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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
L E T T E R to the R. R. A U T H O R.

By a Member of the House of Commons.



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A N
A N S W E R
T O T H E
Country PARSON'S PLEA
against the QUAKERS Tythe-
Bill, &c.

Very Reverend,

A Pamphlet hath been delivered at the Doors of both Houses of Parliament, and sent under the Franks of divers 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 Dues, from the People called Quakers; And also, Remarks upon a printed Paper; entitled, The Case of the People called Quakers.*

1 D.K./50. Young's

3. THE COUNTRY PARSON'S PLEA AGAINST THE QUAKERS TYTHE BILL, *humblly address'd 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 BILL, though much inveighed against, is not regularly *open'd* in them ; and

The CASE, which is the Ground of the Debate, is printed *at the End* of the Papers design'd 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 Collegues, 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

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 *selling* 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 qualify'd 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.

“ 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

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 openly 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 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

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 *Taxing*, and not at all for the *Easing* 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 *Tithes* 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 *Parsons 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 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 Publick, 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 Publick, 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

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 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 *Publick 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 publick Interest. *Salus Populi Suprema Lex.*

And, Nothing can be more insolent or incongruous, than to challenge the Donations of the Publick, as a Property not to be reformed for the Convenience of the Publick.

No free State, no wise People, ever suffered such a Doctrine to pass unreproved. The *Agrarian* Laws of the ancient Republicks 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 Honour be it ever remember'd, were the Men who avowed this Power of retrenching *enormous Property* to be the Prerogative of Parliament.

The Act concerning *Peter Pence* and Dispensations, 25 *Hen. 8. cap. 15.* hath this remarkable Preface.

‘ WHEREAS, 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 Majesty, and your Lords Spiritual
 ‘ and Temporal, and Commons, represent-
 ‘ ing the whole State of your Realm, in this
 ‘ your most high Court of Parliament,
 ‘ HAVE full Power and Authority, not only
 ‘ to dispense, but also to authorise some
 ‘ elect Person or Persons, to dispense with
 ‘ these and all other human Laws in this
 ‘ your Realm, and with every one of them,
 ‘ as

‘ as the Quality of the Persons and Matter
 ‘ 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, present in your Parliament,
 ‘ meet and convenient for the Wealth of
 ‘ your Realm.”

‘ And because that it is now in these
 ‘ Days present seen, that the State, Dignity,
 ‘ Superiority, Reputation and Authority of the
 ‘ imperial Crown of this Realm, by the long
 ‘ Sufferance of *unreasonable and uncharitable*
 ‘ *Usurpations 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 im-
 ‘ poverished, and so or worse be like to con-
 ‘ tinue, 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 Foreigners, we shall in the next Instance
 see how our Ancestors dealt with the Claims
 and *pretended* Properties of Churchmen who
 WERE NATIVES.

The Act for suppressing of Mona-
 steries, which had not Lands above 200*l.* by
 the Year (27 *Hen. 8. cap. 28.*)

DECLARES,

‘ The Lords and Commons by a
 ‘ great Deliberation finally be resolved, that
 ‘ it is and shall be much more to the Pleasure
 ‘ of Almighty God, and for the Honour of
 ‘ this Realm, that the Possessions of such
 ‘ Religious Houses now being *spent, spoiled,*
 ‘ *and wasted for Increase and Maintenance of*
 ‘ *Sin*, should be used and committed to
 ‘ better Uses; and the *unthrifty* Religious
 ‘ so spending the same, to be compelled to
 ‘ reform their Lives; and thereupon most
 ‘ humbly desire the King’s Highness, that
 ‘ it may be enacted (*to suppress them.*)

To this Act for *suppressing the lesser Ecclesiastical 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 People can obtain a Reformation of Religion.

