

SPECIAL
COLLECTIONS
DOUGLAS
LIBRARY



QUEEN'S UNIVERSITY
AT KINGSTON

KINGSTON ONTARIO CANADA

P A P E R S

Relating to the

Quakers TYTHE BILL:

V I Z.

- I. EXTRACTS from the yearly Epistles of Meeting of *Quakers*, held in *London* relating to TYTHES.
 - II. 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, and Oblations, and other Ecclesiastical Dues from the People called QUAKERS*: And also Remarks upon a printed Paper, intituled, *The Case of the People called QUAKERS*.
 - III. THE *Country Parson's* Plea against the *Quakers* Tythe Bill: Humbly addressed to the Commons of *Great-Britain* assembled in Parliament.
 - IV. THE Case of the People called QUAKERS.
-



L O N D O N :

Printed for J. ROBERTS, in *Warwick-lane*.

M. DCC. XXXVI.

AC911.1736.P36



P A P E R S

Relating to the

Quakers TYTHE BILL.

No. I. EXTRACTS *from the yearly Epistles of Meeting of Quakers, held in London relating to TYTHES.*



AT a Time when the *Quakers* are desiring a very uncommon Favour from the Parliament, in relation to their Tythes, it cannot be improper to inform the Publick, from their own Declarations, made in the most solemn Manner, what their true Sentiments and real Views are, with respect to Tythes.

The common Supposition is, That the *Quakers* mean by their present Attempt no Injury to the Clergy, nor to defraud them of their just and legal Rights; but desire only an easy and unexpensive Way of being forced to that Compliance with the Law, which their Consciences will not permit them to yield willingly.

But whether the *Quakers* mean no more than this, or will be contented with this, if it should be granted them, may be best learned from themselves.

It is the Custom of the *Quakers* to send from their yearly Meeting in *London* an Epistle to their distant Friends, advising them in Matters of Importance to their common Interest. I have before me five of these Epistles:

99.00
Jan 1940
Youngs 25 #140
DR/sc

That of 1731. is intituled,
 “ The Epistle from the yearly Meeting held in
 “ *London* by Adjournment, from the 7th to
 “ the 11th Day of the fourth Month, 1731.
 “ inclusive, to the Quarterly and Monthly
 “ Meetings of Friends and Brethren, in
 “ *Great Britain, Ireland, and elsewhere.*

It concludes thus :

“ Signed in and on Behalf of the yearly
 Meeting,

“ By *William Williamson,*
 “ Clerk to the Meeting this Year,

The Titles of the other four are *mutatis mutandis*
 the same.

That of 1732. is signed in the same Form,
 by *Edmund Gurney.*

That of 1733. by *John Moore.*

That of 1734. by *Daniel Vandewall.*

That of 1735. by *Edmund Gurney.*

What follows relating to Tythes, is transcribed
Verbatim from the said Epistles.

* “ And, dear Friends, an earnest Travail and
 “ Concern of Mind remains upon the Spirit of
 “ many Brethren, in order to excite all Friends,
 “ who make Profession of Truth with us, to stand
 “ faithful in that our ancient and Christian Testi-
 “ mony against Tythes of all Kinds (as well as
 “ Church-Rates, so called) according to the sever-
 “ al former Advices of this Meeting, particularly
 “ that in the Year 1706.”

† “ And, dear Brethren, inasmuch as it has been
 “ the frequent Practice of this Meeting to recom-
 “ mend to the several Quarterly and Monthly
 “ Meetings, tenderly to advise, and earnestly to
 “ exhort Friends to be careful in bearing a faith-

* *Epist.* 1731.

† *Epist.* 1732.

“ ful Testimony against the Antichristian Yoke of
 “ Tythes, Priests Maintenance, and Church-Rates,
 “ so called ; the Want whereof in some Places,
 “ hath tended to the Uneasiness and Sorrow of
 “ many Brethren, and added to the Sufferings of
 “ such as have stood faithful in this our ancient and
 “ Christian Testimony ; and that the same may be
 “ amended for the Time to come ; this Meeting
 “ doth again earnestly recommend to the several
 “ Quarterly and Monthly Meetings, in the Love
 “ of Truth, tenderly to advise and exhort their
 “ respective Members to stand faithful in that
 “ Testimony ; and where any Friends are found
 “ weak and deficient therein, that they deal with
 “ such in the Spirit of Love and Wisdom, accord-
 “ ing to former Advices in this Meeting, particu-
 “ larly that in the Year 1706.

“ It is also the earnest Desire of this Meeting,---
 “ that all Quarterly and Monthly Meetings be
 “ careful to advise their respective Members to
 “ bring in the Accounts of their Sufferings, &c.
 “ that they may be duly recorded, and brought
 “ yearly to this Meeting, agreeable to our Epistle
 “ 1687.

* “ And, dear Friends, this Meeting observing a
 “ Remissness in some Places in respect to our
 “ Testimony against that Antichristian Yoke of
 “ Tythes, an earnest Concern and Zeal has been
 “ on the Minds of Friends, that all might be exci-
 “ ted and stirred up to Faithfulness therein. In
 “ order thereunto, we think necessary to put you
 “ in mind, that the Zeal of our Friends, who have
 “ abode faithful in their Testimony against paying
 “ Tythes, Steeple-house Rates, and Priests Main-
 “ tenance, has greatly tended to the opening the
 “ Eyes of many, not only in this, but also in other
 “ Countries. We received last Year an Account
 “ from *New-England*, where our Friends formerly

* *Epist.* 1733.

