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S P E E C H  
D E L I V E R E D B Y  
H E N R Y B E A U F O Y, E S Q.  
I N T H E  
H O U S E O F C O M M O N S,  
U p o n t h e 28t h o f M a r c h, 1787,  
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M O T I O N F O R T H E R E P E A L  
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T E S T A N D C O R P O R A T I O N A C T S;  
I N C L U D I N G A L S O  
T H E S U B S T A N C E O F H I S R E P L Y.

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L O N D O N:  
P R I N T E D F O R T. C A D E L L, I N T H E S T R A N D; A N D  
G. C. J. & J. R O B I N S O N S, P A T E R N O S T E R - R O W.

M D C C L X X V I I

NOV. 1959, 092

## ADVERTISEMENT.

**T**HE late debate in the House of Commons, on the Motion for the Repeal of the Test and Corporation Acts, was upon a subject so interesting, not only to the whole Body of Protestant Dissenters in this Kingdom, but to all the Friends of civil and religious Liberty, that nothing could be more natural than a Desire to be acquainted with the Arguments which were advanced on the Occasion. Accordingly, several Gentlemen have been urgent with Mr. Beaufoy, to favour them with the Substance of what was delivered by him in moving the Question, and in the Course of his Reply. To this Request he has obligingly acceded; and it is with particular Pleasure that the Editor commits the Speech to the Press; being perfectly satisfied that it cannot fail of displaying, in a clear and strong Light, the Justice, the Wisdom, and the good Policy on which the Motion was founded. It is hoped that what was so ably and energetically urged by the rest of the Gentlemen who spoke in the Debate, will, in some Form or other, be laid before the Public;

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## ADVERTISEMENT.

lic: Nor need the Reasonings be feared that were produced on the opposite Side of the Question, from whatever high and eminent Quarters they might come. The Case of the Protestant Dissenters requires only to be maturely considered and thoroughly understood, in order to render their applications for redress finally successful.

S. U. B.



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S U B S T A N C E

O F A

S P E E C H, &c.

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**I** AM sensible (Mr. Speaker) that in a business so important as that upon which we are this day assembled, it might have been expected that the large proportion of the inhabitants of this kingdom who are now, by my voice, suitors to the House, would have been more studious of experience and ability in their advocate. It may naturally excite surprize, that in a cause which so deeply concerns their interests and their honour, they should have committed the management of their suit to a man of so little pretensions to parliamentary skill, and of talents so humble as mine.

Sir, their conduct admits of only one explanation: they have confidence in the justice of their cause, and they have equal confidence in the candour and liberality of the House. They know

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that

that in addressing the most enlightened men of the most enlightened age, the artificial aids of rhetoric cannot be necessary to enforce the arguments of reason. They know that in addressing a parliament which possesses, beyond any that ever assembled within these walls, the confidence and affection of the people; a parliament under whose auspices, and by whose guidance this kingdom, to the disappointment of her enemies, and the astonishment of the world, has recovered from her desolated state; a parliament whose decisions proclaim to every part of the empire, that, under their government, no individual shall be deprived of his rights without just cause, nor penalties be inflicted without the commission of a crime;—they know that in addressing such a parliament, it will be sufficient for them to prove that, contrary to the first principles of justice, they are subjected to *punishment* without the imputation of *guilt*; amerced of the common privileges of citizens, without the suspicion of offence; and condemned to perpetual degradation and dishonour, unless they will consent to incur the guilt of renouncing that right of private judgment in matters of religion which the God of nature has given them.

Three different classes of our fellow-subjects are aggrieved by those provisions in our laws of which I shall propose the repeal.

The

The first is composed of all those Englishmen who are Dissenters from the Church of England.

The second is composed of all the members of the established Church of Scotland.

The third consists of all those respectable clergymen of the Church of England, who think that the prostitution of the most solemn ordinance of their faith to the purposes of a Civil Test, is little less than a sacrilegious abuse.

Of these several descriptions of my fellow-citizens, entitled as they all are to particular regard, the Dissenters have the first claim to my attention; for they have publicly requested,—a request which they confined to their own case, lest they should be thought presumptuous in expressing the complaints of others—they have publicly requested that I would submit to the consideration of parliament, the propriety of relieving, from penalties of disqualification and reproach, so many hundred thousands of his Majesty's ardently loyal and affectionate subjects.

Of the earnest anxious solicitude they feel to obtain relief; and of the unanimity with which they prefer their prayer to parliament, the House will

be enabled to judge from the mention of a single fact.

The Dissenters of England are chiefly composed of the Presbyterians, the Independents, and the Baptists, who differ in many circumstances of doctrine and discipline, but who all agree in the custom of annually appointing two deputies from each of their congregations in the metropolis, and in all the neighbouring districts within ten miles of the metropolis, for the management of their affairs; a custom which has long been established among them. Now it is by the *unanimous* voice of that Assembly of Delegates, supported by the wishes, earnestly expressed in letters, of their brethren in all parts of the kingdom, that the present request solicits the attention of parliament.

With the permission of the House, I will read to them two resolutions which constitute, in the present business, the principal proceedings of the delegates.

“ At a general meeting of the deputies of the  
 “ three denominations of Dissenters, held at Dr.  
 “ Williams’s Library, Red-cross-street, London,  
 “ on Friday the 5th of January, 1787, to con-  
 “ sider of an application to Parliament, for the  
 “ repeal of the Test and Corporation Acts.

“ Edward

“ Edward Jefferies, Esq. in the chair.

“ The question being put and fully debated, it  
“ was thereupon

“ Resolved *unanimously*, That an application be  
“ made to Parliament, for a repeal of the Corpo-  
“ ration and Test Acts, so far as they concern  
“ Protestant Dissenters.

“ Resolved also, That it be referred to the  
“ Committee, to take the most effectual mea-  
“ sures for carrying the above resolutions into ex-  
“ ecution.

“ At a meeting of the Committee, held at the  
“ King’s-Head Tavern, in the Poultry, on  
“ the 2d of February, 1787.

“ Mr. Jefferies in the chair.

“ Resolved, That the mode of proceeding in  
“ the House of Commons, for the repeal of the  
“ Corporation and Test Acts, be by *motion*.

“ Resolved, That Mr. Beaufoy be desired to  
“ make the motion for that purpose.”

From these proceedings the House will be con-  
vinced how very idle and frivolous those reports  
are

are, which intimate that the Dissenters in general do not desire relief.

Thus authorized, I am happy, in the outset of our deliberations, to declare that the grievances of which the Dissenters complain, are of a *civil*, not of an *ecclesiastical* nature.

They humbly solicit a restoration of their *Civil Rights*, not an enlargement of their *Ecclesiastical Privileges*. It is of consequence that this fact should be distinctly stated, and clearly understood; for the very word Dissenter leads, so naturally, to the supposition that their complaints are of an ecclesiastical kind; and their acknowledged merit as citizens, so naturally excludes the idea of its being possible that the law should have deprived them of any of their civil rights, that I feel myself under a necessity of stating, at the very threshold of the business, that their prayer has nothing ecclesiastical for its object. They wish not to diminish the provision which the legislature has made for the established church, nor do they envy her the revenue she enjoys, or the ecclesiastical privileges of dignity and honour with which she is invested. If their aim had been to attack the rights of others, and not merely to recover their own, they would not have chosen a member of the church of England for their advocate, nor could I have accepted such a trust. So far are they indeed from trespassing

sing on the rights of *others*, that even the restitution of their *own*, they did not solicit till the public tranquillity was compleatly restored, and till a season of leisure from other avocations had afforded the legislature a convenient opportunity of considering the hardships by which they are aggrieved. That men of acknowledged merit as citizens, of known attachment to the constitution, and of zealous loyalty to the sovereign, should at no time solicit relief from unmerited disabilities and undeserved reproach, is not to be expected from the Dissenters, for it is not to be expected from human nature. But in praying for that relief, they have chosen the *time* which they thought the most convenient to Parliament, and the *mode* which they deemed the most respectful to the House. United in sentiment on this occasion, to a degree which I believe unexampled in any other body of men, and hitherto unknown among themselves, and forming in most of the towns of England, a large proportion of the inhabitants, they did not chuse to crowd your table with petitions. They wished to owe their success, not to the *number* of the *claimants*, but to the *equity* of the *claim*; and they have observed that justice never pleads more powerfully with the House, than when she approaches them accompanied only by her own compleat perfections.