3. That

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 Tythe* 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 laid 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, chearful, and ready Consent, ordered a BILL to be brought in, *to enlarge, amend, and render more effectual the Laws now in being*

being, for the more easy Recovery of Tythes, Church Rates and Oblations, 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 *W. III.* a
 ‘ Remedy is provided for the Recovery of
 ‘ Tythes and Church Rates, not exceed-
 ‘ ing the Value of *Ten Pounds*, where Qua-
 ‘ kers 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 Ju-
 ‘ stices of the Peace (other than such Justice
 ‘ as is Patron of the Church, or interested
 ‘ in the Tythes) upon Complaint of the Par-
 ‘ son, or Proprietor, or Collector, shall sum-
 ‘ mon

‘ mon such Quaker to appear before them,
 ‘ and either upon Appearance 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 reason-
 ‘ able Costs, not exceeding (a Sum to be li-
 ‘ mited by this Bill;) and upon the Refusal of
 ‘ such Quakers to pay according to such Or-
 ‘ der, it shall be lawful for the said Justices, by
 ‘ Warrant, to levy the Money by Distress
 ‘ and Sale of the Goods of such Quaker,
 ‘ rendering 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 present shall proceed finally to hear
 ‘ and determine the Matter, and to reverse
 ‘ or affirm the said Judgment; and if they
 ‘ continue the Judgment, they shall give
 ‘ such Costs against the Appellant as they
 ‘ shall think reasonable; 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 exceed 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

‘ And that if the Person against whom
 ‘ such Judgment shall be had, shall remove
 ‘ out of the County, Division, or Corpora-
 ‘ tion, 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 removed, which Justice is
 ‘ authorized to order such Sum to be levied
 ‘ on the Goods and Chattels of such Person,
 ‘ in the same manner as the other Justices
 ‘ might, if such Person had not been re-
 ‘ moved.

‘ Provided always, that no Distress
 ‘ shall be excessive or unreasonable, but pro-
 ‘ portioned, as near as may be, to the Value
 ‘ of the Sum.

‘ Provided also, That where any
 ‘ Quaker complained of, for subtracting,
 ‘ withholding, not paying, or compounding
 ‘ for such Tythes or Dues, shall insist upon
 ‘ any Prescription, Composition, or *Modus*
 ‘ *Decimandi*, Exemption, Discharge, Agree-
 ‘ ment, or Title, whereby he ought to be
 ‘ freed from the Payment 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 Per-
 ‘ sons complaining shall be at liberty 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

‘ the Recovery of Tythes or Dues shall be
‘ repealed;

‘ And that any Person sued for any
‘ thing done pursuant to this Act, may plead
‘ the General Issue, and on that, or any o-
‘ ther, give this Act and the Special Mat-
‘ ter 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 recover Treble
‘ Cofts; 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 Publick Act. ”

This is the Tenor of the Bill :

A Bill, which by a peculiar Fate, no
fooner was brought into Parliament, than it
united certain R. R. P——tes in the closest
Combination against it; and *they*, whose
reciprocal Hatred was as fierce as the Rival-
ship for Power which occasioned it was un-
christian and scandalous, at once laid aside
their Animosities to oppose this most rea-
sonable Bill, dreadfully collecting the Force
of their several Abilities in a formidable
Pamphlet, after having in their *Feuds for
Supremacy* been hardly prevailed on to sup-
port the Provocation of each other's Com-
pany.

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 deter-
 ‘ mined in the Methods of Justice used
 ‘ in this Kingdom, and not referred to an
 ‘ arbitrary Decision. *Nulli negabimus Justi-*
 ‘ *tiam*, 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 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

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 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 *Publick Good* should call upon them to reverse what their Ancestors consented to from no other Consideration.

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
C 2
King,

King, who is supposed (says the Lord Coke) to be present in his Courts of Justice, declaring, *We will deny Justice to no Man.*

These Words intend, 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 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* Birthright, 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;

——— 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 Superintendancy of the Ecclesiastical Courts, 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 Publick Con-
nience ;

nience ; but the King, Lords and Commons, as *Legislators*, cannot be restrained. They must provide for *Publick 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 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 Publick Revenue and the Trade of the Kingdom are concerned,

cerned, 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. 2. Cap. 24.* gives the General Quarter Sessions of the County Power 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. 2. Cap. 11.* Any Justice may commit Persons hindring 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 him.

By 1 *Jac. 2. cap. 19.* the Justices of the Quarter Sessions are Yearly at *Easter* and *Michaelmas* 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

Also by the Statute 12 *Annæ*, Parl. 2. *Seff. 1 cap.* 18. three Justices have Power to adjust the Charge of Salving stranded Goods.

And further, Justices of the Peace have Power given them,

By the 20 and 32 *Car.* 2. 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.* 3. *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 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.* 1. *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.* 1. *cap.* 21. and 8 *Geo.* 1. *cap.* 18.