“ underwent grievous Sufferings, that a Law is
 “ made exempting them from paying either to the
 “ Maintenance of the established Ministers, or the
 “ repairing their Worship Houses : And it is our
 “ Belief, that if all Friends here had been faithful
 “ in their Testimony against Tythes, the Time of
 “ our Deliverance from that Oppression, under
 “ which this Nation yet groans, would have been
 “ nearer at hand. We do therefore earnestly
 “ exhort a close coming up in that, and every
 “ other Branch of our Testimony, tending to the
 “ Promotion of Gospel Liberty, which it has been
 “ our Concern, ever since we were a People, thro’
 “ manifold Sufferings, to maintain. And if any
 “ Weakness or Unfaithfulness shall appear among
 “ the Professors of the Truth, we hope faithful
 “ Friends and Brethren will not be wanting to
 “ administer Help and Admonition, in the Love
 “ and Counsel of GOD, as they shall see Occasion;
 “ for the restoring and strengthening of such,
 “ according to the Advice given by the Apostle,
 “ *Gal. vi. 1. Brethren, if a Man be overtaken in a*
 “ *Fault, ye which are spiritual, restore such an one*
 “ *in the Spirit of Meekness.*”

* “ And, dear Friends, for the sake of those
 “ particular Persons in some Places, who yet con-
 “ tinue remiss in maintaining their Testimony
 “ against the Antichristian Yoke of Tythes, we
 “ think it necessary to repeat the Advice given last
 “ Year, That Friends, as they shall see Occasion,
 “ in the Wisdom of GOD, would admonish such,
 “ and in a Spirit of Love and Meekness endeavour
 “ to help and strengthen them, and to excite and
 “ stir them up to Faithfulness in that Branch of
 “ our antient Testimony.”

† “ And, dear Friends, as it hath been the Con-
 “ cern of this Meeting frequently to advise, that
 “ Friends should stand faithful in their Testimony

* *Epist. 1734.* † *Epist. 1735.* Advice concerning Tythes.

“ against that Antichristian Yoke of Tythes, so
 “ we do now renew our Advice in that respect.

“ And we earnestly intreat the Faithful among
 “ you, to take all suitable Opportunities of endeavouring to demonstrate, to such as are weak and
 “ unfaithful, the Importance of our Testimony
 “ against receiving or paying of Tythes; *the natural Tendency* whereof is, to obtain that Liberty
 “ which the purest Ages of Christianity enjoyed;
 “ that is, a Liberty for *any Person*, moved by the
 “ Holy Spirit of God, to preach the Doctrine of
 “ the glorious Gospel of our Lord and Saviour
 “ Jesus Christ freely, and of which they were
 “ not deprived till such time as great Corruptions
 “ of Doctrine and Practice were found
 “ amongst the Professors of Christianity, and the
 “ Civil Powers were prevailed upon to meddle with
 “ the Consciences of the People, which of Right
 “ are to be subject to GOD only.

“ We cannot therefore but bless the Lord, from
 “ an experimental witnessing of the Comfort and
 “ spiritual Advantage which arises from such a
 “ Liberty, that he was pleased to raise up our
 “ worthy Elders, and to give them a Testimony
 “ against that Antichristian Yoke, making them
 “ willing, in this and other Nations, to suffer for
 “ that Testimony; thereby shewing to the World,
 “ what the Love of Christ is able to do; for we
 “ believe, nothing short of that Love could have
 “ enabled them to suffer the Spoil of their Goods,
 “ and the long Imprisonment of their Bodies, even
 “ unto Death, as some of them did, for their conscientious Refusal to pay Tythes: And we have
 “ Reason to believe, that if all amongst us had
 “ followed their Example, by abiding faithful in
 “ this our Christian Testimony, we might before
 “ this Time have been in a great measure relieved
 “ from under that Oppression.”

These

These Passages speak as plainly for themselves, as any body can speak for them. If you ask, Why all this Earnestness to keep up the Opposition? Why all this Concern to exhort Friends to suffer? Why all this lamenting over those, who had brought their Consciences to comply with the Law of their Country? You may see the true Reason in the Epistle 1733.

They tell you, that *the Zeal of Friends, who have abode faithful in their Testimony against paying Tythes, Steeple-house Rates, and Priests Maintenance, has greatly tended to the opening the Eyes of many, not only in this, but also in other Countries.*

What they here mean by *opening the Eyes of many*, appears by the Instance they give from *New England*. It seems, the *Eyes of the Government* were so opened there, that the *Quakers* obtained a Law for exempting them from paying either to the *Maintenance of the established Ministers, or the repairing their Worship Houses.*

And they tell their Friends, that had they persisted with equal Zeal to bear their Testimony against Tythes, &c. the *Eyes of the Government here* might have been very near opening too. Their own Words are; *It is our Belief, that if all Friends here had been faithful in their Testimony against Tythes, the Time of our Deliverance from the Oppression under which this Nation yet groans, would have been nearer at hand. We therefore earnestly exhort a close coming up in that — Branch of our Testimony.*

Thus the Case stood with them in 1734.

In 1735. they declare it to be their Opinion, that if all among them had imitated the Example of those who *suffered the Spoil of their Goods, and the long Imprisonment of their Bodies, even to Death, — they might before this Time have been in a great measure relieved from their Oppressions.*

You

You see how strongly they call upon their Friends to stand out, even to *Death*, against paying Tythes. And why? Is it not plainly, that their Leaders and Directors above might with a better Grace complain to Parliament?

They have now complained to Parliament of their *grievous Sufferings by Prosecutions*, &c. and yet they yearly complain of their Friends, that they do not suffer enough. — So much did they want Matter for just Complaint.

In this last Year's Epistle they open their Views yet farther to their Friends, and let them into a Secret, That their Zeal against Tythes has a *natural Tendency to obtain* — a *Liberty for any Person moved by the Holy Spirit of God, to preach the Doctrine*, &c. *i. e.* it tends to destroy the Christian Ministry, and all Establishments. — These are they, who are supposed to mean no Wrong to the Minister, and to desire only that he may recover his Tythes in a Way not oppressive to the *Quakers*!

