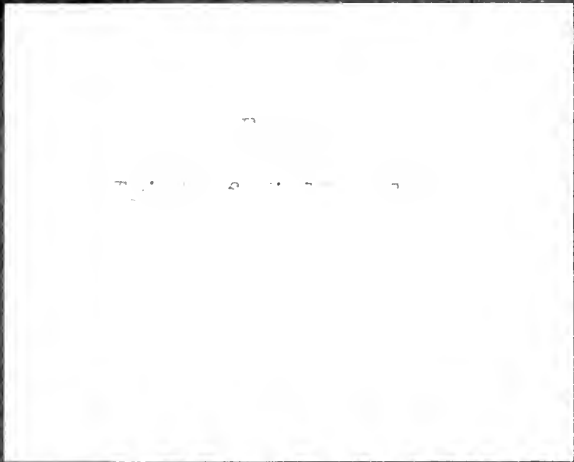


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T H E
T R I A L
O F

WILLIAM FREND, M.A.

AND FELLOW OF JESUS COLLEGE, CAMBRIDGE,

IN THE VICE-CHANCELLOR'S COURT.

FOR WRITING AND PUBLISHING A PAMPHLET,

INTITLED

PEACE AND UNION

Recommended to the Associated Bodies of Republicans and
Anti-Republicans.

By JOHN BEVERLEY, M. A.

AND PROCTOR OF THE VICE-CHANCELLOR'S COURT.

C A M B R I D G E :

PRINTED BY F. HODSON, FOR THE PUBLISHER, AND SOLD
BY J. DEIGHTON, 325, HOLBORN, LONDON; AND
THE BOOKSELLERS IN CAMBRIDGE.

E R R A T A.

Pag. 12. Line 12 from the Bottom, for *Law Schools* read *Senate House*.

Pag. 24. Line 5 from the Bottom, add *W. No.*

Pag. 28. from the Bottom of the Page dele *Being*, and insert **ELIZABETH.**

Pag. 29. Line 18 from the Top, for *about* read *about*.

In Pages 72 and 74, for *J. Postlethwaite* read *T. Postlethwaite*.

Pag. 82. Line 11. for *will* read *well*.

Pag. 13. Line 13. for *could be* read *could not be*.

Pag. 78. Line 32. for *they* read *those*.

Pag. 85. Line 34. read *earnest and zealous*.

T R I A L

O F

WILLIAM FREND, M. A. &c.

ON Saturday the ninth of February, 1793, the following Advertisement appeared in the Cambridge Chronicle.

“ In the Press, and in the course of next week will be published, Peace and Union recommended to the Associated Bodies of Republicans and Anti-Republicans, by William Frend, M. A. Fellow of Jesus College.

On the next Saturday, a second Advertisement appeared, stating, that the Pamphlet was published.

Soon after the Publication, the following Members of the Senate waited upon the Vice-Chancellor at different times, to express their disapprobation of the Pamphlet, and their wish, that such notice should be taken of the Author's offence, as might best declare the censure of the University.

W. Wade, B. D. Fellow of St. John's

Geo. Whitmore, B. D. Tutor of St. John's

T. Kipling, D. D. Dep. Regius Prof. of Divinity

J. Jowett, L. L. D. Tutor of Trin. Hall, and Regius Professor of Civil Law

W. Mathew, L. L. B. President of Jesus

J. Plampin, M. A. Tutor of Jesus

J. Costobadie, M. A. }

T. Bayley, M. A. } Fellows of Jesus

T. Castley, M. A. }

J. Mainwaring, B. D. Margaret Prof. of Divinity

P. Douglas, B. D. Tutor of Bene't

T. Lloyd, M. A. Tutor of King's

E. Kilvington, M. A. Fellow of Sidney

E. Outram, M. A. Lecturer of St. John's

B

W.