Two Justices residing near the Place where Seizures of Brandy or Vessels of the Burthen of fifteen Tuns 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 Deventure Goods from Ships outwards; and where Seizures of Horses, or other Cattle or Carriages shall be made, for being used in the removing or 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 to the Quarter Sessions*) nor to any Writ of *Certiorari*.

And that the Justices of Peace may be enabled to hear and determine Questions of Property, it is enacted by

The Act 7 & 8 *W.* 3. *cap.* 30. that Persons refusing, when summoned by such Justices 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 in Tythe 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 the 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 less affect the Funds on which the current Service 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 are Laws which by those *Persons who are sued* in Consequence of them,
and

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 it from a reasonable View, that they may not be ruined by Suits in all Shapes carried on without End.

They know it to be a *sure Method* of recovering Tythe, and are only solicitous 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 *Nonconformist*; he may gratify unchristian Revenge against Dissenters, by carrying on oppressive Suits 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 whilst 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 *Quakers*, and all other Protestant Dissenters, *for the Worship of God* according to their Consciences, 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 Birthright of the Clergy
in

in the Law, and depriving them of their Maintenance?

If we look back to the Act made in the fourteenth Year of *Charles the Second*, entitled, *An Act to prevent Mischiefs and Dangers arising by the People call'd 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, to banish them from their Country; yet incompetent to determine Suits brought against them for Tythes!

With Regard to Protestant Dissenters of all Denominations, the *same Method* of Prosecution was establish'd by the Influence of the Clergy.

The *Oxford five Mile Act*, so called, because it restrained *dissenting Teachers*, from coming within *five Miles* of any Corporation, 17 *Car. 2. 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 *sedition* *Conventicles*, viz.

I. The

I. The Statute 16 *Car. 2. 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. 2 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.

The

These Laws which were obtained before the *happy Revolution*, and 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 Clergy themselves, after the Revolution, inserted the Clauses in the *Affirmation-Act*, which gave Justices of Peace the *first Cognisance 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

Thus it is right to shut the Quaker out of all the King's Favour 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 Prosecutions 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

which the poorest *Country Plowman*, from daily Experience, must know to be false.

And were it possible, that one of *greater Eminence* could so far be wanting in his Duty to Truth, to his God, and his Reputation, it would shew him to be confirm'd in that *unblushing Prostitution* which takes Delight in the want of honest Shame, though Enemies rejoice, and Friends are confounded at his Infamy.

A Person of this Habit only, could be capable of adding to the Number of unjust Complaints, the Clamour against the Determination of Justices in their Quarter Sessions, *as an arbitrary Decision!*

As if it were *more* arbitrary than a Decision of a *Court of Equity*, where a Clergyman must sue for his Tythes if he is dissatisfied with Common Law.

Or, as if it were *more* arbitrary than the Decision of a *Court of Delegates*, where he must have his last Resort, if he sues by *Ecclesiastical* Process.

It might be thought, from this Complaint of an *arbitrary Decision*, that the Clergy were remarkably fond of Trials by Juries, where the Verdict is in the Judgment of *Twelve* Men specially impanelled at every Assize: And that they oppose a Decision by

one or two only, and dislike a *Dernier Resort* to a *Standing Set of Justices*.

Yet, strange as it may seem, it is certainly true, that of 1153 Suits for Tythe against the Quakers, 1094 of the Number sought either for the *arbitrary* Decision of Courts of Equity, where the last Resort is to the House of Lords, or for the *more arbitrary* Decision of Ecclesiastical Courts, where the last Resort is to a Court of Delegates.

The Bill now depending being to compel the *Parson*, as well as the Quaker, to abide by the Decision of the Court of Quarter Sessions ;

And amending the Acts of King *William* and King *George* the First, which gave the Parson his Option of suing in this Method, this Bill being intended to restrain him from suing in any other :

Let us hear the Country Parson's Objection to this Variation of the Law.

‘ The Acts of King *William* (says
 ‘ he) took no Remedy from me ; they
 ‘ provided an easy Remedy for the Re-
 ‘ covery of Quakers Tythes and small
 ‘ Tythes ; they did not shut up the King's
 ‘ Courts against me, but left me at liberty
 ‘ to

‘ to take the new Method, or, if it was necessary, to resort to the old ones.

‘ 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 withholding 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 *Quaker*, as a Principle of his Religion, holds Tythe to be abolish'd 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 Infirmary, or Religious Prejudices 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.