Judge now, whether the Continuance of the Obstinacy of many *Quakers* in the Country, in the Matter of Tythes, be not owing in great measure to the vehement Exhortations of their General Meetings.

Judge likewise, whether the *Quakers* can approve the present Proposition in their Favour, any otherwise than as it is one Step (and a great one it may prove) to their being totally exempted from paying Tythes and Steeple-house Rates.



NUMBER II.

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 and Oblations, and other Ecclesiastical Dues from the People called QUAKERS: And also, Remarks upon a printed Paper, intituled, The Case of the People called QUAKERS.

IN the Parliament of the 7th and 8th of *Will. 3.* there was an Act pass'd, for the Recovery of *Tythes and Church-Rates*, not exceeding the Value of Ten Pounds, due from *Quakers* who shall refuse to pay the same. Which Act was, in the first Year of his late Majesty's Reign, extended to all customary or other Rights, Dues, or Payments belonging to any Church or Chapel.

These Acts, which are now in Force, provide a *summary Method* of recovering Tythes, Church-Rates, &c. due from *Quakers*, *i. e.* by Warrant from two Justices of the Peace, with an Appeal from their Judgment to the Quarter-Sessions; but the Acts leave the Clergy and Lay-ImproPRIATORS wholly at Liberty, either to take that summary Method, or such other *legal and ordinary Methods*, as the Laws of the Land have directed.

Under

Under this Benefit of *chusing* the Method which was lik'd best, the Bishops and Clergy of those Times could have no Objection against the two foremention'd Acts; because, if in any Case the Clergy should find Reason to suspect *Prejudices* or *Influences* in the summary Way, they were left at full Liberty to prosecute their Right in the other Ways. But as the Design of the Bill now depending in Parliament, is to deprive the Clergy of that *Liberty*, and to confine them, absolutely, to the new Methods of Recovery first created by those two Acts, they have Reason to apprehend great Inconveniencies from it.

The *Quakers* are known to be a People, who have a Sort of National Government among themselves. They have their stated Meetings within particular Districts in the Country; and, in *London*, a yearly Meeting of Deputies or Representatives from all Parts of the Kingdom, to treat of the general Concerns of the Body; and a Committee of particular Persons residing in or near *London*, to maintain a constant Correspondence with their Brethren all over the Kingdom. This united Strength, and the Power they are known to have to direct the Application of it to such Persons and Purposes as they think fit, gives them great *Influence* in Counties and Boroughs.

By both the forementioned Acts, the Tythes are supposed to be *carried away*; for, according to the Principles of the *Quakers*, Tythes may no more be *set out*, than *paid*. And as there may be a *Latitude* in fixing the true Value of the Tythes when carried away, so the Clergy may have good Reason to consider, in particular Cases and Circumstances, that such a Latitude is least likely to be taken, by Judges who have stated *Rules* of Proceeding; and who are not only *sworn* to do Right, but to whom also the Parties are equally

unknown and unserviceable. For which Reason, it is specially provided by Act of Parliament (33 H. 8. c. 24.) “ That no Justice shall be
 “ Justice of Assize, in the County where he
 “ was *born*, or doth *inhabit* ;” and this, not from any Suspicion of his Integrity, but lest his *Judgment* itself should be bias’d.

As the Laws stand at present, several of the *Quakers*, knowing that it is in the Power of the Incumbent to prosecute them in the Exchequer or Ecclesiastical Court, find Ways of satisfying him, by themselves or their Friends, in some other Shapes than a *direct Payment* of Tythe. But this is not to be expected, if the worst they have to fear, is the paying the bare Value of the Tythe, according to the Estimate to be made of it by the Justices at the Quarter Sessions, *with such Costs as to them shall seem just and reasonable.*

The *Quakers*, to induce the Legislature to take from the Clergy the legal Remedies which the two foremention’d Acts leave them at full Liberty to pursue, have represented their Case in a printed Paper, as follows :

“ These Acts [meaning the Acts beforemen-
 “ tion’d] ’tis humbly conceived, were intended
 “ not only for the Ease of the Prosecutor, but
 “ also to prevent Oppressive and Ruinous Prose-
 “ cutions.

“ Notwithstanding which, there have been pro-
 “ secuted in the *Exchequer*, *Ecclesiastical*, and
 “ other *Courts*, in *England* and *Wales*, for De-
 “ mands recoverable by the said Acts, above
 “ Eleven Hundred of the People called *Quakers*,
 “ of whom near Three Hundred were commit-
 “ ted to Prison, and several of them died Pri-
 “ soners.

“ These Prosecutions, though frequently com-
 “ menced for trivial Sums, from *Four Pence* to
 “ *Five*

“ *Five Shillings*, and great Part of them for Sums
 “ not exceeding *Forty Shillings*, have been attend-
 “ ed with such heavy Coſts, and rigorous Execu-
 “ tions, that about *Eight Hundred Pounds* has been
 “ taken from Ten of them, where the Original
 “ Demands did not amount to *Fifteen Pounds*.”

Theſe Suggestions, as they are laid, will be generally underſtood as a Reproach upon the Clergy. Whereas, many of the Proſecutions may have been by *Lay-Impropiators*, and many others for Church-Rates at the Suit of *Church-wardens*; ſuch Rates being made recoverable before the Juſtices, as well as Tythes; and the *Quakers*, in their Paper as above, do not ſay, *Demands of Tythes*, but *Demands recoverable by the ſaid Acts*. And as to ſuch of them as have been really at the Suit of the Clergy; it is by no Means probable that many are to be found in that Body, who will *chufe* a long and expenſive Method for the Recovery of their Rights, if they think they may be recover'd in a ſhorter and leſs expenſive Way.