W. Walker, M. A. Fellow of St. John's
 A. Frampton, M. A. Lecturer of St. John's
 R. Belward, M. A. } Tutors of Caius
 W. Walford, M. A. }
 E. Bradford, B. D. Tutor of Bene't
 H. Jowett, M. A. Tutor of Magdalen
 R. Glynn, M. D. Fellow of King's
 Jas. Wood, B. D. Tutor of St. John's
 G. Gordon, B. D. Precentor of Exeter
 J. Smith, B. D. Tutor of St. John's
 J. Oldershaw, B. D. Tutor of Emmanuel
 W. L. Manfel, M. A. Public Orator
 T. Salmon, B. D. Fellow of St. John's
 J. Fawcett, B. D. Fellow of St. John's
 H. Greene, M. A. Fellow of Peterhouse
 G. King, M. A. }
 W. Pugh, M. A. } Fellows of Trin. Coll.
 R. Ramfden, M. A. }
 R. Tillard, M. A. Fellow of St. John's
 F. J. H. Wollaston, M. A. Tutor of Trinity Hall, and
 Jacksonian Professor

In consequence of these applications, the Vice-Chancellor on the fourth of March, desired all the above gentlemen to attend him at his Lodge, where he informed them, that, being called upon by so many respectable persons, he should now think it his duty to proceed against the Author of the Pamphlet, in such manner as might be thought adviseable. Being asked, "whether he meant in such manner, as might appear adviseable to that Meeting;" he answered, "No; but in such manner as should be adviseable on the whole"—but added, "that he was very ready to hear, what they might think proper to be done;" and left them in the room to consult together. The following Resolution was then unanimously agreed to, and deposited with the Vice-Chancellor.

Cambridge, Queen's College, March 4th, 1793.

Resolved by the underwritten persons, Members of the University of Cambridge, that William Frend, Master of Arts, and Fellow of Jesus College, be prosecuted in the Vice-Chancellor's Court, for having publicly and notoriously offended against a Grace passed by the Senate of this University in the year 1603: and that the following gentlemen be a Committee to manage the said Prosecution, viz. Dr. Kipling, Dr. Jowett, The Margaret Professor of Divinity,

Divinity, The Public Orator, and the Reverend Mr. Belward, Fellow of Caius College.

T. Kipling	Geo. Whitmore	G. King
J. Jowett	W. Mathew	T. Lloyd
J. Mainwaring	E. Bradford	R. Ramsden
W. L. Mansel	J. Oldershaw	A. Frampton
R. Belward	W. Walford	E. Kilvington
	W. Wade	E. Outram
	J. Plampin	R. Tillard
	H. Jowett	W. Pugh
	J. Smith	W. Walker
	J. Costobadie	F. J. H. Wollaston
	J. Wood	
	Thos. Salmon	Wm. Easton
	H. Greene	W. Wilfon

On the Friday following, the five gentlemen, who had been desired to undertake the management of the prosecution, met to draw up an Accusation against Mr. Friend, to be lodged with the Vice-Chancellor. But, on considering the forms and precedents of the Vice-Chancellor's Court, they found, that it had not been usual for the Accuser to dictate to the Court, under what *particular* statute the offender should be punished. It was therefore thought necessary, that they should call a second general Meeting; which was accordingly done: and on the eleventh of March, the following Resolution passed unanimously.

Cambridge, 11th March, 1793.

“Agreed, that the following words in the Resolution made last Monday, viz. “against a *Grace* passed by the “Senate of this University, in the year 1603” be rescinded, and that in lieu of them be substituted these words, viz. “against the *Laws* of the University.”

T. Kipling	Geo. Whitmore	F. J. H. Wollaston
J. Jowett	Wm. Easton	
J. Mainwaring	Henry Jowett	G. King
W. L. Mansel	W. Mathew	G. Gordon
R. Belward	W. Walford	W. Wilfon
	E. Bradford	H. Greene
	J. Oldershaw	T. Lloyd
	W. Wade	R. Ramsden
	J. Costobadie	A. Frampton
	J. Smith	E. Kilvington
	P. Douglas	W. Walker
	J. Wood	W. Pugh
	T. Salmon	E. Outram

On a subsequent day the Managers of the Prosecution drew up an Accusation against Mr. Frend; which was delivered to the Vice-Chancellor: Dr. Kipling requested at the same time, that Mr. Frend might be summoned into the Vice-Chancellor's Court, to answer to the Charge.

Mr. Frend was accordingly summoned to appear in the Vice-Chancellor's Court, to be held in the Law-Schools, on Friday the third of May, at ten o'clock in the forenoon.

