as his good sense, was shocked at this unexpected behaviour in the protestant clergy; and being pressed to sign a warrant for the burning a poor frantic Anabaptist woman, could not at first be prevailed with to do

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do it, " but \* thought it a cruelty too like that  
" they had condemned in papists, to burn any  
" for their consciences." And when at last,  
by the sophistical arguments of good bishop  
*Cranmer*, he was rather silenced in his ob-  
jections, than satisfied in his compliance, " he  
" set his hand to the warrant with tears in  
" his eyes, saying to *Cranmer*, that if he  
" did wrong, since it was in submission to  
" his authority, he should answer for it  
" before God."

It is plain from hence, that persecution for opinions in religion was never disliked by our clergy, and we might probably have seen it at as great a height in this, as in the succeeding reign, had it not been extremely impolitic to furnish the vast number of enemies the reformation then had in the kingdom, with the power of retorting the same objection against the protestant religion, that had been so successfully urged against popery. Indeed it is pretty extraordinary, their policy should suffer the clergy to give those open proofs of their disposition which they then did: but it is at the same time a very powerful argument of that disposition, since neither policy, which generally much governs ecclesiastics, nor the

\* *Hist. of the reformation*. vol. 2. p. 112.



consideration of what they themselves had so lately felt, could prevail on them entirely to suppress it, even in those early days of their power. And though the legislature has wisely thought fit to pare their talons since; yet in some later reigns, when any of our princes have through weakness or ill designs countenanced their usurped power, we find it employed with no less severity than formerly against all, that seemed to disapprove of it; and though they could not extend it against the lives of such, yet they have done it to the greatest degree against the liberty of their persons, their characters, and fortunes.

The succeeding reign of queen *Mary*, in which the church of *Rome* was again uppermost, is an instance of the miseries of a state governed by a woman, over whose passions bigotry, and a false zeal for religion, had the whole ascendant. She delivered herself up to her confessor, “and \* was as much addicted  
“ to the humours and interests of the clergy,  
“ as they could wish.” The interest of the state was entirely neglected, *Calais*, which had been for ages maintained, and was the last monument of our former victories in *France*, acquired at the expence of so much

\* *Burnet*.

blood and treasure, was now lost: and as this properly may be considered as a reign of priests, we never find one more mean and contemptible.

The reformation, which was re-established under queen *Elizabeth*, met with the same opposition from the majority of the clergy, that it had formerly. It would be foreign to the design of these few sheets, to enter into an account of the particular steps taken in that affair; but it was observable, the clergy for the most part made it a maxim to give what opposition they could to the reformation: but as soon as any steps towards it were settled by parliamentary authority, they chose to reconcile them to their consciences, notwithstanding \* the disapprobation they had expressed, rather than quit their preferments. But though the reformed religion may from this reign be said to be perfectly settled in the kingdom, we shall be very much deceived, if we expect to find any great amendment in its clergy. We shall soon perceive much of the old leaven still remaining. The same pursuit of wealth, power, and independency was still resolved upon: but as all changes in government produce the same in politics, so their schemes

\* Hist. of the refor.

for the accomplishment of their designs were to be a little altered; and this like subtle politicians they did not fail to do.

It now became more necessary than formerly for the clergy to pay their court to temporal princes. In order thereto, we shall find them devising new doctrines pernicious to the happiness and liberty of mankind, and from being the janizaries of the papacy, as they are aptly stiled by a great author, become those of arbitrary power, as we shall fully see them in the following reign. And the event has proved the prophecy, in a letter imputed to the famous *Machiavel*, but too true, where speaking of the miseries brought upon mankind, and the corruption of religion by the ecclesiastics, which called for a thorough reformation, we find these words: “ \* I would not be understood  
“ to dissuade any from honouring true aposto-  
“ lical teachers, when they shall be established  
“ amongst us, and from allowing them (even  
“ of right, and not of alms or courtesy) such  
“ emoluments, as may enable them chearful-  
“ ly to perform the duties of their charge, to  
“ provide for their children, and even to use  
“ hospitality, as they are commanded by St.  
“ *Paul*. But this I will prophesy, that if

\* *Mac's. English* tran. p. 541.

“ princes

“ princes shall perform this business (meaning  
 “ a reformation) by halves, and leave any  
 “ root of this clergy or priestcraft, as it now  
 “ is amongst us ; or if that famous reformer  
 “ fled some years since out of *Picardy* to *Gene-*  
 “ *va*, who is of so great renown for learning  
 “ and parts, shall not in his model wholly ex-  
 “ tirpate this sort of men ; then, I say, I must  
 “ foretel, that as well the magistrate, as this  
 “ workman, will find themselves deceived in  
 “ their expectation, and that the least fibra of  
 “ this plant will over-run again the whole  
 “ vineyard of the Lord, and turn to a diffusive  
 “ papacy in every diocese, perhaps in every  
 “ parish.”

Whoever impartially considers the reign of  
*James I.* cannot but discover, that the arbi-  
 trary notions which that weak and self-suffi-  
 cient prince had got into his head, were  
 greatly promoted by the discourses and exces-  
 sive flattery of the clergy : and it was from  
 those principles, all the miseries this kingdom  
 soon afterwards felt, have entirely proceeded.

The doctrine of unlimited passive obedience  
 to princes is a plant purely of protestant  
 growth ; I mean, of protestant priest-craft :  
 or at least if it had ever a being before in  
 the brain of any enthusiastical or interested  
 priest,

priest, the clergy of the reformed church of *England* may claim the sole honour of having cherished, and brought it to perfection. How much soever the clergy had hitherto contributed towards the oppressions of the people, yet we never find they had the impudence to maintain it was a part of religion and their duty to submit to them, till these times I am speaking of.

The first use they made of this disposition in king *James I.* was to render the puritans more obnoxious to him ; towards whom already he was far from being well inclined, though he had formerly declared quite the contrary in *Scotland*. Their different opinions in regard to the hierarchy rendered them extremely odious to the bishops, and they dreaded the growth of their opinions more than those of popery itself, as appears by their conduct throughout this reign. The bishops therefore represented the puritans as men, whose principles were destructive to monarchy, no less than to the government of the church by bishops ; a charge, that could not fail confirming a prince of his sentiments in his aversion towards them.

In a conference \* appointed at this time for form's sake between the bishops and puritan

\* *Rapin*, vol. 2. p. 162.

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ministers, the archbishop of *Canterbury* (a moderate man reckoned, as times went) did not scruple to make use of an expression of flattery to the king so high-strained, as to be almost blasphemous; for, upon the king's replying himself to the objections of the ministers, he cried out, he verily believed it was by the spirit of God, the king spoke what he then did.

But it was not by words alone, that the bishops flattered the king, and shewed their approbation of his arbitrary principles. Archbishop *Bancroft*, like a true high-flying churchman, was resolved to lead the way in an attempt to make the laws depend on the sole will of the king. He \* therefore in the name of all the clergy exhibited to the king in council articles containing twenty-five pretended grievances, which he desired might be reformed in granting prohibitions from the civil courts. The archbishop could not but know, that in such cases the judges acted according to the fixed laws of the land; and that if there was any hardship in their proceedings, they could not be reformed but by authority of parliament. But the archbishop's drift in this conduct was to point out a method to others of applying immediately to the

\* See *Coke's articuli cleri*, 2d inst.

king.

king, without regarding the parliament, in things, that were undeniably within their jurisdiction; which opportunity, he imagined, king *James* would readily have embraced, by which also the clergy would have gained a point, they could not have expected from the justice and wisdom of the whole legislature. It is not improbable, but the king might have been gained to their cause, had it not been for the unanimous and strenuous opposition of the judges, who represented the illegality of the archbishop's request, and the dangerous consequences, that might happen from it.

Soon afterwards two books were publicly licensed; the one wrote by Dr. *Cowel*, professor of civil law at *Cambridge*, and vicar-general to archbishop *Bancroft*; the other by one Dr. *Blackwood*, a clergyman, in which were passages in favour of the most extravagant maxims of arbitrary \* power. The first laid down these three principles.

1<sup>st</sup>, That the king was not bound by laws, or his coronation-oath.

\* *Rapin*, vol. 2. p. 176.

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2dly, That the king was not obliged to call a parliament to make laws, but might do it alone by his absolute power.

3dly, That it was a great favour to admit the consent of the subjects in giving subsidies.

These principles were so gross, that even the king found himself obliged to forbid the reading those books, by proclamation, in order to prevent the justice of parliament upon the authors.

The successor of the archbishop just mentioned, indeed proved a man of more moderation in his principles, than is usually met with in church-men: but as such a temper made him unfit for promoting the designs of his brethren, we find him always hated and branded by them. He could not approve of the rigour used to dissenting protestants, at the same time that the *Roman* catholics were openly tolerated by the king, and winked at by the clergy, contrary to the declared laws of the realm: his \* letter to the king on this occasion, and the freedom he uses in condemning the dispensing by proclamation with the

\* *Russ.* vol. 8. p. 85.



established laws, will ever redound to his honour; notwithstanding the persecution and ill usage he met with from his brethren, who strove to represent him as a puritan; a name at this time indiscriminately made use of, not only towards the presbyterians, but likewise towards all such, who did not approve of the notions countenanced by the king, and propagated by the clergy, nay even towards those, who expressed any dislike of the libertinism, or fashionable vices of the age.

As the fruit of the seeds sown in this reign came to their full maturity in the following one, I will dwell no longer on this than just to observe, that if the reader pleases to see a specimen of true priestly panegyrick carried on to the most ridiculous and fulsome extravagance, he may meet with it in an extract of the sermon preached at king *James's* funeral, printed in † *Rushworth.*

Under *Charles I.* the spirit of our churchmen displayed itself without reserve in its most lively colours, and stript of all disguise whatsoever. By their means *England* was on the brink of being enslaved by the king, and clergy at the same time. The views the church had,

† Vol. 1. p. 160.

manifestly appeared as early as the coronation of the king. The form of that ceremony was compiled chiefly by bishop *Laud*, who officiated as dean of *Westminster* in the room of bishop *Williams* lately fallen into displeasure, and therefore suspended from that office. I will not trouble the reader with several superstitious innovations introduced into the ceremony, which could not but give offence; but will set down one passage, which sufficiently shews the schemes the church had formed.

After the coronation was performed, and the king conducted by the nobility to the throne, this remarkable, and unprecedented passage was read to him.

“ Stand † and hold fast from henceforth the  
 “ place, to which you have been heir by the  
 “ succession of your fore-fathers, being now  
 “ delivered to you by authority of almighty  
 “ God, and by the hands of us, and all the  
 “ bishops and servants of God: and as you  
 “ see the clergy to come nearer the altar than  
 “ others, so remember that (in all places con-  
 “ venient) you give them greater honour,  
 “ that the mediator between God and man

† *Rub.* vol. 1. p. 200.

“ may establish you in the kingly throne to  
“ be a mediator between the clergy and laity,  
“ and that you may reign for ever with Jesus  
“ Christ, the king of kings, and lord of  
“ lords.”

As the drift of this speech is obvious to every one, who reads it, I shall only observe what a prospect there was of the clergy's extending their power to the height of their wishes, whenever they should have a prelate at their head (which soon after happened) that asserted their superiority on so public, and solemn an occasion.

Since *Laud* afterwards made so considerable a figure in this reign, especially in the direction of all ecclesiastical affairs, it may not be improper to mention the account given of him, and his first appearance in the world in the late reign by archbishop *Abbot* his predecessor.

“ This man (say † he) is the only in-  
“ ward counsellor with *Buckingham*, sitting  
“ with him sometimes whole hours, and  
“ feeding his humour with malice and  
“ spite.

† *Rushw.* vol. 1. p. 449.

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“ His life in *Oxford* was to pick quarrels  
“ in the lectures of the public readers, and  
“ to advertise them to the then bishop of  
“ *Durham*, that he might fill the ears of king  
“ *James* with discontent against the honest  
“ men, that took pains in their places, and  
“ settled the truth (which he called purita-  
“ nism) in their auditors.

“ He made it his work to see what books  
“ were in the press, and to look over epistles  
“ dedicatory, and prefaces to the reader, to  
“ see what faults might be found in them.

“ It was an observation, what a sweet man  
“ this was like to be, that the first observable  
“ act, that he did, was the marrying the earl  
“ of *D.* to the lady *R.* when it was notorious  
“ to the world, she had another husband, the  
“ same a nobleman, who had diverse children  
“ then living by her.”

We shall soon see the clergy did not fail prosecuting their designs with vigour, of which they had made so early a discovery. The university of *Cambridge*, in the beginning of this reign, in order to make their court to his majesty, took a public occasion to offer a notorious affront to the representative body of the whole

whole people, the commons in parliament, by chusing the duke of *Buckingham*, at that time under an impeachment, for their chancellor. Accordingly we find the commons entertained the highest sense of this indignity offered them, as appears in their answer to a message of the king's † on this occasion: though his-majesty's espousing the part of the university prevented their proceeding in a manner, they were otherwise inclined to do.

This parliament was no sooner dissolved, which happened in a short time, and the king determined to furnish himself with money by loan, and other illegal and oppressive methods, but the pulpits sounded with the doctrine of passive obedience, and compliance with the king's commands, without any examination of their lawfulness. Parliaments were now said to be only usurpations upon the unlimited power of sacred majesty, which alone was sufficient to impose laws or taxes on the subject by its own authority. Amongst the several discourses on that head, those of Dr. *Sibthrop* and Dr. *Manwaring* were particularly remarkable. The one preached at the lent assizes at *Northampton* a sermon entitled apostolical obedience; in which he set forth,

\* *Rush.* vol. 1. p. 373.

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“ that \* the prince who is head, and makes  
 “ his court and council, it is his duty to di-  
 “ rect and make laws, *Ecclef. viii. 3.* he doth  
 “ whatsoever pleases him. *Where the word*  
 “ *of a king is, there is power, and who may*  
 “ *say unto him, what doest thou? —*

“ If princes command any thing, which  
 “ subjects may not perform, because it is  
 “ against the laws of God, or of nature, or  
 “ impossible; yet subjects are bound to un-  
 “ dergo the punishment without resistance,  
 “ railing, or reviling, and so yield a passive  
 “ obedience, where they cannot exhibit an  
 “ active one.

“ I know no other case, but one of those  
 “ three, wherein a subject may excuse himself  
 “ with passive obedience, but in all other he  
 “ is bound to active obedience.”

Dr. *Manwaring* promoted the same business  
 in two sermons preached before the king at  
*Whitehall*, where he delivered for doctrine to  
 this purpose, “ that the king is not bound to  
 “ observe the laws of the realm concerning  
 “ the subjects rights and liberties, but that his  
 “ royal will and command in imposing loans

\* *Rushw.* vol. 1. p. 423.

“ and

“ and taxes without common consent in par-  
“ liament doth oblige the subject's conscience  
“ on pain of eternal damnation.

“ That those, who refused to pay this loan,  
“ offended against the law of God, and the  
“ king's supreme authority, and became guilty  
“ of impiety, disloyalty, and rebellion. And  
“ that the authority of parliament is not ne-  
“ cessary for the raising of aids and subsidies,  
“ and that the slow proceedings of such great  
“ assemblies were not fitted for the supply of  
“ the state's urgent necessities, but would ra-  
“ ther produce sundry impediments to the  
“ just designs of princes.

For refusing to license the first of these sermons, that archbishop (*Abbot*) was suspended. The sermon was afterwards licensed by the bishop of *London*. As for the preachers themselves, they were soon rewarded with considerable benefices, and *Manwaring* was even promoted to a bishopric, though he had been sentenced by the house of lords to pay a large fine, to make a public submission, and declared incapable of holding any dignity.

It was not discourses of this kind only, that were publickly preached, and afterwards encouraged and licensed by the bishops; but

we find by a petition of the booksellers and printers to the \* parliament in the fourth year of this reign, that books wrote against the fundamentals of the reformed religion, and in favour of popery were licenced by *Laud*, at this time advanced to the see of *London*; while books wrote in defence of the established religion were restrained, and of these several instances were produced.

Every one, who is at all versed in the history of these times, cannot but have observed, that in order to carry church-power as high as possible, the bishops then affected to make the religion of this country approach as near popery, as they could, without actually declaring for it, or allowing the pope's supremacy. As bishop *Laud* was the chief promoter of the independent power, they were striving for, and had himself the direction of all ecclesiastical affairs, it would not have been for his interest to have established any other supremacy, especially after he became archbishop of *Canterbury*; for he then was in a manner himself pope, and even affected to be called his holiness, and most holy father, as he was stiled by the university of *Oxford* † in many of their letters and addresses.

\* *Risw.* vol. 1. p. 655.

† *Heylin's Life of Laud*, p. 297.



Besides the licensing of the books, which I have taken notice of, the many superstitious innovations introduced at that time into divine service are notable proofs of the affectation of popery, the clergy then discovered; of which the consecration of *St. Catherine's* church, is a very remarkable instance. The the reader may see the full account of it in *Rushworth* or *Rapin*. The least opposition to any of these things was an unpardonable crime; which we see by the process formed against *Henry Sherfield*, recorder of *Sarum*, for only removing by consent of the vestry some pieces of glass from the church-window, in which there was a ridiculous representation of God painted in the form of an old man, with a pair of compasses: for which high offence the poor \* man was fined, committed to the Fleet, and removed from his recordership, and bound to his good behaviour.

The bishops were become so intoxicated with their darling scheme of church power, which they did not doubt to accomplish, that they set up for inquisitors in their several dioceses, by obliging the church-wardens to turn informers concerning the lives and actions

\* *Rushw.* vol. 1. p. 153.

of their parishioners, to which the bishop of *Winchester* obliged them by oath \* in his primary visitation, and thereby committed an outrage on the laws of the land, and jurisdiction of parliament, which alone has power to prescribe oaths to the subjects.

Nor can these attempts of the clergy in this reign be said to be only the actions of particular men, and therefore not chargeable upon the whole; the contrary to this appears in that, after the parliament of 1640 was dissolved, the convocation, in which the whole clergy were represented, continued to sit notwithstanding contrary to the usual method; and by their own authority took upon them to make canons, and enjoin an oath, which all graduates and clergymen in the universities should be obliged to take; they also granted the king a subsidy, a most public and avowed encroachment on the jurisdiction of parliament.

These proceedings were so notorious, that my lord *Clarendon* cannot help condemning them, though he does it with his usual tenderness for the cause in which he wrote. “ † The “ convocation (says he) the regular and legal

\* *Rushw.* vol. 1. p. 186. † Vol. 1. p. 116.

“ assembly

“ assembly of the clergy, customarily begin-  
 “ ning and ending with parliaments, was af-  
 “ ter the determination of the last, by a new  
 “ writ continued, and sat for the space of  
 “ above a month under the proper title of a  
 “ synod: made canons, which it was thought  
 “ it might do, and gave subsidies out of par-  
 “ liament, and enjoined oaths, which certainly  
 “ it might not do. In a word, did many  
 “ things, which in the best of times might  
 “ have been questioned, and were sure to be  
 “ condemned in the worst.” But as impudent  
 as this conduct seems to be, it was not at all  
 surprizing, since the bishops had some time  
 before that scrupled publicly to declare their  
 independency on the state in defiance of the  
 laws of the land, and the principles, thereby  
 established at the reformation, and in violation  
 of their oath of supremacy. And this was  
 done, as *Whitlock* informs us, in the high-  
 commission court, at the time that *Bastwick*  
 appeared there, and was so severely punished  
 for writing a book in answer to one *Short*, a  
 papist, who had maintained the pope’s supre-  
 macy. The author just mentioned, relates it  
 thus: “ \* In the censure of *Bastwick*, all the  
 “ bishops then present denied openly, that  
 “ they had their jurisdiction, as bishops, from

\* *Whisl. Mem.* p. 12.

“ the king, for which they might have been  
 “ censured themselves in king *Henry II.* and  
 “ king *Edward III*’s times.

“ But they affirmed, that they had their ju-  
 “ risdiction from God alone; which denial of  
 “ the supremacy of the king under God, king  
 “ *Henry VIII.* would have taken very ill, and  
 “ it may be, would have corrected them by  
 “ his kingly arguments, and *regia manu.* But  
 “ these bishops publickly disavowed their de-  
 “ pendance on the king. And the archbishop  
 “ maintained the book of *Chewney* (who had  
 “ wrote a book at this time in defence of the  
 “ church of *Rome*) and that the *Romish*  
 “ church was a true church, and erred not in  
 “ fundamentals.”

The court of high-commission was now become an unsupportable grievance to the subject, not only by a tyrannical exercise of power in ecclesiastical affairs, but by assuming to itself an universal jurisdiction, by trampling on the laws and the rights of all the civil courts; so that the subject deprived of his refuge, had no shelter to fly to from injustice and oppression: and for this I chuse to quote lord *Clarendon*’s own words, as I am certain, he cannot be thought to have misrepresented the matter in disfavour of the clergy.

“ Of

“ \* Of late (speaking of the high-commission  
“ court) it cannot be denied, that by the great  
“ power of some bishops at court, it had  
“ much over-flowed the banks, which should  
“ have contained it; not only in meddling with  
“ things that in truth were not within its con-  
“ nufance, but extending their sentences and  
“ judgments in matters triable before them  
“ beyond that degree, that was justifiable: and  
“ grew to have fo great a contempt of the  
“ common law, and professors of it (which  
“ was a fatal unskilfulness in the bishops, who  
“ could never have suffered whilst the com-  
“ mon law had been preserved) that prohibi-  
“ tions from the supreme court, which have,  
“ and must have the super-intendancy over  
“ all inferior courts, were not only neglect-  
“ ed, but the judges reprehended for granting  
“ them (which without perjury they could  
“ not deny) and the lawyers discountenanced  
“ for moving them (which they were ob-  
“ liged in duty to do) so that thereby the  
“ clergy made almost a whole profession, if  
“ not their enemies, yet very undevoted to  
“ them.

“ Then it was grown from an ecclesiastical  
“ court for the reformation of manners to a

\* Vol. 1. p. 221.

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“ court of revenue, and imposed great fines  
 “ upon those, who were culpable before them,  
 “ sometimes above the degree of the offence,  
 “ had the jurisdiction of fining been unques-  
 “ tionable, which it was not. Which course of  
 “ fining was much more frequent, and the  
 “ fines heavier after the king had granted all  
 “ that revenue (whatsoever it should prove to  
 “ be) to be employed for the reparation of *St.*  
 “ *Paul’s* church; which though it were a glo-  
 “ rious work, and worthy the piety of those,  
 “ that advanced it; and the greatness of his  
 “ mind, who principally intended it, made the  
 “ grievance the heavier.”

In another place the same noble historian  
 speaking of the animosities between the law-  
 yers and churchmen, attributes the hatred  
 on the part of the latter to their opinion,  
 that their not enjoying so many of the great  
 posts in the civil government as formerly, was  
 owing to the opposition of the lawyers. A  
 true instance of the ambition of priests, which  
 rather than not gratify, they were ready to  
 destroy the laws themselves. “ It \* cannot  
 “ be denied (says lord *Clarendon*) that the  
 “ peevish spirits of some clergymen have ta-  
 “ ken great pains to alienate that profession

\* Vol. 1. p. 241.

“ (meaning the lawyers) from them: and  
“ others as unskilfully (finding that in former  
“ times, when the religion of the state was a  
“ vital part of its policy, many churchmen  
“ were employed eminently in the civil govern-  
“ ment of the kingdom) imputed their want-  
“ ing those ornaments, their predecessors wore,  
“ to the power and prevalency of the lawyers,  
“ of whom some principal men in all times,  
“ they could not but observe to have been  
“ their avowed enemies: and so believed the  
“ straitning and confining the profession of  
“ the common law must naturally extend  
“ and enlarge the jurisdiction of the church.  
“ Thence arose their bold and unwarrantable  
“ opposing, and protesting against prohibitions  
“ and other proceedings at law, on the behalf  
“ of the ecclesiastical courts; and the procu-  
“ ring some orders and privileges from the  
“ king on behalf of the civil law, as the arch-  
“ bishop of *Canterbury* prevailed with the king  
“ to direct, that half the masters of chancery  
“ should be always civil lawyers, and to de-  
“ clare, that no others of what condition  
“ whatsoever should serve him as masters of  
“ request.”

It is well known that archbishop *Land*, the principal promoter of all the doctrines advanced in this reign, and of the grievances, which

which flowed from them, is even at this day the darling of the clergy, and looked upon as the champion of their rights, and a martyr for the cause of religion. The greatest encomiums have been bestowed on his memory. And my lord *Clarendon* in his history sets him forth, as a man of the highest probity, learning, and sense, and seems willing to attribute no other fault to him than a little hastiness in his temper for accomplishing his designs, occasioned by the fervency of his zeal for promoting the cause of religion, and glory of his prince. But in forming a just idea of his character, we need be determined by nothing but the share he had in the transactions of those times; and I will venture to affirm, that my lord *Clarendon* himself does in some particular passages say enough of *Laud* to prove, he was far from deserving that amiable and good character, he seems studious to make his reader entertain of him. Whoever reads an historian in the proper manner, that is, with a view of searching out truth, must form his judgment of things from the matters of fact set down, and not be so led away by what the author says concerning them, and his reflections upon them, as blindly to adopt his sentiments and opinions. And I am confident, that to any reader, who will attend without prejudice to the words of that noble historian

just



just mentioned, *Laud* must appear of a weak and over-bearing temper, apt to be transported with the highest and most indecent passion at mere trifles, unforgiving towards those, who had formerly offended him, constantly introducing innovations in order to establish an independent power in the church, and not scrupulous of using any methods to increase the king's revenues under pretence of promoting the service of his sovereign. The first, and last particulars of this charge are so very obvious, that I cannot help setting down both passages relating to them at length. “ \* The  
“ sharpness of his language and expressions  
“ was so natural to him, that he could not  
“ debate any thing without commotion, when  
“ the argument was not of moment, nor bear  
“ contradiction in debate even in council,  
“ where all men are equally free, with that  
“ patience and temper, that was necessary; of  
“ which they, who wished him not well, would  
“ take advantage, and would therefore con-  
“ tradict him, that he might be transported  
“ with some indecent passion: which upon a  
“ short reflection he was always sorry for,  
“ and most readily and heartily would make  
“ acknowledgment.”

\* Vol. i. p. 75.

As to the last particular, his conduct, when in the management of the treasury upon the death of lord *Portland*, is related thus: “ Being \* obliged to it now by his trust, he entered upon it with his natural earnestness and warmth, making it his principal care to advance and improve the king’s revenue by all the ways, which were offered, and so hearkened to all informations and propositions of that kind; and having not had experience of that kind of people, who deal in that traffick, (a confident, senseless, and, for the most part, a naughty people) he was sometimes misled by them to think better of some projects, than they deserved: but then he was so entirely devoted, to what would be beneficial to the king, that all propositions and designs, which were for the profit (only or principally) of particular persons, how great soever, were opposed, and stifled in their birth by his power and authority; which created him enemies enough in the court, and many of ability to do mischief, who knew well how to recompense discourtesies, which they always called injuries.

\* Vol. 1. p. 75.

“ The revenue of too many of the court  
 “ consisted principally in inclosures, and im-  
 “ provements of that nature, which he still  
 “ opposed passionately, except they were  
 “ founded upon law; and then if it would  
 “ bring profit to the king, how old and ob-  
 “ solete soever the law was, he thought he  
 “ might justly advise the prosecution: and so  
 “ he did a little too much countenance the  
 “ commission concerning depopulation, which  
 “ brought much charge and trouble upon the  
 “ people, and was likewise cast upon his  
 “ account.”

We have a remarkable instance in this reign,  
 how excellent casuists the clergy are, and  
 what a notable knack they have of distinguish-  
 ing in cases of conscience suitably to the shape  
 and conveniency of the times. When king  
*Charles*, being pressed to pass the bill for attain-  
 ing the earl of *Strafford*, discovered great un-  
 willingness to give his consent to what, he said,  
 his conscience told him was so unjust; he  
 was desired by his council to confer with his  
 bishops on that point. Accordingly. “ \* the  
 “ archbishop of *York*, who was at hand, to  
 “ his argument of conscience, told him there

\* *Clarend.* hist. of reb. vol. 1. p. 202.

“ was a public, and a private conscience:  
“ that his public conscience, as a king, might  
“ not only dispense with, but oblige him to  
“ do that, which was against his private con-  
“ science, as a man.”

Were I to give a full account, and all the particular instances of the mischievous conduct and behaviour of the clergy in these times, it would be taking upon me to write a history of the reign, which is very foreign from my design: for in short, all the troubles in this reign are in the greatest measure to be set down to their account: All the innovations in church and state, all the attempts to erect an independency in the first, and a tyranny in the latter, were countenanced by their doctrine, and promoted by their actions. And in this I am confirmed by the testimony of a great man, whose authority in this point cannot be questioned, since his zeal for the established church, and his attachment to his prince were so great, that he lost his life in their defence. This is the lord *Falkland*, with part of whose speech in the house of commons, upon the bill for the exclusion of the bishops from the house of lords, I shall conclude my account of this reign.

“ Mr.

“ Mr. \* Speaker, he is a great stranger in  
“ *Israel*, who knows not, that this kingdom  
“ hath long laboured under many and great  
“ oppressions both in religion and liberty;  
“ and his acquaintance here is not great, or his  
“ ingenuity less, who does not know and ac-  
“ knowledge, that a great, if not a principal  
“ cause of both these hath been some bishops,  
“ and their adherents.

“ Mr. Speaker, a little search will serve to  
“ find them to have been the destruction of  
“ unity under the pretence of uniformity, to  
“ have brought in superstition and scandal  
“ under the titles of reverence and decency,  
“ to have defiled our church by adorning our  
“ church, to have slackened the strictness of  
“ that union, which was formerly betwixt us  
“ and those of our religion beyond the sea, an  
“ action as impolitic as ungodly.

“ As Sir *Thomas More* says of the casuists,  
“ their business was not to keep men from  
“ sinning, but to inform them, *quam prope ad*  
“ *peccatum sine peccato liceat accedere*: so it  
“ seemed their work was to try, how much of  
“ a papist might be brought in without po-  
“ pery, and to destroy as much as they could

\* *Rusbrw.* vol. 4. p. 184.

“ of the gospel without bringing themselves  
 “ in danger of being destroyed by law.

“ Mr. Speaker, to go yet further, some of  
 “ them have so industriously laboured to de-  
 “ duce themselves from *Rome*, that they have  
 “ given great suspicion, that in gratitude they  
 “ desire to return thither, or at least to meet  
 “ it half way. Some have evidently laboured  
 “ to bring in an *English*, though not a *Roman*  
 “ popery; I mean not the outside of it only,  
 “ and dress of it, but equally absolute, a blind  
 “ obedience of the people upon the clergy,  
 “ and of the clergy upon themselves; and have  
 “ opposed papacy beyond the sea, that they  
 “ might settle one beyond the water: nay,  
 “ common fame is more than ordinarily false,  
 “ if none of them have found a way to recon-  
 “ cile the opinions of *Rome* to the prefer-  
 “ ments of *England*, and to be so absolutely,  
 “ directly, and cordially papists, that it is all,  
 “ fifteen hundred, pounds *per annum*, can do,  
 “ to keep them from confessing it.”

I would not be understood from any thing  
 I have said of the protestant clergy to insi-  
 nuate, that their conduct had any necessary  
 connection with the principles of our esta-  
 blished religion: but my design is only to shew  
 the ill consequence of throwing so great a share  
 of

of power and property into the hands of any set of men, as shall naturally occasion them to have a distinct interest from that of the community. And therefore I must observe, the presbyterian ministers discovered no less fondness for power than those of the church of *England*, or less inclination to oppress all, who thought differently from them, during that short time, in which they vainly imagined every thing was to be carried on according to those whimsies, they had formed in their heads.\*

It is surprizing to consider how little effect the consideration of the miseries, this kingdom so lately felt, had upon the minds of the clergy after the restoration of *Charles II.* It was to be expected, they would have shunned with horror those steps, which had been found by experience to have exposed their country to ruin, and have blushed at the bare mention of those doctrines, by which they themselves had been so eminently accessory thereto.

But compassion for the sufferings of their country, and a regard for the rest of their fellow-subjects, weighed very little with them, when put in the ballance with the hopes of  
preferment

\* A very good reason this, against establishing any priests whatever, or giving them any power at all.  
*The editor.*

preferment under a new king, and an irreconcilable hatred to the presbyterians. They fell into all the maxims and designs of an abandoned, licentious and corrupt court, and extolled the justness and wisdom of its measures.

Nor did they shew any greater regard for the religious than civil rights of the kingdom, though the disposition of those, who were nearest the king, claimed no small circumspection from them \* in that point. And though they could not but be sensible of the dangers, which so evidently threatened religion from a popish successor, yet they were the most violent exclaimers against the bill of exclusion †; and when it came into the house of lords, most of the bishops present, if not all, voted against it: and with such zeal did they run into the humour of the court at that time, that it was observed, they fully verified the proverb in the gospel, “where the carcase is, the eagles will be gathered together.”

Nor was the zeal of the clergy for the designs of the court the overflowings only of an incontinent joy at the king's restoration, which might have engaged their whole attention in such a manner, as to prevent so early

\* *Rajin.*

† *Burnet*, p. 482.



a discernment of the wrong measures then taken; but when the mask was quite thrown off, and the king, having quarrelled with his last parliament, discovered his resolution never to be cramped with one for the future, “ \* the  
“ clergy particularly distinguished themselves  
“ by shewing their attachment to the princi-  
“ ples and maxims of the court, and seemed  
“ to make it their business to surrender to  
“ the king all the liberties and privileges of  
“ the subjects, and to leave them only an un-  
“ limited obedience. According to the prin-  
“ ciples publicly preached, no eastern mo-  
“ narch was more absolute than the king of  
“ *England.*” The conduct of the late parliaments was arraigned, as seditious and treasonable: and, at the archbishop of *Canterbury’s* own † motion, the clergy were made the heralds for publishing the reasons, the king in his declaration pretended he had, for dissolving the parliament, which was to be read in all churches throughout *England*.