But ſuppoſe the *Numbers* of ſuch Proſecutions, which have been carried on ſince the paſſing of the two Acts, to be truly ſtated by the *Quakers*, and that *all* the Demands were ſuch as *might* have been recover'd by thoſe Acts (for both which Facts, we have only their own Word,) yet no Judgment can be made, whether the Motives upon which either the Clergy or Lay-Impropiators declin'd one Method, and choſe the other, were reaſonable or unreaſonable, unleſs the *Circumſtances* of the particular Caſes were known; which cannot ſo much as be enquir'd into, till the *Quakers* give a particular Specification of the *Causes, Perſons, Places, and Times*.

Their ſuppoſing that the more tedious and expenſive Method has been, and will be, made Choice of out of *Ill-will, Malice, or Revenge*, is
 a heavy

a heavy Imputation; and it is no more than common Justice, that the Clergy should have an Opportunity to vindicate themselves from so foul a Charge. And since the *Fitness* of passing such a Bill as is now desired, depends not upon the Numbers of such Prosecutions, but rests wholly upon the Supposition that they have been begun and carried on upon such *undue* Motives; it is to be hop'd, that the Legislature will not deprive the Clergy of any Remedy which the Laws of the Land have given them, upon a bare *Surmise* of the *Quakers*; without any such Specification of Facts, as might give an Opportunity to enquire into the several Diocesess, into the *Truth* of them, and into the *Circumstances* of those *Suits*, and *Imprisonments*, which are made the Subject Matter of Complaint.



N U M B E R III.

*The Country Parson's PLEA, against
the Quakers Bill for TYTHES :
Humbly addressed to the Honourable
the Commons of Great-Britain, in Par-
liament assembled.*

Most Honoured,

IT is presumed, that it is no Offence for the
Meanest to offer Reasons to the Greatest :

Nor a Reproach to any Man to have a reason-
able Concern for his own Property.

Trusting to these Presumptions, I make bold
to lay my Case before you, in relation to the Bill
now depending for Quakers Tythes.

As I am a Subject of *Great-Britain*, as well as a
Minister of the Gospel, I have a Birthright in the
Law, and in having all Questions, relating to my
Property, determined in the Methods of Justice used
in this Kingdom, and not referred to an arbitrary
Decision ; *Nulli negabimus Justitiam* is the Language
of *Magna Charta*.

I envy the Quakers no Ease you intend to give
them, or can give them, provided it does not in-
jure my Property ; but I apprehend this Bill will
be greatly injurious to me, for the following Rea-
sons :

By

By the common Law of the Kingdom, as it stood before any Statutes were made in Aid of Tythes, and as it now stands, I conceive myself to have the following Rights ;

1. I have a Right to receive in Kind, and to my own Use, the due and accustomed Tythes arising in my Parish.

2. I have a Right to lett them to the Occupier of the Land, or to any other Person, at such Price as I can agree for ; and no Man has a Right to hinder me taking my Tythes in Kind, or to set a Value on them, if I think fit to lett them.

These Rights are common ones, and such as every Man in the Kingdom has over his own Property ; I claim them not as peculiar to the Clergy.

If the Bill now before you passes into a Law, these Rights will be taken from me, who have not, I conceive, forfeited them ; and transferred to others, who have not, I conceive, any Title to them. For,

1. No Quaker will, after such a Law made, ever set out his Tythes, but will retain them to his own Use ; and I shall be debarred having them in Kind, how necessary soever they may be to my own and my Family's Subsistence.

This will appear undeniably, by considering how the Law, in conjunction with the Quakers Conscience, will operate in this Case.

By Law the Parson cannot set out his own Tythe, and carry it away, but the Occupier of the Land must set out the Tythe ; and if the Parson intermeddles with the Corn before the Occupier hath set out the Tythe, he is liable to an Action.

The

The Quaker's Conscience will not permit him to set out the Tythe : So that what with the Law on one Side, and the Quaker's Conscience on the other, no Tythe can ever be set out in this Case.

2. When the Quaker has possessed himself, contrary to Law and good Conscience, of my Property, he will be subject to none of the Laws now in being, made for the Restraint of such Injustice.

3. If I *sue* for the Value of my Tythes, as the Bill intends I should ; yet even for the Value I am referred to an arbitrary Decision in the Country.

4. Consequently, I shall have a Property left in me by Law ; but such an one as I cannot take to my own Use, nor set a Price on to any other Person.

Is there any other Property in the Kingdom in the same Case? Or, is it fit there should be ?

The Quakers are great Traders ; Will they be content that their Neighbours should serve themselves with Goods out of their Shops and Warehouses, and bid them go to the next Justice to set the Price on the Goods so taken ?

But the Bill now before you being founded upon the Acts in the 7th and 8th of King *William*, which were Temporary Laws at first, and are now, having been found wholesome and beneficial Laws, made perpetual ; it will be proper to consider the Difference of those Laws and this now proposed.

The Difference is the widest that can be.

1. The Acts of King *William* were made in Support of Property, and gave easy Relief to the Person injured, as all just Laws ought to do.

2. The present Bill, if it ever is a Law, will be to the Injury of Property, and the Owner thereof; and will give Relief to the injurious Person only.

This will appear, by considering ;

1. That the Acts of King *William* took no Benefit of the Law from me. They provided an easy Remedy for the Recovery of small Tythes and Quakers Tythes ; but did not shut up the King's Courts against me, but left me at Liberty to take the new Method, or to resort, if it was necessary, to the old ones.

For this I had Reason to be thankful ; and have chosen always the new Method for my own Sake and my Neighbours Sake. But,

2. The present Bill takes from me the Benefit of the Law for the Recovery of my Property, and for restraining Injuries done to it ; and refers me for Recovery of my Right to an arbitrary Decision, contrary, as I conceive, to the Genius of this free Government ; and gives Security and Impunity to the Person who injures me, contrary, as I conceive, to natural Justice.