The

The disabilities which the law has imposed on the Dissenters, are contained in the provisions of two Acts of Parliament, that were passed in the reign of King Charles the Second, and which are generally known by the name of the Test and Corporation Acts.

In the first place, therefore, I shall state what those provisions are.—In the next place I shall describe the periods at which, and the circumstances under which they were severally made.—I shall then prove, on the clearest evidence, that the Test Act, which constitutes their most extensive grievance, was not levelled against the Dissenters, and that the causes which dictated the Corporation Act have ceased to operate. — And lastly, I shall demonstrate on the plainest principles of reason, that the repeal of those provisions would not only be attended with no disadvantage to the State or Church, but would bring with it increase of strength to the one, and additional security to the other.

The Corporation Act declares, that no person shall be elected into any corporation office, who shall not, within one year before such election, have taken the sacrament of the Lord's Supper, according to the usage of the Church of England.

The



The Test Act declares, that every person who accepts a civil office or a commission in the army or navy, and who does not within the time prescribed by the Act, take the Sacrament of the Lord's Supper, according to the usage of the Church of England, shall be disabled in law, to all intents and purposes whatever, from occupying any such civil office, or from holding any such military commission; and if, without taking the sacramental qualification within the time prescribed by the Act, he does continue to occupy a civil office, or to hold a military commission, and is lawfully convicted, then, Sir, (and I beg leave to intreat the attention of the House to this most extraordinary punishment) then, he not only incurs a large pecuniary penalty, but is disabled from thenceforth, for ever, from bringing any action in course of law, from prosecuting any suit in any court of equity, from being guardian of any child, or executor or administrator of any person, as well as from receiving any legacy.

If then the zeal of a Dissenter for the service of his country, should have induced him to bear arms in her defence, and to hazard his life in her cause, what return does she make to his patriotism? She strips him of every right which is dear to the man, or honourable to the citizen; for, if he is convicted of having fought her battles without the sacramental qualification, she tells him,

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your

“ your property shall no longer be protected by  
 “ the law : the very privileges which arise from  
 “ the private relations of life shall no longer be  
 “ yours. Has your deceased brother appointed  
 “ you by his will, the guardian of his orphan  
 “ child ?—that trust you shall not execute. Has  
 “ a near relation bequeathed to you a legacy ?  
 “ has your father left to you his inheritance ? that  
 “ legacy, that inheritance, you shall never enjoy.  
 “ Even the property you at present possess, shall  
 “ no longer be secure ; for while, to the claims  
 “ of others upon you, the courts of justice shall  
 “ continue to be open ; to your claims upon others,  
 “ they shall, from this time for ever, be inexor-  
 “ ably shut. Thus beggared and stript of your  
 “ all, the vengeance of the law is not yet com-  
 “ plet : the Test Act exacts from you a penalty  
 “ which, even in a flourishing state of a soldier’s  
 “ fortune, might be thought excessive ; and if  
 “ that penalty is not paid, a prison is your lot.”

Sir, this is not the language of an imaginary law,  
 ’tis the language of one of your statutes ; I describe  
 it exactly as it is.—Such is the treatment  
 the Dissenter receives, if he embraces the pro-  
 fession of a soldier ; a profession which, in all  
 ages, and in all countries, has been esteemed  
 the most honourable, and which, in many coun-  
 tries, and for many ages, was considered as the  
 chief distinction between the freeman and the  
 slave.

Of

Of similar harshness is the language of the law towards every Dissenter, who shall apply himself to the profession of a merchant. “ The town in  
 “ which you live, may have owed to you much of  
 “ its prosperity ; yet in the offices of that town,  
 “ in the management of its revenues, in the care  
 “ of its public concerns, you shall have no parti-  
 “ cipation. The kingdom itself is largely your  
 “ debtor : you have extended her trade ; you  
 “ have added to her wealth ; the revenues of her  
 “ excise are increased by your manufactures ; the  
 “ receipt of her customs is swelled by your com-  
 “ merce, and many of the seamen, who form the  
 “ defence and bulwark of the state, were first  
 “ employed in your ships, and were trained to the  
 “ service by your means ; yet, in return for these  
 “ benefactions, the Act excludes you from all  
 “ offices and trusts. Its language towards you is,  
 “ that of perpetual alienation. Though one of  
 “ the best of citizens, it deprives you of the com-  
 “ mon rights of citizenship. Your interest in  
 “ the happiness of the kingdom is great : your  
 “ property in the funds is large : the pledges of  
 “ your attachment to the state are the strongest  
 “ that can possibly be given ; yet the Test Act  
 “ declares you unworthy of any confidence.—  
 “ Your integrity is unsuspected ; your conduct is  
 “ without blemish ; your rank, in the estimation  
 “ of all good men, is on the highest level ; yet  
 “ the Test Act has fixed upon you the same cha-

“ racter of reproach ; the same stamp of disho-  
 “ nour, the same mark of rejection, and of infamy,  
 “ which the law has attached to men who are  
 “ convicted, publickly and judicially convicted,  
 “ of being perjured.”

Am I told that the Dissenters may avoid the penalties of the law merely by taking the Sacrament? What is this but to say, that they may avoid the disabilities imposed upon Dissenters by ceasing to be Dissenters ; that they may escape the disadvantages annexed to their religion by renouncing their religion ; that they may relieve themselves from the punishment imposed upon their Faith, by becoming apostates to that Faith. They do not deserve the insult of such a reply.

Such are the two Acts which have imposed on the Dissenters, the disabilities and unmerited reproach, from which they humbly, but earnestly, intreat relief. The reasonableness of their request will receive additional strength from the consideration of the circumstances of the two periods at which these statutes were passed.

The Corporation Act was imposed at a time when the kingdom was still agitated with the effects of those storms that had so lately wrecked her peace ; but for which the Dissenters of our day are no more responsible than the members of  
 the

the Church of England, at this time, are for the violences of the Star-chamber, the cruelties of the high Commission Court, or any of the other movement of that despotism which produced the tempest. At that time, indeed, the Dissenters, as a distinct and separate class from the established Church, had not an existence; the Act of uniformity which produced the separation, and which created distinctions of a different sort from the sacramental test, not having passed till a later period.

Of the injustice of the Corporation Act, and of the spirit of despotism in which it was drawn, the House will be enabled to judge from the contemplation of one single fact.

The Act enables his Majesty to appoint commissioners to administer certain oaths to all mayors, aldermen, common council men, and other persons bearing any office of magistracy, or place of trust, in any corporation; and then declares, that the said commissioners, so appointed by the king, or any five of them, shall have power, by warrant under their hands and seals, to displace or remove any of the persons aforesaid, from the said offices and places, if the said commissioners, or the major part of them then present, shall deem it expedient for the public safety; although such persons shall have taken and subscribed, or shall be willing

willing to take and subscribe the said oaths, and to make the said declaration.

Thus the Act declares to the magistrates of all the corporate towns in the kingdom, “ you are  
 “ directed to take certain oaths, and to subscribe  
 “ a certain declaration ; but though you shall be  
 “ willing to take those oaths, and to subscribe that  
 “ declaration ; though you shall actually have  
 “ complied with the law ; though you have faith-  
 “ fully fulfilled both the letter and the spirit of  
 “ the Act, yet the kings commissioners, if such shall  
 “ be their pleasure, without a trial, without any  
 “ charge alledged, without the imputation or  
 “ suspicion of guilt being fixed upon your con-  
 “ duct, shall by their warrant, remove you from  
 “ your office.”

I wish, at all times, to express myself in respect-  
 ful language, when I speak of an Act of the legis-  
 lature ; but a law more unconstitutional than this,  
 more alienate from every principle of public poli-  
 cy, or more repugnant to every feeling of justice,  
 never disgraced the records of the kingdom.