It is strange, how prevalent the most absurd and destructive opinions are over the minds of good and wise men, when propagated as the general sentiments of that body,

\* *Rapin*, vol. 2. p. 725. † *Burnet*, p. 502.

of which they are members. And of this we have an extraordinary instance in a great man, whose name I cannot mention on this occasion without reluctance: I mean, the famous archbishop *Tillotson*, who from his letter to my lord *Ruffel*, when under condemnation in *Newgate*, the latter end of this reign, appears to have held the doctrine of unlimited passive obedience, in the strictest sense of the words; though afterwards experience of the fatal consequences, that flowed from such doctrine, it is to be presumed, made him act upon principles very different from those, into which he had been before misled; and no one appeared a more strenuous well-wisher to the revolution, that followed in the next reign.

Since then the prevalency of general opinions may have that force in misleading more discerning and maturer judgments, with what detestation must we look on the behaviour of those, who having the education of a great part of the youth of the nation, and those too of highest distinction, committed to their care, should, in order to recommend themselves to a prince, endeavour to corrupt the raw and uninformed minds of such youth with the most ungenerous and slavish doctrines? This was what the university of *Oxford* did; who,  
not

not content with \* giving the king a manifest proof, by a solemn decree, of their own mean and prostitute compliance with all his designs, whatsoever they should be; infamously ordered, by the same decree, all tutors to instruct those under their care in the same servile notions, that they themselves had therein expressed. What treatment did not these betrayers of the most important charge, their country could intrust them with, deserve from it? Who, instead of forming the minds of their pupils, by an early acquaintance with the celebrated authors of antiquity, to an imitation of *Greek* and *Roman* virtues, and of animating them by the noblest examples with

\* Amongst other doctrines, these following were condemned as damnable, and destructive to all society, *viz.*

All civil authority is derived originally from the people.

There is a mutual compact, tacit or express, between a prince and his subjects; and that if he perform not his duty, they are discharged from theirs.

That if governors become tyrants, or govern otherwise, than by the laws of God and man they ought to do, they forfeit the right they had unto their government.

There lies no obligation on christians to passive obedience; and the primitive christians chose rather to die than resist, because christianity was not settled by the laws of the empire.

*Vide Rapin, vol. 2. p. 730.*

the love of virtue, freedom, and their country; who, instead of fortifying their minds with a generous courage, and contempt of death, if ever the public service should require it, taught them to become submissive slaves of oppression, fit only to execute the will and commands of tyrants.

After the death of *Charles II.* the duke of *York* succeeded to the crown with the general appearance of approbation and joy in the clergy, though the principles of his religion had been sufficiently known; and there was great reason to believe, that the wrong steps, and violent measures taken in the latter end of his brother's reign, were greatly pushed forward by the natural earnestness of the duke's temper and councils. These considerations, one would have thought, should have more particularly obliged the clergy to the greatest circumspection and caution in all they said or did, to avoid giving the least countenance to any opinions, which they were sensible must hurry a prince of *James's* complexion of mind more precipitately into such designs, as his religious, and other principles of course inclined him to; and in which they could not but discern, he would have no other check than the appearance of difficulty and opposition, he might meet with in the accomplishment of them.

But

But so far were they from using any precaution of this kind, that after king *James* came to the crown, unlimited obedience was trumpeted, - if possible, with more industry than ever in the pulpit, and all other places. And how necessary, and inseparable a part they thought it of the christian religion, as established here, is manifest from the insulting impertinency (for surely it can be called no other) with which the unfortunate \* duke of *M. n. mouth* was pressed to acknowledge it on the scaffold by those appointed to attend him, who were the bishops of *Ely*, and of *Bath* and *Wells*, together with Dr. *Tenison* and Dr. *Hcooper*. Nay, so careful were some of the clergy, that the regal power should not seem liable to any restraints or limitations, that lest the king's own gracious promises, which he had made at his coming to the crown, might be thought to bind him down to the performance of them, Dr. *Cartwright*, afterwards bishop of *Chester* †, asserted in a sermon, " that the king's promises were free donatives, " and ought not to be too strictly examined or " urged, and that they must leave his majesty " to explain his own meaning in them."

\* See Dr. *Sacbev.* tryal, p. 169.

† *Rapin*, vol. 2. p. 754.

After a view of such principles and conduct hitherto, it may seem something strange to find on a sudden, that the career of this king's illegal proceedings, met with one of the first stops from some of the clergy; this was in their refusal to read the king's declaration for liberty of conscience, on account of which, seven of the bishops were committed to the *Tower*. But in this non-compliance with the court (unusual as it was) they swerved not from their usual maxims of policy. They plainly now began to see, that their own interest, and the designs of the king were no longer compatible. A *Roman*, not an *English*, popery, as in *Charles I's* time, was now to be established here. The affair of *Magdalen college* in *Oxford* had opened their eyes to a sense of the danger they run, in being further tools to his designs, and that they were likely to hold their ecclesiastical possessions by the uncertain tenure of the king's will. In such a case it was impossible not to foresee, that their preferments would be soon given from them to such men, who having had their education in the church of *Rome*, would be more relied on by a bigotted king, and who indeed would be more proper to execute the work, he was in such a hurry to accomplish, than an *English* clergy, who if they could be disposed to embrace

brace his religion, yet could with a very ill grace and success be supposed to propagate it amongst the people. What was then to be expected, but to see large bands of foreign ecclesiastics pouring in upon the nation, as in the times of *Henry III.* and the plentiful harvest, which the king flattered himself was now ripe, gathered in by the hands of *French* and *Italian* priests? Was it not therefore the cause of the church alone, not that of public liberty, nor a regard for the interest of the people, that wrought this sudden alteration in the clergy? The attempts upon civil liberty had remained uncensured, and unopposed, nay were enforced by them on pain of damnation; and none of these very bishops had scrupled, or thought it even indecent to publish in their pulpits the late king's abusive declaration against the conduct of his parliament, insomuch that this same archbishop, who was now one of the seven, was the person, that proposed it in council, as has been mentioned above. So used had king *James* been to hear an absolute obedience to his commands preached up by the clergy, and to meet with a full compliance with them in other matters, that on this opposition he very naturally said, "I \* did not expect this from the church of *England*, especially from some of you."

\* *Rapin*, vol. 2. p. 763.

Behold now the clergy all at once running counter to those doctrines of their own broaching, which they had with so much vehemence maintained, and becoming guilty of what they themselves had so very lately denounced the heaviest censures and damnations against, both in their particular sermons and discourses, and in their more solemn and public decrees ! This is their so much boasted stand for the liberty of the people ! This, their ever-memorable conduct !

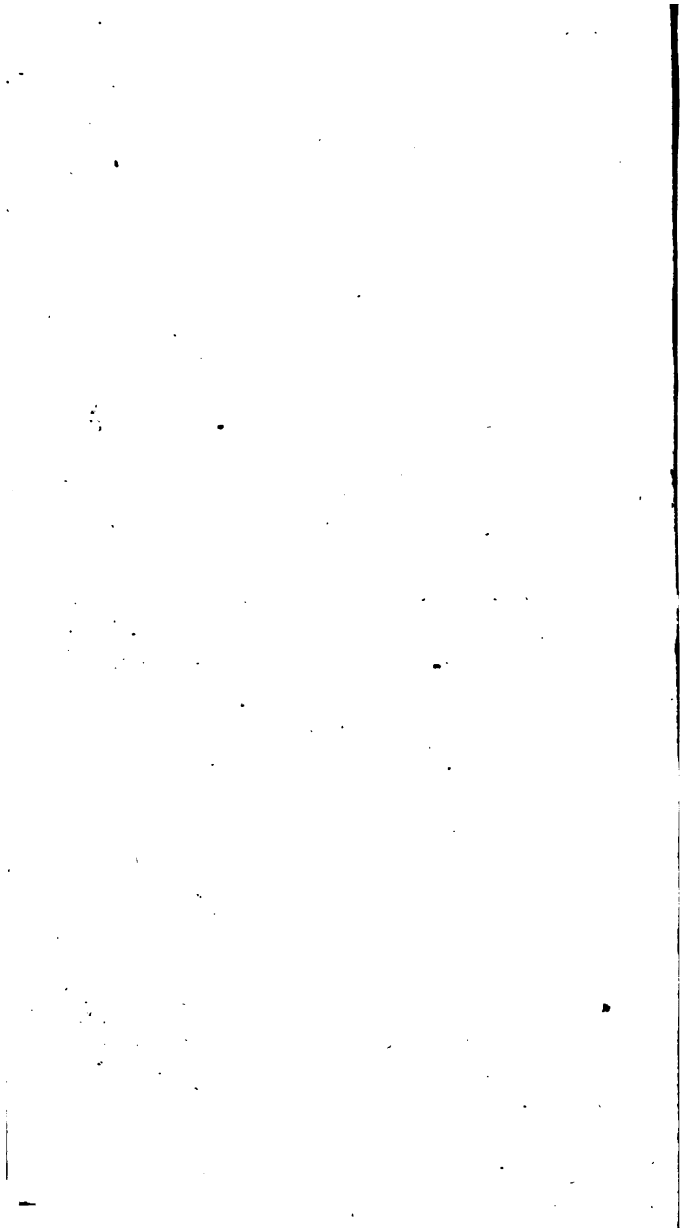
When soon afterwards the nation was under a necessity of calling in the prince of *Orange* for the preservation of their rights, though the clergy thought proper to swim with the stream, yet we see how awkwardly most of those shifting motley politicians came into what they were conscious was entirely contradictory to those maxims they had so avowedly inculcated ; nor had king *William* been long on the throne, before a disappointment in those preferments, many of them expected, or a relapse into those doctrines, over which they could no longer bear to wear the mask, made them return, like the dog to the vomit ; giving great reason to suspect, that too many amongst them would gladly have seen the nation again exposed to its former perils by a restoration,



restoration, with the aggravation of having taken the oaths of allegiance to king *William*, and abjuration of *James*.

With this remarkable period in our history I shall close the present account, as the behaviour of the clergy since that time is so known, and fresh in the memory of every one, that it will be needless for me to say any thing of it here.

And as I have had no other inducement in laying this before the public, than a sincere zeal for the liberty of all my fellow subjects against every oppression of what kind soever; so if in this attempt any mistake has been committed (though I am not conscious of any at present) I shall always be ready ingenuously to acknowledge it.



A N  
A N S W E R

T O T H E

*Country Parson's Plea:*

A G A I N S T T H E

Q U A K E R S Tythe-Bill.

I N A

Letter to the Right Reverend Author,

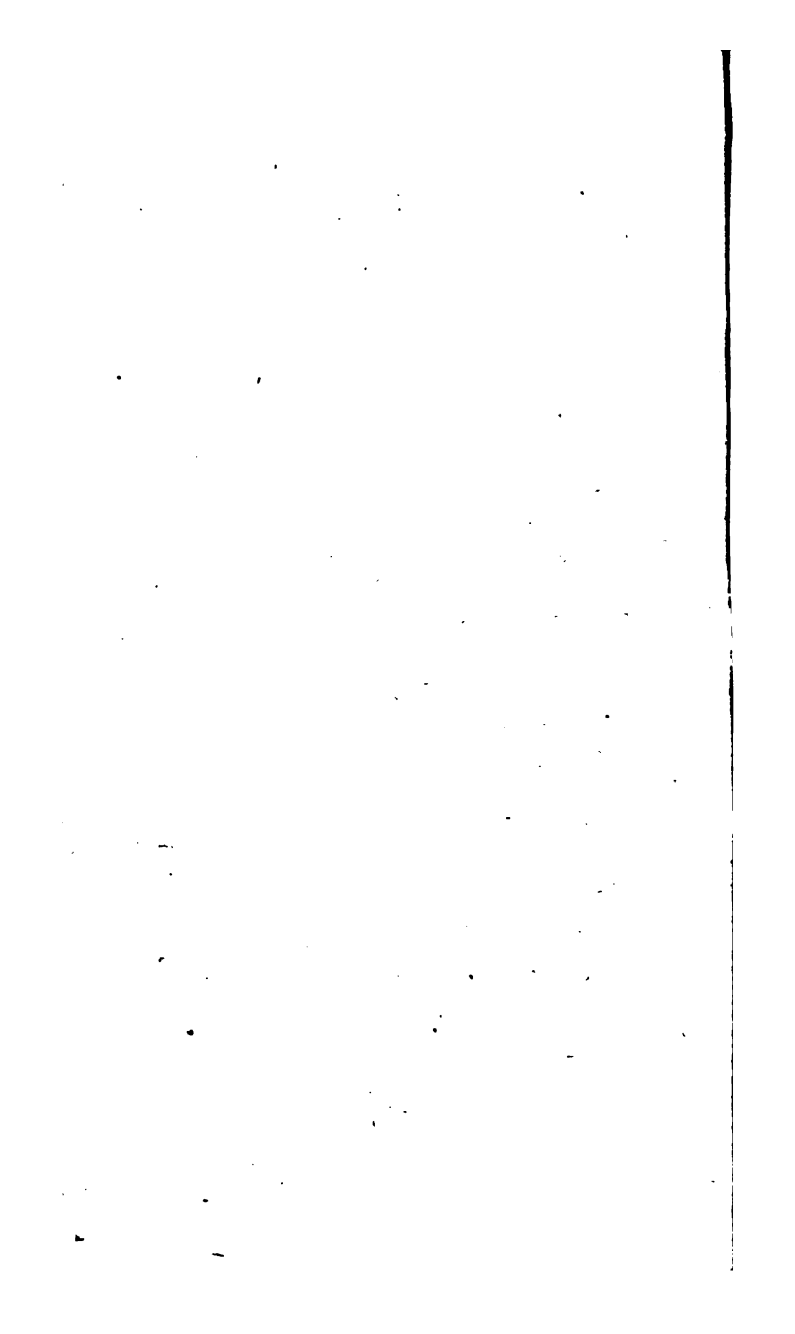
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By a Member of the House of Commons.

The real Author Lord HERVEY.

---

From the second Edition corrected, printed 1736.



[ 109 ]

A N

A N S W E R

T O T H E

COUNTRY PARSON'S PLEA, &c.

*Very Reverend,*

**A** Pamphlet hath been delivered at the doors of both houses of parliament, and sent under the franks of diverse of my lords the B——ps to the parochial clergy, entitled, PAPERS RELATING TO THE QUAKERS TYTHE-BILL, *viz.*

1. *Extracts from the yearly epistles of meeting of Quakers held in London, in relation to Tythes.*
2. *Remarks upon a Bill now depending in parliament, to enlarge, amend, and render more effectual the laws now in being, for the more easy recovery of tythes, church-rates, oblations, and other ecclesiastical*

fiastical dues, from the people called Quakers; *And also, remarks upon a printed paper, entituled, The case of the people called Quakers.*

3. THE COUNTRY PARSON'S PLEA AGAINST THE QUAKERS TY.THE-BILL, *humbly addressed to the commons of Great Britain assembled in parliament.*

4. *The case of the people called Quakers.*

The method of bundling up these papers is particularly to be noted,

For that,

The B I L L, though much inveighed against, is not regularly opened in them; and

The C A S E, which is the ground of the debate, is printed *at the end* of the papers designed to confute it, which seemeth, as if the compiler intended to prejudice the reader against both the *bill* and the *case*, before he should read either.

So very unfair a procedure deserves animadversion; and,

This answer is directed to the author of the *country parson's plea*, and not to either of his

his

his colleagues, because I would not be charged with designing to expose the *nakedness* of a father, or with deriding the dotage of a *mother* in the church ;

I would not be charged with directing my answer either to the *lightest*, or the *heaviest* of the triumvirate, whilst there is *one* to be animadverted upon, whose parts and capacity have raised him above contempt, even in spite of his *sowsing* \* prostitution — of whom the cause of liberty and virtue might fear as much mischief, as he is known to bear malignity to it, were not his *abilities* so happily qualified by his *reputation*, that the most impotent cannot be more harmless.

This *country parson's plea* addresses itself to the commons of *Great Britain*, in a manner, seemingly *humble, modest, and fair*.

1. ' It is presumed, *says the author*, that  
' it can be no offence for the meanest to offer  
' reasons to the greatest ;

2. ' Nor a reproach to any man to have  
' a reasonable concern for his own property.

\* A phrase used by lord *Bolinbroke* in his character of a certain prelate : *Vid. Dissertation on parties*.

3. ' Trust-

3. 'Trusting to these presumptions, I  
'make bold, &c.'

This specious preamble might induce us to believe,

That this country parson is humbly submitting his case to an house of commons better informed :

And not that it is the fact in this, as in every instance where a bill for the reformation of the church is brought into parliament, that one or two *venerable sages* draw up an invective against the bill before it hath had a second reading, and send it *franked* by the post to the clergy through the kingdom, to raise a clamour from their pulpits against the proceedings of parliament.

This invasion of the rights of the *house of commons* hath been so amply practised by their *spiritual L——ps*, that circular letters to the clergy of the several dioceses and of the two universities have been issued, under covers inscribed with R. R. *Names*, on the bringing in of bills in three several years, *viz.* First, the *Tythe-Bill*, 1731, next, the *ecclesiastical*  
courts



court Bill, 1733, and lastly, the *Quakers tythe*-bill now depending.

With insolence still more alarming, the persons who issued those letters have as openly *menaced the members* who brought in those bills; threatening to oppose them in subsequent elections with the weight of church influence, which that it hath intimidated the *worthy members* I presume not to believe, I am sure it shall never intimidate me; but if the fact be enquired into, there are not wanting those who will make it fully appear.

Not that any one laments to have heard these menaces so frankly poured out against the *members*, because if that *venerable body* oppose their interest in the lands of *England* against the rights of an *house of commons*, it will speedily move the wisdom of parliament to check the exorbitance of that power which is so bold with their liberties.

Whatever shall threaten the representatives of the people in the free exercise of their noblest prerogative, the *redress of grievances*, must strike at the life of their authority and reputation: and most infamously treats them as a body of men called together for the business  
of

of *taxing*, and not at all for the *raising* of the subject :

As if the commons of *Great Britain* were in duty bound to grant money, for building of *churches* and repairing of *abbies*, but were without a competent jurisdiction to examine abuses committed by the clergy in their suits for *tythes* and *dues*, and for *more than their due*.

This, absurd as it is, will be found to run through the *plea* before us, as a principle on which the establishment of church and state is founded, and without which the clergy can have no maintenance.

‘ It is, says the *plea*, a reproach to no man to have a reasonable concern for his own *property*.’

And the whole argument treats the bill as a violation of the *parson's* property, because it directs in what manner he shall sue the layman for *tythe*.

This is contrived to enflame the clergy against the house of commons, as robbing churchmen of their *property*.

But

But I think the word *property* was never less warrantably used, than it hath been on this occasion.

The tythes of the clergy, are the wages, which, as servants of the public, they receive from the bounty of the laws; and their right in those tythes arising purely from the *grace*, their remedy in suing for them must depend wholly on the *will* of the legislative power.

A layman's freehold accrues to him by inheritance from his father: a churchman's freehold accrues to him by the gift of the public, on such conditions, as are or shall be declared to qualify the tenure of the possession, or the recovery of any rights incident to it.

By non-compliance with these conditions, as declared in a single act of parliament, *i. e.* the last *uniformity-act*, thousands have been deprived in a year, not only of their tythes, but their churches, with the high approbation of all zealous churchmen.

And I must say, for the reputation of the sufferers in that case, that as sensible as they were of their hardships, they had greater modesty

deity than to call that a *property* which they knew to be only a *trust*:

Nor would it have been endured ; and much less, that, knowing their possessions to be held of this *public donation*, they should have had the insolence to treat any interest incident to their possession, as a matter of *property*, not belonging to the disposition of parliament.

Every private interest, even rights of inheritance, must be governed by the consideration of public interest. *Salus populi, suprema lex.*

And, nothing can be more insolent or incongruous, than to challenge the donations of the public, as a property not to be reformed for the convenience of the public.

No free state, no wise people, ever suffered such a doctrine to pass unreprieved. The *Agrarian* laws of the ancient republics in direct contradiction to it, ordained the equal distribution of lands, and reformed the grievance of *excessive property*, by limiting and restraining the possessions of their subjects.

The laws of *England* are not without the strongest declarations of the same wisdom in our legislators ; the *reformers of our church*, to  
their

their honour be it ever remembered, were the men who avowed this power of retrenching enormous property to be the prerogative of parliament.

The act concerning *Peter Penic* and dispensations, 25 *Hen. VIII. cap. 15.* hath this remarkable preface.

‘ W H E R E A S, It standeth with natural  
‘ equity and good reason, that in all and  
‘ every laws human, made within this realm,  
‘ or induced into this realm by sufferance,  
‘ consent, and custom ——— your royal ma-  
‘ jesty, and your lords spiritual and temporal,  
‘ and commons, representing the whole state  
‘ of your realm, in this your most high court  
‘ of parliament, H A V E full power and au-  
‘ thority, not only to dispense, but also to au-  
‘ thorise some elect person or persons, to dis-  
‘ pense with these and all other human laws in  
‘ this your realm, and with every one of them,  
‘ as the quality of the persons and manner shall  
‘ require; and also the said laws and every one  
‘ of them to abrogate, amplify, or diminish,  
‘ as it shall be seen unto your majesty, and  
‘ the nobles and commons of your realm, pre-  
‘ sent in your parliament, meet and conve-  
‘ nient for the wealth of your realm.

‘ And

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‘ And because that it is now in these days  
‘ present seen, that the state, dignity, superio-  
‘ rity, reputation, and authority of the impe-  
‘ rial crown of this realm, by the long suffe-  
‘ rance of *unreasonable and uncharitable usurpa-*  
‘ *tions and exactions*, practised in the times of  
‘ your most noble progenitors, is much and sore  
‘ decayed and diminished, and the people of  
‘ this realm thereby impoverished, and so or  
‘ worse be like to continue, if remedy be not  
‘ therefore shortly provided :

‘ It may therefore please your most *noble*  
‘ *majesty*, &c. (to take away *Peter Pence* and  
‘ payments to the see of *Rome*.)’

This act provided against the claims of fo-  
reigners; we shall in the next instance see how  
our ancestors dealt with the claims and *pretend-*  
*ed* properties of churchmen WHO WERE  
NATIVES.

The act for suppressing of monasteries,  
which had not lands above 200*l.* by the year  
(27 *Hen. VIII. cap. 28.*)

DECLARES,

‘ The lords and commons by a great  
‘ deliberation finally be resolved, that it is and  
‘ shall

‘ shall be much more to the pleasure of al-  
‘ mighty God, and for the honour of this realm,  
‘ that the possessions of such religious houses  
‘ now being *spent, spoiled, and wasted for in-  
‘ crease and maintenance of sin*, should be used  
‘ and committed to better uses; and the un-  
‘ *thrifty* religious so spending the same, to be  
‘ compelled to reform their lives; and there-  
‘ upon most humbly desire the king’s highness,  
‘ it may be enacted (*to suppress them.*)

To this act for *suppressing the lesser eccle-  
siastical foundations*, succeeded soon afterwards  
the general surrender and dissolution of all the  
monasteries in the kingdom, when so many  
*impropriations of tythe* became *lay-fees*, and  
were alienated from the church by authority of  
parliament.

Whoever reads these acts, will find, 1. That  
the regulation of ecclesiastical property is so far  
from contradicting, that nothing can be more  
natural to the genius of this free kingdom;

2. That such regulation of property in the  
church, is the only means by which any peo-  
ple can obtain a reformation of religion.

3. That the parliament of this kingdom, in  
divesting the church of those *impropriations*

*of tythe, did not allow churchmen to have any property in tythe;*

And, 4. That if the legislature now in being, proceeding in the same course as our *first reformers*, should think it expedient to abolish *all tythes* remaining in the church, or to convert it into lay-fees, they could not want a full and proper warrant from the acts of their predecessors, so long as the acts for non-payment of *Peter Pence*, and for suppressing of *monasteries* shall remain in the statute-books.

But we are not debating the question, whether tythes ought to be continued: the quakers (as a people who think them to be abolished by the gospel of Christ, and not lawful by the principles of religion *for them* to pay) desire the authority of parliament to be in such manner interposed, that so long as they are *levied* upon them, it may be in the least oppressive course, and by the most summary process.

The *house of commons*, in compassion to their grievances, with the most unanimous, cheerful, and ready consent, ordered a BILL to be brought in, *to enlarge, amend, and render more effectual the laws now in being, for the more easy recovery of tythes, church-rates and oblations,*  
and



and other ecclesiastical dues from the people called Quakers.

The bill, by their command, hath been printed.

It recites :

‘ That by an act, 7 & 8 of *W. III.* a remedy is provided for the recovery of tythes and church-rates, not exceeding the value of *ten pounds*, where Quakers refuse to pay them ;

‘ That by another act, *1 Geo. I.* the said remedy is extended as well to tythes as to all other rights, dues, or payments from any Quakers belonging to any church, chapel, or the minister or curate thereof :

And it further recites,

‘ That it may be convenient to extend this provision to a further sum.

It therefore enacts,

‘ That where any Quakers shall refuse to pay or compound, any two or more justices of the peace (other than such justice as is pa-  
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‘ tron of the church, or interested in the tythes)  
‘ upon complaint of the parson, or proprietor,  
‘ or collector, shall summon such Quaker to  
‘ appear before them, and either upon appear-  
‘ ance or default of appearance (such summons  
‘ being duly proved upon oath) shall proceed  
‘ to hear the complaint, and to state what is  
‘ due, and by order under their hands and  
‘ seals to direct the payment thereof, so that  
‘ the sum ordered do not exceed (a sum to  
‘ be limited by this bill;) and shall order  
‘ reasonable costs not exceeding (a sum to  
‘ be limited by this bill;) and upon the re-  
‘ fusal of such Quakers to pay according to  
‘ such order, it shall be lawful for the said  
‘ justices by warrant, to levy the money by dis-  
‘ tress and sale of the goods of such Quakers, ren-  
‘ dering the overplus (the necessary charge of  
‘ distress being thereout first deducted.) And  
‘ any person finding himself aggrieved by this  
‘ judgment may appeal to the next general  
‘ quarter sessions, and the justices there pre-  
‘ sent shall proceed finally to hear and deter-  
‘ mine the matter, and to reverse or affirm  
‘ the said judgment; and if they continue  
‘ the judgment, they shall give such costs a-  
‘ gainst the appellant as they shall think rea-  
‘ sonable; and no *certiorari* or writ from  
‘ any court shall remove or supersede their  
‘ proceedings.

It is further enacted, ' That if the annual  
' value of such tythes or dues doth not ex-  
' ceed the sum (to be limited by this act) no  
' Quaker shall be sued in any other court or  
' manner, unless the title of such tythes shall  
' be in question;

' And that if the person against whom  
' such judgment shall be had, shall remove out  
' of the county, division, or corporation, after  
' such judgment, the justices who made the  
' order shall certify it to any justice of such  
' place to which the said person shall be re-  
' moved, which justice is authorized to order  
' such sum to be levied on the goods and chat-  
' tels of such person, in the same manner as  
' the other justices might, if such person had  
' not been removed.

' Provided always, that no distress shall  
' be excessive or unreasonable, but proportion-  
' ed, as near as may be, to the value of the  
' sum.

' Provided also, That where any Quaker  
' complained of, for subtracting, with-hold-  
' ing, or not paying, or compounding for such  
' tythes or dues, shall insist upon any pre-  
' scription, composition, or *modus decimandi*,

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‘ exemption, discharge, agreement, or title,  
‘ whereby he ought to be freed from the pay-  
‘ ment in question, and shall deliver the same  
‘ in writing to the said justices, that then they  
‘ shall give no judgment in the matter, but  
‘ that the persons complaining shall be at li-  
‘ berty to prosecute in any other court; as if  
‘ this act had not been made.

‘ And it is enacted, That so much of the  
‘ before recited act as relates only to the reco-  
‘ very of tythes or dues shall be repealed;

‘ And that any person sued for any thing  
‘ done pursuant to this act, may plead the ge-  
‘ neral issue, and on that, or any other, give  
‘ this act and the special matter in evidence;  
‘ and if a verdict or judgment shall be for the  
‘ defendant, or if the plaintiff be nonsuit, or  
‘ discontinue the action, the defendant shall re-  
‘ cover [treble] costs; and no suit shall be  
‘ commenced for any thing done pursuant to this  
‘ act, unless it be brought within a limited time  
‘ after such cause of action arises.

‘ And lastly, This act is declared to be a  
‘ public act.

This is the tenor of the bill :

A bill, which by a peculiar fate, no sooner  
was brought into parliament, than it united cer-  
tain

tain right reverend prelates in the closest combination against it ; and *they*, whose reciprocal hatred was as fierce as the rivalry for power which occasioned it was unchristian and scandalous, at once laid aside their animosities to oppose this most reasonable bill ; dreadfully collecting the force of their abilities in a formidable pamphlet, after having in their *feuds for supremacy* been hardly prevailed on to support the provocation of each other's company.

From this unexpected alliance, hath arisen the clamour of the *country parson* against this bill ; a clamour indefatigably promoted, but by nothing more successfully than by the words of the plea, *viz.*

‘ As I am a subject of *Great Britain*, as well as a minister of the gospel, I have a *birth-right in the law*, and in having all questions relating to my property determined in the methods of justice used in this kingdom, and not referred to an arbitrary decision. *Nulli negabimus justitiam*, is the language of *magna charta*.’

This is a suggestion, that the bill deprives the clergy of their birth-right in the law, that it subjects them to a determination of property not used in this kingdom, that it refers them to

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an arbitrary decision, and denies them the justice which is promised by *magna charta*.

Some of these complaints appear upon examination to have no meaning, and others to have no force; that is, they might be objections, did not they want the foundation of truth.

The allegation of the clergy's *birth-right in the law*, as applicable to the affair of tythes, would make a stranger imagine, that either they were born with the *indelible* character upon them, or that every priest had institution and induction of a benefice, even *in his mother's womb*.

If the tythes, if the dues, if the maintenance which is now paid to the clergy, were entirely taken away, they would lose no birth-right which they have in the law; they might lose the benevolence which they receive from the law, and which the legislature have the same right to resume, as ever they had to establish, if the same reason which induced the grant should require the resumption; if *public good* should call upon them to reverse what their ancestors consented to from no other consideration.

But

But the bill hath not proposed the taking away of their maintenance. It gives them such methods of suing for it, as may be least vexatious in the proceeding, and least oppressive in the end: a method of recovering their maintenance, which may not consume the substance of those whose labour maintains them.

This recovery being given by the judgment of two justices of the peace in the county where the complaint arises, or, upon appeal by the general quarter-sessions of the county ——— by what colour or pretence can such accusations be brought against it?

The words of the great charter, *nulli negabimus justitiam*, are spoken by the king, who is supposed (says the lord Coke) to be present in his courts of justice, declaring, *we will deny justice to no man*.

The words intended, that the subject shall have resort to a certain court wherein he shall be determined; and not that he shall sue in every court according to his fancy:

Otherwise, he might sue in the high court of parliament for the sum of *six and eight pence*; for, doubtless, the king is present as

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well there as in any inferior court, and is speaking the same words, *nulli negabimus justitiam*:

The words then give no man a right to be heard in what court he pleases, but in such as shall be appointed him ;

And this is the *only* birth-right, which either clergy or laity can pretend to have in determinations of questions relating to their property.

If the court of chancery by injunctions shall stay proceedings in the courts of common law ; if the courts of common law by prohibitions shall stay the proceedings of ecclesiastical courts, is the justice promised by *magna charta* denied to the party who may not prosecute in those courts ?

—— No: for, he is not to have the advantage of *law* contrary to good *conscience* ; nor is any man to sue in an improper court, nor any court to have cognizance of an improper cause.

And if the courts of common law comprehend, within their jurisdiction, the full view and superintendency of the ecclesiastical courts ;

if



if the courts of equity have the same compass in reviewing and superintending the courts of common law, with power to abridge and restrain their proceedings as justice may require ;

Hath not the legislative power, the parliament of the kingdom, *supreme cognizance* of all courts and methods of recovery, with like power to restrain suits, as they shall see cause ?

By *magna charta* the king is sworn to *deny no man justice*, to *delay no man justice*, &c. that is, he is sworn to *execute* the laws.

But is the parliament bound not to alter the laws, or not to amend, explain, and repeal them, as the good of the kingdom shall require ?

The king, as *chief magistrate*, is under this restraint ; in this capacity he cannot have cognizance of public convenience : but the king, lords and commons, as *legislators* cannot be restrained. They must provide for *public convenience*, as superior to all other considerations : so that to limit *parliamentary power*, as if it were *regal power*, is incongruous with legislation, and not to be charged on the words of the *great charter*.

If therefore the *country parson* is enabled by parliament to sue in any *certain court*, and may receive a determination according to the usage thereof; justice is *not denied him*.

The words of *the plea*, in setting forth the hardships which the *parson* must suffer from this bill, suggest, that the power of justices of the peace to determine questions of property without appeal, is a method of justice not used in this kingdom :

A suggestion so false, and so fully to be disproved by every day's usage, grounded on the laws of the kingdom made under many kings, that, I will charitably hope, the author of the *plea* rather forgot than concealed the facts which confute him.