To explain this a little farther :

1. When I had my Choice of applying to the Law, or to the Justice of Peace, to recover my Due, the Quaker, as he had no Reason to expect
that

that I should give up the Maintenance of myself and Family to his Scruples, had Reason to thank me that I took the easiest Method to him; and, if my Demand for the Value of the Tythe subtracted, was reasonable, he had no Temptation to controvert it; for he well knew, that if by any undue Application he injured me once in this Method, the Consequence would be, that he would be expos'd in the next Instance to a Prosecution at Law. And probably the few Prosecutions at Law, which have been against Quakers, may have been occasioned in this Manner.

2. For the same Reason the Justice could have no View but to do Right between the Parties; this Power could not be used to court the Quakers Interest in Elections, (which is a great one); for it would do but one, and for once it was not worth the while.

But if this Bill passes, the Case will be alter'd in these Respects: For,

3. The Quaker knowing that I have no Resort to the Law, but must be concluded by the Justices in the Country, will not only keep my Tythe from me, but will use all his Art and Application to reduce the Value by the Judgment in the Country, which at present it is not his Interest to do.

4. 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 Dealers, have Influence over many others, and will act as one Man in Opposition to the Parson.

I have but one Vote for the County, and no Interest.

5. By this Bill I must be ty'd down for the Value of my Tythes by the Judgment of the Gentlemen out of whose Lands the Tythe arises, and whose Tenants pay it: And it is a legal Objection against a Juryman, that he has an Interest in the Cause, tho' his Honour and Integrity be otherwise unsuspected.

6. The Appeal to the Quarter Sessions will be little Comfort to the poor Parson; who must appeal against the two Justices who gave the Sentence, as well as against the Quaker who withheld his Tythe. The two Justices 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 40 or 50 Shillings, (a great Part of the Demand) than that two worthy Gentlemen, Justices of the Peace, should be suspected of Partiality.

7. The Bill extending to all Tythes under Ten Pounds Value, will take in at least two Thirds of the Tythes of *England*. It commonly is the Case that there are two or three large Farms in a Parish, and that the rest is held by small Freeholders, or by little Farmers, who together hold two Thirds of the Land or thereabouts, and pay each under Ten Pounds for Tythes. In Countries
where

where Farms are generally small, as in the *North* and in *Wales* they are, the Bill will take in the whole Property of the Clergy.

If two Thirds of the Tythes of *England* are to be, as they may be, subjected to an arbitrary Valuation in the Country; the other Third must submit, and the Bill will probably, in Process of Time, introduce a general *Modus decimandi* for the whole Kingdom.

Suppose, for Instance, that two or three Quakers in a Parish should get a Judgment confirmed at Quarter-Sessions, valuing the Tythe of their Corn at two Shillings, when indeed it was worth three or four *per* Acre: Is it to be thought, the rest of the Parishioners will ever pay more? Will they not say, that the Judgment of the Quarter-Sessions, the *Dernier Resort* in the Case, ought to conclude the Parson? What must I do then? Shall I take my Tythe in Kind? Can you think they will let me? when it is but putting on a broad Hat, and a short Cravat, and they will be safe under the Protection of this Bill in keeping the Tythes to themselves; and may laugh to see me travelling from the Justices to the Quarter Sessions, and at last, after much Trouble and Charge, and paying them their Costs, compelled to take the Quarter Sessions Price. A few such Instances in a County will make the Quarter Sessions Price, a standing Rule for the Value of Tythes in that County.

8. There has been formerly a Case not unlike the present Case; and it is worth observing in what manner your Ancestors treated it.

1. About the 27th of *H. 8.* when the lesser Monasteries were destroyed, the People thought they might take a Share in the Revenues of the Church as well as the King. In what manner they reasoned, I know not: But my Lord *Coke* observes, (2 *Instit.* 648.) *The Noise of the Dissolution of Monasteries in the Parliament holden 27th Year H. 8. (Laymen taking small Occasions to withdraw their Tythes) was the Occasion of making the Stat. 27 H. 8. Cap. 20.* And it appears by an Injunction of the King's in 1538, about two Years after, That the People took upon them to withdraw their Tythes, when they disapproved their Minister's Conduct. *Fox's Act. and Mon.* 326.

2. In the 31st of *H. 8.* the greater Monasteries were dissolved; and the Tythes which belonged to them, were granted out by the King, and became Lay Fees.

This gave a new Handle for withdrawing Tythes. Many who had been persuaded that they ought in Conscience to pay Tythes to the Clergy, made no Conscience of withholding their Tythes from Laymen; and they were the more encouraged, because the Lay Impropiator had no Remedy. He could not sue in the Ecclesiastical Court, being a Layman; nor in the King's Temporal Courts, for they did not ordinarily at that Time hold Plea of Tythes.

This Obstinacy went so far, that, as it appears in the Acts, some Persons did not only stand out the Prosecution, but did, after Sentence given, wilfully refuse to pay their Tythes.

Consider

Consider now how the Parliament of that Time treated these Pretensions.

1. They stile these Men *Evil-disposed Persons*, 27 H. 8. *Not regarding their Duties to Almighty God, and to the King*, 32 H. 8.

2. They did not discharge the proper Court from intermeddling in the Causes of these Persons, but they strengthened the Jurisdiction, and empowered any of the King's Council, or two Justices, upon Request made to them, to aid the Court, by *attaching* the Person against whom such Request shall be made, and committing him to *Ward*, till he found Security to give due Obedience, &c. 27 H. 8.