He will prosecute where he may *punish* the *Quaker* with the greater Effect ; and that Court whose Proceedings are most chargeable will be the Court wherein the Parson can most *punish* him.

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 Parson will sue for Tythe, not where he *may* easily recover it, but where he
can

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 specify'd in the proper Course of Enquiry ——— In this Place it is enough to observe, That as foul as the Charge can be, 'tis 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 choose *to live at their Mercy*.

It is taking away this Power to oppress, which occasions so great an Alarm.

The *Country Parson*, zealous for this 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
 ‘ concluded by the Justices in the Country,
 ‘ will not only keep all my Tythe from
 ‘ me, but will use all his Art and Applica-
 ‘ tion to reduce the Value by the Judgment
 ‘ in the Country.

‘ The

‘ 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 Coun-
 ‘ ty, 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 in-
 cluded ;

Consequently, That the Quakers
 Weight in Trade will bear down the Clergys
 Weight in Land ; And,

That Country Gentlemen will court
 an Election-Interest rather among the Qua-
 kers than the Clergy ; whereas in Fact, two
 Thirds of the Counties of *England* are go-
 verned in their County Elections by Church
 Interest ;

And

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 has 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 *Tithe*, 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 his 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

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 Tryals of Tythe by Justices of Peace will become subservient to an Election-Interest, might naturally make a Quaker fear to abide this Tryal, where the Biass of the Court must by so great a Probability be in Favour of the Clergy.

But is this 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
F may

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 it could transcend that Interest in Land, and Power in Elections, which the Tythe of the Clergy, the Endowment 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 uncheck'd in its Progress, extend its Sway over all the Property of the Kingdom, tho' 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.

'Tis his Grievance, That,

1. ' By this Bill he must be ty'd down,
' for the Value of his Tythes, by the Judg-
' ment of two Justices, out of whose Lands
' the Tythe arises, and whose Tenants pay
' it.'

2. ' The

2. ‘ The two Justices who gave the Sentence will be on the Bench at the Quarter Sessions, or if they are not, it may happen that their Brother Justices may think it more expedient 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 Farmers and Countrymen, and undervalue the Tythes though by Evidence upon their Oaths.”

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 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 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 ty’d down
 ‘ for the Value of his Tythes to the Judg-
 ‘ ment 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 certainly 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

‘ that the Parson should lose forty or fifty
 ‘ Shillings (a great Part of his Demand) than
 ‘ that two of their Brethren should be suspect-
 ‘ ed of Partiality ;

Is absurd, malicious, false, and scandalous.

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, or the *Dean* of the Arches, 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 ?

What have the landed Gentlemen of this Kingdom done to offend *this Parson*, that they, who of all others are most interested in the publick Happiness, should be treated as least of all qualify'd to administer publick Justice ?

Or,

Or, that they should be treated as a Band of Rapparees, combin'd to support each other in Acts of Injustice ;

And, less to be suspected of deciding Suits *impartially*, than that wooden Implementation of Church-Power, who judges by Commission from the Clergy, who owes them Partiality in Requitall 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 publick 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 by their *Iniquity* and *Perjury*, in undervaluing the Tythes, it will be a sufficient Answer in general, that if there

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 look'd 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 provok'd 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 *Knives* in their Dealings, and *perjur'd 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 Parsons Property :

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 Sub-
 ‘ sistence.

‘ By this 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 real-
 ly necessary to his own, or his 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 Tythes :
 But

But then, *the Bill says*, the Justices Warrant shall immediately levy these Tythes :

So that the Distress may be made upon the tytheable 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 Cofts.

This is easy Justice.

But the Parson hath alledg'd, ' 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* 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, besides destroying great Part of the Remainder, by loading him with Cofts 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 *Publick 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 *Warrant* to take 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, 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 Objection 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 Prosecu-
 ‘ tion 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 Pro-
 ‘ ceeding shall the Parson make a Disco-
 ‘ very in these Cases ? ’

It is to be observed, that the Par-
 son 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 Pa-
 ragraph complains, that no such Bill can be
 brought there. He first complains of the
 Hardships 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 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 Ses-
 sions as in every Court of the Clergy : And,
 I think, if the Law must compel a Qua-
 ker to discover the Value of his Tythes,
 that in this Case, the Cheapest Method of
 Discovery will be the Best Method ; and that
 the

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 work'd up into a loud Complaint, ' That the Justices can't 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. 3. 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 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 in the first Drawing, as to want no additional Clause; and the Ordinary Forms of Parliament

ment give ample Opportunities for inserting them before it becomes a Law.