It is a method of justice used in questions of property between the king and the subject, where the public revenue and the trade of the kingdom are concerned, and where the value of the property in question must, beyond all comparative proportion, exceed the value of the whole tythe of the kingdom.

Thus the statute 12 *Car. II. cap. 24.* gives the general quarter sessions of the county power to

to adjudge, to levy, mitigate, compound, or lessen the forfeitures and penalties of persons offending against the laws of excise.

And no *certiorari* shall supersede their proceedings, or any of their orders relating to excise.

By the 14 *Car. II. cap. 11.* any justice may commit persons hindering officers of the customs in the execution of their offices; and the justices at the quarter sessions may inflict the penalty of 100 *l.* upon them.

By 1 *Jac. II. cap. 19.* the justices of the quarter sessions are yearly, at *Easter* and *Mischaemas*, to ascertain the market-price of corn or grain imported.

As by 5 & 6 *W. & M. cap. 7.* they are to settle the price of salt and rock-salt.

And by the statute 8 *Annæ; cap. 18.* two justices may settle the assize of bread; from whom there may be an appeal to the general quarter sessions only.

Also by the statute 12 *Annæ, Parl. 2. sess. 1. cap. 18.* three justices have power to adjust the charge of salting stranded goods.

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And further, justices of the peace have power given them,

By the 20 & 32 *Car. II.* to convict persons who offend against the acts prohibiting the importation of great cattle, &c. whom they may imprison for three months.

By the 1 *Annæ, cap. 21.* they have power to convict persons knowingly receiving, or buying goods clandestinely run or imported, whom they may (for want of distress) imprison for three months.

By the 2 & 3 *Annæ, cap. 14.* they have power to convict persons who do not pay the penalty of 20 s. *per bushel* for salt brought from *Scotland*, whom they may imprison six months.

Power is likewise given by the 10 & 11 *W. III. cap. 22.* that the justices of the peace at their general quarter sessions shall hear and determine matters relating to the duties on salt, upon any appeal by the persons grieved by the judgment of two justices; and the determination of such general quarter sessions shall be final.

And

And by the act 1 Geo. I. cap. 10. one justice of the peace may convict persons offending in the fish-trade and levy the penalty of twenty pounds by distress, or, for want of it, commit the offenders to twelve months imprisonment.

And by the acts, 6 Geo. I. cap. 21, and 8 Geo. I. cap. 18. two justices residing near the place where seizures of brandy or vessels of the burthen of fifteen tons shall be made, by virtue of any acts relating to the customs, for carrying uncustomed prohibited goods from ships inwards; or for relanding certificate or debenture goods from ships outwards; and where seizures of horses, or other cattle or carriages shall be made, for being used in the removing and conveyance of such goods:

SHALL examine into, hear and determine all such seizures, and their judgment shall be final, and not liable to any appeal (*even in the quarter sessions*) nor to any writ of *certiorari*.

And that the justices of the peace may be enabled to hear and determine questions of property, is enacted by

The act 7 & 8. W. III. cap. 30. that persons refusing, when summoned by such justices

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to appear and give evidence on any information before such justices, for offences against the laws of excise, shall forfeit ten pounds.

It will now be incumbent on the clergy, or their advocate *this pleading parson*, to shew why the clergy's property is why he should not for the ease of the subjects of *England*, and for the attainment of speedy justice, be heard and determined by the same methods, which the treasure of the crown, and the property of merchants and persons interested in all branches of trade, must submit to *without appeal*:

These laws affect not only the liberty and property of private dealers, not only the revenue which supports the civil government, but the interest and estates of that vast body the national creditors, who have trusted their properties to the faith and honour of parliaments; nor do these laws affect the funds on which the current services of the year, and the safety of the king and kingdom must at all times greatly depend.

These laws as they were enacted to determine questions of property, in cases of this transcendent value and importance, have been always esteemed, laws of rigorous advantage in favour of the property which they are to recover and maintain.

They

They are laws which by those persons who are sued in consequence of them, and according to the methods prescribed in them, have ever been conceived less indulgent or eligible than any other laws upon which suits or prosecutions may be grounded.

And the extension of these laws to other branches of trade, as it was lately proposed, occasioned the greatest uneasiness amongst those who are liable to be sued in these methods, that ever was known in our times.

Yet this severe and rigorous method of justice have the people called *Quakers* desired, of the legislative power for the recovery of *tythes* against them, rather than continue liable to the multiplicity of suits, the protractions of causes, and excessive costs of suit, which are not less grievous to themselves, than odious to the laws, and repugnant to natural justice.

They wish not to be sued in this method; because it is indulgent; they and all mankind know it to be a method sufficiently severe upon those who are sued: but they pray is from a reasonable view, that they may not be ruined by suits in all shapes carried on without end.

They

They know it to be a *sure method* of recovering tythe, and are only sollicitous for it, because it is short and speedy.

This may be the *country parson's* real objection to the method. For, he may desire to persecute the *Quaker* as an obstinate *Non-conformist*; he may gratify unchristian revenge against them; and may for this equitable reason complain, that any restraint of such suits denies him the *methods of justice* used in this kingdom.

It appears, from the statutes already cited, to be a method of justice ordained by law in cases of the most general, important, and valuable concern.

But while this *reverend* order oppose it, as a method of justice not used in this kingdom, and therefore not fit to be used in determining questions which relate to *their* property :

Can it be thought credible, that the clergy incited, pursued, and established it themselves, as a method of justice in punishing the *Quakers*, and all other protestant dissenters, for the *worship of God* according to their consciences, inflict-



inflicting upon them fines, imprisonment, and banishment from their country by the same arbitrary decision; which 'as zealously as it was sought for in taking away the estates of nonconformists, is so grievously complained of as taking away the birth-right of the clergy in the law, and depriving them of their maintenance?

If we look back into the act made in the fourteenth year of *Charles the second*, entitled, *An act to prevent mischiefs and dangers arising by the people called Quakers*;

There it will appear, that justices of the peace, at the quarter sessions, had power to convict by *notorious evidence of the fact*, and to fine, punish, and transport Quakers, on conviction of their holding that persuasion.

Strange! that the clergy should think the arbitrary decision of a quarter sessions competent to take away the fortunes of this people, and to banish them from their country; yet incompetent to determine suits brought against them for tithes!

With regard to protestant dissenters of all denominations, the *same method* of prosecution was established by the influence of the clergy.

The

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The *Oxford five miles act*, so called, because it restrained *dissenting teachers*, from coming within *five miles* of any corporation, 17 Car. II. cap. 2.

Enacted, that *two justices* might commit offenders of their own convicting to no less than *six months imprisonment*.

And by the acts to suppress *seditions conventicles*, viz.

### I. The statute 16 Car. II. cap. 4.

Two justices were authorized for the first offence to fine the party five pounds, or to imprison without bail for three months, and their certificate was to be a record of conviction.

2. For the second offence they were to inflict a fine of ten pounds, or six months imprisonment :

3. And, for the third offence they might transport the offender for seven years, unless he paid one hundred pounds before the end of the sessions,

II. The statute 22 Car. II. cap. 1.

The convictions were to be by two justices of the peace, and the fines to be levied by their warrants of distress, though in some cases to the value of *twenty pounds*.

2. The appeal of the party aggrieved was to be to the *quarter sessions*, and no court was to intermeddle with any causes of appeal upon this act, but they were to be finally determined by the *quarter sessions* only.

3. And a justice of the peace in one county, was to certify to the justices in any other of the flight of the offender.

These laws which were obtained before the *happy revolution*, and which were dispensed with afterwards by the *Toleration-act*, in favour of the protestant dissenters in general, and by the *Affirmation-act* in favour of the Quakers in particular,

**SHEW** the *decision of justices* to be a method in great repute and estimation with the clergy before the revolution,

And though they now suggest it to be a method of justice *not used in the kingdom*; yet the

the clergy themselves, after the revolution, inserted the clauses in the *Affirmation-act*, which gave justices of peace the *first cognizance of quakers tythes*.

They inserted them in a law which had no relation to tythe, and they would not agree that the Quakers affirmation should be taken instead of an oath, unless justices of peace might be trusted with this *arbitrary* decision of their tythes.

A decision which they think reasonable to conclude the Quaker, but not the parson, in questions relating to tythe.

Thus the power of *justices of peace* is a good and wholesome provision, when given for the benefit of the clergy: but an unjust and *arbitrary* method when used for the ease of the Quaker.

Thus it is right to shut the Quaker out of all the king's courts, when the parson holds it expedient to recover tythe in the country; but it is denying the parson the *justice of the great charter*, if contrary to his option he is referred to a decision in the country.

Thus the Quaker shall have no option of courts of justice to defend the property which the law hath given him in *nine-tenths* of his substance.

But the parson shall claim liberty to prosecute in town and country, in *Westminster-hall*, the *ecclesiastical court*, and the *quarter sessions*, without restraint, for the single tythe in which he hath an interest, or he will complain that the justice of *magna charta* is denied him :

And, the Quaker shall have suffered prosecution at the *Quarter sessions* for forty years together ;

Yet the *country parson* shall tell us, that this decision by *justices of the peace*, takes away the clergy's birth-right in the law, and is a method of justice not used in this kingdom.

The country parson, *I say*, suggests it ;

For, I can hardly believe, that any man above that *low character*, would be so scandalously weak, as to suggest a *fact*, which the poorest *country plowman*, from daily experience, must know to be false.

‘ For this I had reason to be thankful, and  
 ‘ have always chosen the new method for my  
 ‘ own sake and my neighbour’s sake.

After such an acknowledgment that the remedy is easy, that the parson had reason to be thankful for it, and always had chosen it; would any man believe that since those acts have taken place, the clergy have carried on in the most oppressive methods no less than 1153 prosecutions?

The reason of which rigorous suits seems to be, that the more gentle do not answer the parson’s *intention in suing*.

This intention is best to be understood from the words of the *country parson’s plea*, which asserts, that the law was designed to *punish* the Quaker with-holding tythe from the parson.

So that the recovery of tythe is not sufficient to the parson, unless he can *punish* by the method in which he *recovers*.

The parson, as a principle of his religion, holds tythe to be of *divine right*.

The

The *Quaker*, as a principle of his religion, holds tythe to be abolished by the institution of the *christian* church.

The law gives the parson tythe as a *temporal* interest; and the parson goes to law not only to recover tythe, but to avenge the *divine right* of his order upon the *poor Quaker*, who calls it *antichristian*.

He knows the Quaker cannot yield that tythe, which all of his sect hold to be against conscience.

He can by law recover it in any court; and if the proceedings of some courts are more expensive than others, he will sue in those courts, that he may *punish* the Quaker in the method of *recovering* tythe.

This may agree with the boundless ambition, and causeless cruelty, of *selfish* ecclesiasticks, but it would be reproachful to the justice of a legislative power, that should allow one part of the subjects to take advantage of the unhappiness, the infirmity, or religious prejudice of another part, for the ends of vexation and oppression.

Yet this is the case, whilst the parson may worry Quakers for tythe in every court at his will.

If the parson sues in the exchequer, or prosecutes in the ecclesiastical courts, he can oppress the *Quaker* with heavier costs; and perhaps, by litigiousness, may for the benefit of his church, add the tenth part of a farthing to the rate of his tythe.

Will the parson then be so charitable as to sue before the justices, who can only levy his tythe, but not oppress the *Quaker* with costs?

No; for the law, says the country parson, was made to PUNISH the *Quaker* for defrauding me of my tythes.

Therefore,

To make ecclesiastical power terrible amongst nonconformists, to subdue their opposition to the pride, the insolence, and usurpation of unconscionable churchmen, to make severe examples of those who oppose *divine right*, and to indulge a litigious insatiably-covetous temper;

The



The parson will sue for tythe, not where he may easily recover it, but where he can with greater advantage at once recover and oppress.

This is called a foul charge on the clergy, and their advocates want a specification of suits, that they may be able to vindicate their conduct.

The suits shall be specified in the proper course of enquiry ——— In this place it is enough to observe, that as foul as the charge can be, it is a practice which every clergyman hath at his option ; and whether it be fitting that the clergy should be trusted with power to oppress, is a question of so easy a discussion, that they have not a friend in the world, who, as to his own particular, would chuse to live at their mercy.

It is taking away his power to oppress, which occasions so great an alarm.

The country parson, zealous for his power, pretends that the want of it will expose him to injury.

‘ The Quaker, says he, knowing that I  
‘ have no resort to the law, but must be con-  
‘ cluded by the justices in the country, will not

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‘ only keep all my tythe from me, but will use  
‘ all his art and application to reduce the value  
‘ by the judgment in the country.

‘ The justices in the country will be under  
‘ a temptation, to use this power to cultivate  
‘ an election-interest.

‘ Many Quakers are freeholders ; and as  
‘ they are great traders, have influence over  
‘ many others, and will act as one man in  
‘ opposition to the parson.

‘ I have but *one vote* for the county, and *no*  
‘ *interest.*’

This objection is grounded altogether on a supposition,

That the Quakers, one of the lesser bodies of dissenters, are stronger in property and interest, than all the clergy of the *church of England*, the two universities included ;

Consequently, that the Quakers weight in trade will bear down the clergy's weight in land ; and,

That country gentlemen will court an election-interest rather among the Quakers than  
the

the clergy; whereas in fact, two thirds of the counties of *England* are governed in their county elections by church interest :

And, in such counties will the Quaker or the parson be most likely to prevail, by the partiality of country gentlemen ?

This parson says *he hath but one vote*, which is hard upon him; because, to my knowledge, he hath *more than one benefice*.

He says *he hath no interest*, which I am equally sorry for; because, if it is true, it is owing to his *very bad character*.

But can this allegation be general? Can a beneficed clergyman have no interest, where he hath such a property as *tythe*, and where every farmer must submit to his will, to avoid oppressive prosecutions ?

This power of maintaining a multitude of suits is the most formidable power of the crown. And, if an *officer of excise* can in some degree influence votes in elections by his power to oppress (which many statutes provided to restrain such influences have declared) can a clergyman, having power to prosecute, be without the same influence over the

votes of the people? And, is there not the same reason to restrain it?

Every clergyman by his interest with the more devout and yielding sex, by his intercourses with the sick, by his knowledge of all the family-affairs in his parish, and by reconciling even the quarrels which he foments, may procure to himself the highest influence over the votes of his people.

When the weight of his property in their lands is added to his interposition in their private affairs; when fear co-operates with kindness, and he can awe those into submission, whom he cannot persuade to love him:

What parishioner, having a vote in elections, can refuse it to the request of his parson?

I was ever of opinion, that a clergyman must have the worst judgment of any man in his neighbourhood, if he hath not the best interest.

And, the pretence, that trials of tythe by justices of peace will become subservient to an election-interest, might naturally make a Quaker fear to abide this trial, where the bias of the court must by so great a probability be in favour of the clergy.

But

But this is the difference between the parson and the Quaker ;

The justices, if ever so much biassed, can only by a speedy decision levy the tythe ; and, this will not aggrieve the Quaker :

Whereas the parson covets a protracted suit in an expensive court, which may not only recover his tythe, but gratify his revenge.

With this view he magnifies the Quakers dealings in trade, and interests in elections ;

As if these could transcend that interest in land, and power in elections which the tythe of the clergy, the endowments of chapters, colleges, and universities, and the episcopal revenues of the kingdom, have established in favour of the church :

A power, that every man sees to be daily increasing from the capacities of that corporation, which is enabled to purchase all the lands of *England in mortmain.*

A power that will, in the course of time, if it be unchecked in its progress, extend its sway over all the property of the kingdom,

though contrary to the genius, and tending to the destruction of this free government !

With the view of supporting this exorbitant power, the *country parson* takes the infamous liberty of taxing the justice of all mankind.

It is his grievance, that,

1. ‘ By this bill he must be tied down, for  
‘ the value of his tythes, by the judgment of  
‘ two justices, out of whose lands the tythe  
‘ arises, and whose tenants pay it.

2. ‘ The two justices who gave the sen-  
‘ tence will be on the bench at the quarter sessi-  
‘ ons, or if they are not, it may happen that  
‘ their brother justices may think it more expe-  
‘ dient that a parson should lose forty or fifty  
‘ shillings (a great part of the demand) than  
‘ that two worthy gentlemen justices of the  
‘ peace should be suspected of partiality.

3. ‘ The established ministry will be left  
‘ without a maintenance, by the iniquity and  
‘ partiality of witnesses, who are generally far-  
‘ mers and countrymen, and undervalue the  
‘ tythes, though by evidence upon their  
‘ oaths.’

This

This is the decent and charitable manner in which the *country parson* expresses himself of the whole people of *England*, from the country gentleman down to the country farmer :

As if the gentlemen in the *commission of the peace* for the several *counties of England*, had not as a fair a reputation for justice, and as few temptations to be partial, as the judges of an ecclesiastical court, who, though the creatures of the clergy, sit there to decide the properties of laymen : or,

As if it were a foul charge on any man who wears a cassock, to suppose, that he will be oppressive in his suits, or enormous in his exactions, though manifestly for the enriching of his family, and impoverishing his adversary ;

Yet a modest and fair accusation, that none of the gentlemen of *England* are sufficiently impartial, to render justice between clergymen and Quakers.

The first allegation,

‘ That the parson will be tied down for the  
‘ value of his tythes to the judgment of two

‘ gentlemen, out of whose lands the tythe  
 ‘ arises, or whose tenants pay it;

Is absolutely false :

Because, 1. The bill excepts such justices  
 as are *any ways interested in the tythes* ;

2. The parson who may complain to *any*  
*two justices*, never will complain to *any one*, out  
 of whose land the tythe arises, or whose tenant  
 pays it ; but

He will have the whole commission of *the*  
*peace* to pick two justices out of, and will cer-  
 tainly apply where he hath most expectation of  
 partiality to his order.

The next allegation,

‘ That when two justices of the peace  
 ‘ have given sentence, *the gentlemen of the county*  
 ‘ may think it more expedient that the parson  
 ‘ should lose forty or fifty shillings (a great  
 ‘ part of his demand) than that two of their  
 ‘ brethren should be suspected of partiality ;’

Is absurd, malicious, false, and scandalous.

It



It not only reflects on the honour of the gentlemen of *England*; but supposes, that two justices cannot err in their judgment without suspicion of partiality: and,

It supposes, that all the gentlemen of a country will be partial and unjust, rather than that two of their brethren should be accounted erroneous in any particular judgment.

Did the *country parson* learn to think thus of judicial proceedings from those in *ecclesiastical courts*? Is the *chancellor* of the diocese, partial in favour of the clergy, lest the church suffer scandal from the supposition that a clergyman, who loses his cause is unjust in his suit? Or,

Is the *dean of the arches* accustomed to think it more expedient, that the appellant in his court should lose his suit, rather than that a *brother doctor* (the chancellor against whose judgment the appeal is brought) should be suspected of partiality in his decision?

What have the landed gentlemen of this kingdom done to offend *this parson*, that they, who of all others are most interested in the public happiness, should be treated as least of all qualified to administer public justice?

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Or, that they should be treated as a band of raparees, combined to support each other in acts of injustice ;

And, less to be suspected of deciding suits *impartially*, than that wooden implement of church power, who judges by commission from the clergy, who owes them partiality in requital for his promotion, and is tempted to encourage a multitude of suits to encrease his own fees of office ?

I hope the gentlemen of the county wherein this *candid parson* resides, will make him the most public acknowledgments of these indiscriminate reflections, which so remarkably distinguish his humanity as a gentleman, his politeness as a scholar, his meekness as a clergyman, and his charity as a christian.

But I hope at the same time, that he will never be admitted to sit amongst them ; because a man, who can think of them as such a partial *set of miscreants*, may probably be an example to justify his own reflections.

And as to the charge on the farmers and countrymen, who are represented in every part of *the plea*, as robbing the clergy of their maintenance

tenance by their *iniquity* and *perjury*, in undervaluing the tithes, it will be a sufficient answer in general, that if there was less avarice and injustice in the clergy, they would be less forward in accusing the country of iniquity and perjury.

It is fact, that the *farmers* in general never gave the *parson* so high a rate for his tythe, but he looked on it as below his due, and were they to give him *nine-tenths* of their substance, it would not satisfy the ravenous spirit of some clergymen, so long as the farmers retain *one part in ten* to themselves.

Is this severely spoken of the clergy? Let any man judge, whether it can be more severe than warrantable, when provoked by a *clergyman*, who is capable of defaming all the *gentlemen* of *England* as partial and unjust judges, and the whole *yeomanry* of *England* as knaves in their dealings, and *perjured villains* in courts of justice.

Persuading myself, that so much as hath been said on this subject will vindicate the honour of *English* gentlemen, and their competency for the jurisdiction which is given them by this bill;

I proceed to examine the rest of the pretences, that it must injure the parson's property:  
Of

Of which none can be more enflaming, than the complaint in the 16th page,

‘ No Quaker, *says the parson,* will, after such a law shall be made, set out his tythes, but will retain them to his own use; and I shall be debarred of having them *in kind,* how necessary soever they be to my own, and my family’s subsistence.

‘ By law the parson cannot set out his own tythe, and carry it away, but the occupier of the land must set it out; and if the parson intermeddle with the corn before the occupier hath set out the tythe, he is liable to an action.

‘ The Quaker’s conscience will not permit him to set out the tythe: so that with the law on one side, and the Quaker’s conscience on the other, no tythe can ever be set out in this case.’

Would any man imagine, after this grievous complaint of the law on one side, and the Quaker’s conscience on the other, that the bill actually gives the parson a better remedy than ever to receive his tythes in kind? And, that if they are really necessary to his own, or his family’s

family's subsistence, he may have them in kind of the Quakers by the aid of this bill ?

He says the Quaker's conscience will not permit him to set out the tythe ;

But then, *the bill says*, the justices warrant shall immediately levy these tythes.

So that the distress may be made upon the tythable matter, and the parson may have it in kind, with better measure than if the Quaker had set out his tythes ;

And the Quaker shall pay the costs.

This is easy justice.

But the parson hath alledged, ' That by the laws in being, he may recover *treble damages* of every Quaker not setting out his tythe.'

This is the parson's real objection against the bill ; and a most *conscientious* objection it will appear to be ; for

The parson, knowing the Quaker to be restrained by *scruple of conscience* from setting out his tythe, looks upon the penalty of *treble damages*

damages to be a sure interest, which he hath at present in every Quaker's property; and whereas he hath but *one tythe* of any other man, he takes *three* of every Quaker, or *six shillings in the pound* from the produce of the land, beside destroying great part of the remainder, by loading him with costs of suits.

Can you think then, that the *parson* will consent to a law which may pin him down to his *tythe only*, and not allow him to recover *treble tythes* of every Quaker in his parish?

Can you think that, whilst the Quaker's default of *setting out tythe* is so profitable to the parson, he will ever consent that a *justice* of the peace should *set them out for the Quaker*, and save the poor man from the penalty of a default?

This is *reason* with a parson against the provision of this bill, but can never be a reason with any other man. It may be an interest of precious concern to the clergy, but it would be a reproach to public justice, were they suffered to demand *three times the value* of their tythes in the king's courts, on pretence of their *not being set out*, when any two *justices* of the peace in the neighbourhood may grant their warrants to take them

them in the field, in the barn, or wherever they may be found. -

If this does not satisfy the parson, there is an expedient, which, as I have heard and believe the Quakers will not oppose, and which must silence the parson's objections.

The two justices of the peace, who have power by their warrant to levy the value of the tythes, when they are withheld, may by their warrant authorize a fit person to set them out, when they ought to be paid in kind.

The law, in this case, will not impose it on the Quaker to set out tythes contrary to his conscience, nor will the Quaker be subject to pay three tythes for not having set out one: but an officer will be appointed to set out the tythe, which the Quaker, from his scruple of conscience, is disabled to set out himself. And the parson will not then have the plea of necessity, to justify his going to law for his tythes, nor the scandalous temptation of suing the Quaker for three times the value of them.

The parson may answer, that this will be a provision for the recovery of great tythes, as *corn, hay, &c.* But how shall he take his small tythes? 'Must I, says he, in the 27th page,

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‘ page, watch when a cow falls into labour, or  
‘ must I keep a register of all the calves and  
‘ pigs that are born in my parish?’

This leads us to the objections which he makes, in the next page, against this bill;

‘ As the law now stands, the parson can  
‘ bring a bill of discovery in courts of equity;  
‘ in which case the farmer is obliged to set  
‘ out his tytheable matter and the value, and is  
‘ liable to prosecution for perjury, if he is guilty  
‘ of it. But is every justice in the kingdom to  
‘ be erected into a chancellor? If not, by what  
‘ proceeding shall the parson make a discovery  
‘ in these cases?’

It is to be observed, that the parson first puts a case of a *bill of discovery* to be brought in the exchequer, after this law shall take place: yet in the next paragraph complains, that no such bill can be brought there. He first complains of the hardships which he shall suffer in bringing such a bill, and next sets it forth as his hardship that he cannot bring such a bill. This is extraordinary!

I know not, that the law proposed will take away the jurisdiction of courts of equity to retain *bills of discovery*; I am not certain, that



that the proceeding by *bill in equity* is the most reasonable method to be used for such discovery.

—But in answer to that arch question—

*Is every justice to be erected into a chancellor?* I must say, it seems as reasonable that there should be a chancellor in every court of quarter sessions, as in every court of the clergy: and, I think, if the law must compel a Quaker to discover the value of his tythes, that in this case, the cheapest method of discovery will be the best method; and that the justices at the quarter sessions, may examine him with as good effect (though not with so much cost) as the parson can interrogate him with, in the court of exchequer.

There is a slight objection in the same page worked up into a loud complaint, 'that the justices cannot compel witnesses to attend them.' But to remedy this, the same clause may be provided in this bill, as in relation to the excise, by the act 7 & 8 W. III. which inflicts the penalty of ten pounds on any one who shall not appear as a witness, on summons from a justice of the peace. And,

The Quaker must be equally solicitous for such a clause, as he must be equally affected by the want of means to compel the appearance of witnesses.

So

So that, in the manner of working up this objection, the *country parson* strains it beyond what truth can justify, and endeavours to make the clergy think, from this present want of power in justices, that this bill denies it, because it does not mention it; and that in the manner of drawing the bill, it seemeth intended to leave the property of tythe precarious.

Whereas a bill of this comprehensive nature can hardly be prepared, so full or so correct in the first drawing, as to want no additional clause or amendment; and the ordinary forms of parliament give ample opportunities for inserting them before it becomes a law.

It is next objected, that

‘ In the original cause before the justices,  
 ‘ the parson is supposed to have just cause of  
 ‘ complaint, and to recover in some shape or  
 ‘ other, and to be entitled to costs,

And that

‘ It is probable he may ordinarily be the  
 ‘ appellant to the quarter sessions, and costs  
 ‘ may be against him.

‘ How

‘ How is it then, says the parson, that the  
‘ bill limits the costs in the first instance,  
‘ when the parson is to receive them, and  
‘ leaves them *arbitrary* in the second, when  
‘ the parson is to pay them ?’

There is nothing more in this objection, than that *two* justices are limited to give costs, and the *whole* bench, at their quarter sessions left to give costs according to discretion. And,

1. In the first instance of complaint, it may be reasonable to specify the costs, which shall not be exceeded ; to the end that the two justices, though ever so partial to the complaint, may not oppress the defendant with costs. But,

2. In the appeal, if the parson or Quaker appear to be litigious, it may be reasonable, that *all* the justices of the county should have power to give *exemplary* costs, though it might be less safe to leave it in the discretion of any two of them.

And now we come to the *grievous* objection against the bill ; (page 29) that

‘ If the parson bring an indictment or in-  
‘ formation, against the Quaker or his wit-  
‘ nesses

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nesses for PERJURY, and shall fail to make a legal proof (as is suggested he easily may do) in that case, *the bill says*, the defendant shall recover *treble costs*.

Extremely hard! that a *false* accusation of perjury should be liable to TREBLE COSTS!

If the parson cannot prove *perjury*, why should he charge it? If the nature of the proof is difficult, does not justice impose this difficulty? Ought any man to be convicted of such a crime from slight appearances? From a covetous parson's suspicion; or from a disappointed parson's resentment? And if the parson wants the evidence which the law requires, should the law allow him, unpunished to publish so much infamy?

This is the manner of moving compassion for the clergy;

1. He represents the two justices, before whom he complains, as unjust judges.

2. He represents the whole bench of justices, before whom he brings his appeal, as *partial* to the injustice of their two brethren.

If

If he brings a bill of discovery in the exchequer,

3. He represents the Quaker, as perjuring himself to defraud the parson of his tythes.

Or, if an issue be directed by the exchequer for the value of tythe to be tried by the country,

4. He represents the verdict of the jury to be *very partial*; and,

5. The witnesses in every case and every court to be perjured and corrupt.

Such a combination is supposed to be in every country against the claim of tythe!

If the parson (holding all these *articles of faith as necessary to salvation*) cannot prove this INJUSTICE, PARTIALITY, PERJURY, and CORRUPTION;

What then?

Why then, he must pay *treble costs*!

Did ever the *christian* church suffer such persecution?

Yet, a layman would be set in the pillory, for a *tythe* of that defamation which this *parson* hath published against the justice of his country.

I confess, if I might judge of a man's conscience, who should publish so much slander against all ranks and degrees of men, I should take it to be of the blackest complexion. An honest man will repose a reasonable confidence in the honesty of other men, but *he* who would have no man thought to be just, seems to wish, that no man should be in a condition to do him justice.

However, since the opposition to this bill hath had its chief support from the clamour against the power of the justices, since the *gentlemen of England* have been charged with such corruption, partiality and injustice, it hath been proposed that the *judge of assize* should be appointed, instead of the court of *quarter sessions*, to hear and determine appeals; and, the *Quakers* have not objected to this proposition, because they desire no other than speedy justice, and will be glad of receiving it any where.

Nor can the parson object to this final decision by the judge of assize, who can have

no interest to cultivate in the country, who cannot have any undue regard to the justices, from whom the party appeals, and who will not be the same person at any two assizes in the same circuit.

There are, nevertheless, some objections against this alteration of the bill.

1. It is not yet known, that the judges are willing to be charged with this additional load on the business of the assize. And, it may not be reasonable to impose it upon them, if it can be other ways disposed of, because the late acts of parliament, especially those relating to the discharge of debtors, have already occasioned more business to come before them, than the usual time of assizes will allow them conveniently to determine.

And, 2. The next objection is of still greater weight. Such an alteration would countenance the scandalous objections against the *honour of the gentlemen of England*.

And therefore, I declare myself freely on the matter, I shall give my *negative* to it.

Every gentleman by this time hath formed his judgment whether the justices of peace de-

serve this trust; or whether the power with which this bill invests them, will be effectual to the ends for which it is proposed. And therefore I shall not examine any farther the *country parson's* objections, either to their qualifications for the cognizance of tythes, or to the sufficiency of their jurisdiction for the recovery of tythes. But,

The *general effect*, which their decisions will have, upon the interest of the clergy in tythe, as it is foretold by the *country parson*, deserves very particular notice.

‘ The quarter sessions price, *says he*, will  
 ‘ be a standing rule for the value of tythes  
 ‘ in every county. And

‘ The bill will probably, in process of  
 ‘ time, introduce a general *modus decimandi*  
 ‘ for the whole kingdom.’

To this I answer, that,

I cannot see the probability of any such consequences to flow from this bill: or, that when the justices have determined the value of tythe in one farm, it will be a rule for the value of tythe in any other.

For,



For, if the soil is seldom of equal goodness in any two men's lands, (and the produce must always be in value according to the goodness of the land ;)

Will it be sufficient for any farmer to say before the justices, *you have determined the value of another man's tythe at such a rate ; you ought therefore to charge me no higher, though the land which I farm is of treble value, and produces a treble crop ?*

Or, will it conclude the parson, with respect to any particular estate, that the justice determined the value at such a rate in any particular year ? Will he not shew that the land hath been improved, the produce increased, and that the value of his tythe is greater than when it was last determined ?

This infinite variety of cases, this frequent difference between one farmer's land and another's, nay, between the same land in different years, will make it impossible that the *quarter sessions price*, as declared on any occasion, can become the standing rule for the value of tythe in that county, or even in that parish where it ariseth.

But if a general *modus decimandi* for the whole kingdom were to ensue; if a *known determinate value* could be established for the tythe of every county, though I see no hope of attaining it, I think sincerely, that it would be a general good, as well to the clergy as the laity: For,

The clergy would be endowed with a better maintenance, though they were allowed a less rate, and the laity would be charged with a lighter burthen, though they paid a higher rate.

The *certainty of the modus* would save the expence of these unhappy controversies which impoverish the parson, who even raises the value of his tythe, and which beggar the farmer, though he brings it below the value.

The *title to the modus* would be simple, clear, and unperplexed; the recovery of it easy and short. There would be no occasion of racking the layman's conscience to discover on his oath against the bias of his interest. And there could not possibly be an opportunity of cheating the parson of his maintenance, as is now said to be practised, by *Perjury, Partiality, and Injustice.*

The

The advantages of this *certain* appointment for the maintenance of the clergy, are manifest in those parishes where it is levied, by a POUND RATE upon the inhabitants; nor will I deny the *reverend* order this justice, that, tenacious as they are of the *divine right of tithes*, they have never scrupled to prefer a *parliamentary right to a pound rate*, where <sup>is</sup> promised them a better revenue.

In general, it may be said with truth, there never was an imposition on mankind *more fruitful of law-suits*, than the claim of tythe, which never knows a certain value.