The following account of the proceedings of the Court is copied from the original minutes taken by the Registrar:

At a Court holden before the Right Worshipful Isaac Milner, D. D. Vice-Chancellor of the University of Cambridge, and John Smith, Richard Farmer, William Colman, Lowther Yates, John Barker, Joseph Turner, Francis Barnes, William Craven, and Thomas Postlethwaite, Doctors in Divinity, and John Fisher, L.L. D. his Assessors, between the hours of ten and one, on Friday the third day of May, 1793, in the Law Schools of the said University.

Me present.

G E O. B O R L A S E,

Not. Publ. and Registr.

<p>The Office of the Judge promoted by Thos. Kipling, D. D. against William Frend, M. A. and Fellow of Jesus College.</p>	}	<p>On which day a summons, heretofore issued against Wil- liam Frend, M. A. and Fellow of Jesus college, was returned by John Beverley, Esquire Bedel, who made oath, that the same had been personally served on the said William Frend.</p>
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Mr. Frend appeared, and the Court was adjourned to the Senate House.* Dr. Colman appeared at the adjourned court. When and where, Mr. Frend excepted to the court, as in the following paper, purporting to be a renunciation of the jurisdiction of the said court; which paper he read and signed in the presence of the Registrar, who attested the same, and delivered it to the Vice-Chancellor.

* This Adjournment was made, as the Law Schools were too small to contain the audience.

“ MR. VICE-CHANCELLOR,

“ I desire leave, before my Accuser enters on his office, to offer a few things, in the way of objection to the mode of trial, adopted by him, and authorised by you. They will, I hope, be found not unworthy of your attention.

“ I acknowledge the receipt of a citation from you, to attend in this place at this hour, and my presence here is intirely owing to that circumstance: but I wish it to be considered, as proceeding more from civility and respect, than duty or obligation. The reason of which distinction will be obvious from what I am going to alledge.

“ My Accuser charges me with the publication of a pamphlet, entitled “ Peace and Union recommended to the associated bodies of Republicans and Anti-Republicans,” and by such publication, with impugning religion, as established by public authority within this realm, and also all ecclesiastical ranks and dignities; and by such impugning, with having violated the laws and statutes of this Univeristy, particularly the statute “ *De concionibus.*”

“ Now the violation of the statute “ *De concionibus*” being made the principal charge against me, I apprehend, that I ought not to have been cited to appear in the Vice-Chancellor’s court, but before the Vice-Chancellor, and a majority of the Heads of Colleges, all offences against that statute being made cognizable by him and them jointly; and that there is no instance of any person being cited to appear here for such an offence. The difference between the Vice-Chancellor’s court, and a meeting of the Vice-Chancellor and a majority of the Heads of Houses, I suppose to consist in the following particulars:

“ 1. The Vice-Chancellor’s court subsists by antient custom, and charters confirmed by an act of parliament, and ought to be held at stated times, for the purpose of receiving complaints, and hearing and determining causes. Whereas the other meeting derives its existence and authority wholly from Queen Elizabeth’s statutes, and from the nature of it, can only be occasionally assembled, in the same manner, that the same or other persons meet occasionally in the Senate or other place, for the execution of other parts of the same statutes.

“ 2. The Vice-Chancellor’s court is a court of record, from which no appeal can go to any of the courts in Westminster-Hall, but only to the Senate of the Univeristy.—Whereas, I apprehend, that no appeal can go to the Senate from a determination of the Vice-Chancellor and Heads, acting under the statute “ *De concionibus,*” though
such

such determination, like that of a Mayor and Aldermen in any civil corporation, may be liable to a review in the Court of King's Bench.

"3. The Vice-Chancellor sitting in his court, possesses the power of punishing all offences, cognizable in it, without the concurrence of a majority of the Heads of houses, such concurrence being in no case necessary to punish, but only to punish in a particular manner.—Whereas, in the exercise of the power given in the statute "*De concionibus*," such concurrence is in every step made absolutely necessary.

"4. The immediate object of a citation into this court is punishment; whereas the immediate object of a citation, before the Vice-Chancellor and a majority of the Heads under the statute "*De concionibus*," is not punishment, but the revocation of error.

"5. There is no pretence from the statute, nor from any practice under it, for the appointment or allowance of a Promoter, such office being peculiar to ecclesiastical courts.