3. The 32d H. 8. enables the Lay Impropiator to sue in the Ecclesiastical Court; and *in case any Person or Persons do, of his or their ungodly and perverse Will and Mind, detain and withhold any Tythes or Offerings, &c.* the Statute gives the like Remedy against the Person, and like Aid to the Court as was given before by 27 H. 8.

4. But these two Statutes, after all the Force and Aid they had given to the Jurisdiction of the Court in Matter of Tythes, proved ineffectual; and the Reason, as may be gathered from the subsequent Statute of *Ed. 6.* was, That when the Farmer had subtracted his Tythe, the Parson could sue only for Damages, which depending on the Value of the Tythe subtracted, the Witnesses, who were generally Farmers and Countrymen, did so undervalue the Tythes, that the Parson, tho' he recovered against the Farmer, was sure to be a great Sufferer
by

by the Suit. Had Things been suffered to continue in this State, the Legislature saw that Tythes would sink to Nothing, and the established Ministry be left without Maintenance, by the Iniquity and Partiality of Witnesſes, when little could be recovered in proportion to the real Value of the Tythe ſubtracted, and that too, by a very great Expence at Law. Therefore

The Statute of the ſecond and third of *Ed. 6.* gave a *Forfeiture of the treble Value of the Tythes in one Caſe*, (as the Statute has been expounded) and gave *double Damages over and beſideſt the Coſts, Charges, and Expences* in another.

So far were the Legislature from thinking it reaſonable to ſubmit the Value of Tythes ſubtracted to the Evidence of Countrymen, that they gave the treble Damages, and double Damages with Coſts, &c. to ſecure the injured Perſon in all Events; for Witnesſes could not with Safety to themſelves in a Court of Juſtice bring the Value ſo low, but that treble the Sum would reach the true Value.

5. This laſt Statute wrought the deſired Effect. The treble Damages and double Damages, with Coſts of Suit, cured the *perverſe Will* complained of in the Statutes, and the People from that Time conſidered Tythes as due by the Law, and went on paying them, till the new Sect of Quakers aroſe, and pleaded Conſcience againſt paying Tythes due and accuſtomed according to Law.

We are now then once again in the Caſe which produced the three Statutes beforementioned.

And what is the Remedy now propoſed?

The

The Bill depending before you proposes,

1. To take away the Jurisdiction of all the King's Courts in the Case of Quakers Tythes.

2. To repeal, as against the Quakers, the three Acts beforementioned.

3. To give the Quaker Liberty to take to his own Use the Tythes due to the Parson.

4. To compel the Parson to accept such a Value for his Tythes, as the Justices shall think fit to set on them.

The former Acts were made *against* the Offender.

This will be in his *Favour*.

The former Acts were made to punish the Person who defrauded the Parson of his Tythes.

This Bill will punish the Parson, who is defrauded; and will encourage and support the Quaker in setting up a Right, upon the Plea of Conscience, to another Man's Estate.

I say, to *another Man's Estate*; and 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 Supposition that no Tythes would be due from his Land? Is he a *Farmer*?

D

Let

Let him be asked, Whether *he* pays more Rent than *Churchmen* used to give for the Farm, in Consideration of his paying no Tythe? If he cannot say, that he either bought, or hired the Tythe, (and he can say neither) what Title has he to it? He possesses himself of it, and cannot possibly shew any Right to it; and therefore there must needs be *another* Owner, who has a *just* Right to it; but the Quaker, it seems, cannot in *Conscience* part with it; *i. e.* he cannot in Conscience permit his Neighbour to have and enjoy *his own* Property.

Give me leave, on this Part of the Case, to make one general Observation.

To secure Property, is one main End of Government; and therefore all *Opinions*, all *Practices*, inconsistent with the Preservation of Property, are also inconsistent with Government and Society. And I conceive, this 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 farther :

I. There is a Case of great Extent, and common Experience, for which the Bill provides no Remedy; that is, where the Tythes are subtracted, and the Parson does not, perhaps cannot possibly, know the Value, so as to found a Demand.

The Parson has no Right to go into the Parishioners Lands, which have no common Way thro' them: If he does, he is liable to be prosecuted for Trespafs. And it is not to be supposed, the
Quaker's

Quaker's Conscience will permit him to allow the Parson to go into his Grounds, to examine the Value of his Tythes : It would be a Crime, in his Opinion, equal to setting them out. It may therefore be impossible for the Parson to know the Value of the Quaker's Corn Tythe, and to make any Demand before the Justices for it. But with respect to small Tythes, this is *necessarily* the Case ; and therefore they are usually compounded at a moderate Rate : But how shall the Parson demand the Value of the Quaker's small Tythes ? It will not be supposed, surely, that the Parson is to keep a Register of all the Calves and Pigs born in the Parish ; and if he would do it, how *can* he ? He cannot go at all Times, or at any Time, into the Yards and Outhouses of the Quaker, to watch when a Cow falls into Labour : How then is the Value to be demanded before the Justice ? And, seeing I know not the Value, how shall I judge whether my Case falls under this Act, or is left at large, since *that* depends on the Value ?

Suppose, for instance, that the Blank in the Bill should be filled with 10 *l.* or any other Sum ; for the Case will be the same ; and I knowing the Tythes subtracted by the Quaker to be of the Value of 13 or 14 *l.* should bring a Bill in the Exchequer ; and the Value should be there disputed ; and an Issue directed to try the Value ; and the Verdict should settle the Value at 9 *l.* 15 *s.* What will my Case be ? The Bill says, No Tythes under Ten Pounds shall be *recoverable* in any Court. Consequently I can have no Judgment upon the Verdict ; but after an expensive Suit, and a very partial Verdict, must go to the Justices in the

Country ; and with little Hopes of obtaining more than the Jury gave.