Fortunately, that clause in the Act which enab-  
 led the sovereign to issue his commission for the  
 removal of magistrates, ceased to operate when  
 the commission itself expired ; but the clause re-  
 mains uncanceled in our statute books, and is a  
 pre-

precedent to future times of the manner in which all corporate rights may be destroyed, if ever the accomplishment of that object shall form a part of the policy of the court. I have quoted it to shew, in what temper, and for what purposes the Act which first prescribed a *religious* Test for a *civil* office, was originally framed: I have quoted it also to shew that the necessity which, at the time of passing it, was alledged in its defence, must have been then, as it is certainly now, merely fictitious.

Such were the circumstances that marked the origin of the Corporation Act in the year 1661.— Those which accompanied the Test Act were of a different nature. Before I describe them it will be necessary to take notice of another law, which was passed at an earlier period, and of which I have already had occasion to speak; I mean the celebrated Act for establishing uniformity of worship in the church. This Act was passed in the year 1662: it directs that all ministers shall subscribe the 39 articles mentioned in an Act of the 13th of Elizabeth; and shall declare their unfeigned assent and consent to every thing contained in the new Book of Common Prayer. Ruinous penalties and long imprisonment are imposed as the punishment of disobedience.

In consequence of this law, 2000 ministers resigned their livings, and became teachers of separate congregations: a line was drawn that narrowed, while it strongly marked the enclosure of the established church; and numerous descriptions of people, the principal of whom were the Presbyterians, the Independents and the Baptists, were compelled to distinctness of separation.

The first effect which this complete discrimination produced on the members of the Established Church, was jealousy and eager suspicion, and determined ill will. But in proportion as experience afforded a surer ground for deciding on the conduct and principles of the Dissenters; in proportion as their peaceful submission to laws of harshness and severity disclosed their attachment to the state; in proportion as they were seen to reject those offers of liberal advantage, by which the court endeavoured to allure them to an alliance with the Catholics; in that proportion the hostile feelings of the members of the Established Church were gradually diminished, and the House of Commons in particular, discovered towards them a disposition of benignity and kindness.

Such was the state of affairs in the year 1672, when the people were alarmed with an apprehension that the sovereign had formed the design of subverting the established religion of his country.

They



They had long known that his confidential friends were Catholics; that the prime minister, Lord Clifford, and the king's brother, the presumptive heir to the crown, were of this persuasion; and that the king himself was suspected of having secretly embraced the same hostile faith. But superadded to these different circumstances of alarm, they now saw an army under catholick officers, in the depth of winter, encamped at the gates of London. A fact so extraordinary, which admitted but of one interpretation, filled their minds with uneasiness and extreme dismay, and in the panick of the first impression, induced the legislature to pass the law that bears the title of an Act for preventing the dangers which may happen from Popish Recusants, but which is better known by the shorter name of the Test Act.

The minister, Lord Clifford, who was himself a Catholic, attempted to persuade the Dissenters to oppose the Bill, upon the ground that its provisions were so worded as to extend to *them*, who were not in any respect the objects of the Bill; and that nothing could be so unjust as to subject to the *penalties* of the law, a description of men who were not within the *meaning* of the law. The Dissenters admitted the force of the argument, but waved their right to its benefit; and one of the members of the city of London, who was himself

a Dissenter, declared, on their behalf, that in a time of public danger, when delay might be fatal, they would not impede the progress of a bill which was thought essential to the safety of the kingdom; but would trust to the good faith, to the justice, to the humanity of Parliament, that a bill for the relief of the Dissenters should afterwards be passed. The Lords and Commons admitted, without hesitation, the equity of the claim. They considered the debt they had contracted to the Dissenters, as a debt of *honour*, the payment of which could not be refused; and accordingly a bill for their relief was passed; but its success was defeated by the sudden prorogation of the Parliament.

A second bill was brought in with a view to the same object, though by a different title, in the year 1680; and passed the two Houses in consequence of the same implied compact. But while it lay ready for the royal assent, King Charles the Second, who was much exasperated with the Dissenters for refusing to support the Catholics, and who always delighted to obtain the most *unwarrantable ends* by the most *despicable means*, prevailed upon the clerk of the crown to steal the bill and overreach the Parliament. The court exulted in the success of the expedient, and thought it a happy way of getting rid of a disagreeable measure. But that relief to the Dissenters which neither the obvious equity of their claim, nor the countenance  
 given

given to it by Parliament could extort from King Charles the Second, the magnanimity of William the Third was impatient to bestow: for, in one of his earliest speeches from the throne, he expressed his earnest hope that such alterations would be made in the law, as would leave room for the admission of all his Protestant subjects who were willing and able to serve him.

To what peculiar causes it was owing that so benignant and wise a requisition had not the countenance and support of his Parliament, those who advert to King William's political situation, will be at no loss to determine; for though the circumstances of the times, and the greatness of his own character had placed him on the throne, yet after he was seated there, the strongest party in Parliament was not the party of the court. A large proportion of those who had invited him to England as their favour, meant not to make him their sovereign. They resented his advancement; and resolving to disturb his enjoyment of a possession from which they could not exclude him, they opposed, with violence, the measures which he was known to patronize, and among those measures that union which, on every principle of policy and justice, he was anxious to promote among his Protestant subjects.

Some men, however, there were, and of the foremost rank for greatness of character even in that extraordinary æra, who supported, with unanswerable reasons, the sentiments of their sovereign; as will appear from a protest in the year 1688, which I will beg leave to read.

The reasons assigned in the Protest were, “ Be-  
 “ cause it gives to a great part of the Protestant  
 “ freemen of England, reason to complain of in-  
 “ equality and hard usage, when they are excluded  
 “ from public employment by law; and also, be-  
 “ cause it deprives the king and kingdom of divers  
 “ men fit and capable to serve the public in sever-  
 “ al stations, and that for a mere scruple of con-  
 “ science, which can by no means render them  
 “ suspected, much less disaffected, to the govern-  
 “ ment.

“ Because it turns the edge of a law (we know  
 “ not by what fate) upon Protestants and friends  
 “ to the Government, which was intended against  
 “ Papists, to exclude them from places of trust,  
 “ as men avowedly dangerous to our religion and  
 “ government; and thus the taking the sacra-  
 “ ment, which was enjoined only as a means to  
 “ discover Papists, is now made a distinguishing  
 “ Duty among Protestants, to weaken the whole  
 “ by casting off a part of them.

“ Be-

“ Because mysteries of religion and divine worship are of divine original, and of a nature so wholly distant from the secular affairs of public society, that they cannot be applied to those ends; and therefore the Church, by the law of the Gospel, as well as common prudence, ought to take care not to offend either tender consciences within itself, or give offence to those without, by mixing their sacred mysteries with secular interests.

“ Because we cannot see how it can consist with the law of God, common equity, or the right of any freeborn subject, that any one be punished without a crime. If it be a crime not to take the sacrament according to the usage of the Church of England, every one ought to be punished for it, which nobody affirms; if it be no crime, those who are capable, and judged fit for employments by the king, ought not to be punished with a law of exclusion, for not doing that which is no crime to forbear.”

Such were the sentiments of the Lords Oxford, Montague, Mordaunt, Wharton, Lovelace, and Payer, expressed at a period that was subsequent to the Toleration Act, which is considered, I find, as having given to the Dissenters the compleat possession of all they had a right to claim,

Upon

Upon another occasion of a still later date, that of a conference between the two Houses of Parliament, on the subject of the Bill for preventing occasional conformity, the Peers, not a few individuals of that assembly, but the whole House, expressed, in language still more emphatic, their abhorrence of the injustice of the Test Act. They declared that—" An Englishman cannot be reduced to a  
 " more unhappy condition, than to be put, by law,  
 " under an incapacity of serving his prince and  
 " country ; and therefore nothing but a crime of  
 " the most detestable nature, ought to put him  
 " under such a disability."

Thus we find that, in the judgment of the House of Peers, the laws of exclusion are laws which deprive the freeborn subject of his rights. For every man has a right to the common privileges of the society in which he lives ; and among those common privileges, a *capacity in law* of serving his sovereign, is undoubtedly one of the most valuable. I use the words *capacity in law* of serving the sovereign, as distinguished from a right to an actual appointment in his service. No man has a right to be actually appointed to an office, civil or military, but the person whom the choice of his sovereign shall call to that situation ; but every subject has a right to be deemed capable of such an appointment, if his sovereign shall name him to the trust. No

barrister, for example, has a right to claim the situation of a judge; but every barrister has a right to be deemed capable in law of an advancement to that situation, if his majesty shall name him to the office. No soldier has a right to actual promotion; but every soldier has a right to be deemed capable in law of promotion, if his merits, in the estimation of his sovereign, shall entitle him to that honour.