"6. The Vice-Chancellor has undoubtedly in his court the power of compelling evidence, and that upon oath, neither of which can, I suppose, be done by him and a majority of the Heads, assembled for the purpose of enforcing the statute "*De concionibus*."

"For these reasons, at least till stronger ones to the contrary shall be alledged, I think myself obliged to renounce the Jurisdiction of this court, and do hereby renounce such Jurisdiction, so long as the violation of the statute "*De concionibus*" is made the principal or any part of the charge against me. And, though I should in the first instance have willingly submitted to answer for any supposed breach of that statute, before the Vice-Chancellor and a majority of the Heads of Houses, or before the Vice-Chancellor in this court for the breach of any other law of the University properly cognizable in it, I now desire time to be advised, whether having been wrongfully cited to appear in this court, on a supposed offence against that statute, with the acquiescence at least, if not the approbation of the Heads of Colleges, I am any longer liable to a trial for the same offence, either before the Vice-chancellor and Heads under the statute so often mentioned, or to the Vice-chancellor alone, under any other law and statute of the University.

W. F R E N D."

Signed by W. F R E N D, in the presence of me

G E O. B O R L A S E,

Not. Publ. and Registrary.

The

The Vice-Chancellor, after deliberating with the Assessors, pronounced for the Jurisdiction of the court: and ordered Dr. Kipling to bring forward his charge. Mr. Friend desired, that the renunciation might be entered on the records of the court, and that the Grace "*Cum Statutis Academiae*," Oct. 24, 1609, might be read, part of which was read by Mr. Friend—The Vice-Chancellor objecting to the reading the whole at that time, and saying it might be read in the course of his defence.

Dr. Kipling desired that the charges might be exhibited in writing; which was allowed: and the said charges or articles were read; and a copy of the same was ordered by the Vice-Chancellor to be delivered to Mr. Friend, and was so delivered.

ARTICLES.

University of Cambridge, May 3, 1793.

In the name of God, Amen. We Isaac Milner, Doctor in Divinity, Vice-Chancellor of the University of Cambridge, and Judge of the Court of the Chancellor, Masters and Scholars, of the said University, lawfully constituted and appointed; To you William Friend, Master of Arts, and one of the Fellows of Jesus College, in this University, Do give and minister all and singular the Articles, Heads, or Interrogatories under-written, for certain crimes and offences, said by you to have been committed; but more especially for having written, published, and caused to have been dispersed, within the said University, a Book or Pamphlet, intitled "Peace and Union recommended to the associated Bodies of Republicans and Anti-Republicans; by William Friend, M. A. Fellow of Jesus College, Cambridge. Printed for the Author, by P. C. Croft, St. Ives, 1793, (price one shilling)." In which said Book or Pamphlet, Religion, as established by public authority within this realm, and also all Ecclesiastical Ranks and Dignities, are impugned. At the Promotion of the Reverend Thomas Kipling, Doctor in Divinity, and a Member of this University. And We do object and article as follows: (that is to say)

In the first place, We article and object to you, the aforesaid William Friend, that the University of Cambridge was founded and endowed, and by an Act of Parliament made in the thirteenth year of the reign of Queen Elizabeth, was incorporated by the name of the Chancellor, Masters, and Scholars of the University of Cambridge,
for

for the maintenance of good and Godly Literature, and the virtuous education of Youth, within the said University: And moreover, that the Letters Patents granted to the Chancellor, Masters, and Scholars of the University of Cambridge, in the third year of the reign of our then Sovereign Lady, Queen Elizabeth, and all other Letters Patents granted to the said University, by any of the Progenitors or Predecessors of our said Queen, were, by the said Act of Parliament, declared to be thenceforth good, effectual, and available in Law, to all constructions and purposes; and We object and article the premises jointly and severally, and every part thereof.

2. Also, We article and object to you, the aforesaid William Frend, that in this present year of our Lord, one thousand seven hundred and ninety-three, you did publish, and cause to be dispersed, within this University, a scandalous Book or Pamphlet, of which you are the Author, intituled "Peace and Union recommended to the associated Bodies of Republicans and Anti-Republicans; by William Frend, M. A. Fellow of Jesus college, Cambridge. Printed for the Author, by P. C. Croft, St. Ives, 1793;" which said Book or Pamphlet is annexed to these presents, and prayed to be admitted as if inserted herein; and we article and object as above.