It is next Objected, That

‘ In the Original Cause before the
 ‘ Justice, the Parson is supposed to have Just
 ‘ Cause of Complaint, and to recover in
 ‘ some Share or other, and to be entitled
 ‘ to Cofts.

And that

‘ It is probable He may ordinarily
 ‘ be the Appellant to the Quarter Sessions,
 ‘ and Cofts may be against him.

‘ How is it then, *says the Parson,*
 ‘ that the Bill limits the Cofts 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 Ob-
 jection, than that *two* Justices are limited in
 giving Cofts, and the *whole* Bench at their
 Quarter Sessions left to give Cofts according
 to Discretion. And,

1. In the first Instance of Complaint,
 it may be reasonable to specify the Cofts,
 which shall not be exceeded; to the End that
 the two Justices, tho’ ever so partial to the
 Complaint, may not oppress the Defendant
 with Cofts. But,

2. In

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 Information against the Quaker or his
 ‘ Witnesses for PERJURY, and fail to make
 ‘ a Legal Proof (as it is suggested he easily
 ‘ may do) in that Case, *the Bill says*, the
 ‘ Defendant shall recover *Treble Costs.*’

Extreamly 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 his Manner of moving Compassion for the Clergy ;

1. He

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 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 try'd 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

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 Justices of this 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 Assizes. 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 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 my self 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 deserve this Trust; or whether the Power with which this Bill invests them, will

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 Justices 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 it was last determined?

This infinite Variety of Case, this frequent Difference between one Farmer's Land and another, 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

charged with a lighter Burthen, though they paid a higher Rate.

The *Certainty of the Modus* would save the Expence of those 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 Biass 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 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 Tythes*, they have never scrupled to prefer a *Parliamentary Right to a Pound Rate*, where it promised them a better Revenue.

In general, it may be said with Truth, there never was an Imposition on Mankind

more

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 in *England*.

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, is 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-

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 Priests of his Times;

For the Tything of a Duck,

Or an Apple, or an Aye,

They make Men swere upon a Book;

Thus they foulen Christes Faye.

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 Publick Taxes spare, and is more inexorable than an Excise?

This

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 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,

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 if any Burthen upon Land shall continue till it lessen the Value of our Lands; it then becomes a Property in the Usurpers, and the Landed Men shall never be discharged, because all subsequent Purchases are made with the Consideration of such an Incumbrance upon the Land.

There are Three remarkable Cases in our History, which will fall under this Proposition ;

I. The ancient *Romescot* or *Peter-Pence* was a Penny charged upon every House by *Ina*, King of the *West-Saxons*, being at *Rome* in Pilgrimage, *Anno 720*, and by *Offa*, King of the *Mercians*, *Anno 794*, to sustain the *English School* there. It amounted to 300 Marks and a Noble yearly for the whole Realm, and was paid to the See of *Rome* on the Feast of *St. Peter ad Vincula*; being the first Day of *August*, till it was abolished by Parliament, 25 *Hen. 8. Anno 1534*.

I

II. The

II. The ancient *Dane-gelt* was a Tribute of one Shilling, and afterwards of two Shillings, upon every Hyde of Land; originally levied for clearing the Seas of *Danish* Pyrates, or for purchasing Peace of them, as by *Ethelred*, who raised for this Purpose first 10,000 l. next 16,000 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. 1.* and finally by *K. Stephen*.

III. The ancient Subsidy given from Year to Year by Parliament was usually, as in the 14th of *Edw. 3. Stat. cap. 18. The Prelates, Earls, Barons, and all the Commons of the 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 Year to come.*

Numerous Instances of the like Subsidies may be seen in *Rastal's* Abridgment.

Now in all these Cases, *viz.*

1. In the Case of the *Peter-Pence*, which continued a Rent-Charge on Houses for the Space of 800 Years;

2. In

2. In the Case of *Dan-egelt*, which continued a Rent-Charge upon Land for the Space of 300 Years; And,

3. In the Case of the *ninth* Part of the Produce of Land, and the *ninth* Part of the Subjects Goods, which continued very long the usual Subsidy to the Crown;

The Value of the Lands of *England* became impaired by Reason of the Charge, and every Purchaser paid a less Price whilst such Incumbrance 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 *Tytbe*, and the same Answers must have been returned.