On the one hand, therefore, I hope I shall not be understood to say that any man has a right, independently of his sovereign's pleasure, to be actually appointed to any office civil or military; that would be absurd indeed: and, on the other hand, I equally hope that the right of the subject to be deemed capable in law of a civil or military employment, if his majesty shall name him to such employment, will not be considered as a privilege of no account.

In the eye of the law, this capacity for the service of the state, is a right of such high estimation, of such transcendent value, that exclusion from it is deemed a proper punishment for some of the greatest crimes. Has an officer, in the civil line of the public service, been detected in a flagrant breach of the duties of his trust? Are his offences so atrocious as to admit of no palliation or excuse?

Has

Has he violated his oath, not from ignorance or inattention, but wilfully and corruptly, with full deliberation, and from motives the most profligate?—What punishment does the law inflict upon his deliberate perjury? It declares him incapable of serving his Majesty in any office of honour, emolument, or trust: it imposes on him the same species of disability which it inflicts upon the Dissenters.—Thus the punishment that is annexed by the law to one of the greatest crimes, the punishment of *perjury* is inflicted on a large proportion of his Majesty's most loyal and affectionate subjects; not for any crime committed; not for any charge or suspicion of guilt, but for *opinions* merely; for opinions that have no relation to civil interests: for opinions that weaken none of the obligations which bind the individual to the state; for opinions that diminish none of the motives which urge him, as a citizen, to a faithful discharge of his duty; but for *opinions purely religious*.

Is then opinion a proper subject for punishment? Is it a subject upon which the law can justly operate? *Deeds not thoughts, conduct not belief*, are the objects of human authority. The ideas of the mind, the conclusions of the understanding, when not embodied in Acts, are beyond the limits of mortal jurisdiction. What is it then  
which



which the Dissenters ask.--New privileges? Certainly not; but the restitution of a right; a right of thinking for themselves in the speculative points of the Christian Faith, without being subject, on that account, to afflictive penalties of disqualification and dishonour: a right of freedom to the *mind*; a right as essential to our nature, as those rights of existence and of freedom for the *body* which, unless forfeited by crimes, our constitution acknowledges to be sacred; and which Blackstone emphatically declares "no time, no place, no compact, no authority of government can possibly destroy."

Am I accused of an uncandid statement of the law, when I say that it inflicts on Dissenters, unsuspected of offence, the same punishment as on men convicted of perjury? Am I told that the situation of the former is not brought down to the level of the latter, for that there is still a wide difference between them? That there *is* a wide difference I readily admit; but whence does the difference arise? not from any distinction in the disabilities inflicted by the *law*, for they are the same to the perjured convict and to the Dissenter; but from the *public opinion*, which refuses to adopt the injustice of the law, and will not be a party to such an irrational misapplication of punishment. Am I still told that to give to exclusion from offices the name of punishment, is a perversion of language?

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language?

language? I answer, the language I use is that which, on the same subject, in speaking of the same men, was employed by the members of the highest judicial court in the kingdom, the most august tribunal at this time existing in the world: for the House of Peers are of opinion, that *disabilities* are penalties, that *penalties* are *punishments*, and that the *particular disabilities* to which the *Dissenters* are *subjected* by the law, are such as *ought never to be inflicted except on the greatest crimes*.

To this declaration of the supreme Tribunal of the kingdom, I appeal from a strange assertion inconsiderately made, “ that the Dissenter who does  
 “ not chuse to receive the sacrament, is subject to  
 “ no punishment unless he also transgress the law.”  
 Sir, his punishment is that very exclusion from office which the House of Peers has pronounced to be justly applicable to no crimes but those of the greatest magnitude; an exclusion, from which, unless he chuses to incur those terrible penalties which the criminal justice of the kingdom inflicts upon the outlaw, he has no means of relief.—The punishment of the perjured convict, or the still more afflictive punishment of the *outlaw* constitute his only alternative.

“ But,” I am asked, “ Does not the Act of In-  
 demnity, an Act which, for the most part, is  
 “ annually

“ annually passed, protect from the penalties of  
 “ the Test and Corporation Laws, all such persons  
 “ as have offended against them?”—Sir, if the  
 Indemnity Act *does* protect from the dreadful  
 penalties of those statutes, all such persons as have  
 executed civil offices, or have held commissions in  
 the army or the navy, without the sacramental  
 qualification, then, what inconvenience can arise  
 from a repeal of the statutes themselves? If, by  
 the annual Indemnity Act, the execution of the  
 law is relinquished, where is the objection to a  
 repeal of the law itself? — To preserve the claim  
 to a Test from the Dissenters, when the exer-  
 cise of the claim is abandoned, may answer the  
 purposes of *irritation*, but cannot answer the pur-  
 poses of *power*. The claim, in that case, operates  
 merely as a corrosive to a wound that otherwise  
 would heal; it stimulates jealousies that otherwise  
 would sleep; it agitates passions that otherwise  
 would be at rest.

But in truth, Sir, the Indemnity Act does *not*  
 protect the Dissenters from the Test and Corpora-  
 tion Laws; for its only effect is, that of allowing  
 farther time to those trespassers on the law,  
 against whom final judgment has not been award-  
 ed. Should, for example, a prosecution have  
 been commenced, but not concluded, the Indem-  
 nity Act does not discharge the proceedings; it  
 merely suspends them for six months; so that if

the party accused does not take the sacrament before the six months allowed by the Indemnity Act shall expire, the proceedings will go on, and, long before the next Indemnity Act will come to his relief, final judgment will be awarded against him. Thus it appears, that the Indemnity Act gives no effectual protection to the Dissenter, who accepts a civil office or military command; for he who cannot take the sacrament at all, cannot take it within the time required by that Act. The penalties of the Test Act will consequently follow: he becomes incapable of receiving any legacy; of executing any trust; or of suing in any court, or on any occasion, for justice: he is placed in the dreadful situation of an *outlaw*.

Since then the Dissenters have a right, as *men*, to think for themselves in matters of religion; and since they have a right, as *citizens*, to a common chance with their fellow-subjects for officer of civil and military trust, if their Sovereign should deem them worthy of his confidence, the only remaining question is, does the public good require, do the ends of civil society require that these rights should be superseded, and that the Dissenters should be excluded from the service of the state?

That a regard to the general good controuls all other considerations is readily admitted; and therefore all arguments to prove this point, if any such should be urged, will be very superfluous. But  
then

then it is equally certain that considerations of general good can never justify any invasion of civil rights that is not essential to that good: the ends of civil society can never justify any abridgement of natural rights that is not essential to these ends. If then I shall be able clearly to demonstrate that the continuance of those Acts which invade the rights of the Dissenters, is not necessary to the general good of the kingdom; is not necessary to the well being of the state; is not necessary to the establishment of the national church, then it will follow, as a certain conclusion, that they ought to be repealed. Stronger still will be the argument for that repeal, if I can prove, (as I confidently trust I shall) that those Acts are not only useless, but are actually pernicious both to the state and church.

To shew how unnecessary, how very useless the exclusion of the Dissenters from the offices of executive power demonstrably is, it will be sufficient to remark that to the higher trust of legislative authority, the Dissenters are admitted without hesitation or reserve. Of that power which controuls the executive, they have, equally with their fellow-citizens, a full and free participation. From the Members of this House, from the Members of the House of Peers, no religious test is required. Is then the taking the sacrament unnecessary in the legislators of the kingdom, who hold in their hands  
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the lives and fortunes of their countrymen, and can it be requisite from the commissioners of the common sewers? Is the profession of a particular faith of more consequence in an exciseman than in a member of the House of Commons? Or must the office of a land-waiter be guarded by other proofs of attachment to the church than those which are deemed sufficient from a peer. Are oaths without the sacrament, an adequate security from innovation, when administered to those who may change the established religion if they will; and are not the same oaths equally sufficient when administered to those who have no power to introduce the smallest alteration?