Nor, was there ever an imposition more grievous and oppressive than the claim of tythe, which takes a tenth from the produce of the poor man's labour, who manures the land, who employs his own stock to raise the tythe, and surrenders the choice of the harvest to the priest, who neither ploughs nor sows.

The improvement of the land is at least equal to the value of the land, and a tenth part of the produce free from all charges of raising it, is not a tythe, but a FIFTH part of every man's property; a standing LAND TAX OF FOUR SHILLINGS in the pound, upon all the subjects of *England*.

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If it be considered with respect to *small tythes*, the grievance is heaviest upon the poorest of the people. Those who are rather objects of charity, and fit to receive alms, are the subjects of ecclesiastical oppression, and compelled to pay tythe.

If a poor widow, the labour of whose hands, and the produce of whose garden, are the only subsistence of herself and five or six children, hath an *apple-tree*, she must give the tenth of her fruit; if she keep a *hen*, she must give every tenth egg; or every tenth chicken; and if she hath a *bee hive*, she must yield a tenth of her wax and her honey,

TO THE PARSON OF THE  
PARISH;

Who, if he is not satisfied with her contributions, will prosecute her in the ecclesiastical court, and make her depose upon oath, how many *pippins* grew upon her tree? How many *chicks* were hatched? How many *eggs* were addled? And what casualties happened in the management of her BEE-HIVE.

This was the complaint of *Chaucer's* plowman, against the priest of his times;

*For*

*For the tything of a duck,  
Or an apple, or an eye,  
They make men swear upon a book;  
Thus they foulen Christes face.*

Is it then unreasonable to complain of *this tythe* of the clergy, as the east-wind that withers the fruit, the caterpillar that destroys the harvest in the ear, the locust that preys upon the property of the rich, and eats up the bread of the poor? An harpy that carries law-suits in one claw, and famine in another? That devours what the public taxes spare, and is more inexorable than an excise?

This prodigious usurpation upon the property of mankind, makes the bill before us the more absolutely necessary, and moves all indignation against the parson, who suggests, ‘ That the bill will encourage the Quaker in setting up a right, upon the plea of conscience, to another man’s estate.’

I said to myself,

Doth not the *country parson* appeal to every man’s conscience, when he demands tythe of *divine right*?

When he claims it as a *duty to God*?

And, must he not so far allow the Quaker's *conscience* to decide?

But, *says the parson,*

‘ I wish the Quaker's conscience could be  
‘ examined in this point. Is he a *land-owner* ?  
‘ Let him be asked, upon his conscience,  
‘ whether he paid any consideration to the  
‘ vender of the land, beyond the usual price,  
‘ and upon a supposition that no tythes would  
‘ be due from his land? Is he a farmer,  
‘ Let him be asked, whether he pays more  
‘ rent, than a *church man* used to give for the  
‘ farm, and in consideration of his paying no  
‘ tythe? If he cannot say that he either bought,  
‘ or hired the tythe (and he can say neither),  
‘ what title hath he to it?’

I must here observe, that

The *country parson* lays down a *law of property*, by this examination of the Quaker's conscience;

A proposition,

That



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16,000*l.* then 24,000*l.* then 36,000*l.* and lastly, 48,000*l.* Edward the confessor released this tax. It was levied again by the *Conqueror*; and by *W. Rufus*; but it was released by *Hen. I.* and finally by *K. Stephen.*

III. The ancient *disme*, or the *decimation* of all the subjects goods, was the usual subsidy given from time to time by parliament, and was levied, as is the tythe of the clergy, by the *tenth* of every thing *in kind.*

Thus in the parliament-roll 13-E. III. No. 6. The lords grant to the king, *the tenth sheaf* of all the corn of their demesnes, except of their bound tenants; the *tenth fleece* of wool, and the *tenth lamb* of their own store, to be paid in two years; and pray that this grant turn not into a custom.

So, in the parliament-roll of the next year, 14 E. III. No. 5. it is entered, *the prelates, barons, and all the commons of this realm*, grant to the king *the ninth lamb, the ninth fleece, the ninth sheaf, and of cities and boroughs the very ninth part of all their goods and chattels, to be taken by two years to come.* And with this, agrees the statute book, Anno 14 E. III. Stat. 1. cap. 18.

But,



But, when the aid given was a *quin-disme*, or *fifteenth*, then, the king appointed *two* assessors in every county; and they appointed *twelve* in every hundred, who made a true valuation of every man's personal estate, and caused the *fifteenth* part to be levied.

This word *disme* or *decima* is equally used; as well for the revenues of the church, as for those of the crown; and the statute 2 and 3 E. VI. cap. 36. terms the *tenths of the clergy* (which were anciently paid to the *see of Rome*, and given by pope *Urban* to *Richard II.*) PERPETUAL DISMES.

The first *quin-disme* was granted, by parliament, 18 E. I.

The city of *London* paid this year for the *fifteenth*, 2860 l. 13 s. 8 d. and the abbot of *St. Edmonds*, 666 l. 13 s. 4 d. which was by composition, and thereupon he had all his temporal goods, and the goods of his convent, discharged of the *fifteenth*.

Sometimes, the *disme* and *quin-disme* were granted both together, as in the 6 E. III. one *disme*, and one *quin-disme* were given to the

king, to be levied of the laity, in aid of his expedition against the Scots.

At other times, the *disme* or *tenth* was granted singly, as in the aforementioned instances, 13 *E. III.* by the lords of their own store; and 14 *E. III.* by the clergy, nobility, and commons for the whole realm.

And the *quin-disme* or *fifteentb* was likewise granted *separately*, of which the instances occurring in successive ages are scarcely to be numbered.

These methods of charging the subject were constantly made use of, till the reign of king *Charles I.* when the great demands of money, which the civil war occasioned, introduced our modern *excise* and *land-tax*.

Now in all these cases, *viz.*

1. In the case of the *Peter-pence*, which continued a rent charge upon houses for the space of eight hundred years;

2. In the case of *Danes-gelt*, which continued a rent charge for the space of three hundred years; and,

3. In

3: In the case of the *disme* and *quin-dismes*, which arose, within little more than the century after *Dane-gelt* expired, and levied the tenth or fiftieth of the subject's goods, from time to time, for the space of three hundred years:

The value of the lands of *England* became impaired, by reason of the charge, and every purchaser paid a less price, whilst such incumbrances continued upon them.

But, would our ancestors have suffered either the pope, or the crown, to examine the consciences of the people of *England* in the absurd manner of this *country parson*? Would it have been endured, either to set up a *right in conscience* to the perpetuity of *Peter-pence*, or *Dane-gelt*, because every modern purchaser had bought his house or land the cheaper, by reason of such burthens upon them?

Doubtless the same questions might have been asked, in the case of *Peter-pence*, and of *Dane-gelt*, as in the case of tythe, and the same answer must have been returned; and,

When the ancient aids of *dismes* and *quin-dismes* had gained establishment by course of time, and the land was become cheaper, by reason

reason of these *tenths* and *fifteenths* granted continually to the king; would not the crown have had an estate of perpetuity in the *tenth lamb*, the *tenth fleece*, the *tenth sheaf*, and the *tenth part* of the goods of the subjects; or, in the *fifteenth*, according as these rates and impositions assessed the value of property? Would not the king have claimed his *tenth* or *fifteenth* by the same rule of conscience, as the clergy set up to establish their estate in *tythe*? And, because the continuance of the imposition had lowered the rent of all the lands, might not the king, with as much reason, have told the subjects, that the *tenth*, or *fifteenth* of their estates had been paid of so long continuance, as had extinguished the rights of the *first* owners? Might he not have urged, in behalf of such a rent charge, (as the clergy now urge for their *tythe*) that every man bought his land, and hired his farm, in expectation of being subject to such a charge; and, that the price of the land, and the rent of the farm, being less on this account, no man could have right ever to be eased, since no man could have property in that which he did not purchase?

This may very fully evince the unreasonableness of the *country parson's* plea:

But, for a shorter decision of the question,

“ If you bought your lands and tenements with these incumbrances upon them, what right have you ever to be eased of them.?”

I answer, that I have,

The right of a free subject, to enjoy the produce of his own labour;

The right of an *Englishman*, to enjoy his own possessions free and clear of all unreasonable incumbrances;

And, my title to the incumbered part of my estate is so far good, as any other man's title to it is bad:

If I buy an estate with a *rent-charge*, an *annuity*, or a *mortgage* upon it, and these incumbrances shall be considered in the purchase; yet, if afterwards it appears that the persons claiming this *rent-charge*, this *annuity*, or this *mortgage*, never had any just right therein :

Am I bound to make their bad title good in law or conscience, because I bought the estate cheaper, on supposition that they had lawful incumbrances upon it ?

In the possession of land I am in the condition of the *prime occupant*: I am not bound to shew my title to any man; I am not bound to shew that I bought it, or inherit it. It is sufficient that I possess it, unless he can shew a prior or better right to it.

And, whether I bought my *freehold* cheaper or dearer, I am by law and conscience entitled to hold it as free and clear, as if I had held it from the creation of the world.

This doctrine of gaining an *estate in perpetuity* through any imposition upon land, which by length of time makes the *value of it less* in subsequent alienations, and, by pretended equity, the *interest in it less* to all new purchasers;

Is of dangerous consequence to the whole LANDED INTEREST of this kingdom.

It establishes a right *somewhere* in a PERPETUAL LAND-TAX; because within forty or fifty years time, since the land hath borne this charge, the value of land hath diminished in proportion; and two thirds of the lands of *England*, having within that time by purchase or exchange passed into the hands of *new owners*, (as may probably be the case of

all our lands before this tax can be released) therefore the *land owner*, who bought his land subject to the usual land-tax, shall in equity and conscience be for ever liable to pay *two, three, or four* shillings in the pound, by reason of his having bought the land *cheaper*.

And, the *country parson* shall ask him those subtle questions, 'Is he a land owner? Let him be asked, upon his conscience, whether he paid any consideration to the vender of the land beyond the usual price, and upon supposition that no land-tax would be due from his land? Is he a farmer? Let him be asked, upon his conscience, whether he pays more rent than used to be given for the farm, and in consideration of his paying no land-tax? If he cannot say that he either bought, or hired, the land-tax (and he can say neither) what title hath he to it? and therefore, there must be *another* owner who hath a *just* title to it.'

From *rules of property and rights of estate*, such as this *country parson* would establish, it must follow, that no usurpation on the lands of a kingdom could ever be resumed, consistently with conscience; that the foundations of ecclesiastics, in the *church of Rome* itself, ought not to be taken away, because the priests have

have the legal estate vested in them; that the impositions of arbitrary power become matter of right, in persons who can work the ancient *land owners* out of their inheritances; and, that, if SHIP MONEY had been exacted for a length of time, till the value of all our lands had sunk under the exaction, *new purchasers* would have had no right to have been eased of the burden, because they would have bought the land charged with it, and cheaper by reason of it.

In short, such consequences are unavoidable from this part of the *country parson's* plea, that were he to shew himself *in his proper figure*, speaking in this manner against the right of the people of *England* to enjoy their own lands, an IMPEACHING PARLIAMENT might probably charge him as an *enemy to property*; a *betrayer of the rights and liberties of the people*; advancing *false doctrines of dangerous consequence to the constitution of the kingdom*, and which tend to *subvert the protestant religion*, to *obstruct all reformation in the christian church*, to *receive popery and popish foundations*, and to *subject the commons of this realm to the yoke of enormous ecclesiastical power*.

Leaving him to the discipline of such national justice, whenever it shall find him.— I  
totally



totally deny him, or any person living, to possess any estate in the land, by reason of its having been lowered in value, through an unjust imposition; I conceive his *claim of tythe* to have no other foundation, in law or conscience, than *Peter-Pence* had before it was abolished by act of parliament; I conceive them both to have been usurpations of the same nature, which grew and obtained in the times of darkness and devotion through the craft of a *mercenary* clergy, and the superstition of a blind *deluded* laity; I likewise apprehend, that as the wisdom of parliament utterly abolished *the one*, because it impoverished the kingdom, so the representatives of the people have not only a right, but are bound in duty to moderate *the other*, whenever it shall be exorbitant in its amount, or oppressive in its exactions. But,

Because the estate of the clergy in tythe, is so much insisted on as their right in *conscience*, it may be fit to enquire on what consideration they had their original grants. The confirmation of king STEPHEN is an evidence of this kind, the preamble to which is as follows, *viz.*

Because through the providence of divine mercy we know it to be so ordered, and by the church's publishing it far and near, every body  
hath,

*hath heard, that by the distribution of alms persons may be absolved from the bonds of sin, and acquire the rewards of heavenly joys: I Stephen, by the grace of God king of England; being willing to have a part with them, who by an happy kind of trading exchange heavenly things for earthly; and smitten with the love of God, and for the salvation of my own soul, and the souls of my father and mother, and all my forefathers and ancestors (confirm tythes and other donations to the church \*.)*

After such a specimen as this, I cannot have the least doubt that estates given under such considerations, are of all others the most proper for the disposition of parliament. But with reference to the *country parson's* charge against the Quaker, that "his *conscience*, which will not allow him to pay tythe, is a *conscience* which will not permit his neighbour to take

\*-Quoniam divina misericordia providente cognovimus esse dispositum, & longe lateque prædicante ecclesia, sonat omnium auribus divulgatum, quod ELEEMOSYNARUM largitione possunt absolvi vincula peccatorum, & acquiri cœlestium præmia gaudiorum; ego Stephanus Dei gratia Anglorum rex partem habere volens cum illis, qui fœlici commercio cœlestia pro terrenis commutant, Dei amore compunctus, & pro salute animæ meæ, et patris mei matrisque meæ, & omnium parentum meorum, et antecessorum, &c.

“and

“ and enjoy *his own* property.” It seemeth reasonable to hear the Quaker speak for himself; and the strongest writer on this subject amongst the Quakers, being *Anthony Pearson*, formerly a justice of peace in *Westmerland*, let us hear what he says in his *great case of tythes*, on the question *that tythe ought to be paid as a rent charge upon the estate.*

Unto which, *says he*, I answer,

“ That though it were true, and could  
be proved, that my ancestors gave tythes,  
and that for ever, yet am I not thereby bound  
to pay them, or stand any way chargeable  
with them. It is true, when they were owners  
of land, they might themselves yield and set  
forth what part of their increase they pleased,  
or might have given the tenth, or any other  
part of their land as they would, or they  
might have charged upon the land what rent  
they liked; but they could not charge their  
posterity with that which was no ways theirs,  
nor which, in any true sense, construction,  
or understanding, they could be said to have  
any property in, and which is not paid by  
reason of that which is derived from them.  
For, tythe is neither paid of land, nor by the  
reason of the land, but is paid by the reason  
of the increase or renewing; and therefore the  
doctrines

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‘ doctrines of the old fathers, and the popish  
‘ laws for tythes, do as well require the pay-  
‘ ment of the tenth part of men’s profit or  
‘ gain, whether by trade, commerce, or mer-  
‘ chandize, as of the fruits of the earth. Yea,  
‘ the tenth part also of wages, and personal in-  
‘ crease, though not raised immediately by  
‘ land: and surely no man will say that he pays  
‘ tythe of these because his ancestors charged  
‘ him with them; nor will any man allow, that  
‘ another person, by any gift of his ancestor,  
‘ can have another distinct property in the  
‘ tenth part of the fruits of his labour; and the  
‘ case is the same as to all tythes, whether pre-  
‘ dial, personal, or mixed. If I sit still and  
‘ plough not, no corn will grow; if I sit still  
‘ and work not, no profit will rise; so that it  
‘ is my labour, my diligence and industry that  
‘ raiseth the tythe, and in my power it is to  
‘ make it less or more; and sometime, yea of-  
‘ ten it falls out, that the tythe of corn is thrice  
‘ more worth than the yearly value of the land  
‘ on which it grows; and herein tythe of corn  
‘ is far more hard and unequal than personal  
‘ tythes; for the one pays but a tenth, all  
‘ charges deducted; the other pays the tenth  
‘ of charges and all.’

‘ Mine ancestor could not charge me with  
‘ that which doth not accrue by reason of  
‘ that

that which I have from him; nor am I bound  
 because mine ancestor left me land, to pay  
 tythe, which is not paid by reason of the land,  
 but of the increase, unto which I am no more  
 tied by law, than he is who hath increased  
 without land. If I have land and no increase,  
 I pay no tythes. If I have increase, though  
 no land, I ought by law to pay tythes. If I  
 husband my land so that the increase is not  
 to be recovered, no tythe can be recovered of  
 me; and therefore if I pasture my land, no  
 tythe shall be paid for the grass which is eaten  
 unrecovered; but only a *rate tythe* for that which  
 doth depasture on it; which makes it plain  
 that tythe is not paid by the reason of the  
 land, but of the stock; and, in that also it  
 lies in my power to make the tythe much,  
 little, or nothing; If I plough, and sow  
 corn, the tenth part of the increase is ge-  
 nerally more worth than the land on which  
 it grows, which comes not by the land that  
 descends from the ancestor, but because of  
 the increase won with the great charge, in-  
 dustry, and labour of the husbandman. If  
 I pasture my ground with sheep that yield  
 a fleece, the tythe will be considerable;  
 though not so much as by corn. If I pasture  
 with cows or breeding-cattle, a much less  
 tythe is paid: and if I eat up the pasture by  
 horses or barren cattle, a small and inco-  
 siderable

\* fiderable rate is only required; though in  
 \* few places of the nation would that have been  
 \* recovered in the times when *popish* laws were  
 \* at greatest height. But if I plant wood,  
 \* and let it stand for timber; or, if I store  
 \* my land with beasts which be *feræ naturâ*,  
 \* wherein there is no personal property, no  
 \* tythes shall be paid; or, if I will let my  
 \* land lie waste, (which may be supposed, be-  
 \* cause it may be done) or will eat my mea-  
 \* dow or corn standing, no tythe can be requir-  
 \* ed. All these instances manifest that tythe  
 \* still hath relation to the stock and personal  
 \* estate, and not to the land; and is paid by  
 \* the reason of the stock, and not of the land.  
 \* And so no ancestor could lay and perpetuate  
 \* such a charge as tythe upon it, nor could he  
 \* bind his successor to pay it. If by my an-  
 \* cestor I am bound to pay tythe *ratione tenu-  
 \* ræ*, or in consideration of the land which  
 \* he leaves me, to what value must it be of?  
 \* I may yearly pay more tythe than the land  
 \* he leaves me is worth: if I keep it in  
 \* tillage, and if I pasture it I need not pay the  
 \* twentieth part. Have I not herein (with-  
 \* out fraud to my ancestor) power to pay  
 \* him much or little? How then is tythe  
 \* like a rent certain (which is by some ob-  
 \* jected?) If tythes were paid by reason of  
 \* the land, surely there is most reason, that  
 \* the

\* the tenth part of the grafs renewing upon  
 \* all pasture grounds should be paid ; for the  
 \* land still brings that with it ; and, it is  
 \* easily dividable by rent, or let by month.  
 \* If *another* hath as good right to the tenth  
 \* part of the increase, as the owner hath to  
 \* the nine ——— why cannot he take it with-  
 \* out the owner's setting it out, or recover  
 \* it by action of debt or trespass? But it  
 \* is clear there is no title till it be set forth ;  
 \* and then, if the owner of the land carry  
 \* it away, an action of trespass lies, because  
 \* he had set it out, and given it to another,  
 \* and so altered his property, as one man  
 \* doth by marking his cattle for another man ;  
 \* and therefore it is, that the law which com-  
 \* mands tythes, doth not give power to any  
 \* one to take the tythe, because he had no  
 \* title, but enjoins the owner to set it forth ;  
 \* and in so doing to make it another's by  
 \* *his own consent*. If any man claims tythes  
 \* by my ancestor's gift, may I not ask him,  
 \* to whom, or for what my ancestor gave  
 \* them? And, it is plain beyond denial, that  
 \* all those gifts of land or tythe in *England*  
 \* (since *Austin* the monk planted the *popish*  
 \* faith, and preached up the new payment  
 \* of tythes) were given to *popish* priests, for  
 \* saying prayers for the souls of the givers  
 \* and their deceased ancestors, as old conse-

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‘ creations do witness : and therefore in reason,  
‘ if the consideration and service be ceased,  
‘ so ought also the wages ; for no man in  
‘ law or equity ought to claim wages, when he  
‘ will not do the work for which it was given ;  
‘ and seeing these *popish* priests and prayers  
‘ are laid aside, the gift (if any such were,  
‘ and could be binding) ought to return to  
‘ the donor ; and may not, without his consent,  
‘ be perverted to another use.

‘ But some object (as the *country parson* hath  
‘ done in his *plea*) that

*When I or my ancestor bought the land, it  
was sold cheaper (because it was supposed it  
ought to pay tythe) than I or my ancestor could  
have bought such land as was known to be tythe-  
free ; and therefore, having a cheaper bargain,  
I am bound in equity to pay tythe.*

I answer,

‘ That, I have already proved all land is  
‘ tythe-free ; and that the charge of tythe is  
‘ upon the stock and personal estate, and not  
‘ upon the land. And, the strength of this  
‘ objection lies in comparing those who pay  
‘ tythes, with those who are free. Those who  
‘ buy lands *tythe-free* are eased of this oppres-  
‘ sion,



' fion, and are in no hazard : and, though all  
 ' others ought to be so, yet it being a que-  
 ' stion, whether they can ease themselves of  
 ' the burthen, they buy under a hazard, and  
 ' are subject to such a charge. But if they  
 ' cast off the yoke, *they get but what is their*  
 ' *own*; and seeing we have denied the *pope's*  
 ' authority and supremacy, we may, so soon as  
 ' we can, wholly cast off the burden which he  
 ' laid on us: and thus, he that buys lands  
 ' in the years of trouble and heavy taxes  
 ' may, perhaps, buy much cheaper than when  
 ' none or little is paid: shall he therefore be  
 ' required to pay taxes when others are dis-  
 ' charged? Or, shall he that bought cheap  
 ' pennyworths on the borders between *Eng-*  
 ' *land* and *Scotland*, when those parts were in-  
 ' fested with *moss-troopers*, always pay tribute  
 ' to thieves and robbers? We bought land  
 ' when the pope's yoke was upon our necks;  
 ' and if we cast it from us, we may by as  
 ' good reason be eased of our tythes, as they  
 ' of their taxes. But if I bought it *cheaper*,  
 ' what is that to the state or the priest?'

This is the Quaker's defence against the  
 charge of *setting up a tit's on the plea of con-*  
*science to another man's estate*; wherein he  
 proves, that his tenth, which the parson claims  
 in the produce of land, is neither his right

by any condition annexed to the inheritance nor by any consideration allowed in the purchase; that neither the donor of the land gave, or could give it; and that neither conscience nor equity can require the Quaker to pay it.

The question will then depend upon the judgment of the legislative power; and we are still in the proper method of debating, what measures the legislative ought to prescribe, between the parson and the Quaker in the *case of tythes*.

We are told upon this footing of the judgment of the legislative power, and with some air of triumph, that persons withholding tythes are stiled *evil-disposed persons*, 27 Hen. VIII. *not regarding their duties to God and the king*, 32 Hen. VIII. and acting of an *ungodly perverse will and mind*: to which the parson might have added, *moved and seduced by the instigation of the devil*: ——— it would have made the same impression on the *commons of Great Britain*, before whom he is pleading; and, it would have been as full an answer to the charge upon the clergy of *oppression, avarice and injustice in their suits for tythe*.

The

The words *perverse, ungodly, undutiful to God and the king*, prove nothing but that the priests, who had power to obtain a penal statute, had leave to call people names in the preamble to it. But

If it be urged as the sense of those times concerning non-payment of tythe, will the *parson* allow me to cite other statutes, made about the same time, as the sense of the law-makers upon other ecclesiastical pretensions?

I fear, the sense of parliament hath very little weight with the clergy, when it is not on the side of their ambition; and therefore I may not perhaps hold it conclusive, when, influenced by their ungodly management, it lets them loose to defame and damn their enemies, as *enemies to God and the king*.

The statute of the first year of *Edward VI.*  
cop. 2

Declares,

‘ That elections of archbishops and bishops,  
‘ by deans and chapters, are as well to the  
‘ long delay, as to the great costs and charges  
‘ of such persons whom the king gives any

K. 3.

‘ arch-

' archbishoprick or bishoprick unto, and that  
 ' the said elections be *in very deed no elec-*  
 ' *tions*, but only by a writ of CONGE  
 ' D'ELIRE have *colours, shadows, or pre-*  
 ' *tences of elections, serving nevertheless to no*  
 ' *purpose*, and seeming also derogatory to the  
 ' king's prerogative royal.'

This act of parliament, though not held  
 at present to be in force, doth certainly shew  
 the *sense of our ancestors* on the subject of elect-  
 ing bishops.

Will the clergy allow us to speak of their  
*pretended* elections of bishops in the terms of  
 this act of parliament? No — it is against  
 divine right. If then they will not allow the  
*institution of bishops* to be tied down, to the  
 preface of a law made in *Edward VI's* time,  
 will they tie every man down, *in the equity of*  
*rythes*, to the preface of a law made in *Henry*  
*VIII's* time?

I trust in the right of an *Eng'ish* subject,  
 that we shall not be restrained, from a larger  
 consideration of so important an affair, and  
 that neither our duty to God or the king  
 shall be questioned, for no better reason than  
 our difference of sentiments in the affair of  
*rythes*.

I reverence an act of parliament as much as any man living. It is the act of that power which we are all bound to trust and obey. But I am not so far concluded by an act of parliament, that I ought either to believe *implicitly* whatever it declares, or not to solicit the repeal of what it may enact.

And, I cannot but observe,

1. That when *Henry VIII.* unravelling his own reformation, went retrograde into the worst measures of popery, he past the *act of the six articles* in his 31st year, wherein he established *auricular confession* and *transubstantiation*. And

2. That in the next year he past the act for the *payment of tythes*, wherein is the famous expression of persons *not regarding their duties to God and the king*.

If therefore *tythes*, *transubstantiation*, and *auricular confession*, are of the same growth and family, we shall find that the same reasoning from acts of parliament, which makes the *payment of tythes* a DUTY to God and the king, by the statute of 32 *Hen. VIII.* would as forcibly prove *transubstantiation* and *auricular con-*

*feſſion* to be articles of faith fit for a christian to believe in, becauſe they are ſo declared, by the ſtatute of 31 *Hon.* VIII. which impoſed thoſe *ſix bloody articles* famous in the ſtory of thoſe times. And,

To ſay that the act of the *ſix articles* is repealed, but that the *ſythe act* is ſtill in force, would make the matter infinitely ridiculous; for

This would ſuppoſe that our *duty to God*, or our *faith in Chriſt*, depends altogether on the exiſtences and duration of acts of parliament: So that it may be a *duty to God*, or not a *duty to God*; an *orthodox creed*, or not an *orthodox creed*, as different parliaments happen to be of different opinions.

If the *country parſon* is diſpleaſed, that ſuch abſurdities ſhould be laid at his door, he ſhould be leſs forward to preſs the ſenſe of our anceſtors, and authorities out of the ſtatute books, in proof of ſuch points as *duties to God*, wherein every man may take the bible and his own conſcience to be ſafer guides than any act of parliament.

If he is diſpleaſed, that the ſenſe of our anceſtors, and authorities out of the ſtatute books

books should be urged in support of the rights of the laity against the usurpations of the clergy, I must tell him, that to protect the people from injustice, is the proper and essential care of parliament; but that to define *duties to God*, is beyond the bounds of human authority; and though parliaments may specify what doctrines clergymen shall teach, yet they cannot require *any man to believe them*, because though the parson is the *servant* of the legislative power, yet every man is *master of his own conscience*.

Our *duty to God*, as to the payment of tythes, is therefore in every respect as questionable, and as *conscientiously* to be denied, as if those laws had never been enacted: And,

The payment of tythes, as a *duty to God*, being denied by the quakers, and by almost all other men;

The *common good* can be the only justifiable reason for imposing it as a common charge.

Thus, we are once more in the case, where we ought to be, of debating the merits of this bill upon the principles of public justice.

The people called *Quakers* who are most oppressed by suits for tythe, apply for the better regulation of such suits, that they, may be less oppressed by them.

As a people professing the religion of *Christ*, they cannot pay tythes or wages to the clergy, because they believe in their consciences that *Christ* abolished tythes, and forbid the payment of wages to the priesthood.

If they are in an error, it is the error of their consciences, and they ought not to be punished for it. But,

As subjects professing a dutiful obedience to the government under which they live, they yield according to the Gospel of *Christ*, submission to the civil magistrate, and what he takes from them, for the maintenance of the clergy, they patiently acquiesce in :

They make no resistance to the officer who distrains their goods for tythe. And,

Can any thing be more reasonable, than to appoint an officer, who shall at their charge set out the tythe, when it is due in kind, or levy it, when it ought to be paid in money? Or,



Can any thing be more unreasonable, than to authorize the parson to sue the Quaker, not only for the tythe, but for *three times the value*, because he hath *not set it out*, when he is disabled by his conscience, and when any other man may be appointed by law to *set it out for him*?

We are told by the *country parson*, that every *wise* clergyman, for his own sake, and every *good* clergyman, for his neighbour's sake, will take the *easy* and *cheap* method which is left to his option by former acts of parliament; and;

Therefore, it is inferred, the legislature ought not to tie the clergy down, to this *easy* and *cheap method*, because the wisest and best of them already use it for their own sake, and their neighbours. But,

If the *wisest* and *best* use it of choice, this will be an argument, that the *unreasonable* and *unjust* should be restrained to it. For,

Are the subjects of *England* to have no better security against oppression, than the wisdom and goodness of the clergy? Or,

Ought the clergy to be trusted with a power, which, according to *the parson's confession*, neither a wise clergyman nor a good clergyman can use, without mischief either to himself or his neighbour?

Where the *power of oppression* is, acts of oppression will undoubtedly be. No church, no state, no body of men ever had this power but they used it. And,

Whoever gives an authority to oppress, is the author of oppression.

This truth, which is written in characters of blood in all the histories of mankind, is reason and evidence to justify a bill which restrains an oppressive power in the church :

A reason so convincing, an evidence so clear, as makes it *trifling with the justice* of parliament, when the clergy demand proof that they *do* oppress, whilst every man who hath eyes must see that they *may* oppress.

If they *may* many of them *will* : but,

If they *may not* none of them *can* commit oppression. And,

If they *have not* oppressed by that power whereby they *may* oppress; yet, it is incumbent on the justice of an house of commons to restrain such *oppressive power*. Because,

It is more the duty of parliament to prevent grievances than it is to redress them; it is more compassionate to save men from injustice than to relieve them under it; it is an happier effect of law to preserve property than to repair it; it is a nobler act of justice to restrain a crime than to punish it; and it is a more perfect constitution of government, under which oppression is not practicable, than that under which it is practised, and *may* be punished.

By a paper which I have seen, in the hands of Gentlemen (since this bill hath been depending) entitled *An account of prosecutions of the people called Quakers in the several courts, since the seventh and eighth of king William the third, Anno 1696, when the Affirmation-Act was obtained, which gave justices of the peace power to judge of tythes demanded under the value of ten pounds;*

It appears that there have been,

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	<i>Prosecutions,</i>	<i>Prison.</i>	<i>Diad in Prison.</i>
In <i>chancery</i>	38	10	1
In the <i>exchequer</i>	787	185	2
In the ecclesia- stical courts	} 269	81	2
In the common- law courts	} 59	16	0
	<hr/>	<hr/>	<hr/>
In all	1153	292	5

The Quakers add, that ‘they are very  
 ‘ imperfect as to the whole number of suits  
 ‘ brought, because several times such suits were  
 ‘ made an end of in the country, and no ac-  
 ‘ count given of them to their *meeting of suffer-*  
 ‘ *ings*; and many times, when friends were  
 ‘ discharged from imprisonments *by acts for re-*  
 ‘ *lief of insolvent debtors*, there were no ac-  
 ‘ count given; and, the like deficiency often  
 ‘ happened, when their relations paid to re-  
 ‘ lease them out of goal.’

They alledge, ‘That the demands for  
 ‘ tythe have been innumerable, within forty  
 ‘ years past; but that the nature of the  
 ‘ prosecutions, and sums levied by them may  
 ‘ be judged of, they have collected forty-four  
 ‘ safes, where the demands amount to 188 *l.* 3 *s.*  
 ‘ 2 *d.* and the sums levied to 2252 *l.* 6 *s.* 10 *d.*  
 ‘ One

‘ One *Isaac Averil* was prosecuted three  
 ‘ several times for three several sums amount-  
 ‘ ing to 19 *l.* for which he had taken from him  
 ‘ 187 *l.* 10 *s.*

‘ There was one friend a prisoner *ten* years  
 ‘ for *forty* shillings.

‘ Another, a prisoner *four* years for *one*  
 ‘ shilling.

‘ Two were prisoners *five* years for *twenty*  
 ‘ shillings.

‘ One was a prisoner *nine* years for small  
 ‘ tythe.

‘ One was a prisoner *six* years for *four* pounds  
 ‘ *ten* shillings.

‘ They find an account of fifteen persons pro-  
 ‘ secuted for above ten pounds each ;

‘ The demands on the whole fifteen being  
 ‘ 313 *l.* 9 *s.* 6 *d.* there was taken from them for  
 ‘ that demand 1068 *l.* 7 *s.* 4 *d.* 2 *q.*

‘ They further specify the names of the fol-  
 ‘ lowing persons with the tythe demanded under  
 ‘ 2/10

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the value of ten pounds, and the sum levied on  
on account thereof, viz.