But the *Parson* asks further,

‘ If you bought your Lands and
 ‘ Tenements with these Incumbrances upon
 ‘ them, what Right have you ever to be
 ‘ freed from them ?

I answer, That I have,

The Right of a free Subject, to enjoy
 the Produce of his own Labour ;

The Right of an *English Man*, to
 enjoy his own Possession free and clear of
 all unreasonable Incumbrances ;

And my Title to the incumbred 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

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.

If when the ancient Subsidy of a *ninth Part* had gained Establishment by Course of Time, the Purchase of Lands became cheaper by reason of this Exaction, would not the Crown have had an Estate of Perpetuity in the *ninth* Lamb, the *ninth* Fleece, the *ninth* Sheaf, and the *ninth* Part of the Goods of all the Subjects, by the same Rule of Conscience as the Clergy claim an Estate in the TENTH? Because the Continuance of the Usurpation had lower'd the Rents of all the Lands.

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

or fifty Years time, since the Land hath born 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 subtile Questions ‘ Is he a Land Owner? ‘ Let him be asked upon his Conscience, whether he paid any Consideration to the Vendor 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

resumed consistently with Conscience ; that the Foundations of Ecclesiasticks in the *Church of Rome* itself ought not to be taken away, because the Priests 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 Exactions, *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 revive *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 deny him, or any Person living, to possess any Estate in the Land, by Reason of its having been lower'd 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 abolish'd by Act of Parliament; I conceive them both to have been Usurpations of the same Nature, which grew and obtain'd 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 abolish'd *the one*, because it impoverish'd 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

† Quoniam Divina Misericordia providente cognovimus esse dispositum, & longe lateq; prædicante Ecclesia, sonat omnibus auribus divulgatum, Quod ELEMOSYNARUM largitione possant absolvi vincula peccatorum, & acquiri

by the Church's publishing it far and near, every Body hath heard that by the Distribution of Alms Persons may be absolved from the Bonds of Sin, and acquire the Rewards of heavenly Joys :

J. 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 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 *Westmorland*, 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,

cœlestium præmia gaudiorum : Ego Stephanus Dei gratia Anglorum Rex partem habere volens cum illis, qui felici commercio cœlestia pro terrenis commutant, Dei amore compunctus, et pro salute animæ meæ, et Patris mei matrisque meæ, et omnium parentum meorum, et antecessorum. &c.

K

' That

‘ 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 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, tho’ 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 predial, 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 Dili-
 ‘ gence

' gence and Industry that raiseth the Tythe, and
 ' in my Power it is to make it less or more ;
 ' and sometime, yea often 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 un-
 ' equal 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 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 ty'd
 ' by Law, than he is who hath increas'd 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 se-
 ' ver'd, no Tythe can be recover'd of me ; and
 ' therefore if I pasture my Land, no Tythe shall
 ' be paid for the Grass which is eaten unsever'd,
 ' but only a *Rate Tythe* for that which doth depar-
 ' ture 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 generally 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, Industry, and Labour of the Husband-
 ' man. If I pasture my Ground with Sheep that
 ' yield a Fleece, the Tythe will be considerable,

K 2

' though

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 inconsiderable
 Rate is only required; though in few
 Places of the Nation would that have been
 recovered in the Times when *Poijsh* 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 Naturæ*, wherein
 there is no personal Property, no Tythes shall
 be paid: Or, if I will let my Land lye waste
 (which may be supposed, because it may be
 done) Or will eat my Meadow or Corn standing,
 no Tythe can be required. All these Instances
 manifest that Tythe hath still 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 Ancestor I am bound to
 pay Tythe *Ratione Tenuræ*, 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
 (without Fraud to my Ancestor) Power to pay
 him much or little? How then is Tythe like a
 Rent certain (which is by some objected?) If
 Tythes were paid by reason of the Land, surely
 there is most Reason, that the Tenth Part of
 the Grass 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

another hath as good Right to the Tenth Part
 of the Increase, as the Owner hath to the Nine
 —why cannot he take it without 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
 commands Tythes, doth not give Power to any
 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 Consecrations 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, with-
 out his Consent, be perverted to another Use.