As the Law now stands, the Parson can bring a Bill of Discovery into Chancery, or in the Equity Side of the Exchequer ; in which Case the Farmer is obliged to set out upon Oath his tytheable Matter, and the Value ; and is liable to Prosecution for Perjury, if he is guilty of it. But is every Justice in the Kingdom to be erected into a Chancellor? If not, by what Proceeding shall the Parson have a Discovery in these Cases ?

II. By Law, as it now stands, the Parson may *Subpœna* all proper Witnesses to give Evidence in his Cause ; but this Bill takes from him this legal Means of Defence ; if his Neighbours will go, it is well, he may get them if he can ; but the Justice has no Power to compel them, and the Parson is put to sue for his undoubted Right, and the Assistance of the Law, to enable him to prove it is taken from him.

III. In the original Cause before the Justice, the Parson is supposed to have just Cause of Complaint, and to recover, in some Shape or other, and to be intitled to Costs.

It is probable he may ordinarily be the Appellant to the Quarter Sessions, and Costs may be against him : How is it that the Bill limits the Costs in the first Instance, when the Parson is to receive them, and leaves them arbitrary in the Second, when the Parson may be to pay them ?

IV. If

IV. If the Quaker or his Witnesses give false Evidence before the Justice, and I bring an Information or Indictment against them, and fail to make a legal Proof, (as I easily may do) in that Case the Bill says, *The Defendant shall recover Treble Costs.*

By the Statute of *Edward VI.* the *Quaker* is now liable to *Treble Damages* for not setting out my Tythes: By this Bill the Case is much alter'd; If the Quaker refuses to set out his Tythes, and afterwards endeavours to defraud me in the Value by false Evidence, and I attempt to punish the Perjury, and fail in the legal Proof of it, *Treble Costs* are given *against me.*

What is my Case now? My Tythe itself is gone without Remedy; I may be cheated in the Value by the Means of corrupt Witnesses; and if I go a Step farther, it is at the Peril of paying *Treble Costs.*

Is this equal Justice?

V. The Effect this Bill will have upon the Quakers themselves, ought to be considered.

Great Part of them have bid Adieu to these unjustifiable Pretences of Conscience; and yield their Tythes, or agree for them, as the rest of their Neighbours do. But if this Bill passes in compliance to the obstinate Part, those who have submitted to the Law of their Country must be ashamed, and return to their old Pretence in compliance to the Obstinate; who will be esteemed as
Confes-

Confessors, who by their Steadiness have made the Law give way, and exalted their misguided Consciences above the Property of their Fellow Subjects.

VI. As to the Sufferings of the Quakers; in their own Case they reckon 1100 and upward, prosecuted for Demands recoverable by the Acts of the 7th and 8th of King *William*.

Church Rates as well as *Tythes* are recoverable by the said Acts; and *Church Rates* are due in every Parish as well as *Tythes*.

Suppose then one half of the Prosecutions were, and probably more were, for Church Rates; for every Quaker as an Inhabitant of a Parish, is liable to Church Rates; but those only who are Farmers, are liable to pay Tythe; there will remain 550 Prosecutions for Tythes in 40 Years since the making of the Act, that is, one Year with another, about 14.

The Parishes in *England* are near 10,000, and if you add Chapels and Curacies, they will not fall short of 12,000; and considering that there is a Vicar, there is also an Impropiator equally concerned in this Case, we may add one Third to the Number, or about 3000, so that the whole Amount will be 15,000.

Upon their own shewing then, it appears, that there has been not quite one Quaker *per Annum* prosecuted in a Thousand Parishes, &c.

Judge now whether the Clergy have not generally chosen the easiest Method for recovering their
Dues

Dues from the Quakers. If they had not, considering the Number of Quakers who will not pay till forced; the Prosecutions must have been more numerous.

This being the Case, there is great Probability, That if the Law is permitted to stand as it does at present, the Quakers will by degrees come off from their unreasonable Scruples; and that, in the mean Time, every *wise Clergyman*, for his *own Sake*, and every *good Clergyman*, in Compassion to his Neighbour the *Quaker*, will take the easy and cheap Method prescribed by the Acts of the 7th and 8th of King *William*, for the Recovery of his Dues.

But after all, if the Bill must pass, let it by all Means be general; for what has the *Churchman* done, that he should be left subject to the Prosecutions and Hardships at Law, from which it is thought reasonable to relieve the *Quakers*? And for myself, I had much rather lose my *Tytbe*, than my *Tytbe* and my *People* too.





NUMBER IV.

The CASE of *the* PEOPLE called
QUAKERS.



IN the 7th and 8th Years of the Reign of King *William* the Third, An *Act* was passed for the more easie Recovery of *small Tythes, Offerings, Oblations, Obventions* or *Compositions*, not exceeding the Yearly Value of *Forty Shillings*, from any One Person, in a summary Way by *Justice's Warrant*; which was continued by an *Act* of the 11th and 12th of the said King, and was made Perpetual by an *Act* of the 3d and 4th of QUEEN ANNE.

In the 7th and 8th Years of the Reign of King *William* the Third, in an *Act* for accepting the *Solemn Affirmation* of the People called *Quakers*, like Remedy is provided for the Recovery of *Tythes* and *Church-Rates* from *Quakers* who shall refuse to pay the same, the Sum not exceeding *Ten Pounds*; which *Act* being Temporary, was continued by a subsequent *Act*; and was by an *Act* of the

the 1st of King *George* the First, extended to all *Rates, Customary* or other *Rights, Dues,* or *Payments,* belonging to any *Church* or *Chapel,* to be paid for the Maintenance of any *Minister* or *Curate* in any *Church* or *Chapel.*

These Acts, 'tis humbly conceived, were intended not only for the Ease of the Prosecutor, but also to prevent oppressive and ruinous Prosecutions.