	L.	s.	d.	L.	s.	d.
James Haviland	8	00	0	61	00	0
Thomas Strong	1	10	6	15	11	6
Richard Case	9	13	0	37	11	6
Thomas Drape	4	19	1	50	00	0
Robert Holliday	0	11	6	60	00	0
Henry Woke	1	4	6	30	00	0
Josiah Williams	2	00	0	30	00	0
John Taylor	1	5	8	44	18	0
Alexander Moore	6	15	11	87	16	11
Jeremiah Ellis	1	00	0	44	00	0
George Bewley	3	10	0	93	10	0
Sam. Tully and F. Warner	3	2	8	75	16	0
William Pearson	0	13	0	19	16	0
Jonathan Peafely	7	0	0	237	5	0
Daniel Williams	0	1	6	100	0	0
Thomas Ellwood	0	12	0	24	7	6
Abraham Butterfield	8	0	0	90	0	6
Roger Jenkins	9	14	6	84	10	6
Richard Allen	1	15	6	80	0	0
Thomas Jenkins	1	5	0	67	10	0
John Townshend	4	00	0	77	14	0
Francis Chairman	7	16	0	73	0	0

66 1 4 1484 6 11

This is a specification of suits, which the  
country parson and his colleagues complain of,

as omitted *in the case of the Quakers*. I am told, that the registers of their *meeting of sufferings* have recorded the cases *at large*; and that they will inform any gentleman of the particulars of their hardships; which I mention, because, having no acquaintance amongst them, I am without fuller information myself, nor have I applied, where, I believe, I could not be refused; because, if I knew the exactest state of every case, it could not be discoursed of within the extent of these papers.

The number of suits herein specified, the prisoners, the distresses, and the immense disparity between the demand and sum exacted in suits for tythe, must raise abhorrence in any compassionate mind. The single article of ONE HUNDRED POUNDS taken for *eighteen pence* would be just provocation, for abolishing all the tythes of the clergy, if their suits could not be carried on in more humane methods. Such an instance of oppression in any civil concern would raise an insurrection: and, that men endure it from their spiritual guides, shews the universal passion for an interest in another world; though, the utmost force of imagination cannot paint an HELL more terrible to our fears, than what the cruelty of the clergy daily sets before our eyes.

In eleven hundred and fifty-three suits they made two hundred and ninty-two prisoners; in fifteen suits where the claims amounted to 313*l.* they exacted 1068*l.* which was at the rate of *one hundred* pounds for less than *thirty* pounds; in forty-four suits where the claims amounted to 188 *l.* they exacted 2252 *l.* which was at the rate of *one hundred* pounds for little more than 8*l.* and, in twenty-two suits where the claims amounted to 66 *l.* they exacted 1484*l.* which was the rate of *one hundred* pounds for less than *four pounds ten shillings*. Or if we take these eighty-one suits all together, the sums demanded make 567 *l.* which compared with 4804 *l.* the total sum taken, is in the proportion of *one hundred* pounds levied, for every sum of *eleven pounds five shillings* demanded.

Compute the medium of the charge in any manner it is monstrous and enormous. Suits attended with *such costs* are a scandal on the justice of the kingdom, not to mention the profession of the gospel. And therefore this bill, which is designed to shorten suits and limit costs, will vindicate the laws as much as it will ease the people.



I perfectly agree with the *country parson* in  
‘ this *plea*, ‘ That to secure property is one  
‘ main end of government, and that therefore  
‘ all *opinions*, all *practices* inconsistent with the  
‘ preservation of property, are also inconsistent  
‘ with government and society.’

No man can be more tender of property  
than I have ever been, and always shall be. But  
I think, that the laity have a property in their  
goods, as well as the clergy in tythe ;

That *nine parts in ten* are a more valuable  
property than *a single tenth* can pretend to be ;

That the property of *a tenth* ought not to  
devour the property of all *the other nine* ;

And, that it is destructive of all property to  
levy *four thousand eight hundred and four pounds*  
on the laity, where the sum of *567 l.* is the  
whole demand of the clergy.

The *country parson* hath a conceit, that this  
bill is the only instance of an application to  
any government in the known world, to coun-  
tenance an *opinion* destructive to the property  
of any of the subjects.

But

But surely, if it be his conception, he is wrong, vain, and unwarrantable.

That lands held in *mortmain*, or that the stagnation of property in dead hands, is contrary to the good of the kingdom, hath been the *opinion* of our parliaments, and the principle of our *laws*, ever since the foundation of this government, however destructive it must be to what *churchmen* call their property.

But further, that the Quakers hold the maintenance of the clergy to be antichristian and unreasonable, is fact; for,

That any sect should account it a sufficient charge upon them to maintain their own teachers, is but reason:

And that the Quakers, who pay nothing at all to their own teachers, should be obliged to maintain the teachers of any other sect, is to them not only a hardship, but an abomination.

Now this which tends to take away the maintenance of the priesthood, may to a parson seem very naturally destructive of *what he calls* his property. But,

Because

Because the Quaker withholds the *tenth* which the law gives the parson a title to, shall he take the *other nine* which the law can give him no title to? And, by reason of a claim of 567 l. consume *four thousand eight hundred and four pounds* of the Quaker's substance? And, more prodigious! shall he take an *hundred pounds* for *eighteen pence*?

I envy the clergy no maintenance which the law gives, or can give them; but, the maintenance of the priesthood ought not to devour the substance of the whole people, like the *ears* of corn in PHARAOH'S DREAM, that *sprung up withered, thin, and blasted with the east wind*; and *devoured the ears that were full and good.*

I have not contended either for taking away, or for making less, that maintenance which the law allows them. But I have always been of opinion, that to ask it from the good-will of society, and to take it without cruelty or oppression, will more firmly establish their revenues than the most arrogant claims of *divine right*, or the most rigorous measures of ecclesiastical tyranny.

I firmly believe, that to seek for no more than their due, would be the surest means of always receiving their due;

I have ever observed, that the more they talk of their privileges, the less other people think of them :

And, whatever light I may stand in with the *reverend order*, I believe, I am a better friend to their interests than many of themselves can pretend to be; for *they* would maintain that exorbitant usurpation of power, which they cannot make use of without making themselves most odious; whereas, I would *disable them* from hurting their calling, or the cause of religion, by tyranny or by injustice.

I am of opinion, that if the church shall on every occasion oppose itself to the loud *complaint of the land*, and persist in these obstinate claims of powers, too heavy to be borne, the clergy will make the cause of the church such a load upon its friends, that the torrent of public resentment will be stronger than any minister can stem; the passions of mankind unreasonably provoked, will not be easily appeased, and though a *small sacrifice* might have contented every one in the beginning, yet when popular rage is too far incensed, a *great one* will not satisfy in the end.

Nothing

Nothing so much calms and sweetens mankind, as the frank redress of a crying grievance. Any single hardship generously taken away, disposes the bulk of mankind to endure a thousand; they are subdued by gentleness and mercy, but grow resolute and head-strong under oppression.

In all societies and states, it is seen from the *parish priest* to the prince and ruler of the country, that he who asks with the greatest moderation, is paid with the greatest liberality.

I am therefore most clear, that the *country Parson* is an enemy to the interest of his order, by obstinately opposing that ease which the people aggrieved by tythe are likely to obtain by this bill.

‘ He says, indeed, that passing this bill in compliance to the obstinate Quakers, will make them be esteemed as confessors, who by their steadiness have made the law give way, and exalted their misguided consciences above the property of their fellow-subjects.’ But,

May it not be said with greater truth ?

That

That rejecting this bill, in compliance to the obstinate clergy, will make them be considered as a *a dead weight upon the constitution*; which, by its continual obstruction, keeps common justice at a stand, and exalts the ambition of churchmen above the rights of their fellow-subjects.

Is any property in the kingdom sacred from regulation besides theirs? or, is it fit that any should be?

Hath not the wisdom of parliament provided laws, for the *limitation of suits*, and for the prevention of *frivolous and vexatious arrests*?

Have not acts been made, to regulate the courts, and officers of justice, to discharge prisoners for debt, and to reform the gaols? Yet,

Did any man oppose these acts by claims of *birth-right* in the law, and insolent demands of *property*, as if the law could stand in obstruction to public justice, or property in any one be a reason for the oppression of all?

To adjust the bounds of property, and to make the power of every subject compatible  
with

with the safety of all the rest, are the highest ends of government :

And therefore all *opinions*, all *practices*, which tend to the exemption of any order of men from public enquiry, or public justice, are utterly inconsistent with government and society.

If an order of men have advantages from law, which are inconsistent with justice, ought not the law to give way for the free course of justice? Or ought the *legislative power* to exist in vain?

Is it to be a power, which, in any case having been misguided to oppress, shall for ever remain without capacity to right the injured subject?

If arguments of this sort had prevailed with our fathers, we should have continued, as absolute bigots and slaves to the church, at this hour, as our *fellow christians* are in *Italy* and *Spain*.

If arguments of this sort prevail for the time to come, we shall never be allowed to repeal or amend any law beneficial to the priesthood, however grievous to the people,

since the priests claim a *birthright in the law*, to bound the legislative power. But,

The bill ought to pass, were it only for the sake of an example, that it is not in the power of a *mitred doctor*, by his *letters missive* stirring up petitions from every diocese, to intimidate an house of commons in a matter of this high concern to the justice of the kingdom.

If such arts are successful to encrease the *waste paper on the clerks table*, I hope, a body of *English gentlemen* will never weigh petitions *in quantity* against any bill whatever; especially bills for the reformation of the church, against which, they are certain of having as many remonstrances as there are deaneries, arch-deaconries, chapters, colleges, or ecclesiastical precincts in *England, Wales*, and the town of *Berwick upon Tweed*.

Another reason that the bill should pass, is, that *if it pass*, the clergy are *desirous to have it made general*.

This seems to be the only equitable proposition in the *country parson's plea*; though I have been told, that his brethren wisely hope to defeat the bill, by extending the benefit



benefit of it to ALL the people of *England!*  
But,

I cannot believe, that any man living will dislike a bill, because he and his friends are to share the good effects of it, as well as the people called *Quakers.*

Nor, will I imagine, that any set of men can be so simple, as to be against this act for the ease of the *Quakers*, on account of its being so highly expedient for every one else.

I am exceedingly desirous that it may be made general; and that the *Committee of the whole house* may secure not only the *Quakers*, but the whole people of *England* from ecclesiastical oppression. Yet,

If it should pass confined to the *Quakers* only, (which I am credibly informed that people do not desire;)

It shall nevertheless have my hearty concurrence.

Because, when a law is obtained of so much good to one part of the subjects, it will

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be more easy to procure the like relief for all the rest ; and,

An house of commons will have this act of indulgence to build upon, as the foundation of universal liberty. For this reason,

We ought to favour the Quakers as the first *movers in the cause of liberty* ; and notwithstanding the unhandsome and unwarrantable language which some of the clergy bestow upon this innocent people,

I will say what my experience of them can justify, (nor was I without a full knowledge of them in the former part of my life ;)

They deserve protection and indulgence as much as any part of his majesty's subjects :

They are unquestionably attached to the succession in his *protestant* royal family, and zealous in promoting the felicity of his reign :

They are naturally interested in the liberties of *England*, as a people whose religion can have no other refuge :

They are universally employed in trade and industry ; they have the smallest number  
of

of members either unprofitably rich, or miserably poor; and, they are the least to be accused of *luxury, corruption,* or LAW-SUITS of any set of men in the kingdom.

And, in justice to their principles,

I have ever thought their religion to be well deserving of countenance from a free and wise government. For,

It tends to establish no hierarchy, to monopolize no property, to invest no lands in useless or dangerous societies, to form no interest separate from the common good, to detach no part of the people from natural industry, nor to enslave any other part by bigotry and blind dependence.

If some little singularity in their forms may occasion witless drollery on their persons, wise men will excuse them, from the good effects even of their most rigid institutions. For,

By this means they preserve a modesty of apparel amongst their people, which no *sumptuary* laws that have been made in *England* could produce amongst us; and, a purity of manners, which shews our *reforming societies*

to be as despicable as they are useless, or worse.

If they are described, by those that do not know them, as *stiff* and ungraceful in their deportment, so far is it from being true, there are not any people in the world of more flowing affability, more social kindness, and easy humanity than many of the Quakers, who are taxed with stiffness of behaviour by the priesthood; though there is not a day of sun-shine, but the *express image* of all *priest-craft* may be seen in St. James's Park, clothed in *church-buckram*, with that *insilent grimace*, and *powerless formality*, which would not less move the contempt of a Quaker, than the indignation of a gentleman. Lastly,

If the Quakers are traduced, by a defaming *parson*, as *not regarding their duties to GOD and the KING*, because they will not yield tythe to the clergy;

It may for the conclusion of this discourse, be justly observed in their favour; that,

1. As to their duty to *almighty GOD*,

Not

Not conceiving the clergy to have any right of maintenance from reason or revelation, this people who do not pay it, are justified in refusing it. But,

That the clergy, who whenever they administer the gospel by deputation, rarely give their substitute a better maintenance, than any gentleman gives to a *livery servant*,

Should tax the laity, and encumber the land, to be maintained in the luxury of lords, and the pride of sovereign princes: or,

Should, in the instance of every *country parson*, think it reasonable to demand in recompence for the *cure of souls*, five times, nay frequently ten times, as much as any parson alive will *pay their curate* for discharging the office in his stead;

Is such a contradiction, so full of enormity and imposture, as gives not only every Quaker, but every man cause to conclude, that all of the profession ask more than any of them deserve, by their own rule of paying *priests wages*. And,

2. As to their duty to the KING,

The Quakers never were questioned, till they were reflected on by this *country parson*, whose *loyalty* perhaps wants a better argument, to convince the world of its *sincerity*, than this *immoderate zeal for tythe* :

A person\*, of whom it may be fairly said, because it is notoriously true,

That he had so far abandoned the obligation of his oaths, as to have no method of making the world suspect him of *ordinary allegiance*, but by the most *prostitute compliances*: and, that he was a JACOBITE in all men's opinion, till, as the lowest implement and most officious advocate of *corruption*, he shewed the *Whiggs*, that, servile by nature, and venal by profession, he could be the SLAVE of their power, though incapable of becoming a proselyte to their principles of liberty; and that, he could be reconciled to the *pensions* of the court, though not to the title of a *protestant successor*.

From such a man, such a charge of *not regarding duties* to GOD and the KING,

\* The character of Dr. *Sterlock*, then bishop of *Salisbury*, late of *London*.

ought to be considered as pure defamations on the Quakers, proceeding from malevolence to the rights of all mankind.

It can make no impression to their disadvantage;

And therefore I humbly hope, *that the bill shall pass.*





A  
S E R M O N

Preached before the Honourable

House of COMMONS,

January the 30th, 1727.

Being an Anniversary S E R M O N.  
for the DAY.

---

By *WILLIAM STEPHENS, B. D.*  
Rector of *Sutton in Surry.*

---

From a Copy corrected by the Author.

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L O N D O N :

Printed in the Year 1700.

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*Advertisement.*

*N. B.* The *Honourable Auditory* before whom the following sermon was preached, having expressed their dislike, I never designed to have had it printed: but since it is stolen uncorrectly into the world, without my privity, I hope it will not be imputed as a crime, that I amend the *errata* of the press.

WILL. STEPHENS.

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THE  
EDITOR  
TO THE  
PREACHER.

SIR,

SINCE the *Printer* informed me, that he will make a second impression of your sermon, I thought it might be fit to offer you some satisfaction for printing it without your consent. For although I was told, that you were obstinate in refusing to print it, yet I thought it might be useful to the public, and no ways disserviceable to you to publish it.

Wherefore, having gotten a copy, I gave it to a printer, only with this charge, that he should make the impression as cheap as he could, for as I observed, that the preaching of it made you some enemies, so I concluded that the printing of it might gain you some friends, because the misrepresentations which were given abroad concerning it would vanish away.

And

And as to the *reflection* which was made upon you by a supposititious clergyman, I appeal to my Lord Archbishop of *Canterbury*, if he did not receive satisfaction from a worthy member of parliament, being a man of unspotted reputation, that was objected against you by the *reflector* as to your flying from a suspected prosecution\*, was wholly *false and scandalous*.

S I R,

*I wish you well, and am yours, &c.*

\* High-churchmen were so much exasperated against the author for this discourse, that they raised and propagated a shameful lie, of his being obliged to fly from *Bristol* for sodomy.

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## TITUS III. 1.\*

*Put them in mind to be subject to principalities and powers, to obey magistrates, and to be ready to every good work.*

**T**O understand the reason of this, and such-like admonitions, which frequently occur in the apostle's writings, two things may be premised :

I. That about the time of our Saviour Christ, there arose one *Judas of Galilee* (who is mentioned *Acts v. 37.*) preaching seditious doctrines to the people, and teaching, (as *St. Jerom* in his comment on my text observes,) That they ought to own no Sovereign Prince, but God alone: and if they paid their tythes to the priest, they were discharged from paying tribute to the emperor. And upon this account it was (as *St. Jerom* believed) that the *Pharisees* asked our Saviour that captious question, *Is it lawful to give tribute to Cæsar, or no?* *Matth. xxii. 17.* Now to this account *Anastasius Nicenus* adds, that the followers of this *Judas* were very numerous, and called by the

\* In the first edition of this volume, I had the misfortune of printing the following discourse from a very incorrect copy; but this is printed from the true and genuine copy of the author.

name

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name of *Galileans*, and commonly looked upon as men ill affected to the *Roman* government: particularly, because, when they offered sacrifice, they refused to make supplication for the emperor and people of *Rome*; upon which account it is thought that *Pilate*, the *Roman* deputy of *Judæa*, came upon them whilst they were sacrificing, and putting them to the sword, mingled their blood with the blood of the sacrifices; as you may read, *Luke* xiii. 1.

And from hence it was, that our Saviour *Christ* and his disciples were suspected of favouring seditious doctrines, because they came out of *Galilee*, as is observed by *St. Chrysostom*, in his twenty-third homily on the *Romans*, wherein he saith, that great reports were spread abroad, as if the disciples were a factious, seditious people, and designing against the government. It must also be confessed, that many of the *Jews*, who were converted to the christian faith, were not sufficiently respectful to the higher powers which *God's* providence had set over them: for which *Mr. Calvin* gives this reason, Since the powers that were then in being opposed themselves to our Saviour *Christ*, they thought them unworthy of respect and honour.

Now what hath been said concerning the *Galilean* persuasion, shews the reason why the apostles

apostles do so frequently in their letters direct the christian churches to loyalty, or a due submission to magistrates.

1. To clear themselves from the false and scandalous imputation of having imbibed the doctrine of *Judas the Galilean*. And,

2. To undeceive all those that had been perverted by that seditious doctrine.

II. The second thing I would premise, is, That about the time when *St. Paul* wrote this epistle, the people of *Crete* (which was *Titus* his diocess) were unruly and mutinous. *Grotius* says, that they were always a factious people; and for that reason *St. Paul* wrote to *Titus*, their bishop, to put them in mind to be subject to principalities and powers, to obey magistrates, and to be ready to every good work.

I. I shall take occasion from hence, First, To make a just comment upon the text.

II. To set forth the reasons and grounds upon which the apostles founded their doctrine of obedience to civil magistrates. And,

III. To apply these reasons in conjunction with the occasion of this day's humiliation. And,

I. First,

I. First, It may be observed, that St. *Paul* does not direct *Titus* to teach the doctrine of civil obedience as a new thing, but only to refresh their memories therewith, *to put them in mind, &c.* For men cannot be supposed ignorant of the absolute necessity of government, to the defence and support of society; which were, in effect, to suppose, that 'twere better to lead the lives of beasts than men, and that the world were willing to lie under the continual calamity of war and oppression, filled only with a rout of fools and madmen. 'Twere to suppose every single person willing to expose himself to the uncontrolled world, and bid defiance to the unbounded power, rage, and malice of mankind. We cannot but see ourselves linked together by common wants into public societies, and that these societies cannot subsist, unless they are upheld by the power of government, whose wisdom and justice must appear by a due administration of good laws: and from hence we cannot but see a necessity of *principalities and powers*, of superior and inferior *magistrates*, without whom laws can be neither made nor executed. From whence 'tis very visible, that subjection to a good government is as much our interest as it is our duty. This was evident to the *Pythagorean* sect of old, who would not suffer the blood of any creature to be shed for their use, but



but yet allowed the sword of the magistrate to cut off malefactors.

The following words in my text, are, *Principalities* and *Powers*. Now the word in the original signifying something which is prime and principal, must denote the supreme established power, from whence inferior authorities are derived, and is the same with the *higher powers* mentioned *Rom. xiii. 1*. But because St. *Paul* speaks of *principalities and powers* in the plural number, 'tis likely that he alludes to the distinction (which was so common among the *Romans*) of the greater and lesser powers, the former of which, during the commonwealth, were the consuls, pretors, and cenfors; all which powers, in St. *Paul's* time, were vested in the emperor, and made up the imperial dignity. The lesser powers were all those derived from hence, and were subordinate hereunto. And this distinction was so nicely observed among the *Romans*, that *Julius Caesar* punished a tribune, because he suffered himself to be stiled one of the higher powers. *Sueton.*

But in the text it must be observed, that our obedience becomes due, not only to the supreme, but inferior authorities; for the *Cretans*, to whom *Titus* preached the gospel, were part of a *Roman* province, governed by inferior officers, deputed from *Rome*, who were the magistrates they

they were exhorted to obey. For though the superior and inferior powers differ greatly, if compared among themselves; yet, with respect to the subjects obedience, they are to be regarded alike; so that we cannot wilfully disobey the inferior, without affronting the sovereign authority. If then the *Cretans* would obey the emperor, it must be by submission to the ordinances and officers which he had appointed to their island; and if they behaved themselves suitably to these magistrates, they discharged their duty to the imperial power which deputed them.

We see that a large family cannot be governed by the personal presence of the master, much less can an empire; so that there will be need to call in to the prince's assistance, such persons into whom he may diffuse some measure of his political soul, and thereby unite them as members to his own body politic; whereupon they are to be treated as the hands, arms and eyes of majesty: and hence *Titus* admonished them, not only to be *subject to principalities and powers*, but to *obey magistrates*.

II. The second thing I proposed to speak to, were the reasons upon which the apostles grounded their doctrine of civil obedience; which are two:

The one is given by *St. Paul*, who teaches, That, every soul should be subject to the higher powers, because the magistrate is the minister of God to us for good, Rom. xiii. 1, 4.

The second reason is given by *St. Peter*, viz. because all governments and governors do arise from our own consent, *Submit yourselves* (saith the apostle) *to every ordinance of man, for the Lord's sake, whether it be to the king as supreme, &c.* Where note, That the king is called the ordinance, or creature of man, because the sovereign power itself is vested in men, according to human compact: and from hence our subjection is urged by the apostle *St. Peter*, in his *first Epistle, second chapter, verse 13.*

1. To begin with *St. Paul's* argument, who calls magistracy a divine ordinance, because of the excellent use of it, whereby good magistrates resemble the divine power, wisdom and goodness, in securing to all men their rights and properties; in preserving the peace, health and safety of societies, both with respect to body and soul. But to be more particular.

1. *The preservation of property was the first benefit for which magistracy was designed.* Now property is originally attained by the labour of either body or mind; for supposing the earth  
to

to have been common to its first inhabitants, it will follow that whoever took the pains to cultivate any part of it, and lay up necessary stores for his use, had by this his industry made himself the true proprietor thereof. And could we suppose this new proprietor to be as well guarded, as that man we read of in the Gospel, *who was well armed, and kept his palace and goods in peace*, yet it may likewise be supposed, (as it there follows) *that if a stronger than he shall come upon him, he will take from him all his armour wherein he trusted, and divide his spoils*. And this uncertain condition of property shews the reason of men's uniting into societies, and setting up forms of government, which is for mutual defence and preservation of property: and that, not only for the benefit of the present possessors, but of future generations. So that, what becomes a man's own, either by labour, gift or purchase, may with safety be enjoyed by himself, and also conveyed down to his posterity.

2. Life and limbs are ours by the gift of God. And these properties are liable to be invaded and destroyed: though they cannot (like other goods) be transferred to the use of the spoiler. And since there is so much variance and malice, pride and strife among mankind, what ill offices may not one man apprehend from another? But when destructive  
malice,

malice, a fiend of hell, shall transform itself into an *angel of light*, and persuade men that they are then inspired with the spirit of God, when they are possessed by the *Apollyon*, the great enemy and destroyer of mankind, when under the pretence of religion itself, men shall exert their sharpest malice, not only against the possessions and liberties, but against the lives of one another; how great need is there of the magistrates interposing power to disarm them of their spiritual as well as carnal weapons of warfare, to take away the ball of contention from among them, and the power of evil-doing from all contending parties? And,

3. In this the magistrate is God's minister to us for good, not only with respect to the preservation of our liberties and lives from destruction, but of our souls from sin; for whilst this just liberty, this natural right of worshipping God, according to that knowledge he hath given us, is supported by law, no man is forced into hypocritical compliances, contrary to the direction of his conscience, but every one may worship the One True God in singleness of heart; whereas on the other hand, if in matters of religion, force be suffered to take the place of reason, all religions will be alike, and (as colours in the dark) undistinguishable.

And although the magistrate can bestow no divine grace upon the souls of men, yet whilst by punishing vice, immoral practices are restrained, he prevents the overflowing of sin in a land. And if ceasing to do evil, be one step towards learning to do well, whilst the civil powers restrain us from immoralities, they turn us out of the broad way of perdition into the paths of righteousness and peace.

From hence then it appears, *that they who are wanting in their submission and assistance to the civil ministry of God, are false to their own interest, as well as that of their posterity.* Whereas on the other hand, he who is ready to every good work which may support this divine ministry to us for good, will be sure, in the performance of his duty, to find his account.

Let us then take a view of our goods and chattels, houses and lands, wives and children; let us consider the blessings of health, safety and liberty: let us think how to preserve our lives from destruction, our souls from sin: whether we eat or drink, or sleep or wake, or whatever we do with comfort or safety, we hereby discover our continual obligation to the good magistrates care over us, whereby we are *put in mind to be subject, &c.*

2. The other reason of submission given by *St. Peter* is, *because all governments and governors arise from the peoples consent.* They are the ordinances and appointments of men, the creatures of human compact. For we do not find *that God did appoint any form of political government for a pattern to be followed by any society now in being upon the earth.* We see no such rule in the book of nature; nor do we read in scripture of any particular polity prescribed to all, or any people, now imbodyed in the world. We read there, that all governments and governors are appointed by God's providence, *By me kings reign, &c.* But we find no particular administration, no particular family, or single person, now in being, ordained to government by divine precept: but each magistrate and magistracy is left to the ordinance and appointment of those men who have joined themselves together in society.

The great variety we see in civil government, shews, *that they are all the effects of human contrivance, and suited to the several interests of the respective societies:* thus the ancient charter of the neighbouring city\*, containing all those useful and necessary powers, by which so great a body is governed, Was it not the wise contrivance of their ancestors? And did it not receive its establishment from the principalities

and powers of the realm? the great charter of the realm itself is no more than the wise ordinance of our forefathers: and the dates of its royal confirmations are still remaining among us. And as several smaller societies have their free customs distinct from one another; so in different nations there are various lodgments, even of the sovereign power, which appear to be the effects of free-will; because in every rational government, something may be observed which is peculiar and distinguishing.

Furthermore, have we not seen the forms of government, even in the same nations changed from what they formerly had been? as in *Sweden, France, and Denmark*. And have not our eyes beheld of late years, the legal form of the *English* monarchy degenerated into tyranny, and again recovered, through God's blessing, together with the courage and conduct of the man of his own right hand, who by restoring our ancient liberties, justly recommended himself to the imperial crown of this realm by the free consent of the people?

Nor was it otherwise of old, when *Moses* was by meekness and miracle recommended of God to be the father of his country. For tho' by a divine power he wrought out *Israel's* deliverance from *Egypt* by conducting them into the wilderness, yet there was no form of government



vernment established among the tribes till *Jethro* made a visit to his son-in-law *Moses*, to whose counsel it was owing that a sound polity was set up in the land of *Israel*. For instead of the whole burden of the government lying upon *Moses*, which *Jethro* told him was not good, he directs him to provide out of all the people, able men, such as fear God, men of truth, hating covetousness, and place such over them to be rulers over thousands, rulers of hundreds, rulers of fifties and rulers of ten; and let them judge the people at all seasons. And it shall be (saith *Jethro*) that every great matter they shall bring unto thee, but every small matter they shall judge, *Exod. xviii. 17, 21, 22.* Thus the burden of the civil government should sit easy upon the governors, and the people should receive a quick dispatch of their affairs.

*Moses* (as you read) follows this advice, and joins himself with the tribes of *Israel* in the choice of persons fit for this administration, as will appear by comparing the 25th verse of the forecited chapter with the first chapter of *Deuteronomy*. In the former verse we read that *Moses* chose able men out of *Israel* and made them heads over the people. But the latter place shews that the people's consent was had in the election of these officers. For so *Moses* repeats the circumstances of that action, *Deut. i. 9, &c.* And I spake unto you at that time saying, I am

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*not able to bear you myself alone, &c. take ye therefore wise men and understanding, and known among your tribes, and I will make them rulers over you.* From hence it appears.

1. That the old constitution of *Israel's* government, was the contrivance of *Jethro* an *Heathen*, and the magistrates who were in the administration were chosen by the joint consent of *Moses*, and the people. And,

2. That no one person, though never so able, so wise, and valiant as *Moses*, is sufficient to govern a nation without the advice and joint assistance of inferior magistrates. Much less such a man who hath no pretence to the spirit and character of this divine legislator.

It has been thought by some, that a great conqueror might form a civil government in a conquer'd nation, without the consent of the people by the sole power of his own will. And suppose it were so, then that government, would be an human ordinance, because the conqueror is but a man. But I deny it to be possible for any conqueror, though never so great, to make himself a king over any people without their consent. For to let pass what our histories tell us of the capitulations which followed the respective conquest of the *Saxons*, *Danes*, and *Normans*, before they erected any  
form

form of government in this land. Let us suppose that a great general, with a powerful foreign army, should so far over-run a nation that the people thereof could not be able to make any considerable resistance; in such a case the relations of *lord* and *slave* are actually introduced by the conquest. The conquerors are *lords* and the natives *slaves*: but then this state is a state of war still, but no political or civil constitution. The absolute *lord* and his *slave* are as yet, upon no civil terms with one another, no obligations have as yet passed between them, but they are both left to their own wills; and if the lord may take away the life of his slave, the slave is under no obligation of dealing otherwise with his lord. So that if this great general intends to rule in peace over the conquer'd people he will find himself constrained to enter into some terms of compact with them, upon which they are willing to accept him for the head of their government, and oblige themselves to obey him. But put the case that a nation, to avoid present destruction, would consent to make themselves legal slaves, this can no more oblige them than an honest man is bound to keep promise with a barbarous highwayman; for iniquity cannot be established by a law, much less can it bind posterity, of whose lives and liberties they had no right to dispose. And consequently, they

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justly restore themselves to a state of freedom, whenever they are able.

And if a mighty conqueror cannot attain a civil power over a conquer'd people without their consent, how shall he obtain it over his own conquering nation, without their free concurrence? Did this victorious people leave their native country, with all the liberties they enjoyed therein, to follow their chief into a foreign land, wherein they hoped to find a better settlement for themselves and posterity; would they indure all the hardships of war, and by their sweat and blood purchase an intire conquest that they might be reduced to the miserable condition of the conquer'd people? that is, to become slaves to their general. I allow, that this chief may by the help of his own people, make himself owned by the conquered upon advantageous terms. But by what invisible power shall he gain to be (I will not say absolute master but even) the civil head over his new settled colony? It can be nothing else but their own free consent which can invest him with a political headship over them. And then, how great reason have they to pay a due submission to that ordinance which themselves have made, and to submit to principalities and powers which were their own appointment, and for their own benefit?

III. Having

III. Having thus set forth the apostolical grounds of civil obedience, I crave leave to make some improvement of them: first by way of general application, for to insist on the dismal effects of this day's tragedy (with which you have been annually acquainted all your lives) would be superfluous labour. And therefore I shall rather endeavour *to offer some cautions which may probably prevent the like mischiefs for the future.* But,

*1st.* The apostolical reasons of obedience being duly considered, may serve to allay the fears and jealousies of some good men, who have conceived, that a national government hath not so sure a foundation as is necessary, if it be only bottomed upon human compact: because mens minds being subject to frequent alterations, all governments will, as they think, be very unsteady.

And it must be acknowledged, that in all dubious matters, wherein the judgment cannot come to a determination, the minds of men will be unsettled. So likewise in smaller matters, scarce worthy of serious deliberation, men will act differently. Nay, in matters of moment, some men may suffer themselves to be carried away by unaccountable capricio's: but yet none of these things can any ways endanger

a constitution settled upon the foundations before mentioned.

*First*, Because a good government is a matter of so necessary importance, that no man in his wits can doubt, whether he shall concur to it, support or not. And

*Secondly*, *The compact by which all governors are introduced, is evermore solemn and deliberate; and attended with the strongest tie to the sovereign power by which 'tis possible for a man to ratify the solemn obligations he has contracted.* For such a bond is, *The oath of the Lord*; by which the allegiance of the subject is confirmed. And if a deliberate compact, freely entered into, upon the wisest and strongest motives of advantage, confirmed by solemn oaths and promises, be not a sufficient establishment, 'tis hard to say what is such. And notwithstanding some men may suffer themselves to be carried away from a useful and necessary establishment, by reasonings contrary to the general stream of a nation, it cannot be presumed that the number and abilities of such men will ever be sufficient to unhinge any tolerable administration of a government thus established.