The advocates for the continuance of the Test Act are reduced to this obvious dilemma. If they say that the state can never be secure unless the test of the sacrament be demanded from the legislators of the country, experience refutes their assertion. If they say that the security of the state requires from *executive officers* a stronger pledge than is requisite from *legislators*; that it requires a stronger pledge from those who *cannot* change the established religion, than it does from those who *can*, the assertion refutes itself.

I have heard of an idle opinion, that there is something of a republican tendency, something of an antimonarchical bias in the very doctrines of the  
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Presbyterian church. In reply to that opinion, if indeed it deserves a reply, I appeal to the principles and practice of the inhabitants of that part of the island in which the Presbyterian church is established by law. Are the Scots suspected of an indifference to monarchy? Are they accused of an unwillingness to support the dignity and power of the sovereign? Is the prerogative of the crown that part of the constitution which they are the least anxious to uphold? I have heard them taxed with a predilection for those maxims of policy which are the most favourable to *power*; but of *levelling* principles, of *republican* attachments, I have never heard them accused.

Or if we speak of the English Dissenters, who will deny that, from the time that the establishment of William the Third on the throne of England, gave her a constitution, (for till then her government scarcely deserved this name) the Dissenters have uniformly acted on principles the most constitutional, and have constantly proved themselves the ardent friends, the active supporters, the firm and faithful adherents of that system of monarchy which was then established by law? Or who will deny that from the accession of his Majesty's family to the crown, no class of his subjects have shewn themselves more fervently attached to the person of the sovereign? Can these things be admitted, and can it *still* be asserted that the ex-  
clusion

clusion of the Dissenters from the service of the public is necessary or beneficial to the state?

“To the state separately considered” (will probably be the reply), “we acknowledge that the exclusion of the Dissenters cannot be deemed beneficial; but we think their exclusion is essential to the security of the *established church*.” This point therefore is next to be discussed.

In all the controversies I have ever heard on the subject, the persons who object to the repeal of the Test Act, uniformly insist upon a maxim, the truth of which I perfectly admit, but which does not bear upon the point, the maxim “that the Established Church ought not to be destroyed.”—God forbid that the church of England should be destroyed; or that I should advise a measure of real hazard to her safety. The apprehension arises from a habit of confounding two ideas which in themselves are perfectly distinct; the idea of giving to a particular church a national establishment, and the idea of confining to that church all the offices of executive government. The establishment of a church requires a legal provision for its *ministers*; but it does not require for its laity an exclusive right to civil and military trusts. The establishment of the church of England consists in her tithes, her prebendaries, her canonries, her archdeaconries, her deaneries, and her



her bishopricks. They constituted her establishment before the Corporation and Test Acts had an existence; and they will equally constitute her establishment if these acts should be repealed. In Scotland no such laws as the Test and Corporation Acts ever had a being; yet who will assert that in Scotland there is no established church? or who will declare, from the history of that church, that she is weakly or imperfectly secured? In Ireland the relief which is now solicited in this kingdom for the Protestant Dissenters, was granted seven years ago; yet who will say that the established church of Ireland is destroyed? Let me, therefore, intreat those members of the House who contend that a church establishment cannot be supported without a religious test, to consider for a moment what they undertake to prove. In the first place they must prove that there *never was* an established church in *England* till the 25th year of the reign of Charles the Second. In the next place they must prove that there *is not* at this hour, and that there *never was* an established church in *Scotland*: that there *is not*, and that there *never was* an established church in *Holland*: that there *is not*, and that there *never was* an established church in the dominions of the Empress of *Russia*, or in those of *Prussia*, or of *Hanover*: that the *Emperor of Germany* has *destroyed* the established church through all his dominions; and that the church of *Ireland* was *annihilated seven years ago*.

Thus it appears on the strongest of all evidence, the evidence of facts, that the supposition of the Test and Corporation Laws being necessary to the support of the established church is a weak and groundless surmise. Strength to the church, and not weakness, security and not danger, I shall prove by unanswerable arguments, will be the consequence of repealing these obnoxious laws: for the different classes of Dissenters have no general interest, no bond of union, no sufficient inducement to support each other but that reproachful exclusion from public employments which is common to them all. It is the hardship of being punished without a crime, of being stript of their rights as citizens, without the suspicion of offence, of being placed by the law on a level with those who are perjured: it is this hardship which has given them a common cause. It is their sense of oppression, their resentment for injuries received, their indignation for unmerited disgrace, which has formed the alliance between the Presbyterian, the Independent, and the Baptist, and which has led them to forget their antient disagreements in the contemplation of their common wrongs.

Persons who know them not, may possibly suspect them of a secret design to invest their own ministers with the possessions of the church; and may imagine that, in that design, a sufficient inducement to mutual amity and a common exertion will

will continue to exist. Yet the very persons who reason on this ground, even those whose suspicions are the most inveterate, must still admit, that if, in their present situation, the Dissenters are urged by two different passions to wish the ruin of the church, that of resentment for existing oppression, and that of an eager ambition for her wealth, the removal of the first and strongest of the two will take from them their principal impulse: nor can it be denied, that a league which rests on two motives, will be weakened when the most powerful of those motives is compleatly done away. Whence it follows, that even on the ground which the bitterest opponents of the Dissenters have taken against them, the proposed repeal will increase the security of the church. But those who are at all acquainted with their real principles, perfectly well know, that among those principles; no one is more fundamental than that of keeping their ministers in perfect dependance on the laity, and of excluding them from all power, and from all influence; but that which arises from greatness of talents, eminence in learning, and purity of life: a principle that suggests no possible inducement to cloath them with the honours, or to enrich them with the spoils of the Established Church.

Thus it appears from the plainest deductions of common sense, that the proposed repeal will remove from the Established Church the only danger

to which it can ever be exposed, that which arises from a close and intimate alliance among those of a different communion; and will consequently unite the two greatest advantages which, on such an occasion, the House, as guardians of the kingdom, can either obtain or desire, that of giving satisfaction to the Dissenters, and additional security to the church.

Perhaps I shall be asked, for I have heard such a question agitated, “ Will not the repeal of the  
 “ Test Act admit to offices of magistracy, and to  
 “ every situation of civil and military trust, men of  
 “ all professions, men of all possible faiths? May  
 “ not a Roman Catholic be president of the coun-  
 “ cil? May not a Mahometan, if he happens to  
 “ be born in England, become an expounder of  
 “ our laws, and preside in the Court of King’s  
 “ Bench? May not a Jew be made keeper of the  
 “ King’s Conscience; and a worshipper of fire be  
 “ seated in the speaker’s chair? If the Test Act  
 “ be repealed, what security will the kingdom  
 “ have against these strange and preposterous ap-  
 “ pointments?” To the first part of the question, that which relates to the Catholics, my answer is, the oath of abjuration, the oath of supremacy, the declaration against the doctrine of transubstantiation, (every one of which will remain in full force, though the Corporation and Test Acts shall be repealed) are deemed sufficient in law, and have  
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been found in practice actually sufficient to exclude the Catholics from an admission to either House of Parliament. Many gentlemen of that faith are of great fortune and of the highest worth, and therefore of great influence in the country; yet who among them has ever been admitted to a seat within these walls? Some of them are hereditary Members of the House of Peers, yet who of their profession has voted in that assembly?

Now if the oaths, and the declaration against an essential doctrine of the Roman faith, have been found sufficient, *without the sacrament*, to exclude the Catholics from situations of *legislative* power; situations to which every motive of interest and ambition strongly invites them, can there be a doubt of the sufficiency of the *same* means to exclude them from the humbler offices of *executive* authority?