But some object (as the *Country Parson*
 hath done in his *Plea*) That

When

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 Opression,
 ‘ and are in no Hazard; and, though all
 ‘ others ought to be so, yet it being a Question,
 ‘ 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 Burthen 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 discharged? Or, shall he that
 ‘ bought cheap Pennyworths on the Borders between
 ‘ *England* and *Scotland*, when those Parts
 ‘ were infested 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

‘ 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 Title on the Plea of Conscience to another Man's Estate*; wherein he proves, that this 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 with-holding Tythes are stiled *Evil-disposed Persons*, 27 Hen. 8; *Not regarding their Duties to God and the King*, 30 Hen. 8; 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 Words *perverse, ungodly, undutiful to God and the King*, prove nothing but that the Priests who had Power to obtain a Penal Statute, had

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 6.*
Cap. 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 Archbishoprick or Bishoprick unto, and that the said Elections be *in very Deed no Elections*, but only by a Writ of CONGE D’ELIRE have *Colours, Shadows, or Pretences of Elections*, *erving 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 Electing Bishops.

Will

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 the Sixth's* Time, will they tie every Man down *in the Equity of Tythes* to the Preface of a Law made in *Henry the Eighth's* Time?

I trust in the Right of an *English* 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 *Tythes*.

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 the Eighth* 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*.

I,

And,

And,

2. That in his next Year he pass 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. 8.* would as forcibly prove *Transubstantiation* and *Auricular Confession* to be Articles of Faith fit for a Christian to believe in, because they are so declared, by the Statute 31 *Hen. 8.* 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 *Tythe 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 displeas'd 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

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 displeas'd that the Sense of our Ancestors, and Authorities out of the Statute Books should be urg'd 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 Publick 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 Quakers 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

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 *Wiseest* 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

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

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 7th and 8th of King William the Third, Anno 1696, when the Affirmation-Act was obtained, which gave Justices of the Peace Power to judge of Tythe demanded under the Value of Ten Pounds;*

It appears that there have been,

	<i>Prosecutions</i>	<i>Prison.</i>	<i>Died in Prison</i>
In <i>Chancery</i>	38	10	1
In the <i>Exchequer</i>	787	185	2
In the Ecclesiastical Courts	269	81	2
In the Common-Law Courts	59	16	0
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 Account given of them to their *Meeting of Sufferings*; and many times when Friends were discharged from Imprisonment by *Acts for Relief of Insolvent Debtors*, there were no Accounts given; and the like Deficiency often happened, when their Relations paid to release 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

‘ levied by them may be judged of, they have
 ‘ collected 44 Cafes, where the Demands amount
 ‘ to 188 *l.* 3 *s.* 8 *d.* and the Sums levied to
 ‘ 2252 *l.* 6 *s.* 10 *d.*

‘ One *Isaac Averil* was profecuted three
 ‘ several times for three several Sums amounting
 ‘ 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*
 ‘ *Pound Ten* Shillings.

‘ They find an Account of fifteen Persons
 ‘ profecuted 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
 ‘ following Persons with the Tythe demanded
 ‘ *under the Value of Ten Pounds*, and the Sum
 ‘ levied on Account thereof, *viz.*

James

	<i>l.</i>	<i>s.</i>	<i>d.</i>	<i>l.</i>	<i>s.</i>	<i>d.</i>
<i>James Haviland</i> ———	8	00	0	61	00	0
<i>Thomas Strong</i> ———	1	10	6	15	11	6
<i>Richard Case</i> ———	0	13	0	37	11	6
<i>Thomas Drape</i> ———	4	10	1	50	00	0
<i>Robert Holliday</i> ———	0	11	6	60	00	0
<i>Henry Wake</i> ———	1	4	6	30	00	0
<i>Josiab Williams</i> ———	2	00	0	30	00	0
<i>John Taylor</i> ———	1	5	8	44	18	0
<i>Alexander Moore</i> ———	6	15	11	87	16	11
<i>Feremiab Ellis</i> ———	1	00	0	44	00	0
<i>George Bewley</i> ———	3	10	0	93	10	0
<i>Sam. Tully & T. Warner</i>	3	2	8	75	16	0
<i>William Pearson</i> ———	0	13	0	19	16	0
<i>Jonathan Peaseley</i> ———	7	0	0	237	5	0
<i>Daniel Williams</i> ———	0	1	6	100	0	0
<i>Thomas Ellwood</i> ———	0	12	0	24	7	6
<i>Abraham Butterfield</i> —	8	0	0	90	0	0
<i>Roger Jenkins</i> ———	0	14	6	84	10	6
<i>Richard Allen</i> ———	1	15	6	80	0	0
<i>Thomas Jenkins</i> ———	1	5	0	67	10	00
<i>John Townsend</i> ———	4	00	0	77	14	0
<i>Francis Chairman</i> ———	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 Gentlemen 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 discourf 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 1153 Suits they made 292 Prisoners ; in 15 Suits where the Claims amounted to 313 Pounds, they exacted 1068 Pounds, which was at the Rate of *one hundred* Pounds for less than *thirty* Pounds ; in 44 Suits where the Claims amounted to 188 Pounds, they exacted 2252 Pounds, which was at the Rate of *one hundred* Pounds, for little more than 8 Pounds ; and, in 22 Suits where the Claims amounted to 66 Pounds, they exacted 1484 Pounds, which was at the Rate of *one hundred* Pounds for less than *four Pounds ten Shillings*. Or if we take these 81 Suits all together, the Sums demanded make 567 Pounds, which compared with 4804 Pounds, 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.