Indeed, nothing but an absolute necessity, and such as is visible in an extraordinary manner, will be effectual to work a change in any settled

settled constitution, such an one, as renders mankind fully satisfied, without the least remaining scruple, that the government then in being, is not the ordinance of God to them for good.

2. From what hath been said it also appears, *That no man's pretence to the membership of any pure apostolic church, can excuse, much less warrant his disaffection to that government which God's providence and man's consent have set over a people for their good.*

I speak this to take away that scandal which some have endeavoured to fix upon the *church of England*; as if she had laid any obligation upon her sons, in opposition to the present constitution: whereas the contrary truth is self-evident. For does not our church, in her *sixth article*, receive all the books of the New Testament, as they are commonly received, and account them canonical? Is not my text part of that canon? And are not all our bishops and clergy thereby obliged, as much as *Titus* was, to put their hearers in mind of their *subjection to principalities and powers*? Or can we pretend to be members of an apostolical church, if we carry ourselves unseemly toward such a government, whose administration directly tends to our common good, and was also our own ordinance

nance and appointment, which are the apostolical reasons of civil obedience?

I speak not this, as if by virtue of the ministerial function we could pretend to prescribe forms of civil government to nations, to determine the *regalia* of princes, or the subordinate powers of inferior magistrates. *The book of God* does not furnish us with abilities for this work, much less require it of us. It enjoins us to make peace among our neighbours, by endeavouring to incline mens minds to a peaceable temper; but it does not enable us to judge the least point of legal right which is in controversy between them; much less does it teach us to determine the rights, titles or powers of princes and magistrates; but yet it enjoins us to *put men in mind to be ready to every good work*, which may contribute to support a good government.

*Thirdly*, From the doctrine already set forth, in conjunction with the misfortunes of that sovereign prince which we are this day called to remembrance, ariseth matter of caution to two sorts of people,

*First*, To all those who have the honour to share the public administration, that they make it their equal care that the government which at present we enjoy, may be always *the ministry*  
of



of God to us for good. For such an administration applies the text in the most sensible manner, convincing every one that he ought to be *subject to principalities and powers, to obey magistrates, and to be ready to every good work.*

It is well known, that the character of a good prince is raised so high in the Holy Scripture, that such are called *Gods upon earth*; to admonish them of that continual overflowing kindness, that universal beneficence, that tender care and concern for their peoples welfare, which their high office requires. And from the Scriptures we are also informed, that the kind providences of God are immediately conveyed to men by his holy angels, who are therefore called *ministering spirits*, *Hebrews i. 14.* and are most especially employed in works of deliverance. By their means *Lot* was delivered out of *Sodom*, *Isaac* from the arm that was stretched forth to make him a sacrifice, *Israel* was conducted through the wilderness to *Canaan*, *Elijah* delivered from famine, and at last carried from earth to heaven. By their means *Daniel* was delivered from the lions, and the three *Israelites* from the fiery furnace. These were the heralds who first published the redemption of the world by our Saviour Jesus Christ, who likewise delivered *Peter* from his chains, *Paul* and *Silas* from their imprisonment.

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Whereby a pattern is set up to the *ministry* of a great and good prince; who are hereby directed to cultivate and adorn that deliverance which their *Great Master* hath wrought out for his people.

*First*, By the being messengers and promoters of those methods which may for ever hereafter secure our liberties from danger of relapse.

*Secondly*, By a diligent avoiding of all those methods by which the glory of former princes has been eclipsed, and the hearts of their people alienated from them.

The subordinate ministry is the visible majesty of the king, whereby he is made known to his people, and more especially in time of peace; for, though during a war, the personal courage and conduct of a great prince is made very public, whilst his person is exposed to the view of multitudes; yet when peace shall restore him to a more private state of life, his personal endowments, though never so illustrious in themselves, cannot become visible to the body of a people, any other way than by the constant care and conduct, the great diligence and public spirit of those to whom he hath committed the trust of his people's welfare: The want of this necessary concern for *public*  
*good,*

good, did, in some measure, assist in bringing on that tragical scene, which is this day commemorated. As 'tis commonly seen, that men in a private condition of life are reduced to great miseries, by the male administration of those to whom they had committed their private trusts.

But when a *public ministry* shall join together hearts and hands, only to promote the *public weal*, without the least design of warping the *prince's favour* towards any one *party of men*, which like the light of the sun, and breathings of the air, is designed for common comfort and refreshment, no jealousies, fears or disaffections can arise; 'twill then be impossible for the most wicked and malicious to disturb the *public peace*, but the king's throne will be *established in righteousness*, and the voice of the *people* will be, *O king live for ever*.

Secondly, A second caution affects all those who are concerned *for the body of the people*, that they let slip no opportunity wherein *public advantages* are offered to them. The supreme magistrate is the greatest *minister of God to us for good*: but God himself is not wont to enforce his kindness upon us; but *expects our own concurrence for our own behoof*: and when a gracious prince shall make it appear, both by *words and facts*, that *he cannot have any separate interest*

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*interest from that of his people; when he shews himself ready to every good work which is esteemed beneficial to his people; though his compliance therewith may be complicated with some circumstances of self-denial, 'twould be a matter of sad reflection, if the public weal should not be improved by the advantages which so good and gracious an inclination administers unto us. An unanimous consent in any matter of public benefit will certainly procure it. To know what is good for us, is to attain it.*

There is also one rule which our Saviour Christ has left with us, tending to the improvement of knowledge, which when reduced to practice, will suffer no man to be ignorant of what is good and fit to be done; 'tis only to carry a single eye about us, according to what is said, *Matth. vi. 22. The light of the body is the eye, if therefore thine eye be single, thy whole body shall be full of light: if the eye of a man be carried on singly (without any biasing affection) toward either public or private good, he will certainly discover the good which he looked for. But if in the search after public weal, any private by-ends be aimed at; if a private love to ourselves, or a particular resentment against any persons or parties, shall over-rule; if either the admiration or disesteem of others, shall incline men to refuse good provisions, or embrace suspicious proposals; if any*  
thing

thing besides a *sincere desire to promote the public weal*, shall bear sway in a *public council*, 'tis no strange thing if *darkness* shall be called *light*, and *light darkness*.

It may also be observed, that amongst the many qualifications which have recommended our holy religion, no one has more forced its way among serious and considering men, than *its being so admirably adapted to the happiness of mankind, and the good of societies*.

Unbelievers have denied its *miracles*, and its *mysteries* have been disputed and derided by *sceptical and profane men*. But the greatest opposers of the christian name, can neither deny nor dispute the real tendency of *meekness, moderation, punctual justice, and universal good-will*, to make men live well one with another, *doing to others as we would have them to do to us, and loving our very enemies*, leave no room either for private oppression, or public disturbance. The spirit of this religion will not suffer us to perpetuate animosities, or carry on suspicions too far: to think that men who have once been in the wrong, can never be convinced, never repent of their errors: 'twill suffer no suspicions to hinder from a due consideration of any *proposals* in behalf of *public good*, from whatever quarter they may come: where the *single eye* is thus directed in a strait line towards the public weal,

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weal, the *whole body of such a council will be full of light*, whereby they will certainly discover the things which belong to our peace. These things can never be hid, when a prince and people are thus in quest of them.

God forbid therefore, *That this day of solemn humiliation should be made use of to flatter princes with notions of arbitrary power, by drawing any conclusions from the ancient government of God's peculiar people, which may colour over modern tyranny\**.

God forbid! That the *Roman imperial power in the hands of Claudius or Nero*, should be owned as God's ministry, under which the apostles of Christ suffered martyrdom. To entertain people with the melancholy thoughts of fetters and chains, which when laid upon them by ill princes, yet they must not endeavour to remove under penalty of eternal damnation, tends only to exasperate human nature, and make way for such another day of humiliation as that we are now celebrating: which, may divine goodness, for ever prevent! God forbid, that this day should be made use of to continue heats and animosities

\* From the beginning of this paragraph, to the end of the sermon, there appears the masterly hand of Mr. *Trenchard*, the author's friend, who wrote this shining conclusion.

among us, which ought long since to have been buried in oblivion. Especially when the tragical scene of this day, was not then the act of the whole nation; and few spectators of it, scarce any actors in it, are now remaining.

But since the condition of the greatest men upon earth is subject to such *fatal catastrophes*, as that was which this day brings to mind; I cannot but lament the unhappy fate of those princes who are born in purple, and bred in luxury; encompassed with flatterers, and so intoxicated with the gaudy ornaments of power, as to forget the end for which they were elevated, and made gods upon earth. They little consider that this greatness is supported by the inheritance of the gentleman, the hazard of the merchant, and the sweat of the labourer; who readily contribute out of their small stock to support a government they themselves have set up. Who are contented to part with their natural liberty to those who formerly (it may be) were their equals, for their common good and protection; which is the only end of government. A due reflection hereon would make them first of all adore the goodness of God whose providence hath so distinguished them, and also love and cherish that society of men, who hath raised them to so high a station, and submitted themselves and their fortunes,

fortunes, in a great measure, to their discretion. Then the world would see the best men in the highest places, senates in authority, magistrates in esteem, and the temple of virtue the only passage to that of honour. Ambition and corruption will be out of countenance, and the world will triumph in an undisturbed felicity. The prince will be happy in the reverence and esteem of his people, and the people safe in the generosity of the prince.

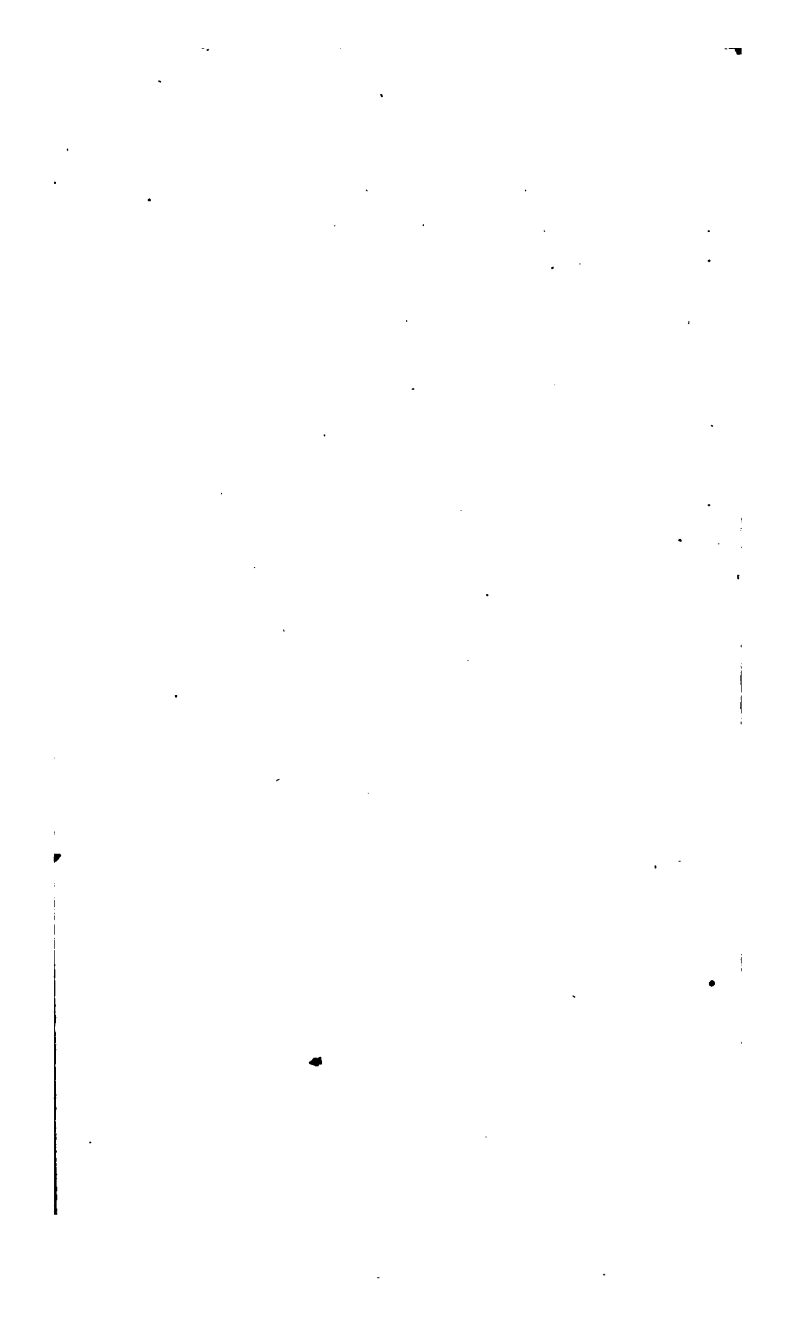
All this and more we may expect from his majesty's most happy reign, who was not (like others) nursed up in flattery, but tasted early of the cup of affliction, that his greatness might be owing to his own courage, virtue and integrity, and not the uncertain gift of fortune. Wise by nature, improved by early adversity, and consummated by long experience in all the paths of greatness; a prince loved and obeyed by his own subjects, honoured by his allies, dreaded by his enemies, and will be admired by late posterity.

Nor do I here insist upon his great performances in the art of war, in which other princes have had their share, and are often themselves the wretched trophies, erected upon the tears of miserable men. But in his early years, to restore his native country, and since that, the liberties of three most potent nations, are glories



glories peculiar to himself, and cannot be equalled by the exploits of the most renowned chiefs, either of the *Assyrian, Grecian, or Roman* monarchs. And to consummate all the felicity that can happen to mortal man, it hath been a particular honour reserved by providence for him alone, that as wherever he set his foot, slavery fled before him like a phantom, so in his dominions and under his protection, are almost all the remains of liberty now known in the world.

Not that I speak this, or any thing else I have here said, for your information, (for I know from what *honourable assembly* I ought to receive instruction) but as my text directed me, for your remembrance.



A  
DISCOURSE  
CONCERNING  
Unlimited Submission

AND  
Non-resistance to the *Higher Powers*:

With some Reflections on the Resistance made to  
King CHARLES I.

AND ON THE  
*Anniversary* of his Death:

In which the MYSTERIOUS Doctrine of that Prince's  
Saintship and Martyrdom is UNRIDDL'D:

The Substance of which was delivered in a SERMON preached  
in the West Meeting-house in Boston the LORD'S-DAY  
after the 30th of January, 1749-50.

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*Published at the Request of the Hearers.*

---

By JONATHAN MAYHEW, D. D.  
Pastor of the West Church in Boston.

---

*Fear GOD, honour the King.*

*He that ruleth over Men, must be just, ruling in the Fear of*

*GOD.*

*I have said ye are Gods—but ye shall die like Men, and fall*

*like one of the PRINCES.*

Saint PAUL's

*ruling in the Fear of*

Prophet SAMUEL.

*King DAVID.*

---

Quid memorem infandas cædes? quid facta TYRANNI

Effera? Dii CAPITI ipsius GENERIQUE reservent—

Necnon Thracius longe cum veste SACERDOS

Obliquitur—

*Rom. Vat. Prin.*

---

First printed at Boston in New-England \* 1750.

The following advertisement, prefixed to the original edition, is here preserved.

*THE author of this discourse has been credibly informed, that some persons both formerly and lately, have wrote either at, or about him——o some thing; (he cannot well tell what) in the common news-papers, which he does not often read. He therefore, takes this opportunity to assure the Writers of that rank, and in that form, once for all, that they may slander him as much as they please, without his notice, and, very probably, without his knowledge. But if any person of common sense and common honesty, shall condescend to animadvert in a different way, upon any thing which he has published, he may depend upon having all proper regard shown to him.*

J. M.

# P R E F A C E.

**T**HE ensuing discourse is the last of three upon the same subject, with some little alterations and additions. It is hoped that but few will think the subject of it an improper one to be discours'd on in the pulpit, under a notion that that is preaching politics, instead of CHRIST. However, to remove all prejudices of this sort, I beg it may be remembered, that "all scripture—is profitable for doctrine, for reproof, for CORRECTION, for instruction in righteousness\*." Why, then should not those parts of scripture, which relate to civil government, be examined and explained from the desk, as well as others? Obedience to the civil magistrate, is a christian duty: and if so, why should not the nature, grounds and extent of it be considered in a christian assembly? Besides, if it be said, that it is out of character for a christian minister to meddle with such a subject, this censure will at last fall upon the holy apostles. They write upon it in their epistles to christian churches: and surely it cannot be deemed either criminal or impertinent, to attempt an explanation of their doctrine.

It was the near approach of the Thirtieth of January, that turned my thoughts to this subject: on which solemnity the slavish doctrine of passive obedience and non-resistance, is often warmly asserted;

\* 2 Pet. iii. 16.

and

*and the dissenters from the established church, represented, not only as schismatics, (with more of triumph than of truth, and of cholera than christianity) but also as persons of seditious, traitorous and rebellious principles—GOD be thanked one may, in any part of the British dominions, speak freely (if a decent regard be paid to those in authority) both of government and religion; and even give some broad hints, that he is engaged on the side of liberty, the BIBLE and common sense, in opposition to tyranny, PRIEST-CRAFT and non-sense, without being in danger either of the Bastile or the Inquisition:—Though there will always be some interested politicians, contracted bigots, and hypocritical zealots for a party, to take offence at such freedoms. Their censure is praise: Their praise is infamy—A spirit of domination is always to be guarded against both in church and state, even in times of the greatest security; such as the present is amongst US; at least as to the latter. Those nations who are now groaning under the iron sceptre of tyranny, were once free. So they might, probably, have remained, by a seasonable precaution against despotic measures. Civil tyranny is usually small in its beginning, like “the drop of a bucket\*,” till at length, like a mighty torrent, or the mighty raging of the sea, it bears down all before it, and deluges whole countries and empires. Thus it is as to ecclesiastical tyranny also,*

\* Isaiah xi. 15.

—the most cruel, intolerable and impious, of any. From small beginnings, “it exalts itself above all that is called GOD and that is worshipped\*.” People have no security against being unmercifully priest-ridden, but by keeping all imperious BISHOPS, and other CLERGYMEN who love to “lord it over God’s heritage,” from getting their foot into the stirrup at all. Let them be once fairly mounted, and their “beasts, the laity †,” may prance and flounce about to no purpose: and they will, at length, be so jaded and backed by these reverend jockies, that they will not even have spirits enough to complain, that their backs are galled; or, like Balaam’s ass, to “rebuke the madness of the prophet ‡.”

“The mystery of iniquity began to work ¶” even in the days of some of the apostles. But the kingdom of Antichrist was then, in one respect, like the kingdom of heaven, however different in all others.—It was “as a grain of mustard seed †.” This grain was sown in Italy, that fruitful field: And tho’ it were “least of all seeds,” it soon became a mighty tree. It has long since overspread and darkened the greatest part of Christendom, so that we may apply to it what is said of the tree which Nebuchadnezzar saw in his vision—“The height thereof reached unto heaven, and the top thereof to the end of all the earth.—And

\* 2 Theſ. ii. 4. † Mr. Leſſis. ‡ 2 Pet. ii. 16.  
 † 2 Theſ. ii. 7. † Mat. xiii. 31.  
 VOL. II. N “THE

that submission, which persons of a private character ought to yield to those who are vested with authority. This must be allowed by all who acknowledge the divine original of christianity. For although there be a sense, and a very plain and important sense, in which Christ's *kingdom is not of this world* \* ; his inspired apostles have, nevertheless, laid down some general principles concerning the office of civil rulers, and the duty of subjects, together with the reason and obligation of that duty. And from hence it follows, that it is proper for all who acknowledge the authority of Jesus Christ, and the inspiration of his apostles, to endeavour to understand what is in fact the doctrine which they have delivered concerning this matter. It is the duty of *christian* magistrates to inform themselves what it is which their religion teaches concerning the nature and design of their office. And it is equally the duty of all *christian* people to inform themselves what it is which their religion teaches concerning that subjection which they owe to the *higher powers*. It is for these reasons that I have attempted to examine into the scripture-account of this matter, in order to lay it before you with the same *freedom* which I constantly use with relation to other doctrines and precepts of christianity ; not doubting but you

\* Joh xviii 36.



will judge upon every thing offered to your consideration, with the same spirit of freedom and liberty with which it is spoken.

The passage read, is the most full and express of any in the new-testament, relating to rulers and subjects: and therefore I thought it proper to ground upon it, what I had to propose to you with reference to the authority of the civil magistrate, and the subjection which is due to him. But before I enter upon an explanation of the several parts of this passage, it will be proper to observe one thing, which may serve as a key to the whole of it.

It is to be observed, then, that there were some persons amongst the *christians* of the apostolic age, and particularly those at Rome, to whom St. Paul is here writing, who seditiously disclaimed all subjection to civil authority; refusing to pay taxes, and the duties laid upon their traffick and merchandize; and who scrupled not to speak of their rulers, without any due regard to their office and character. Some of these turbulent *christians* were converts from *judaism*, and others from *paganism*. The *Jews* in general had, long before this time, taken up a strange conceit, that being the *peculiar* and *elect* people of God, they were therefore exempted from the jurisdiction of any

*heathen* princes or governors. Upon this ground it was, that some of them, during the public ministry of our blessed saviour, came to him with that question—*Is it lawful to give tribute unto Cæsar or not* \* ? And this notion many of them retained after they were profelyted to the *christian* faith. As to the *gentile* converts, some of them grossly mistook the nature of that *liberty* which the gospel promised; and thought that by virtue of their subjection to Christ, the *only* king and head of his church, they were wholly freed from subjection to any other prince, as though Christ's *kingdom had been of this world*, in such a sense as to interfere with the civil powers of the earth, and to deliver their subjects from that allegiance and duty, which they before owed to them. Of these visionary *Christians* in general, who disowned subjection to the civil powers in being where they respectively lived, there is mention made in several places in the new-testament: The Apostle *Peter* in particular, characterizes them in this manner—*them that—despise government—presumptuous are they, self-willed, they are not afraid to speak evil of dignities* †. Now it is with reference to these dotting *Christians*, that the apostle speaks in the passage before us. And I shall now give you the sense of it in a

\* Matt. xxiii. 17. † 2 Pet. ii. 10.

paraphrase upon each verse in its order, desiring you to keep in mind the character of the persons for whom it is designed, that so, as I go along, you may see how just and natural this address is ; and how well suited to the circumstances of those against whom it is levelled.

The apostle begins thus—*Let every soul\* be subject unto the higher powers; † for there is no power ‖ but of God: the powers that be ‡ are*

\* *Every soul.* This is an *hebraism*, which signifies *every man*; so that the apostle does not exempt the *clergy*: such as were endowed with the gift of prophecy, or any other miraculous powers which subsisted in the church at that day. And by his using the *hebrew* idiom, it seems that he had the *jewish* converts principally in his eye.

† *The higher powers:* more literally, the *overruling-powers*: which term extends to all civil rulers in common.

‖ *By power,* the apostle intends not lawless *strength* and brutal *force*, without regulation or proper direction; but just *authority*; for so the word here used properly signifies. There may be *power* where there is no *authority*. No man has any *authority* to do what is wrong and injurious, though he may have *power* to do it.

‡ *The powers that be:* those persons who are in fact vested with authority; those who are in possession. And who those are, the apostle leaves Christians to determine for themselves; but who ever they are, they are to be obeyed.

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*ordained of God*\*, ver. 1. q. d. “Whereas  
 “some professed *Christians* vainly imagine, that  
 “they are wholly excused from all manner of  
 “duty and subjection to civil authority, re-  
 “fusing to honour their rulers, and to pay  
 “taxes; which opinion is not only unrea-  
 “sonable in itself, but also tends to fix a last-  
 “ing reproach upon the *christian* name and  
 “profession, I now, as an apostle and ambaf-  
 “sador of Christ, exhort every one of you, be-  
 “he who he will, to pay all dutiful submission  
 “to those who are vested with any civil office.  
 “For there is, properly speaking, no autho-  
 “rity but what is derived from God, as it is  
 “only by his permission and providence that  
 “any possess it. Yea, I may add, that all  
 “civil magistrates, as such, although they  
 “may be *heathens*, are appointed and ordained  
 “of God. For it is certainly God’s will, that

\* *Ordained of God*: as it is not without God’s providence and permission, that any are clothed with authority; and as it is agreeable to the positive will and purpose of God, that there should be *some persons* vested with authority for the good of society: not that any rulers have their commission immediately from God the supreme Lord of the universe. If any assert that kings, or any other rulers, are ordained of God in the latter sense, it is incumbent upon them to shew the commission which they speak of, under the broad seal of heaven. And when they do this, they will, no doubt, be believed,

“ so useful an institution as that of magistracy,  
 “ should take place in the world, for the  
 “ good of civil society.” The apostle pro-  
 ceeds—*Whoever, therefore, resisteth the power,  
 resisteth the ordinance of God; and they that re-  
 sist shall receive to themselves damnation.* ver. 2.  
 q. d. “ Think not, therefore, that ye are guilt-  
 “ less of any crime or sin against God, when  
 “ ye factiously disobey and resist the civil au-  
 “ thority. For magistracy and government  
 “ being, as I have said, the ordinance and ap-  
 “ pointment of God, it follows, that to resist,  
 “ magistrates in the execution of their offices,  
 “ is really to resist the will and ordinance of  
 “ God himself: and they who thus resist,  
 “ will accordingly be punished by God for  
 “ this sin in common with others.” The  
 apostle goes on—*For rulers are not a terror to  
 good works, but to the evil.\*. Wilt thou then,*

\* *For rulers are not a terror to good works, but to  
 the evil.* It cannot be supposed that the apostle de-  
 signs here, or in any of the succeeding verses, to  
 give the true character of *Nero*, or any other civil  
 powers then in being, as if they were in fact such  
 persons as he describes, a terror to evil works only,  
 and not to the good. For such a character did not  
 belong to them; and the apostle was no sycophant,  
 or parasite of power, whatever some of his pre-  
 tended successors have been. He only tells what  
 rulers would be, provided they acted up to to their  
 character and office.

*not be afraid of the power? Do that which is good, and thou shalt have praise of the same. For he is the minister of God to thee for good,* ver. 3d, and part of the 4th. q. d. "That you may see the truth and justness of what I assert, (*viz.* that magistracy is the ordinance of God, and that you sin against him, in opposing it,) consider that even *pagan* rulers, are not, by the nature and design of their offices, enemies and a terror to the good and virtuous actions of men, but only to the injurious and mischievous to society. Will ye not, then, reverence and honour magistracy, when you see the good end and intention of it? How can ye be so unreasonable? Only mind to do your duty as members of society; and this will gain you the applause and favour of all good rulers. For while you do thus, they are, by their office, as ministers of God, obliged to encourage and protect you; it is for this very purpose that they are clothed with power." The apostle subjoins — *But if thou do that which is evil, be afraid, for he beareth not the sword in vain. For he is the minister of God, a revenger, to execute wrath upon him that doth evil\**, ver. 4.

latter

\* It is manifest that when the apostle speaks of it, as the office of civil rulers, to encourage what is good, and to punish what is evil, he speaks only of  
civil

latter part, q. d. " But upon the other  
 " hand, if ye refuse to do your duty as  
 " members of society; if ye refuse to bear  
 " your part in the support of government;  
 " if ye are disorderly, and do things which  
 " merit civil chastisement, then, indeed, ye  
 " have reason to be afraid. For it is not in  
 " vain that rulers are vested with the power  
 " of inflicting punishment. They are by their  
 " office, not only the ministers of God for

*civil good and evil.* They are to consult the good  
 of society *as such*; not to dictate in religious con-  
 cerns; not to make laws for the government of  
 men's consciences; and to inflict civil penalties for  
 religious crimes. It is sufficient to overthrow the  
 doctrine of the authority of the civil magistrate, in  
 affairs of a spiritual nature, (so far as it is built upon  
 any thing which is here said by *St. Paul*, or upon  
 any thing else in the new-testament) only to ob-  
 serve, that all the magistrates then in the world were  
*beaten*, implacable enemies to christianity: so that  
 to give them authority in religious matters, would  
 have been, in effect, to give them authority to ex-  
 tirpate the christian religion, and to establish the  
 idolatries and superstitions of paganism. And can  
 any one reasonably suppose, that the apostle had any  
 intention to extend the authority of rulers, beyond  
 concerns merely civil and political, to the over-  
 throwing of that religion which he himself was so  
 zealous in propagating? But it is natural for those,  
 whose religion cannot be supported upon the foot-  
 ing of reason and argument, to have recourse to  
 power and force, which will serve a bad cause as  
 well as a good one; and indeed much better.

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“ good to those that do well ; but also his  
“ ministers to revenge, to discountenance and  
“ punish those that are unruly, and injurious  
“ to their neighbours.” The apostle pro-  
ceeds — *Wherefore ye must needs be subject not*  
*only for wrath, but also for conscience sake,*  
ver. 5. q. d. “ Since therefore, magistracy  
“ is the ordinance of God ; and since rulers  
“ are, by their office, benefactors to society,  
“ by discouraging what is bad, and encou-  
“ raging what is good, and so preserving  
“ peace and order amongst men ; it is evi-  
“ dent that ye ought to pay a willing sub-  
“ jection to them ; not to obey merely for  
“ fear of exposing yourselves to their wrath  
“ and displeasure, but also in point of rea-  
“ son, duty and conscience : Ye are under  
“ an indispensable obligation, as *Christians*, to  
“ honour their office, and to submit to them  
“ in the execution of it.” The apostle goes  
“ on — *For, for this cause pay you tribute also :*  
*for they are God's ministers, attending continu-*  
*ally upon this very thing,* ver. 6. q. d. “ And  
“ here is a plain reason also, why ye should  
“ pay tribute to them ; for they are God's  
“ ministers, exalted above the common level  
“ of mankind, not that they may indulge  
“ themselves in softness and luxury, and be  
“ entitled to the servile homage of their fel-  
“ low-men ; but that they may execute an  
“ office



“ office no less laborious than honourable ;  
 “ and attend continually upon the public  
 “ welfare. This being their business and  
 “ duty, it is but reasonable, that they should  
 “ be requited for their care and diligence in  
 “ performing it; and enabled, by taxes le-  
 “ vied upon the subject, effectually to pro-  
 “ secute the great end of their institution,  
 “ the good of society.” The apostle sums  
 up all in the following words— *Render there-  
 fore to all their dues: tribute \* to whom tri-  
 bute is due; custom \*, to whom custom; fear,  
 to whom fear; honour, to whom honour, ver.  
 7. q. d.* “ Let it not, therefore, be said of  
 “ any one of you hereafter, that you contemn  
 “ government to the reproach of yourselves,  
 “ and of the *Christian* religion. Neither your  
 “ being *Jews* by nation, nor your becom-  
 “ ing the subjects of *Christ’s* kingdom, gives  
 “ you any dispensation for making disturbances  
 “ in the government under which you live.  
 “ Approve yourselves, therefore, as peaceable

\* *Grotius* observes, that the *Greek* words, here used, answer to the *tributum* and *vectigal* of the *Romans*; the former was the money paid for the spoil and poll; the latter, the duties laid upon some sorts of merchandize. And what the apostle here says, deserves to be seriously considered by all *Christians* concerned in that common practice of carrying on an *illicit trade*, and running of goods.

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“ and dutiful subjects. Be ready to pay to  
“ your rulers all that they may, in respect,  
“ of their office, justly demand of you. Ren-  
“ der tribute and custom to those of your  
“ governors to whom tribute and custom be-  
“ long : and cheerfully honour and reverence  
“ all who are vested with civil authority, ac-  
“ cording to their deserts.”

The apostle's doctrine, in the passage thus explained, concerning the office of civil rulers, and the duty of subjects, may be summed up in the following observations ; \* *viz.*

That the end of magistracy is the good of civil society, *as such* :

That civil rulers, *as such*, are the ordinance and ministers of God ; it being by his permission and providence that any bear rule ; and agreeable to his will, that there should be *some persons* vested with authority in society, for the well-being of it :

That which is here said concerning civil rulers, extends to all of them in common : it relates indifferently to monarchical republican

\* The several observations here only mentioned, were handled at large in two preceding discourses upon this subject.

lican and aristocratical government; and to all other forms which truly answer the sole end of government, the happiness of society; and to all the different degrees of authority in any particular state; to inferior officers no less than the supreme.

That disobedience to civil rulers in the due exercise of their authority, is not merely a *political sin*, but an *heinous offence against God and religion*:

That the true ground and reason † of our obligation to be subject to the *higher powers*,  
is

† Some suppose the apostle in this passage, *inforces* the duty of submission, with *two* arguments quite distinct from each other; one taken from this consideration, that rulers are the ordinance, and ministers of God, (ver. 1, 2, and 4.) and the other, from the benefits that accrue to society, from civil government, (ver. 3, 4, and 6.) And indeed these may be distinct motives and arguments for submission, as they may be separately viewed and contemplated. But when we consider that rulers are not the ordinance and the ministers of God, but only so far forth as they perform God's will, by acting up to their office and character, and so by being benefactors to society, this makes these arguments coincide, and run up into *one* at last: at least so far, that the former of them cannot hold good for submission, where  
the

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is the usefulness of magistracy (when properly exercised) to human society, and its subserviency to the general welfare :

That obedience to civil rulers is here equally required under all forms of government, which answer to the sole end of all government, the good of society ; and to every degree of authority in any state, whether supreme or subordinate :

(From whence it follows,

That if unlimited obedience and non-resistance, be here required as a duty under any one form of government, it is also required

the latter fails. Put the supposition, that any man bearing the title of a magistrate, should exercise his power in such a manner as to have no claim to obedience by virtue of that argument which is founded upon the usefulness of magistracy ; and you equally take off the force of the other argument also, which is founded upon his being the ordinance and the minister of God. For he is no longer God's ordinance and minister, than he acts up to his office and character, by exercising his power for the good of society.—This is, in brief, the reason why it is said above, in the singular number, *that the true ground and reason, &c.* The use and propriety of this remark may possibly be more apparent in the process of the argument concerning resistance.

as a duty under all other forms; and as a duty to subordinate rulers as well as to the supreme.)