To the second part of the question, “What security, if the Test and Corporation Acts should be repealed, will the public have that persons who are not even *Christians*, will be admitted to situations of civil and military trust?” My answer is, the same security as before those Acts were passed. Their date, when compared with the age of the kingdom, is but of yesterday: yet, during the many hundred years which had elapsed from the time of the Norman conquest to  
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the passing of those laws, I do not recollect that there is any instance upon record of a Jew's being Lord Chancellor of England, or of a Musselman's advancement to the Court of King's Bench ; or of a Worshipper of Fire being raised to the dignity of the Speaker's office.—Were there not legal obstacles to their admission to public employments, I should not think that the followers of Moses, of Mahomet, or of Zoroaster, would be the objects of the Sovereign's choice. So many things are entrusted to his discretion, that I should imagine this would not be the way in which the confidence reposed in him was most likely to be abused. But I need not dwell on arguments of this sort, for the oath of abjuration expressly excludes all persons but Christians, as it contains a positive declaration, that he who takes it, swears upon the Faith of a Christian. Now this oath, (if I am permitted to proceed with my plan, and to bring in a bill for the purpose) together with the oaths of allegiance and supremacy, and the declaration against the Catholic doctrine of the nature of the consecrated bread and wine, will be required from all persons admitted to civil or military trust.

When then I am asked, “If you abolish the  
 “test of the sacrament, what new test will you  
 “establish in its room ;” my answer is, that of  
 the abjuration oath, and of the declaration which  
 condemns an essential part of the Romish creed.

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The first cannot be taken by the Deist or the Jew, or the professor of any religion but the Christian. The last cannot be taken by the Catholic. Upon this plan then, no person can be admitted to an employment, military or civil, but on two specific conditions.

The one is, that he give the same proofs of attachment to the state; the same pledges of fidelity for the discharge of an *executive* office, which is deemed sufficient in the members of the House of Commons, and in those of the House of Peers, for the faithful discharge of *legislative* trusts.

The other is, that the Sovereign shall have sufficient confidence in his probity and merit, to select him from his fellow-citizens, as worthy of an employment in his service.—On these conditions what danger of improper appointments can possibly arise? The offices to which the Dissenter will be admitted are merely executive, to which no legislative authority, no power of altering, in the least degree, the laws or religion of the country is attached; and from which, generally speaking, without any proof of offence, or any reason assigned, he may be removed at the pleasure of his Sovereign.—I hear it said, “but what if we cannot trust the Sovereign? what if the chief magistrate

“trate himself, from an enmity to the church, or  
 “a wish to new-model the state, should call the  
 “Dissenters to his aid, and invite them to exe-  
 “cute his schemes?”

Sir, the attempt which is thus *supposed* has actually been *made*; the circumstances which are thus *imagined* have actually *existed*: for, till the 25th year of Charles the Second, the Test Act had not a being; and for some years before that time, it suited the purposes of this monarch to invite the Dissenters to his service, in which he hoped that, as a persecuted people, sheltering themselves under his protection, they would favour the designs he had formed against the laws and established religion of his country. Entreated with earnestness to the sunshine of favour, the gates of the palace were thrown open to receive them. All that could please the vanity, or gratify the interest, or flatter the ambition of men, was profusely offered on the one hand, while on the other were shown them, scorn and ignominy; every hardship which law, wrested from its purpose by the hand of power, could impose, or that the persecuting statutes of Elizabeth could inflict.—Penalties that would rob them of their all—bonds too, and stripes, and the misery of a dungeon, where existence, by slow and lingering means, pines itself away—they were told to take their choice.—In this trying situation,  
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in this dangerous alternative, the severest proof to which virtue can be exposed, their country saw with what unshaken fortitude, with what constancy of mind, with what stedfast resolution they uniformly sustained their part. Unseduced, unterrified, they rejected with scorn, the offers of the court, and quietly resigned themselves to those fetters, and to that imprisonment from which, generally speaking, the hour of release was the same which conveyed them to their graves.

The zeal of the Dissenters for the constitution of their country, is then undisputed: “but why,” says those who object to their relief, “why should we hazard any change in our laws? “Are we not in possession of inestimable blessings? “Does not the nation flourish in undoubted prosperity? Have we not the experience of a hundred “years of happiness in favour of this statute?”— I answer, the prosperity you describe is tainted with injustice: the happiness of one part of the people is polluted by the oppression of another: there is no equity in this distribution. — The Spaniard, who receives his annual returns from the labour of the Indians in his mine, (I purposely describe a case which, in its circumstances, is widely different from the present, the better to demonstrate the tendency of that principle which is common to them both) the Spaniard, when he hears the complaints of those unfortunate Peruvians,

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may answer, “ Is not the nation prosperous ; does  
 “ not the commerce of the kingdom flourish ? Have  
 “ we not enjoyed the blessing of a long repose from  
 “ the disasters that once afflicted the empire ? Why  
 “ then do these people complain ? ’Tis true we  
 “ have robbed them of many of their rights, but  
 “ we have not deprived them of all. Are not many  
 “ of the comforts of life still theirs ? and on certain  
 “ days of the year, which they believe to be holy,  
 “ do we not permit them to worship, in their  
 “ own way, the Being they adore ? They ought  
 “ to be satisfied ; let us not hear of their com-  
 “ plaints.”

This language of the Spaniard, however different the circumstances that give rise to it, is founded, I repeat the assertion, on the same principle on which the prayer of the Dissenters is opposed ; for that principle is *oppression*, and if one degree of oppression may be defended, another degree of it, under different circumstances, may be defended also. — Justice is a narrow path across an illimitable ocean : he who quits her eternal line, whether the distance at which he leaves it be great or small, will equally find that there is no resting place on which his wearied reason can long repose.

“ But if justice be the principle upon which  
 “ you decide, shall not the Catholics partake of  
 “ its

“ its benefits ? Shall not they as well as the Dis-  
 “ senters enjoy the advantage of those common  
 “ privileges of citizenship which you describe as  
 “ the unquestionable right of all ?” I answer,  
 without hesitation, if the Catholics can prove, that  
 though they are of the *Church* of Rome they are  
 not of the *Court* of Rome—If they can give a suf-  
 ficient pledge of loyalty to the sovereign, and of  
 attachment to the laws and constitution of their  
 country (questions which at this time we are not  
 called upon to decide, and which therefore I mean  
 not to discuss) I *do* think they *ought* to be admit-  
 ted to the civil and military service of the state.

One only objection to the proposed repeal, so far  
 as I have heard the subject at any time discussed,  
 still remains to be answered ; and that is, “ that  
 “ the proposed relief to the Dissenters, however  
 “ just in itself, may introduce less reasonable re-  
 “ quests, and may lead to dangerous innovations ;  
 “ for where shall the legislature make its stand ?  
 “ Where shall it mark the limit ?” My answer is,  
*Justice* has marked that limit : she has drawn it  
 with so strong a hand, that the most inattentive  
 cannot but observe it, and the most incautious  
 cannot heedlessly pass it. The *Church* has a right  
 to her *establishment*, and the *Dissenters* have a right  
 to a *complete toleration*. I use the words *complete*  
*toleration*, because, as Dr. Paley, the present arch-  
 deacon of Carlisle, in his celebrated *System of*  
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Morals, has observed, *that* is a right to which the Dissenters are entitled, but which, as long as they are subjected to civil incapacities on account of their religious opinions, it is impossible to say they enjoy.

Were I to judge from the language I have heard, I should imagine that even that imperfect restoration of their rights, which the Act of toleration passed by the legislature in the reign of King William, has granted to the Dissenters, is considered as a boon to which they had no claim, and which arose from pure benevolence. The generosity of that Act is extolled, as if there were a sort of merit in no longer attempting to lash men into conviction; to fetter their minds by the imprisonment of their bodies; to employ the jailor as a missionary of the Gospel; or to commit violence and outrage in the name of the God of peace.

The Toleration Act restored to the Dissenters (*restored*, not *gave*) many of their rights, but did not restore them all. The privilege of admission to civil offices, and the yet more honourable privilege of hazarding their lives in their country's cause, are still unjustly withheld. The re-establishment of these privileges would give that compleat toleration which constitutes the whole of the Dissenters' claim. Should they endeavour to overstep this line, and to encroach on the rights of the Estab-  
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blished Church, the legislature will undoubtedly be called upon to declare, and no man will hold that language with more decision and firmness than myself, “Your prayer is unreasonable; your pretensions shall be opposed.” It appears then, that the suggested repeal is not the commencement of a new plan, but merely the completion of that wise system of toleration which, in part, has long since been adopted. The Corporation and Test Acts are all that remain of the persecuting laws against Protestant Dissenters; for the wisdom of later times has relinquished such unnatural defences. They are the only remaining bastions of an old fortress which experience has discredited, and all other parts of which are either destroyed or abandoned.