Notwithstanding which, there have been prosecuted in the *Exchequer, Ecclesiastical,* and other *Courts,* in *England* and *Wales;* for Demands recoverable by the said Acts, above Eleven Hundred of the People called *Quakers,* of whom near Three hundred were committed to Prison, and several of them died Prisoners.

These Prosecutions, though frequently commenced for Trivial Sums, from *Four Pence* to *Five Shillings,* and great Part of them for Sums not exceeding *Forty Shillings,* have been attended with such heavy Costs, and rigorous Executions, that about *Eight hundred Pounds* have been taken from Ten of them, where the original Demand, did not amount to *Fifteen Pounds.*

By such Prosecutions, the favourable Intent of the aforesaid Acts is in a great measure frustrated, and many of the said People suffer,


as if no such Laws were in Being: Though Christian Charity must admit, that their Refusal of such Demands is purely Conscientious; since no rational Man, considering his Circumstances and Family, would incur such severe Sufferings on any other Account.

'Tis therefore humbly submitted, Whether such Prosecutions, frequently attended with *Excommunications* and *Imprisonments*, be not *Grievances* which call for *Redress*; and whether it be not reasonable to *Restrain* the Prosecutors from Proceedings to *Ruinous* and *Destructive*.





A Supplemental EXTRA CT *from the*
Quakers yearly Epistles relating to
their Sufferings.

“  HE * Amount of Friends Sufferings
 “ in *England* and *Wales* brought in this
 “ Year, which are as usual for Tythes
 “ and Church-rates, so called, is Three
 “ thousand three hundred and five
 “ Pounds and upwards ; and there is one Friend
 “ a Prisoner on that Account.”

† “ The Account of the Sufferings of Friends in
 “ *England* and *Wales* brought in this Year, amount
 “ to Three thousand four hundred and nineteen
 “ Pounds and upwards ; chiefly for Tythes and
 “ Church-rates, so called. One Friend hath been
 “ discharged out of Prison since last yearly Meeting,
 “ and three remain Prisoners on that Account.”

|| “ The Account of Friends Sufferings in *Eng-*
 “ *land* and *Wales* brought in this Year, being
 “ chiefly for Tythes and Church-rates, so called,
 “ amount to Three thousand four hundred and
 “ fifty eight Pounds and upwards. Two Friends

* From *Epistle* 1731.

† *Epist.* 1732.

‡ *Epist.* 1733.

“ have been discharged out of Prifon laft Year,
 “ and two are now remaining Prifoners.”

* “ The Accounts of Friends Sufferings in *Great-*
 “ *Britain* brought in this Year, being chiefly for
 “ Tythes and Church-rates, fo called, amount to
 “ Three thoufand one hundred eighty-eight
 “ Pounds and upwards ; and thofe in *Ireland*, to
 “ One thoufand five hundred and eighty-five
 “ Pounds. One Friend has been discharged out
 “ of Prifon fince laft Year ; and one yet remains
 “ a Prifoner on account of Tythes.”

† “ The Amount of Friends Sufferings in *Eng-*
 “ *land* and *Wales* brought in this Year, being chiefly
 “ for Tythes and Church-rates, fo called, is Three
 “ thoufand five hundred and forty-five Pounds
 “ and upwards ; and in *Ireland*, One thoufand five
 “ hundred, and thirty-four Pounds and upwards,
 “ making together above Five thoufand and eighty
 “ Pounds. And one Friend is continued a Prifoner
 “ on account of Tythes.”

In the firft of thefe Accounts the whole Amount of their Sufferings is placed to the Account of Tythes and Church-rates ; and in the other four they are faid to be chiefly on account of Tythes and Church-rates : How much is to be deducted for other Grievances, or what the other Grievances are, I know not, probably the *Quakers* may foon call for further Relief, and then they will be explained.

But the Sums are large, in no Year fo little as Three thoufand Pounds, and this being all placed to the Head of *Suffering*, one would fuppofe it was

* *Epiſt.* 1734.† *Epiſt.* 1735.

spent in Law and Gaolers Fees: But the Case is far otherwise. It appears by their Letters *, that the principal Sums recovered for Tythes and Church-rates are included in these gross Sums.

If the Case is so, as it plainly is, their Accounts shew, not how much they have *suffered*, but of how much they would have *defrauded* the Parson and the Parish, if the Law had not interposed. And when they make up their next Account, if they would deal clearly, they should make the Parson and the Parish *Sufferers*; for the Person, who is forced to go to Law for *his own*, is the *Sufferer*, and not the Person who is forced to pay but what he ought to pay.

The Sums in these several Years being so near the same, it creates a Suspicion, that the same Persons are yearly concerned, as Sufferers in this Case; and perhaps it would afford Ground to calculate how many *Quakers* obstinately refuse to pay Tythe and Church-rates in *Great-Britain*; for by their Method, even the Money recovered before the Justices by the 7th and 8th of King *William*, must be brought to this Account of Suffering.

For the two last Years, there appears to be but *one* Quaker Prisoner for Tythes in the *two* Kingdoms of *Great-Britain* and *Ireland*; in no one of these Years above three; and could Accounts for five Years more backward be fairly examined, the Case would probably be much the same.

The *Quakers* in the *Country* should observe, that their Friends at the yearly Meeting, who call upon

* In 1687, 1693, 1689.

them

them so often and so earnestly, to suffer all Extremities rather than pay Tythes, are themselves generally *Merchants* and *Traders* in the great Cities and Towns, and have *no Tythes* to pay, and therefore are in no danger of bearing any Share of the Burden, and I have not heard of any of *those* in Prison for *Church-rates*: They pay their Taxes and Customs like other People, and exhort the poor Farmers to die in Prison rather than pay their Tythes and Church-rates, though equally due, and by the same Law of the Land. I think Country Friends have reason to complain.

F I N I S.