And lastly, that those civil rulers to whom the apostle enjoins subjection, are the persons in possession, the powers that be; those who are actually vested with authority\*.

There is one very important and interesting point which remains to be enquired into; namely, the extent of that subjection to the  
higher

\* This must be understood with this proviso, that they do not grossly abuse their power and trust, but exercise it for the good of those that are governed. Who these persons were, whether *Nero*, &c. or not, the apostle does not say; but leaves it to be determined by those to whom he writes. God does not interpose in a miraculous way, to point out the persons who shall bear rule, and to whom subjection is due. And as to the unalienable, indefeasible right of *primogeniture*, the scriptures are entirely silent: or rather plainly contradict it: *Saul* being the first king among the *Israelites*; and appointed to the royal dignity, during his own father's life-time: and he was succeeded, or rather superseded, by *David* the last born among many brethren.—Now if God has not invariably determined this matter, it must, of course, be determined by men. And if it be determined by men it must be determined either in the way of force or of compact. And which of these is the most equitable, can be no question.

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*higher powers*, which is here enjoined as a duty upon all christians. Some have thought it warrantable and and glorious, to disobey the civil powers in certain circumstances ; and, in cases of very great and general oppression, while humble remonstrances fail of having any effect ; and when the public welfare cannot be otherwise provided for and secured, to rise unanimously even against the sovereign himself, in order to redress their grievances ; to vindicate their natural and legal rights : to break the yoke of tyranny, and free themselves and posterity from inglorious servitude and ruin. It is upon this principle that many royal oppressors have been driven from their thrones into banishment ; and many slain by the hands of their subjects. It was upon this principle that *Tarquin* was expelled from *Rome* ; and *Julius Caesar*, the conqueror of the world, and the tyrant of his country, cut off in the senate-house. It was upon this principle, that king *Charles I.* was beheaded before his own banqueting-house. It was upon this principle, that king *James II.* was made to fly that country, which he aimed at enslaving : And upon this principle was that *revolution* brought about, which has been so fruitful of happy consequences to *Great Britain*. But in opposition to this principle, it has often been asserted, that the scripture in general (and the passage

passage under consideration in particular) makes all resistance to princes a crime, in any case whatever ——— If they turn tyrants, and become the common oppressors of those, whose welfare they ought to regard with a paternal affection, we must not pretend to right ourselves, unless it be by prayers and tears and humble entreaties: and if these methods fail of procuring redress, we must not have recourse to any other, but all suffer ourselves to be robbed and butchered at the pleasure of the *Lord's anointed*; lest we should incur the sin of rebellion, and the punishment of damnation. For he has God's authority and commission to bear him out in the worst of crimes, so far that he may not be withstood or controuled. Now whether we are obliged to yield such an absolute submission to our prince; or whether disobedience and resistance may not be justifiable in some cases, notwithstanding any thing in the passage before us, is an enquiry in which we are all concerned; and this is the inquiry which is the main design of the present discourse.

Now there does not seem to be any necessity of supposing, that an absolute unlimited obedience, whether active or passive, is here enjoined, merely for this reason, that the precept is delivered in *absolute terms*, without  
any

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any *exception or limitation* expressly mentioned. We are enjoined, (ver. 1.) to be *subject to the higher powers*: and (ver. 5.) to be *subject for conscience sake*. And because these expressions are absolute and unlimited, (or more properly, general) some have inferred, that the subjection required in them, must be absolute and unlimited also: at least so far forth as to make passive obedience and non-resistance, a duty in all cases whatever, if not active obedience likewise. Though, by the way, there is here no distinction made between active and passive obedience; and if either of them be required in an unlimited sense, the other must be required in the same sense also, by virtue of the present argument; because the expressions are equally absolute with respect to both. But that unlimited obedience of any sort, cannot be argued merely from the indefinite expressions in which obedience is enjoined, appears from hence, that expressions of the same nature, frequently occur in scripture, upon which it is confessed on all hands, that no such absolute and unlimited sense ought to be put. For example, *Love not the world; neither the things that are in the world*\*; *Lay not up for yourselves treasures upon earth*†; *Take therefore no thought for the morrow*‡; are precepts expressed in at least equally ab-

\* 1 John ii. 15. † Matt. vi. 19. ‡ Matt. vi. 34.  
absolute



solate and unlimited terms: but it is generally allowed, that they are to be understood with certain restrictions and limitations; some degree of love to the world, and the things of it, being allowable. Nor, indeed, do the *Right Reverend Fathers in God*, and other dignified clergymen of the established church, seem to be altogether averse to admitting of restrictions in the latter case, how warm soever any of them may be against restrictions, and limitations, in case of submission to authority, whether civil or ecclesiastical. It is worth remarking also, that patience and submission under private injuries, are enjoined in much more peremptory and absolute terms, than any that are used with regard to submission to the injustice and oppression of civil rulers. Thus, *I say unto you, that ye resist not evil; but whosoever shall smite thee on the right cheek, turn to him the other also. And if any man will sue thee at the law, and take away thy coat, let him have thy cloke. And whosoever shall compel thee to go a mile with him, go with him twain\**. Any man may be desired to produce such strong expressions in favour of a passive and tame submission to unjust, tyrannical rulers, as are here used to enforce submission to private injuries. But how few are there that understand those expressions literally? And the reason why they

\* Matt. v. 39, 40, 41.

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do not, is because (with submission to the *Quakers*) common sense shews that they were not intended to be so understood.

But to instance in some scripture-precepts, which are more directly to the point in hand. — Children are commanded to obey their parents, and servants their masters, in as absolute and unlimited terms as subjects are here commanded to obey their civil rulers. Thus this same apostle — *Children obey your parents in the Lord; for this is right. Honour thy father and mother, — which is the first commandment with promise. — Servants, be obedient to them that are your masters, according to the flesh, with fear and trembling, with singleness of your heart as unto Christ\**. Thus also wives are commanded to be obedient to their husbands — *Wives, submit yourselves unto your husbands as unto the Lord. For the husband is the head of the wife, even as CHRIST IS THE HEAD OF THE CHURCH — Therefore as the church is subject unto Christ, so let the wives be to their own husbands IN EVERY THING †*. In all these cases, submission is required in terms (at least) as absolute and universal, as are ever used with respect to rulers and subjects.

\* Eph. vi. 1, &c.

† Eph. v. 22, 23, 24.

But who supposes that the apostle ever intended to teach, that children, servants and wives, should, in all cases whatever, obey their parents, masters and husbands respectively, never making any opposition to their will, even although they should require them to break the commandments of God, or should causelessly make an attempt upon their lives? No one puts such a sense upon these expressions, however absolute and unlimited. Why then should it be supposed, that the apostle designed to teach universal obedience, whether active or passive, to *the higher powers*, merely because his precepts are delivered in absolute and unlimited terms? And if this be a good argument in one case, why is it not in others also? If it be said that resistance and disobedience to *the higher powers*, is here said positively to be a sin, so also is the disobedience of children to parents; servants to masters; and wives to husbands, in other places of scripture. But the question still remains, whether in all these cases there be not some exceptions? In the three latter, it is allowed there are. And from hence it follows, that barely the use of absolute expressions, is no proof, that obedience to civil rulers, is, in all cases, a duty; or resistance, in all cases a sin. I should not have thought it worth while to take any notice at all of this argument

argument, had it not been much insisted upon by some of the advocates for passive-obedience and non-resistance: for it is, in itself, perfectly trifling; and rendered considerable only by the stress that has been laid upon it for want of better.

There is, indeed, one passage in the new testament, where it may seem, at first view, that an unlimited submission to civil rulers, is enjoined. ——— *Submit yourselves to every ordinance of man for the Lord's sake\**. ——— *To every ordinance of man.* ——— However, this expression is no stronger than that before taken notice of, with relation to the duty of wives ——— *So let the wives be subject to their own husbands* ——— **IN EVERY THING.** But the true solution of this difficulty (if it be one) is *this*: by *every ordinance of man* †, is not meant every command of the civil magistrate without exception; but *every order of magistrates appointed by man*; ——— whether *superior or inferior*: for so the apostle explains himself in the very next words ——— *Whether it be to the king as supreme, or to governors,*

\* 1. Pet. ii. 13.

† Literally *every human institution, or appointment*. By which manner of expression the apostle plainly intimates, that rulers derive their authority immediately, not from God, but from men.

*as unto them that are sent, &c.* But although the apostle had not subjoined any such explanation, the reason of the thing itself would have obliged us to limit the expression [*every ordinance of man*] to such human ordinances and commands, as are not inconsistent with the ordinances and commands of God, the supreme lawgiver; or with any other higher, and antecedent, obligations.

It is to be observed, in the next place, that as the duty of universal obedience and non-resistance to the *higher powers*, cannot be argued from the absolute unlimited expressions which the apostle here uses; so neither can it be argued from the scope and drift of his reasoning, considered with relation to the persons he was here opposing. As was observed above, there were some professed *christians* in the apostolic age, who disclaimed all magistracy and civil authority in general, *despising government*, and *speaking evil of dignities*; some under a notion that *Jews* ought not to be under the jurisdiction of *Gentile* rulers; and others, that they were set *free* from the temporal powers, by Christ. Now it is with persons of this licentious opinion and character, that the apostle is concerned. And all that was directly to his point, was to shew, that they were bound to submit to magi-

*Oracy in general.* This is a circumstance very material to be taken notice of, in order to ascertain the sense of the apostle. For this being considered, it is sufficient to account for all that he says concerning the duty of subjection, and the sin of resistance to the *higher powers*, without having recourse to the doctrine of unlimited submission and passive obedience, in all cases whatever. Were it known that those in opposition to whom, the apostle wrote, allowed of civil authority in general, and only asserted that there were *some cases* in which obedience, and non-resistance, were not a duty; there would, then, indeed, be reason for interpreting this passage as containing the doctrine of unlimited obedience, and non-resistance, as it must, in this case, be supposed to have been levelled against such as denied that doctrine. But since it is certain that there were persons who vainly imagined, that civil government in general, was not to be regarded by them, it is most reasonable to suppose, that the apostle designed his discourse only against *them*. And agreeably to this supposition, we find that he argues the usefulness of civil magistracy in general; its agreeableness to the will and purpose of God, who is *ever all*; and so deduces from hence, the obligation of submission to it. But it will not follow, that because civil govern-

government is in general a good institution, and necessary to the peace and happiness of human society, therefore there are no supposable cases in which resistance to it can be innocent. So that the duty of unlimited obedience, whether active or passive, can be argued, neither from the manner of expression here used, nor from the general scope and design of the passage.

And if we attend to the nature of the argument with which the apostle here inforces the duty of submission to the *higher powers*, we shall find it to be such an one as concludes not in favour of submission to all who bear the *title* of rulers, in common; but only, to those who *actually* perform the duty of rulers, by exercising a reasonable and just authority, for the good of human society. This is a point which it will be proper to enlarge upon; because the question before us turns much upon the truth or falshood of this position. It is obvious, then in general, that the civil rulers, whom the apostle here speaks of, and obedience to whom he presses upon Christians as a duty, are *good rulers*\*, such  
as

\* By *good rulers*, are not intended such as are good in a *moral* or *religious*, but only a *political* sense;

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as are in the exercise of their office and power benefactors to society. Such they are described to be, throughout this passage. Thus it is said, that they are not *a terror to good works but to the evil*; that they are *God's ministers for good*; *avengers to execute wrath upon him that doth evil*; and that *they attend continually upon this very thing*. St. Peter gives the same account of rulers: they are *for a praise to them that do well, and the punishment of evil doers*. It is manifest that this character and description of rulers, agrees only to such as are rulers in fact, as well as in name: to such as govern well, and act agreeably to their office. And the apostle's argument for submission to rulers, is wholly built and grounded upon a presumption that they do in fact answer this character; and is of no force at all upon supposition of the contrary. If *rulers are a terror to good works, and not to the evil*; if they are not *ministers for good to society*, but for evil, and distress by violence and oppression; if they *execute wrath upon sober, peaceable persons, who do their duty as members of society*; and *suffer rich and honourable knaves to escape with*

sense; those who perform their duty so far as their office extends; and so far as civil society, as such, is concerned in their actions.



impunity; if, instead of *attending continually upon* the good work of advancing the public welfare, they *attend* only upon the gratification of their own lust and pride and ambition, to the destruction of the public welfare; if this be the case, it is plain that the apostle's argument for submission does not reach them; they are not the same, but different persons from those whom he characterizes; and who must be obeyed according to his reasoning. — Let me illustrate the apostle's argument, by the following *similitude*: (it is no matter how far it is from any thing which has, in fact, happened in the world.) Suppose, then, it was allowed, in general, that the *clergy* were an useful order of men; that they ought to be *esteemed v.ry highly in love for-th. ir works sake*\*; and to be decently supported by those whom they serve, *the labourer being worthy of his reward*†. Suppose farther, that a number of *Reverend and Right Reverend Drones*, who *worked not*; who preached, perhaps, but *once a year*, and *t'en*, not the *gospel* of Jesus Christ, but the *divine right of tythes*; — *the dignity of their office as ambassadors of Christ*, the *equity of sine-cures*, and a *plurality of benefices*; —

\* 1 Thes. v. 13.

† 1 Tim. v. 18.

the excellency of the *devotions* in *that prayer-book*, which some of them hired *chaplains* to use for them; ——— or some favourite point of *church-tyranny*, and *antichristian* usurpation; suppose such men as these, spending their lives in effeminacy, luxury and idleness; (or when they were not idle, doing that which is worse than idleness; suppose such men) should, merely by the merit of *ordination* and *consecration*, and a *peculiar, odd habit*, claim great respect and reverence from those whom they civilly called *the beasts of the laity*\*; and demand thousands *per annum*, for that good service which they ——— *never performed*; and for which, if they had performed it, this would be much more than a *quantum meruit*: suppose this should be the case, (it is only by way of *simile*, and surely it will give no offence) would not every body be astonished at such insolence, injustice and impiety? And ought not such men to be told plainly, that they could not reasonably expect the esteem and reward due to the ministers of the gospel, unless they did the duties of their office? Should they not be told, that their *title* and *habit* claimed no regard, reverence or pay, separate from the *care* and *work*, and various *duties* of their *function*? And that while they neglected the *latter*, the *former* served only

\* Mr. Leslie.

to render them the more ridiculous and contemptible?—The application of this *similitude* to the case in hand, is very easy.—If those who bear the title of civil rulers, do not perform the duty of civil rulers, but act directly counter to the sole end and design of their office; if they injure and oppress their subjects, instead of defending their rights and doing them good; they have not the least pretence to be honoured, obeyed and rewarded, according to the apostle's argument. For his reasoning, in order to shew the duty of subjection to the *higher powers*, is, as was before observed, built wholly upon the supposition, that they do, *in fact*, perform the duty of rulers.

If it be said, that the apostle here uses another argument for submission to the *higher powers*, besides that which is taken from the usefulness of their office to civil society, when properly discharged and executed; namely, that their *power is from God*; that they are *ordained of God*; and that they are *God's ministers*: and if it be said, that this argument for submission to them will hold good, although they do not exercise their power for the benefit, but for the ruin, and destruction of human society; this objection was obviated, in

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part before. Rulers have no authority from God to do mischief. They are not *God's ordinance*, or *God's ministers*, in any other sense than as it is by his permission and providence, that they are exalted to bear rule; and as magistracy duly exercised, and authority rightly applied, in the enacting and executing good laws,—laws attempered and accommodated to the common welfare of the subjects, must be supposed to be agreeable to the will of the beneficent author and supreme Lord of the universe; whose *kingdom ruleth over all* †; and whose *tender mercies are over all his works* §. It is blasphemy to call tyrants and oppressors, *God's ministers*. They are more properly *the messengers of satan to buffet us* ||. No rulers are properly *God's ministers*, but such as are *just, ruling in the fear of God* \*. When once magistrates act contrary to their office, and the end of their institution; when they rob and ruin the public, instead of being guardians of its peace and welfare; they immediately cease to be the *ordinance and ministers of God*; and no more deserve that glorious character than common *pirates and highwaymen*. So that whenever that argument for

† Psal. ciii. 19.

§ Psal. cxlv. 19.

\* 2 Sam. xxiii. 3.

|| 2 Cor. xii. 7.

submission fails, which is grounded upon the usefulness of magistracy to civil society, (as it always does when magistrates do hurt to society instead of good) the other argument, which is taken from their being the ordinance of God, must necessarily fail also; no person of a civil character being *God's minister*, in the sense of the apostle, any farther than he performs God's will, by exercising a just and reasonable authority; and ruling for the good of the subject.

This in general. Let us now trace the apostle's reasoning in favour of submission to the *higher powers*, a little more particularly and exactly. For by this it will appear, on one hand, how good and conclusive it is, for submission to those rulers who exercise their power in a proper manner: and, on the other, how weak and trifling, and inconnected it is, if it be supposed to be meant by the apostle to show the obligation and duty of obedience to tyrannical, oppressive rulers in common with others of a different character.

The apostle enters upon this subject thus — *Let every soul be subject unto the higher powers; for there is no power but of God: the powers that be, are ordained of God\**.

\* Ver. 1.

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Here he urges the duty of obedience from this topic of argument, that civil rulers, as they are supposed to fulfil the pleasure of God, are the ordinance of God. But how is this an argument for obedience to such rulers as do not perform the pleasure of God, by doing good; but the pleasure of the devil, by doing evil; and such as are not, therefore, *God's ministers*, but the devil's! *Whosoever, therefore, resisteth the power, resisteth the ordinance of God: and they that resist, shall receive to themselves damnation* \*. Here the apostle argues, that those who resist a reasonable and just authority, which is agreeable to the will of God, do really resist the will of God himself; and will, therefore, be punished by him. But how does this prove, that those who resist a lawless, unreasonable power, which is contrary to the will of God, do therein resist the will and ordinance of God? Is resisting those who resist God's will, the same thing with resisting God? Or shall those who do so, *receive to themselves damnation!* *For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? Do that which is good; and thou shalt have praise of the same. For he is the minister of God to thee for good* †. Here the apostle argues more explicitly than he had

\* Ver. 2. † Ver. 3d, and part of the 4th.

before

before done, for revering, and submitting to magistracy, from this consideration, that such as really performed the duty of magistrates, would be enemies only to the evil actions of men, and would befriend and encourage the good; and so be a common blessing to society. But how is this an argument, that we must honour, and submit to such magistrates as are not enemies to the evil actions of men; but to the good; and such as are not a common blessing, but a common curse, to society! *But if thou do that which is evil, be afraid: for he is the minister of God, a revenger, to execute wrath upon him that doth evil* \*. Here the apostle argues from the nature and end of magistracy, that such as did evil, (and such only) had reason to be afraid of the *higher powers*; it being part of their office to punish evil doers, no less than to defend and encourage such as do well. But if magistrates are unrighteous; if they are *respecters of persons*; if they are partial in their administration of justice; then those who do well have as much reason to *be afraid*, as those that do evil: there can be no safety for the good, nor any peculiar ground of terror to the unruly and injurious. So that, in this case, the main end of civil government will be frustrated. And what reason is there for submit-

\* Ver. 4th, latter part.

ting to that government, which does by all means answer the design of government. *Wherefore ye must needs be subject not only for wrath, but also for conscience sake* \*. Here the apostle argues the duty of a chearful and conscientious submission to civil government, from the nature and end of magistracy as he has before laid it down, *i. e.* as the design of it was to punish evil doers, and to support and encourage such as do well; and as it must, if so exercised, be agreeable to the will of God. But how does what he here says, prove the duty of a chearful and conscientious subjection to those who forfeit the character of rulers? To those who encourage the bad, and discourage the good? The argument here used no more proves it to be a sin to resist such rulers, than it does, to *resist the devil*, that he may *flee from us* †. For one is as truly the *minister of God* as the other. *For, for this cause pay you tribute also; for they are God's ministers, attending continually upon this very thing* §. Here the apostle argues the duty of paying taxes, from this consideration, that those who perform the duty of rulers, are continually attending upon the public welfare. But how does this argument conclude for paying taxes to such princes, as are continually endeavouring to ruin the pub-

\* Ver. 5. † James iv. 7. § Ver. 6.



THE [REDACTED]

It is [REDACTED]

because [REDACTED]

and [REDACTED]

the [REDACTED]

for, I [REDACTED]

where [REDACTED]

staying [REDACTED]

rulers [REDACTED]

Since [REDACTED]

well [REDACTED]

and [REDACTED]

the [REDACTED]

the [REDACTED]

the [REDACTED]

the [REDACTED]

the [REDACTED]

the [REDACTED]

The [REDACTED]

this [REDACTED]

ing [REDACTED]

obedience [REDACTED]

but [REDACTED]

to [REDACTED]

not [REDACTED]

not [REDACTED]

in [REDACTED]

the [REDACTED]

the [REDACTED]

it [REDACTED]

the [REDACTED]

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gard to the apostle's character as an inspired writer, or even as a man of common understanding, will not represent him as reasoning in such a loose incoherent manner; and drawing conclusions, which have not the least relation to his premises. For what can be more absurd than an argument thus framed? "Rulers are, by their office, bound to consult the public welfare and the good of society: therefore you are bound to pay them tribute, to honour and to submit to them, even when they destroy the public welfare, and are a common pest to society, by acting in direct contradiction to the nature and end of their office."

Thus, upon a careful review of the apostle's reasoning in this passage, it appears that his arguments to enforce submission, are of such a nature, as to conclude only in favour of submission *to such rulers as he himself describes; i. e.* such as rule for the good of society, which is the only end of their institution. Common tyrants, and public oppressors, are not intitled to obedience from their subjects, by virtue of any thing here laid down by the inspired apostle.

I now add, farther, that the apostle's argument is so far from proving it to be the duty

duty of the people to obey, and submit to, such rulers as act in contradiction to the public good\*, and so to the design of their office, that it proves *the direct contrary*. For, please to observe, that if the end of all civil government, be the good of society; if this be the thing that is aimed at in constituting civil rulers; and if the motive and argument for submission to government, be taken from the apparent usefulness of civil authority; it follows, that when no such good end can be answered by submission, there remains no argument or motive to enforce it; and if instead of this good end's being brought about by submission, a *contrary end* is brought about, and the ruin and misery of society effected by it; here is a plain and positive reason against submission in all such cases, should they ever happen. And therefore, in such cases, a regard to the public welfare ought to make us withhold from our rulers, that obedience and subjection which it would otherwise be our duty to render to them. If it be our duty, for example, to obey our king,

\* This does not intend, their acting so in a few particular instances, which the best of rulers may do through mistake, &c. but their acting so *habitually*; and in a manner which plainly shows, that they aim at making themselves great by the ruin of their subjects.

merely

merely for this reason, that he rules for the public welfare, (which is the only argument the apostle makes use of) it follows, by a parity of reason, that when he turns tyrant, and makes his subjects his prey to devour and to destroy, instead of his charge to defend and cherish, we are bound to throw off our allegiance to him, and to resist; and that according to the tenor of the apostle's argument in this passage. Not to discontinue our allegiance, in this case, would be to join with the sovereign in promoting the slavery and misery of that society, the welfare of which, we ourselves, as well as our sovereign, are indispensibly obliged to secure and promote, as far as in us lies. It is true, the apostle puts no case of such a tyrannical prince; but by his grounding his argument for submission wholly upon the good of civil society; it is plain he implicitly authorises, and even requires us to make resistance, whenever this shall be necessary to the public safety and happiness. Let me make use of this easy and familiar *similitude* to illustrate the point in hand—Suppose God requires a family of children to obey their father and not to resist him; and inforces his command with this argument; that the superintendence and care and authority of a just and kind parent, will contribute to the happiness of the whole family;

mily; so that they ought to obey him for their own sakes more than for his: suppose this parent at length runs distracted, and attempts in his mad fit, to cut all his children's throats: now, in this case, is not the reason before assigned, why these children should obey their parent while he continued of a sound mind, namely, *their common good*, a reason equally conclusive for disobeying and resisting him, since he is become delirious, and attempts their ruin? It makes no alteration in the argument, whether this parent, properly speaking, loses his reason; or does while he retains his understanding, that which is as fatal in its consequences, as any thing he could do, were he really deprived of it. This similitude needs no formal application.——

But it ought to be remembered, that if the duty of universal obedience and non-resistance to our king or prince, can be argued from this passage, the same submission under a republican, or any other form of government; and even to all the subordinate powers in any particular state, can be proved by it as well: which is more than those who alledge it for the mentioned purpose, would be willing should be inferred from it. So that this passage does not answer their purpose; but really overthrows and confutes it. This matter deserves to be more particularly considered.—The advocates  
for

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for unlimited submission and passive obedience, do, if I mistake not, always speak with reference to kingly or monarchical government, as distinguished from all other forms; and, with reference to submitting to the will of the king, in distinction from all subordinate officers, acting beyond their commission, and the authority which they have received from the crown. It is not pretended that any persons besides kings, have a divine right to do what they please, so that no one may resist them, without incurring the guilt of factiousness and rebellion. If any other supreme powers oppress the people, it is generally allowed, that the people may get redress, by resistance, if other methods prove ineffectual. And if any officers in a kingly government, go beyond the limits of that power which they have derived from the crown, (the supposed original source of all power and authority in the state) and attempt illegally, to take away the properties and lives of their fellow-subjects, they may be forcibly resisted, at least till application can be made to the crown. But as to the sovereign himself, he may not be resisted in any case; nor any of his officers, while they confine themselves within the bounds which he has prescribed to them. This is, I think, a true sketch of the principles of those who defend the doctrine of passive obedience and non-resistance.

Now

Now there is nothing in scripture which supports this scheme of political principles. As to the passage under consideration, the apostle here speaks of civil rulers in *general*; of all persons in *common*, vested with authority for the good of society, without any particular reference to one form of government, more than to another; or to the supreme power in any particular state, more than to subordinate powers. The apostle does not concern himself with the different forms of government\*. This  
he

\* The essence of government (I mean *good* government; and this is the *only* government which the apostle treats of in this passage) consists in the *making and executing of good laws*—laws attempered to the common felicity of the *governed*. And if this be, *in fact*, done, it is evidently, in itself, a thing of no consequence at all, what the *particular* form of government is;—whether the legislative and executive power be lodged in *one and the same* person, or in *different* persons;—whether in *one* person, whom we call an *absolute monarch*; whether in a *few*, so as to constitute an *aristocracy*;—whether in *many*, so as to constitute a *republic*; or whether in *three co-ordinate branches*, in such manner as to make the government *partake* something of *each* of these forms; and to be, at the same time, *essentially different* from them all. If the *end* be attained, it is enough. But no form of government seems to be so unlikely to accomplish this *end* as *absolute monarchy*—Nor is there any one that has so little pretence to a *divine original*, unless it be in this sense, that God  
first

he supposes left entirely to human prudence and discretion. Now the consequence of this is, that unlimited and passive obedience, is no more enjoined in this passage, under monarchical government; or to the supreme power in any state, than under all other species of government, which answer the end of government; or, to all the subordinate degrees of civil authority, from the highest to the lowest. Those, therefore, who would from this passage infer the guilt of resisting kings, in all cases whatever, though acting ever so contrary to the design of their office, must, if they will be consistent, go much farther, and infer from it the guilt of resistance under all other forms of government; and of resisting *any petty officer* in the state, though acting beyond his commission, in the most arbitrary, illegal manner possible. The argument holds equally strong in both cases. All civil rulers, as such, are the *ordinance* and *ministers of God*; and they are all, by the nature of their office, and in their respective spheres and stations, bound to consult

*first* introduced it into, and thereby overturned, the commonwealth of *Israel*, as a *curse* upon that people for their *folly* and *wickedness*, particularly in *desiring* such a government. (See *1 Sam. viii* chap.) Just so God, before, sent *quails* amongst them, as a *plague*, and a *curse*, and not as a *blessing*. *Numb. chap. xi.*

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the public welfare. With the same reason therefore, that any deny unlimited and passive obedience to be here enjoined under a republic or aristocracy, or any other established form of civil government; or to subordinate powers, acting in an illegal and oppressive manner; (with the same reason) others may deny, that such obedience is enjoined to a king or monarch, or any civil power whatever. For the apostle says nothing that is *peculiar to kings*; what he says, extends equally to *all* other persons whatever, vested with any civil office. They are all, in exactly the same sense, the *ordinance of God*; and the *ministers of God*; and obedience is equally enjoined to be paid to them all. For, as the apostle expresses it, *there is NO POWER but of God*: and we are required to *render to ALL their DUES*; and not MORE than their DUES. And what these *dues* are, and to *whom* they are to be rendered, the apostle *sayeth not*; but leaves to the reason and consciences of men to determine.

Thus it appears, that the common argument, grounded upon this passage, in favour of universal and passive obedience, really overthrows itself, by proving too much, if it proves any thing at all; namely, that no civil officer is, in any case whatever, to be resisted, though acting in express contradiction to the design of his  
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his office ; which no man in his senses, ever did or can assert:

If we calmly consider the nature of the thing itself, nothing can well be imagined more directly contrary to common sense, than to suppose that *millions* of people should be subjected to the arbitrary, precarious pleasure of *one single man* ; (who has *naturally* no superiority over them in point of authority) so that their estates, and every thing that is valuable in life, and even their lives also, should be absolutely at his disposal, if he happens to be wanton and capricious enough to demand them. What unprejudiced man can think, that God made **ALL** to be thus subservient to the lawless pleasure and phrenzy of **ONE**, so that it shall always be a sin to resist him ! Nothing but the most plain and express revelation from heaven could make a sober impartial man believe such a monstrous, unaccountable doctrine, and indeed, the thing itself, appears so shocking—so out of all *proportion*, that it may be questioned, whether all the *miracles* that ever were wrought, could make it credible, that this doctrine *really* came from God. At present, there is not the least syllable in scripture which gives any countenance to it. The hereditary, indefeasible, divine right of kings, and the doctrine of non-resistance, which is built upon  
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the supposition of such a right, are altogether as fabulous and chimerical, as transubstantiation; or any of the most absurd reveries of ancient or modern visionaries. These notions are fetched neither from divine revelation, nor human reason; and if they are derived from neither of those sources, it is not much matter from whence they come, or whither they go. Only it is a pity that such doctrines should be propagated in society to raise factions and rebellions, as we see they have, in fact, been both in the *last*, and in the *present*, REIGN.

But then, if unlimited submission and passive obedience to the *higher powers*, in all possible cases, be not a duty, it will be asked, “How far are we obliged to submit? If we may innocently disobey and resist in some cases, why not in all? Where shall we stop? What is the measure of our duty? This doctrine tends to the total dissolution of civil government; and to introduce such scenes of wild anarchy and confusion, as are more fatal to society than the worst of tyranny.”

After this manner, some men object; and indeed this is the most plausible thing that can be said in favour of such an absolute submission as they plead for. But the worst (or rather the  
best

best) of it, is, that there is very little strength or solidity in it. For similar difficulties may be raised with respect to almost every duty of natural and revealed religion.—To instance only in two, both of which are near akin, and indeed exactly parallel, to the case before us. It is unquestionably the duty of children to submit to their parents; and of servants, to their masters. But no one asserts, that it is their duty to obey, and submit to them, in all supposable cases; or universally a sin to resist them. Now does this tend to subvert the just authority of parents and masters? Or to introduce confusion and anarchy into private families? No. How then does the same principle tend to unhinge the government of that larger family, the body politic? We know, in general, that children and servants are obliged to obey their parents, and masters respectively. We know also, with equal certainty, that they are not obliged to submit to them in all things, without exception; but may, in some cases, reasonably, and therefore innocently, resist them. These principles are acknowledged upon all hands, whatever difficulty there may be in fixing the exact limits of submission. Now there is at least as much difficulty in stating the measure of duty in those two cases, as in the case of rulers and subjects. So that this is really no objection, at least no reasonable one,

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against

against resistance to the *higher powers*: Or, if it is one, it will hold equally against resistance in the other cases mentioned.——

It is indeed true, that turbulent, vicious-minded men, may take occasion from this principle, that their rulers may, in some cases, be lawfully resisted, to raise factions and disturbances in the state; and to make resistance where resistance is needless, and therefore, sinful. But is it not equally true, that children and servants of turbulent, vicious minds, may take occasion from this principle, that parents and masters may, in some cases be lawfully resisted, to resist when resistance is unnecessary, and therefore, criminal? Is the principle in either case false in itself, merely because it may be abused; and applied to legitimate disobedience and resistance in those instances, to which it ought not to be applied? According to this way of arguing, there will be no true principles in the world; for there are none but what may be wrested and perverted to serve bad purposes, either through the weakness or wickedness of men\*.