In most of the enlightened nations of Europe, the principles for which I contend are no longer a subject of dispute. In Scotland and in Holland no religious test, as a qualification for a civil office, has, at any time, existed. In the Prussian dominions, and in those of the Empress of Russia, no traces of such a test are to be found; in Ireland, and in the dominions of the Emperor, all civil disqualifications on account of religious opinions, are compleatly done away. In France a similar relief was extended by the edict of Nantz, which, if public report may be credited, is likely to become, in the present reign, a permanent part of the policy

Key of that kingdom; for an opinion prevails there, of its not being necessary that a Frenchman should be a Catholick, in order to have the privilege of shedding his blood in the service of his country.—Shall then England alone adhere to an exploded system which all the other enlightened nations of Europe, upon a full conviction of its weakness, have already abandoned, or are now preparing to abandon? Shall *foreigners* still be employed to fight her battles? Shall the *Hessian* sword again be called upon to protect her from invasion; while so many thousands of her *own people*, willing to bleed in her cause, and impatient to hazard their lives in her defence, *are excluded from her service?*

One proof of the absurdity, of the incredible folly of these inhuman statutes, presses so strongly on my thoughts, that I cannot refrain from submitting it to the consideration of the House. The benevolent Mr. Howard; he upon whom every kingdom in Europe, *England excepted*, would gladly confer, at least, the common privileges of a citizen, and whom the proudest nation might be happy to call her own; he of whom a right honourable member of this House has said, “ He  
 “ has visited all Europe—not to survey the sumptu-  
 “ ousness of palaces, or the stateliness of temples;  
 “ not to make accurate measurements of the re-  
 “ mains

“ mains of ancient grandeur, nor to form a scale  
 “ of the curiosity of modern art; not to collect  
 “ medals or to collate manuscripts;—but to dive  
 “ into the depths of dungeons; to plunge into the  
 “ infection of hospitals; to survey the mansions of  
 “ sorrow and pain; to take the gage and dimen-  
 “ sions of misery, depression, and contempt; to  
 “ remember the forgotten, to attend to the neg-  
 “ lected, to visit the forsaken, and to compare and  
 “ collate the distresses of all men in all countries:”

*He, even he* is denied in England the common rights of a subject; he is incapable of *legal* admission into any office: and the consequence is, that his zeal for his country having led him a few years since to brave the penalties of the law, and to serve her in a troublesome and expensive civil employment, without the sacramental qualification, which his religious persuasion would not permit him to take, *the penalties of the Test Act are still hanging over him*: and I fear that even now, on his return to his native country, amidst the plaudits of an admiring world, it is in the power of any desperate informer, who is willing to take that road to wealth and damnation which the legislature has pointed out and recommended to his choice;—I fear it is in the power of every such informer to prosecute him to conviction; and to bring upon him those dreadful penalties which constitute the punishment of an outlaw. God forbid, that in  
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the view of all Europe, such indelible dishonour should be brought upon the British name.

Thus I have stated (too much at large perhaps, but the importance of the subject will plead my excuse) the merits of the Dissenters case.—I have shewn the nature of those provisions, in the Test and Corporation Acts, from which they supplicate relief; and have described the dreadful penalties which these Acts impose.—I have shewn at what periods, and under what circumstances these afflictive laws were passed:—I have proved that of the Test Act the Dissenters were not the objects; and that of the Corporation Act which, for the space of three years, established despotism by law, the alledged necessity has no longer the pretence of truth. I have also proved, that after the proposed repeal, all those who cannot take the abjuration oath, which operates as a bar to all but Christians, and make the declaration, which excludes the Catholics, will continue as compleatly rejected as before: and that even their willingness to give these pledges of attachment to the laws will avail them nothing, unless, in the estimation of their sovereign, their merit shall be such as to render them worthy of an employment in his service. I have likewise shewn, that the repeal will increase the strength of the kingdom, by enabling his Majesty to bring into action the talents and affections  
of



of all his Protestant subjects ; and that it will also give additional security to the Church.

Whoever then shall be of opinion, that the general voice of all the enlightened nations of Europe is deserving of regard—Whoever shall admit that the exertions of the *whole* kingdom will have greater avail than its *mutilated* strength—whoever is convinced that *union* is better than *separation* ; that *power* is preferable to *weakness*, and that national *justice* is the surest ground of national *prosperity*, will agree with me in thinking that the law which excludes the Dissenters from civil and military employments ought to be repealed. The grievances of two other descriptions of persons whose importance in the community cannot be disputed, and the reasonableness of whose plea is too obvious to require any length of discussion, still remain to be mentioned.

By the Test and Corporation Acts, no native of Scotland who is of the Established Church of that country, can be admitted to any office in England, or to the army or navy in any part of Great Britain, unless he will publicly profess a different religion from his own. Yet the offices of the State are the offices of *Great Britain*; for the salaries of the persons who fill them are paid by taxes levied on Great Britain. The army too, and the navy, are the army and navy of Great Britain ; for in the burden

of their payment, Scotland, undoubtedly, bears her part. Hence it is evident, that by the Test Act an *English restriction* is imposed on a *British office*; an *English restriction* is imposed on the *British navy*; an *English restriction* is imposed on the *army of Great Britain*. Englishmen residing in Scotland, are entitled to all the privileges of Scotchmen; for neither the late Chief Baron Ord, who presided in the Court of Exchequer there, nor Mr. Wharton, who is one of the present Commissioners of Excise in North Britain, nor any other Englishman who fills a public office in that country, was obliged to renounce the Church of England, in order to qualify himself for the trust. It is justly considered as a *British* trust, and upon it therefore no *Scotch* restriction is imposed. Why then should the naval or the military service of the *united kingdoms* be fettered with *English* restraints, or why should *English* conditions be annexed to the possession of a *British* office? There is neither common justice nor common sense in the measure.

I have heard it said, from a confusion of ideas which is scarcely credible, that to grant a remission in favour of Scotland, of the Test and Corporation Acts, would be a breach of the union; an opinion which supposes, that because, by the articles of the union, nothing can be *taken* from Scotland, but what was then stipulated, therefore no-  
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thing can be *given*. It supposes that if, in a private bargain, I have engaged to concede certain points to my neighbour, I am therefore bound by that bargain, to concede to him nothing more. It supposes that if my agreement with him, gives me a right of common on *his* manor, that I violate my compact if I afterwards voluntarily offer him a right of common upon *mine*.

Are we told that the Test and Corporation Acts are among the statutes which secure the doctrines, discipline, worship, and government of the Established Church of England, and are therefore by the Act of Union declared to be unalterable?

Sir, the government and discipline, the doctrines and the worship of the English Church were the same before the statutes were enacted, and would continue the same if those statutes were repealed; and consequently do not derive their security from them: whereas the Act which relates to the patronage of the Church of Scotland, and which *did* seem to affect its discipline, was held to be no breach of the articles of union; neither was that union understood to be weakened by the subsequent Act, which gave a compleat toleration in Scotland to Episcopal Dissenters.

When the articles of union were under the consideration of Parliament, a proposal was made in

the House of Lords, that the perpetual continuance of the Test Act; and in the House of Commons, that the perpetual continuance of the Act of Corporation should be declared a fundamental condition of the intended union: but the motions were both rejected; a proof that the Legislature did not mean to give to them the same perpetual existence as to the Act of Uniformity, and to the statute that was passed in the 13th of Elizabeth, both of which were specifically named, as conditions of the compact, and expressly declared irrevocable.

If the Test and Corporation Laws are deemed unalterable parts of the articles of union, it follows, of course, that every *alteration* in those laws must be deemed a *breach* of the union, and that every *suspension of those laws* must be considered as a *suspension of the union*. Now both these Acts are altered, and in part repealed, by subsequent statutes, and, for six months in almost every year, are wholly suspended: But who will assert that the articles of union are dissolved, or that their obligation on the two countries is suspended for six months in every year? or who will deny that the same power which alters a part may alter the whole of those laws? Who will deny, that the same authority which suspends a law for six months, may abolish it for ever?