ffice of the Kingdom, not to mention the Profession of the Gospel. And therefore this Bill, which is design'd 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 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 Pounds* 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 countenance an *Opinion* destructive to the Property of any of the Subjects.

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 ;

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 an 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 the Quaker with-holds 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

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
their

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, they will make the Cause of the Church such a Load upon its Friends, that the Torrent of publick 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 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 restive 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

‘ 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 rejecting this Bill, in Compliance to the Obstinate Clergy, will make them be considered as 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 Goals?

Yet,

Did any Man oppose these Acts by Claims of *Birthright* in the Law, and Insolent Demands of *Property*, as if the Law could stand in Obstruction to Publick 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 the Safety of the Rest, are the highest Ends of Government:

And

And therefore all *Opinions*, all *Practices*, which tend to the Exemption of any Order of Men from Publick Enquiry, or Publick 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 allow'd to repeal or amend any Law Beneficial to the Priesthood, however Grievous to the People, since the Priests claim a *Birtbright 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

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, Archdeaconeries, 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 do 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 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 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

They are universally eed in Trade and Industry; they have the a Number of Members either unprofitably For miserably Poor; and, they are the least, accused of *Luxury, Corruption, or Law-S* of any Sett of Men in the Kingdom.

And, in Justice to their iples,

I have ever thought their yion to be well deserving of Countenance fro Free and Wise Government. For,

It tends to establish no archy, to monopolize no Property, to invest Lands in usefess or dangerous Societies, to fo no Interest separate from the common Go to detach no Part of the People from natural Itry, nor to enslave any other Part by Bigottry and Blind Dependance.

If some little Singularity in tl Forms may occasion Witless Drollery on the Persons, Wise Men will excuse them, from the go Effects even of their most rigid Institutions. t,

By this Means they preserve a odesty of Apparel amongst their People, which *Sumptuary* Laws that have been made in *England* could produce amongst us; and, a Pury of Manners, which shew our *Reforming Socities* to be as despicable as they are Usefess, or Wrfes.

If they are described by those that d not know them, as *stiff* and ungraceful in their Deportment, so far is it from being true, there are

not any People World of more flowing
 Affability, more Kindness, and easy Hu-
 manity than many the Quakers, who are taxed
 with stiffness of Behaviour by the Priesthood;
 though there is a Day of Sun-shine, but the
Express Image of Priest-Craft may be seen in
 St. James's Pa^lloathed in Church-Buckram,
 with that *insolence* and *powerless Formality*,
 which would less move the Contempt of
 a Quaker, than the Indignation of a Gentleman.

Lastly,

If the Quakers are traduced by a defaming
 Parson, as *regarding their Duties to GOD and*
the KING, will they not yield Tythe to
 the Clergy ;

It is for the Conclusion of this Dif-
 course, be observed in their Favour ; That,

It is to their Duty to *Almighty GOD*,

IN conceiving the Clergy to have any
 Right of Maintenance from Reason or Revelation,
 this People who do not pay it, are justified in
 refusing. 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

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 *his 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 Advocate of *Corruption*, He shew'd the *Whiggs*, that with him it was more natural to be the *Slave* of their Power, than a *Profelyte* to their Principles of Liberty.

From

From such a Man, such a Charge of *not regarding Duties* to GOD and the KING, ought to be considered as pure Defamation 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.*

F I N I S.