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\* We may very safely assert these two things in general, without undermining government: One is, That no civil rulers are to be obeyed when they enjoin things that are inconsistent with the commands of God: All such disobedience is lawful and glorious;

A PEOPLE really oppressed to a great degree by their sovereign, cannot well be insensible

rious; particularly if persons refuse to comply with any *legal establishment of religion*, because it is a gross perversion and corruption (as to doctrine, worship and discipline) of a pure and divine religion, brought from heaven to earth by the *son of God*, (the only king and head of the *christian church*) and propagated through the world by his inspired apostles. All commands running counter to the declared will of the supreme legislator of heaven and earth, are null and void: and therefore disobedience to them is a duty, not a crime. Another thing that may be asserted with equal truth and safety, is, that no government is to be submitted to, at the *expense* of that which is the *sole end* of all government,—the common good and safety of society. Because, to submit in this case, if it should ever happen, would evidently be to set up the *means* as more valuable, and above, the *end*; than which there cannot be a greater solecism and contradiction. The only reason of the institution of civil government; and the only rational ground of submission to it, is the common safety and utility. If therefore, in any case, the common safety and utility would not be promoted by submission to government, but the contrary, there is no ground or motive for obedience and submission, but for the contrary.

Whoever considers the nature of civil government must, indeed, be sensible that a great degree of *implicit confidence*, must unavoidably be placed in those that bear rule: this is implied in the very notion of authority's being originally a *trust*, committed

feasible when they are so oppressed. And such a people (if I may allude to an ancient *fable*) have

mitted by the people, to those who are vested with it, as all just and righteous authority is; all besides is mere lawless force and usurpation; neither God nor nature having given any man a right of dominion over any society, independently of that society's approbation, and consent to be governed by him—how as all men are fallible, it cannot be supposed that the public affairs of any state, should be always administered in the best manner possible, even by persons of the greatest wisdom and integrity. Nor is it sufficient to legitimate disobedience to the *higher powers* that they are not so administered; or that they are, in some instances, very ill managed; for upon this principle, it is scarcely supposable that any government at all could be supported, or subsist. Such a principle manifestly tends to the dissolution of government; and to throw all things into confusion and anarchy.—But it is equally evident, upon the other hand, that those in authority may abuse their *trust* and power to such a degree, that neither the law of reason, nor of religion, requires, that any obedience or submission should be paid to them; but on the contrary, that they should be totally *discarded*; and the authority which they were before vested with, transferred to others, who may exercise it more to those good purposes for which it is given.—Nor is this principle, that resistance to the *higher powers*, is in some extraordinary cases, justifiable, so liable to abuse, as many persons seem apprehend it. For although there will be always some petulant, querulous men, in every state—men of factious, turbulent and carping dispositions,—

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have, like the *Hesperian* fruit, a DRAGON for their *protector* and *guardian*: nor would they have

glad to lay hold of any trifle to justify and legitimate their caballing against their rulers, and other seditious practices; yet there are, comparatively speaking, but few men of this *contemptible character*. It does not appear but that mankind, in general, have a disposition to be as submissive and passive and tame under government as they ought to be. —Witness a great, if not the greatest, part of the known world, who are now groaning, but not murmuring, under the heavy yoke of tyranny! While those who govern, do it with any tolerable degree of moderation and justice, and in any good measure act up to their office and character, by being public benefactors, the people will generally be easy and peaceable; and be rather inclined to flatter and adore, than to insult and resist them. Nor was there ever any *general* complaint against any administration, *which lasted long*, but what there was good reason for. Till people find themselves greatly abused and oppressed by their governors, they are not apt to complain; and whenever they do, in fact find themselves thus abused and oppressed, they must be stupid not to complain. To say that subjects in general are not proper judges when their governors oppress them, and play the tyrant; and when they defend their rights, administer justice impartially, and promote the public welfare, is as great *treason* as ever man uttered; — it is treason, — not against one *single* man, but the state — against the whole body politic; — it is treason against mankind; — it is treason against common sense; — it is treason against God. And this impious principle lays the foundation for justifying



have any reason to mourn, if some HERCULES should appear to dispatch him—For a nation thus abused to rise unanimously, and to resist their prince, even to the dethroning him, is not criminal; but a reasonable way of vindicating their liberties and just rights; it is making use of the means, and the only means, which God has put into their power, for mutual and self-defence. And it would be highly criminal in them, not to make use of this means. It would be stupid tameness, and unaccountable folly, for whole nations to suffer *one* unreasonable, ambitious and cruel man, to wanton and riot in their misery. And in such a case it would, of the two, be more rational to suppose, that they that did NOT *resist*, than that they who did, would *receive to themselves damnation*. And

fyng all the tyranny and oppression that ever any prince was guilty of. The people know for what end they set up, and maintain, their governors; and they are the proper judges when they execute their *trust* as they ought to do it;—when their prince exercises an equitable and paternal authority over them;—when from a prince and common father, he exalts himself into a tyrant—when from subjects and children, he degrades them into the class of slaves;—plunders them, makes them his prey, and unnaturally sports himself with their lives and fortunes.——

**T**HIS naturally brings us to make some reflections upon the resistance which was made about a century since, to that unhappy prince, KING CHARLES I; and upon the ANNIVERSARY of his death. This is a point which I should not have concerned myself about, were it not that *some men* continue to speak of it, even to this day, with a great deal of warmth and zeal; and in such a manner as to undermine all the principles of LIBERTY, whether civil or religious, and to introduce the most abject slavery both in church and state: so that it is become a matter of universal concern.—What I have to offer upon this subject, will be comprized in a short answer to the following *queries, viz.*

For what reason the resistance to king Charles I. was made?

By whom it was made?

Whether this resistance was REBELLION\*, or not?

\* *N. B.* I speak of rebellion, treason, saintship, martyrdom, &c. throughout this discourse only in the *scriptural* and *theological* sense. I know not how the *law* defines them; the study of *that* not being my employment—

How

How the *anniversary* of king *Charles's* death came at *first* to be solemnized as a day of fasting and humiliation?

And lastly,

Why those of the episcopal clergy, who are very high in the principles of *ecclesiastical authority*, continue to speak of this unhappy man, as a great SAINT and a MARTYR?

For what reason, then, was the resistance to king *Charles* made? The general answer to this inquiry is, that it was on account of the *tyranny* and *oppression* of his reign. Not a great while after his accession to the throne, he married a *French catholic*; and with her seemed to have wedded the politics, if not the religion of *France*, also. For afterwards, during a reign, or rather a tyranny of many years, he governed in a perfectly wild and arbitrary manner, paying no regard to the constitution and the laws of the kingdom, by which the power of the crown was limited; or to the solemn oath which he had taken at his coronation. It would be endless, as well as needless, to give a particular account of all the illegal and despotical measures which he took in his administration; — partly from his

own natural lust of power, and partly from the influence of wicked counsellors and ministers.—He committed many illustrious members of both houses of parliament to the *Tower*, for opposing his arbitrary schemes.—He levied many taxes upon the people without consent of parliament;—and then imprisoned great numbers of the principal merchants and gentry for not paying them.—He erected, or at least revived, several arbitrary courts, in which the most unheard-of barbarities were committed with his knowledge and approbation.—He supported that more than fiend, archbishop *Laud* and the clergy of his stamp, in all their church-tyranny and hellish cruelties.—He authorized a book in favour of *sports* upon the *Lord's day*; and several clergymen were persecuted by him and the mentioned *pious* bishop, for not reading it to the people after *divine service*.—When the parliament complained to him of the arbitrary proceedings of his corrupt ministers, he told that *august body*, in a rough, domineering, unprincely manner, that he wondered any one should be so foolish and insolent as to think that he would part with the meanest of his servants *upon their account*.—He refused to call any parliament at all for the space of twelve years together, during all which time, he governed in an absolute lawless and despotic manner.

manner— He took all opportunities to encourage the *Papists*, and to promote them to the highest offices of honour and trust— He (probably) abetted the horrid massacre in *Ireland*, in which two hundred thousand protestants were butchered by the roman-catholics.— He sent a large sum of money; which he had raised by his arbitrary taxes; into *Germany*, to raise foreign troops, in order to force more arbitrary taxes upon his subjects.— He not only by a long series of *actions*, but also in *plain terms*, asserted an absolute uncontrollable power; saying even in one of his speeches to parliament, that as it was blasphemy to dispute what God might do; so it was sedition in subjects to dispute what the king might do.— Towards the end of his tyranny, he came to the house of commons with an armed force\*, and demanded five of its principal members to be delivered up to him— And this was a prelude to that unnatural war which he soon after levied against his own dutiful subjects; whom he was bound by all the laws of honour, humanity, piety,

\* Historians are not agreed, what number of soldiers attended him in this monstrous invasion of the privileges of parliament— some say three hundred, some four hundred: and the author of *The history of the kings of Scotland*, says five hundred.

and I might add, of *interest* also, to defend and cherish with a paternal affection—I have only time to hint at these facts in a general way, all which, and many more of the same tenor, may be proved by good authorities: so that the *figurative* language which St. *John* uses concerning the just and beneficent deeds of our blessed Saviour, may be applied to the unrighteous and execrable deeds of this prince, *viz.* *And there are also many other things which king Charles did, the which, if they should be written every one, I suppose that even the world itself, could not contain the books that should be written*\*. Now it was on account of king *Charles's* thus assuming a power above the laws, in direct contradiction to his coronation oath, and governing the greatest part of his time, in the most arbitrary oppressive manner; it was upon this account, that the resistance was made to him, which, at length, issued in the loss of his crown, and of *that head* which was unworthy to wear it.

But by whom was this resistance made? Not by a private *junto*;—not by a small seditious *party*; not by a *few desperades*, who, to mend their fortunes, would embroil the state;—but by the LORDS and COM-

\* John xxi. 25.

**MONS** of *England*. It was they that almost unanimously opposed the king's measures for overturning the constitution, and changing that free and happy government into a wretched, absolute monarchy. It was they that when the king was about levying forces against his subjects, in order to make himself absolute, commissioned officers, and raised an army to defend themselves and the public: and it was they that maintained the war against him all along, till he was made a prisoner. This is indisputable. Though it was not properly, speaking the parliament, but the army, which put him to death afterwards. And it ought to be freely acknowledged, that most of their proceedings, in order to get this matter effected; and particularly the court by which the king was at last tried and condemned, was a little better than a mere mockery of justice.—

The next question which naturally arises, is, whether this resistance which was made to the king *by the parliament*, was properly *rebellion*, or not? The answer to which is plain, that it was not; but a most righteous and glorious stand, made in defence of the natural and legal rights of the people, against the unnatural and illegal encroachments of arbitrary power. Nor was this a rash and too sudden opposition. The nation had been patient under the op-

pressions of the crown, even to *long-suffering*—  
 —for a course of many years; and there was  
 no rational hope of redress in any other way—  
 Resistance was absolutely necessary in order to  
 preserve the nation from slavery, misery and  
 ruin. And who so proper to make this re-  
 sistance as the lords and commons;—the  
 whole representative body of the people;—  
 guardians of the public welfare; and each of  
 which was, in point of legislation, vested with  
 an equal, co-ordinate power, with that of the  
 crown.\*? Here were *two* branches of the le-  
 gislature.

\* The *English* constitution is originally and es-  
 sentially *free*. The character, which *Julius Cæsar*  
 and *Tacitus* both give of the ancient *Britains* so  
 long ago, is, That they were extremely *jealous of*  
*their liberties*, as well as a people of a *martial spi-*  
*rit*. Nor have there been wanting frequent in-  
 stances and proofs of the same glorious spirit (in  
 both respects) remaining in their posterity ever since,  
 — in the struggles they have made for liberty,  
 both against foreign and domestic tyrants. —  
 Their kings hold their title to the throne, solely  
 by grant of parliament; *i. e.* in other words, by  
 the voluntary consent of the people. And, agree-  
 ably hereto, the prerogative and rights of the crown  
 are stated, defined and limited by law; and that  
 as truly and strictly as the rights of any inferior  
 officer in the state; or indeed, of any private sub-  
 ject. And it is only in this respect that it can  
 be said, that “the king can do no wrong.” Be-  
 ing restrained by the law, he cannot, while he  
 confines



signature against *one*;—two, which had law and equity and the constitution on their side, against.

confines himself within those just limits which the law prescribes to him as the measure of his authority, injure and oppress the subject. — The king, in his coronation oath, swears to exercise only such a power as the constitution gives him; and the subject, in the oath of allegiance, swears only to obey him in the exercise of such a power. The king is as much bound by his oath, not to infringe the legal rights of the people, as the people are bound to yield subjection to him. From whence it follows, that as soon as the prince sets himself above law, he loses the king in the tyrant: he does to all intents and purposes, unking himself, by acting out of, and beyond, that sphere which the constitution allows him to move in. And in such cases, he has no more right to be obeyed, than any inferior officer who acts beyond his commission. The subject's obligation to allegiance *then* ceases of course: and to resist him, is no more *rebellion*, than to resist any foreign invader. There is an essential difference betwixt *government* and *tyranny*; at least under such a constitution as the *English*. The former consists in ruling according to law and equity; the latter, in ruling contrary to law and equity. So also, there is an essential difference betwixt resisting a tyrant, and rebellion; the former is a just and reasonable self defence; the latter consists in resisting a prince whose administration is just and legal; and this is what denominates it a crime. — Now it is evident, that king *Charles's* government was illegal, and very oppressive, through the greatest part of his reign: and, therefore, to resist him, was no more rebellion, than to oppose any foreign invader, or any other domestic oppressor.

against one which was impiously attempting to overturn law and equity and the constitution; and to exercise a wanton licentious *sovereignty* over the properties, consciences and lives of all the people:—Such a *sovereignty* as some inconsiderately ascribe to the supreme governor of the world.—I say, inconsiderately; because God himself does not govern in an absolutely arbitrary and despotic manner. The power of this Almighty King (I speak it not without caution and reverence; the power of this Almighty King) is *limited by law*; not indeed, by *acts of parliament*, but by the eternal laws of truth, wisdom and equity; and the everlasting *tables* of right reason;—tables that cannot be *repealed*, or *thrown down* and *broken* like those of *Moses*. — But king *Charles* sat himself above all these, as much as he did above the written laws of the realm; and made mere humour and caprice, which are no rule at all, the only rule and measure of his administration. And now, is it not perfectly ridiculous to call resistance to such a tyrant, by the name of *rebellion*?—*the grand rebellion!* Even that—parliament, which brought king *Charles II.* to the throne, and which run *loyally mad*, severely reprov'd one of their own members for condemning the proceedings of that parliament, which first took up arms against the former king. And upon the same principles  
that

that the proceedings of this parliament may be censured as wicked and rebellious, the proceedings of those who, since, opposed king *James II.* and brought the prince of *Orange* to the throne, may be censured as wicked and rebellious also. The cases are parallel.—But whatever *some* men may *think*, it is to be hoped that, for their own sakes, they will not dare to *speak* against the REVOLUTION, upon the justice and legality of which depends (in part) his present MAJESTY's right to the throne.

If it be said, that although the parliament which first opposed king *Charles's* measures, and at length took up arms against him, were not guilty of rebellion; yet certainly those persons were, who condemned, and put him to death; even this perhaps is not true. For he had, in fact, *unkinged* himself long before, and had forfeited his title to the allegiance of the people, so that those who put him to death, were, at most, only guilty of *murder*; which indeed, is bad enough, if they were really guilty of *that*; (which is at least disputable.) *Cromwell*, and those who were principally concerned in the (*nominal*) king's death, might possibly have been very wicked and designing men. Nor shall I say any thing in vindication of the reigning *hypocrisy* of those times; or of *Cromwell's* male-administration during the in-  
ter-

*ter-regnum*: (for it is *truth*, and not a *party*, that I am speaking for.) But still it may be said, that *Cromwell* and his adherents were not properly speaking, guilty of *rebellion*; because he, whom they beheaded, was not properly speaking, *their king*; but a *lawless tyrant*.— Much less, are the whole body of the nation at that time to be charged with rebellion on that account; for it was no *national act*; it was not done by a *free parliament*: And much less still, is the nation at present, to be charged with the great sin of rebellion, for what their *ancestors* did, (or rather did NOT) a century ago.

But how came the *anniversary* of king *Charles's* death, to be solemnized as a day of fasting and humiliation? The true answer in brief, to which inquiry, is, that this fast was instituted by way of *court* and *compliment* to king *Charles II.* upon the *restoration*. All were desirous of making their court to him; of ingratiating themselves; and of making him forget what had been done in opposition to his *father*, so as not to revenge it. To effect this, they ran into the most extravagant professions of affection and loyalty to him, insomuch that he himself said, that it was a *mad* and *hair-brained* loyalty which they professed. And amongst other strange things, which his first parliament

parliament did, they ordered the *thirtieth* of *January* (the day on which his father was beheaded) to be kept as a day of solemn humiliation, to deprecate the judgments of heaven for the rebellion which the nation had been guilty of, in that which was no national thing; and which was not rebellion in them that did it—Thus they soothed and flattered their new king, at the expence of their liberties:— And were ready to yield up *freely* to *Charles II.* all that enormous power, which they had justly resisted *Charles I.* for usurping to himself.

The last query mentioned, was, Why those of the *episcopal clergy*, who are very high in the principles of *ecclesiastical authority*, continue to speak of this unhappy prince as a *great saint* and a *martyr*? This, we know, is what they constantly do, especially on the *thirtieth* of *January*;—a day sacred to the *extolling* of him, and to the *reproaching* of those who are not of the *established church*. *Out of the same mouth* on this day, *proceedeth blessing and cursing*\*; *therewith bless they their God, even Charles, and therewith curse they the dissenters*: And their *tongue can no man tame; it is an unruly evil; full of deadly poison*. King *Charles* is, upon this solemnity, frequently compared to our

\* James iii. 8, 9, 10.

Lord Jesus Christ, both in respect of the *holiness* of his life, and the greatness and injustice of his *sufferings*; and it is a wonder they do not add something concerning the *merits* of his death also — But *blessed saint* and *royal martyr* are as humble titles as any that are thought worthy of him.

Now this may, at first view, well appear to be a very strange *phænomenon*. For king *Charles* was really a man black with guilt, and laden with iniquity\*, as appears by his crimes before mentioned. He lived a tyrant; and it was the oppression and violence of his reign, that brought him to his untimely and violent end at last. Now what of faintship or martyrdom is there in all this? What of faintship is there in encouraging people to *profane* the *Lord's Day*? What of faintship in falsehood and perjury? What of faintship in repeated robberies and depredations? What of faintship in throwing real saints, and glorious patriots into galls? What of faintship in overturning an excellent civil constitution?—and proudly grasping at an illegal and monstrous power? What of faintship in the murder of thousands of innocent people; and involving a nation in all the calamities of a civil war? And what of

\* Isaiah i. 4.

martyrdom is there, in a man's bringing an immature and violent death upon himself, by *being wicked overmuch* †? Is there any such thing as grace, without goodness? As being a follower of Christ without following him? As being his disciple, without learning of him to be just and beneficent? Or as faintship without sanctity‡? If not, I fear it will be hard to prove this man a saint. And verily one would be apt to suspect, that *that church* must

† Eccles. vii. 17.

‡ Is it any wonder that even persons who do not walk after their own lusts, should scoff at such faints as this, both in the first and in the last days, even from everlasting to everlasting? 2 Pet. iii. 3, 4. — But perhaps it will be said, that these things are MYSTERIES, which (although very true in themselves) lay-understandings cannot comprehend: or, indeed, any other persons amongst us, besides those who being INWARDLY MOVED BY THE HOLY GHOST have taken a trip across the Atlantic to obtain episcopal ordination and the indelible character — However, if these consecrated gentlemen do not quite despair of us, it is hoped that, in the abundance of their charity, they will endeavour to elucidate these dark points; and, at the same time, explain the creed of another of their eminent saints, which we are told, that unless we believe faithfully, (i. e.) believingly we cannot be saved: which creed, (or rather riddle) notwithstanding all the labours of the pious — and metaphysical Dr. Waterland, remains somewhat enigmatical still,

be but *poorly stocked* with saints and martyrs, which is forced to adopt such enormous sinners into her *calendar*, in order to swell the number.

But to unravel this *mystery of (nonsense as well as of) iniquity*, which has *already worked* for a long time amongst us\*; or, at least, to give the most probable solution of it; it is to be remembered, that king *Charles*, this *bus-lesque* upon faintship and martyrdom, though so great an oppressor, was a true friend to the *Church*;—so true a friend to her, that he was very well affected towards the *roman catholics*; and would probably have been very willing to unite *Lambeth* and *Rome*. This appears by his marrying a true *daughter* of that true *mother of harlots*†; which he did with a dispensation from the *Pope*, that supreme *BISHOP*; to whom when he wrote, he gave the title of *MOST HOLY FATHER*. His queen was extremely bigotted to all the follies and superstitions, and to the *hierarchy of Rome*; and had a prodigious ascendancy over him all his life. It was, in part, owing to this, that he (probably) abetted the massacre of the protestants in *Ireland*; that he assisted in extirpating the *French* protestants at *Rochelle*; that

\* 2 Theff. ii. 7.

† Rev. xvii. 5.



he all along encouraged *papists*, and popishly affected *clergymen*; in preference to all other persons, and that he upheld that monster of wickedness, ARCHBISHOP LAUD, and the bishops of his stamp, in all their church tyranny and diabolical cruelties. In return to his kindness and indulgence in which respects, they caused many of the pulpits throughout the nation, to ring with the divine absolute, indefeasible right of kings; with the praises of *Charles* and his reign; and with the damnable sin of resisting the *Lord's anointed*, let him do what he would. So that not *Christ*, but *Charles*, was commonly preached to the people.—In *plain English*, there seems to have been an impious bargain struck up betwixt the *scepter* and the *surplice*, for enslaving both the *bodies* and *souls* of men. The king appeared to be willing that the clergy should do what they would,—set up a monstrous hierarchy like that of *Rome*,—a monstrous inquisition like that of *Spain* or *Portugal*,—or any thing else which their own pride, and the devil's malice, could prompt them to: *provided always*, that the clergy would be *tools* to the crown; that they would make the people believe, that kings had God's authority for breaking God's law; that they had a commission from heaven to seize the estates and lives of their subjects at pleasure; and that it was a damnable sin to resist them,

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even when they did such things as deserved more than damnation — This appears to be the true key for explaining the *mysterious doctrine* of king *Charles's* faintship and martyrdom. He was a faint, not because he was in his life a good man, but a good churchman; not because he was a lover of *balinys* but the *hierarchy*; not because he was a friend to *Christ*, but the *craft*. And he was a martyr in his death, not because he bravely suffered death in the cause of truth and righteousness, but because he died an enemy to liberty and the rights of conscience; i. e. not because he died an enemy to *sin*, but *dissenters*. For these reasons it is that all bigotted clergymen, and friends to church-power, paint this man as a saint in his life, though he was such a mighty, such a *royal snar*; and as a martyr in his death, though he fell a sacrifice only to his own ambition, avarice, and unbounded lust of power. And from prostituting their praise upon king *Charles*, and offering him that incense which is not his due, it is natural for them to make a transition to the dissenters, (as they commonly do) and to load them with that reproach which they do not deserve; they being generally professed enemies both to civil and ecclesiastical tyranny. We are commonly charged (upon the *thirtieth of January*) with the guilt of putting the king to death, under a notion that it was

was our ancestors that did it; and so we are represented in the blackest colours, not only as schismatics, but also as traitors and rebels and all that is bad. And these *lofty gentlemen* usually rail upon this head, in such a manner as plainly shews, that they are either grossly ignorant of the history of those times which they speak of; or, which is worse, that they are guilty of the most shameful prevarication, slander and falshood.—But every *petty priest*, with a *roll* and a *gown*, thinks he must do something in imitation of his *bettors in law*, and shew himself a *true son* of the church: And thus, through a foolish ambition to appear *considerable*, they only render themselves *contemptible*.

But suppose *our fore-fathers* did kill their *mock faint and martyr* a century ago, what is that to *us* now? If I mistake not, these gentlemen generally preach down the doctrine of the *imputation of Adam's sin to his posterity*, as absurd and unreasonable, notwithstanding they have solemnly subscribed what is equivalent to it in *their own articles of religion*. And therefore one would hardly expect that they would lay the guilt of the king's death upon *us*, although *our fore-fathers* had been the only authors of it. But this conduct is much more surprising, when it does not appear that our  
ancestors

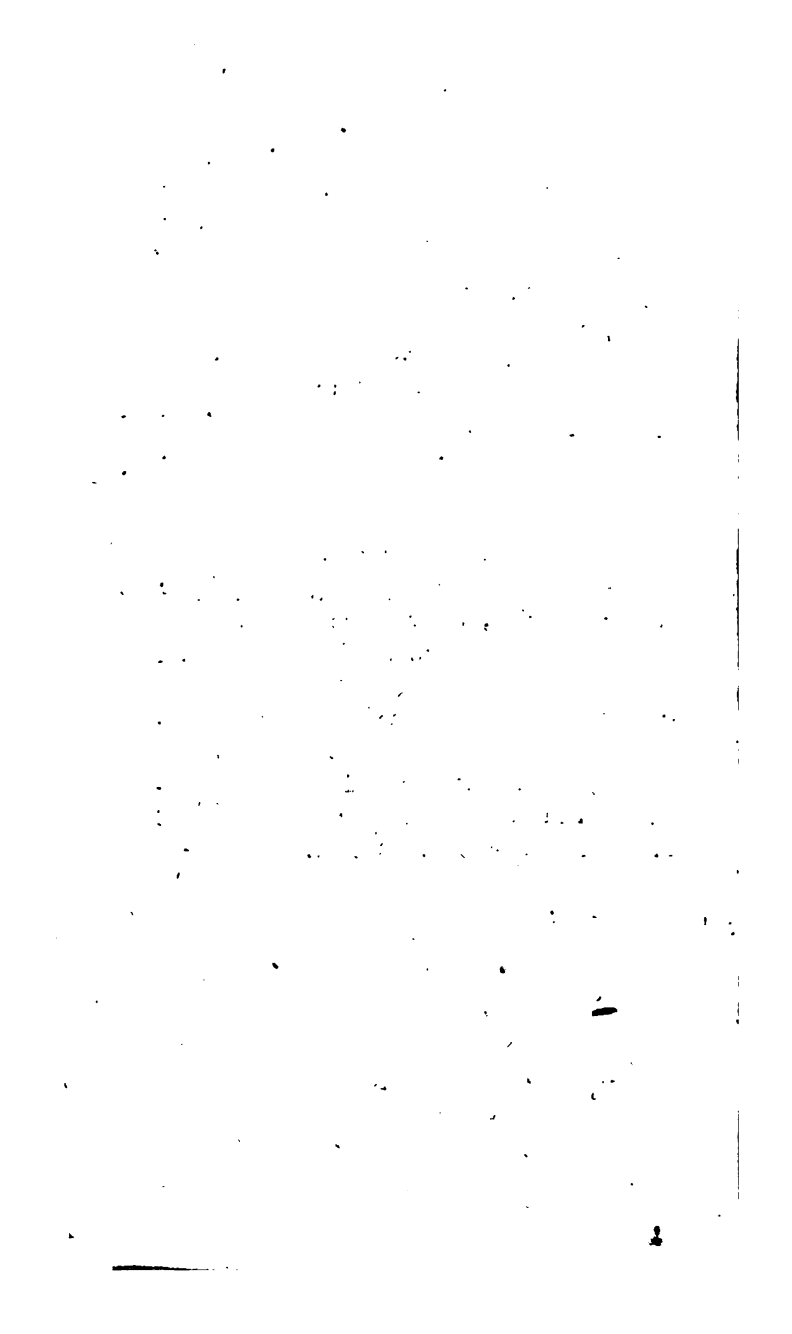
ancestors had any more hand in it than *their own*.—However, bigotry is sufficient to account for this, and many other *phænomena*, which cannot be accounted for in any other way.

Although the observation of this *anniversary* seems to have been (at least) superstitious in its *original*; and although it is often abused to very bad purposes by the established clergy, as they serve themselves of it, to perpetuate strife, a party spirit, and divisions in the christian church; yet it is to be hoped that one good end will be answered by it, quite contrary to their intention; it is to be hoped, that it will prove a standing *memento*, that *Britons* will not be *slaves*; and a warning to all corrupt counsellors and *ministers*, not to go too far in advising to arbitrary despotic measures.—

To conclude: Let us all learn to be *free*, and to be *loyal*. Let us not profess ourselves vassals to the lawless pleasure of any man on earth. But let us remember, at the same time, government is *sacred*, and not to be *trifled* with. It is our happiness to live under the government of a Prince, who is satisfied with ruling according to law; as every other *good prince* will—We enjoy under his administration all the liberty that is proper and expedient for us. It becomes us, therefore, to be  
contented,

contented, and dutiful subjects. Let us prize our freedom; but not *use our liberty for a cloak of maliciousness* \*. There are men who strike at *liberty* under the term *licentiousness*. There are others who aim at *popularity* under the disguise of *patriotism*. Be aware of both. *Extremes* are dangerous. There is at present amongst us, perhaps more danger of the *latter* than of the *former*. For which reason I would exhort you to pay all due regard to the government over us; to the KING and all in authority; and to *lead a quiet and peaceable life* †.—And while I am speaking of loyalty to our *earthly prince*, suffer me just to put you in mind to be loyal also to the supreme RULER of the universe; *by whom kings reign, and princes decree justice* ‡. To which king eternal, immortal, invifible, even to the ONLY WISE GOD ¶; be all honour and praise, DOMINION and thanksgiving, through JESUS CHRIST our LORD. AMEN.

\* 1 Pet. ii. 16; † 1 Tim. ii. 2. ‡ Prov. viii. 15.  
 ¶ 1 Tim. i. 17.



The MANNER of  
\*CONSECRATION  
OF THE  
BISHOPS  
IN  
DUBLIN,

By the Lord Primate in the year 1660.

**W**HEREAS we have thought fit to appoint the 27th of this instant *January 1660*, for the consecration of bishops; to the end therefore that the same may be so ordered, as decency and the dignity of so holy an office shall require; we have thought fit, by the advice of our brethren the bishops, who are to assist in that sacred administration, and with whom we have consulted in that behalf, to order,

That at seven o'clock in the morning of the said day, the lords bishops elect do attend us, at the dean of Christ church his house, and

\* The editor considers this small piece as a prelatie comment on the words of Christ, *my kingdom is not of this world*; and as such it is here published.

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that all the bishops consecrators be there also in their cornered caps, rochets and chimers.

That notice be given to the said deans of the two cathedral churches of *Dublin*, that they likewise are expected to attend at the same time and place in their formalities.

That the said deans respectively shall give orders to the dignitaries, prebendaries, canons, petit-canons, vicars, choral; and choristers, that they do attend at the same hour, in their respective formalities in the body of Christ-church.

That the vice-chancellor, or pro-vice-chancellor of the university, all doctors of divinity, and of the law, as also all the ministers and civilians in this city, with the whole university, do likewise repair thither, so far as they can conveniently furnish themselves with gowns and formalities to their respective offices and dignities appertaining.

*That the order of proceeding be as follows;*

That the pursuivant of the court of prerogative, and the apparator general bare-headed.

The vergers of the said two cathedrals also bare-headed.

The choristers two and two, and the rest of the precedents also in order, two and two as followeth.

Vicars chorals.



Petit-canons.

Prebendaries.

Dignitaries.

The said two deans.

The bishops elect in their albs.

The lord primate's gent. usher, and secretary bare-headed.

The lord primate.

The other bishops consecrators two and two.

The beadle of the university.

The vice-chancellor, or pro-vice-chancellor, and provost.

Deans and doctors two and two.

That the abovesaid orders may proceed with a silent, solemn, and slow paced gravity, until the time of entrance into the west-gate of St. Patrick's church, where the vicars and choristers are to proceed singing into the choir, and there continue singing the *te deum*, accompanied with the organ, until the archbishops, bishops, and the rest of the principal precedents shall be placed and seated in their respective stalls.

- That the office of morning prayer be solemnly celebrated by the dean of the said church: Which ended, Dr. *Jer. Taylor*, lord bishop elect of *Down*, designed to preach the *concio ad clerum*, is to ascend the pulpit during the singing of *per veni nobis*.

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That after the said bishop hath ended his sermon, he be conveyed by the verger to his stall.

That upon his lordship's descent from the pulpit an anthem be sung.

That from the end of the anthem the voice of the organ be heard, and continued until the lord primate and the other bishops who are to consecrate, ascend into the enclosure within the rails, and somewhat longer; at least till the noise, which may be occasioned by the usual motion of the people from their places after sermon, shall cease.

That after the primate and bishops consecrators are seated in their chairs, and the sound of the organs continuing, the vicar-general (as sent by the said primate) is to go to the lords elect, sitting in their stalls, and so with the dean of *St. Patrick* to conduct their lordships to the enclosure, and there to range them in their order according as direction shall be given by the primate.

That then the office of consecration be celebrated, which ended, the anthem to that purpose composed by the dean of *St. Patrick's*, called *quam denue exaltavit dominus coronam*, be sung as it here followeth.

*Antem*

*Antiphon after the consecration.*

Treble.

*Now that the Lord hath readvanc'd the crown,  
Which thirst of spoil and frantic zeal threw down.*

Tenor.

*Now that the Lord the mitre has restor'd,  
Which with the crown lay in the dust abhor'd.*

Treble—Praise him ye kings } Chorus all  
Tenor—Praise him ye priests } sing

*Glory to Christ our high priest, highest king.*

Treble.

*May Judah's royal sceptre still shine clear,*

Tenor.

*May Aaron's holy rod still blossoms bear.*

Treble and Tenor.

*Sceptre and rod rule still, and guide our land,  
And those whom Gad anoints feel no rude hand;  
May love, peace, plenty, wait on crown and chair,  
And may both share in blessings as in care.*

Chorus.

*Angels look down, and joy to see,  
Like that above, a monarchy.*

*Angels look down, and joy to see,  
Like that above, an hierarchy.*

That