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That many of the natives of North Britain, who are members of its Established Church, have taken the sacrament as a qualification for naval or military employments, I readily admit : for those men who consider the service of their country as the first of all duties, and their obligation to their Sovereign as the first of all bonds, will make great sacrifices indeed, rather than forego the right of bearing their part in the general defence of the kingdom. But does it therefore follow, that the necessity of making these sacrifices is no hardship? Does it therefore follow, that he who renounces the *religion*, rather than renounce the *service* of his country, has no reason to complain of the alternative? Others of the natives of that kingdom, too much attached to their religious profession, to abandon it on any consideration, yet much too ardent for their country to relinquish the satisfaction of engaging in her service, are at this very hour exposed to the penalties of the law; exclusion from the right of receiving a legacy; exclusion from the right of acting as the guardian of a child; exclusion from the right of suing in any court, or on any occasion, for justice.

Am I asked how often, of late years, has the law been enforced? My answer is, the *letbargy* of the *law* gives no *security* to the *subject*; for a hungry informer may, at any time, rouse it to exertion, and direct it to its prey. But though  
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the fierceness of the statute should not be called into action, yet in the *insult* which is offered to the Scots, in the *dishonour* of being placed on the same level with men, whose claim to confidence is blasted by the crime of perjury established in proof against them — in that dishonour, in that insult, there is no intermission, there is no pause. It is time that these odious distinctions, these hateful signs of difference between the two countries which compose Great Britain, should entirely be done away; that every scar and seam which marks the lips of her antient wound, should disappear for ever; and that her offspring should have leave to consider themselves as one nation and one people.

Nothing now remains, but that I should briefly mention the hardships imposed by the Test Act on the ministers of the Established Church; a class of our fellow-subjects, to whose concerns the Members of this House cannot be indifferent.

The law which declares that every man who accepts a commission in the army, or is appointed to a civil office, shall take the Sacrament of the Lord's Supper, compels the clergyman to administer this sacrament to every person who shall demand it upon that ground; for, if he refuses, a ruinous prosecution for damages is the obvious and inevitable consequence. The very expence of  
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the trial would probably exhaust his scanty means, and leave him nothing but his body to answer, by imprisonment, the adverse judgment of the court. Since then the law, by menaces too terrible to be resisted, compels him to administer the holy Sacrament to every man who shall demand it as a qualification for an office, in what manner must he proceed? Shall he give the invitation in the usual words of the service; “ All you that do truly  
 “ and earnestly repent of your sins, and are in  
 “ love and charity with your neighbours, and in-  
 “ tend to lead a new life, following the command-  
 “ ments of God, and walking from henceforth in  
 “ his holy ways; draw near, with faith, and take  
 “ this holy Sacrament to your comfort.”—Con- sidering the motives which bring them to the holy table, such an address might be deemed an insult to their feelings.—Or shall he tell them with a better chance of speaking in unison with their thoughts, “ All you that are lately appointed to  
 “ offices under his Majesty, that do truly and  
 “ earnestly desire your continuance therein, and  
 “ are in love with the profits thereof: you that  
 “ are lately become excise-officers, or custom-  
 “ house officers, or salt-officers, or officers of the  
 “ stamps, and have a charitable hope of enriching  
 “ yourselves with the spoils of the illicit trader,  
 “ draw near in faith, and take this holy sacra-  
 “ ment to your comfort, that you may have a le-  
 “ gal title to your places.”

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By the duties of his function, by the positive precepts of his religion, the minister is enjoined to warn from the sacred table, all blasphemers of God, all slanderers of his word, all adulterers, and all persons of a profligate life: yet to these very persons, if they demand it as a qualification, he is compelled, by the Test Act, to administer the sacrament, though they come to him drunk from the protracted revels of the night, or warm from the neighbouring stews. And what is the nature of the sacrament which the clergyman is thus compelled to administer? One sentence, one single sentence from the service of our Church, with the permission of the House, I will beg leave to read. After having exhorted the persons who are preparing to communicate, “diligently to try  
 “and examine themselves before they *presume* to  
 “eat of *that* bread, and to drink of *that* cup,” it thus proceeds, “For, *as* the *benefit* is great, if with  
 “true penitent heart and lively faith, we receive  
 “that holy sacrament (for then we spiritually eat  
 “the flesh of Christ, and drink his blood; then  
 “we dwell in Christ and Christ in us, we are one  
 “with Christ and Christ with us) *so* is the *danger*  
 “great, if we receive the same unworthily; for  
 “then we are *guilty* of the Body and Blood of  
 “Christ our Saviour; *we eat and drink our own*  
 “*damnation*, not considering the Lord’s body.  
 “*We kindle God’s wrath against us, we provoke him*  
 “ *to*



“ to plague us with divers diseases and sundry kinds of death.”

Sir, if there be any thing serious in religion— if the doctrines of the Church of England be not a mere mockery of the human understanding—If to talk of peace of mind here, and of eternal consequences hereafter, be not the idle babbling of a weak and childish superstition (and I trust that in the judgment of those who hear me, it will be admitted to be something more) then it will necessarily follow, that no prettexts of state policy can justify this *enormous profanation* of the most sacred ordinance of the Christian faith, this *monstrous attempt*, as irrational as it is profane, *to strengthen the Church of England by the debasement of the Church of Christ.*

Shall I be told, that the law which enjoins the sacrament of the Lord's Supper is not more an insult to the Christian faith than the law which enjoins an oath?—It is a weak and inconsiderate assertion. In what respect is an oath an ordinance of the Christian faith? Do not the Mahometan, the Jew, the Deist, and the Idolater, equally swear? It is not an ordinance of religion, it promotes none of her interests, is applicable to none of her purposes: for the object of an oath is merely civil: it is a human institution, and is applicable only to concerns that are merely *temporal.*

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I have heard it said, that the law does not compel the clergyman to administer the sacrament to the unworthy. Sir, the terror of the suit for damages, the mere expence of which, independently of the final issue, would be ruin, is itself compulsion. But suppose the reverse to be true, and suppose also that the time at which I am now speaking were a time of war. Our fleet is preparing to sail; the enemies fleet is already in the Channel; the officer appointed as our admiral, is a man of the highest professional merit, and is called to the command by the general voice of the people.—Debauched, however, in his private life; living in avowed fornication, and notoriously profane—he approaches the holy table. If the sacrament be administered to him, in what situation is the clergyman? if it be refused him, in what situation is the kingdom?

Such are the preposterous consequences that follow when religion is perverted from its genuine object, and made the instrument of purposes that are merely human.

I should have thought it not unbecoming in the Bishops to have solicited the removal of this scandal from the Church. But let the requisition come from what quarter it may, sure I am that, as *legislators*, a compliance with it belongs to us as a duty; *for whatever tends to the debasement of religion*

*gion diminishes political authority, and weakens the sanctions of civil discipline.*

Thus I have shewn the various bearings of these pernicious statutes. — To the judgment of the House; to your *wisdom* as *senators*, to your *patriotism* as *citizens*, to your *feelings* as *men*, I now submit the consideration of the proposed repeal; perfectly convinced that you will not permit the continuance of laws *unjust* in their *principle*, *unwise* in their *political effect*, *inconsistent* with all *religious regards*, and therefore *every way hostile* to the *interests of the state*.

Mr. Beaufoy then moved, that an Act made in the 13th year of the reign of Charles the Second, entitled “An Act for the well-governing and regulating of corporations,” might be read.

And the same was read accordingly.

He also moved, that an Act made in the 25th year of the reign of Charles the Second, intituled, “An Act for preventing dangers which may happen from Popish Recufants,” might be read.

And the same was read accordingly.

He then moved, That this House will, immediately, resolve itself into a Committee of the whole  
House,

House, to consider of so much of the said Acts, as requires persons, before they are admitted into any office or place in corporations, or having accepted any office, civil or military, or any place of trust under the crown, to receive the sacrament of the Lord's supper, according to the rites of the Church of England.

The question being put it passed in the negative.

Ayes (including the Tellers)	-	100
Noes (including the Tellers)	-	178
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Majority against the motion,	=	78

F I N I S.