3. Also, We article and object to you the aforesaid William Frend, that in the twenty-ninth page of the aforesaid Book or Pamphlet, you have defamed the public Liturgy of the established Church, by affirming that "it is very far from that standard of purity in doctrine, which is required in such compositions;" and we article and object as above.

4. Also, We article and object to you the aforesaid William Frend, that in a paragraph contained in pages 36, 37, 38, of the aforesaid Book or Pamphlet, beginning at the words "The same passions," and ending with the words "Episcopal Convocations," you affirm, that the public worship of the great Body of Christians is *idolatrous*; including in this charge the Members of the Church of England, as evidently appears from the context; and we article and object as above.

5. Also, We article and object to you the aforesaid William Frend, that in the thirty-ninth page of the aforesaid Book or Pamphlet, you have asserted, that "ecclesiastical Courts, ecclesiastical Ranks and Titles, are all repugnant to the spirit of Christianity;" and we article and object as above.

6. Also

6. Also, We article and object to you the aforesaid William Frend, that you have profanely reviled and ridiculed the most sacred offices of Religion, as enjoined by the Church of England, and performed by its Ministers, in the following passage, contained in the thirty-ninth and fortieth pages of the aforesaid Book or Pamphlet, (that is to say) “ The Laity, like brute beasts, sit tamely under this usurpation: a man, if a priest or minister enters, is not a master of his own house, he must not thank God for the blessings of Providence at his own table, he cannot pledge his faith to a lovely woman without the interference of the Priest, his offspring must be sprinkled by sacred hands, and at death, he is not committed to his long home, without another spiritual incantation.

“ These superstitious prejudices are, without doubt, highly beneficial to the interest of the clerical community, but the morals of neither party are consulted. The Laity are apt to imagine, that there are some practices, in which they may be indulged without any imputation on their christian character; and the gentleman in black is supposed to put on a particular set of features and behaviour with his cloaths;” and we article and object as above.

7. Also, We article and object to you the aforesaid William Frend, that at the time of publishing the aforesaid Book or Pamphlet, you was a Master of Arts, and Member of this University; and that you now are a Master of Arts and a Fellow of Jesus College, in this University, and therefore notoriously subject to the Jurisdiction of this Court; and we article and object as above.

8. Also, We article and object to you the aforesaid William Frend, that by the laws and statutes of this University, particularly by the forty-fifth statute, intituled “ *De concionibus* ;” and by a decree passed in the Senate of this University, on the ninth day of June, one thousand six hundred and three, it is ordained and provided, that all and every person or persons, impugning Religion, as by law established within this realm, or impugning ecclesiastical Ranks and Dignities, may, and ought to be proceeded against and punished, by suspension from academical degrees, by expulsion, or by banishment; and we article and object as above.

9. Also, We article and object to you the said William Frend, that of and concerning the premises, complaint hath been, and is rightly and duly made, by this party promovent, to this Court and the Judge thereof.

Wherefore the party promovent in this cause, prayeth Right and Justice to be done, and administered to him effectually; and that the said William Frend, in regard to his great rashness and presumption in the premises, may be duly corrected and punished as the Law requires.

The first article the defendant denied, so far as concerns the cause in question: which denial was over-ruled by the Court. Mr. Frend asked the Vice-Chancellor whether it was over-ruled with the concurrence of the Heads. The Vice-Chancellor declared it was over-ruled, and is now over-ruled with the concurrence of the Heads.

The second article was then read, and Dr. Kipling proposed to call witnesses. Mr. Frend objected to the calling any witnesses, until the *secundus dies juridicus*, and read part of the Grace "*Cum Statutis, &c.*" beginning at the words, "*Secundo die juridico*," to the words, "*per reum datus*," and required time to answer according to the statutes. The Vice-Chancellor declared, that the demand made by Mr. Frend, as founded on the grace aforesaid, was not good: nevertheless he judged it reasonable to allow him time to prepare himself: and accordingly adjourned the Court to be holden at the Senate-House, on Friday the 10th inst. at ten o'clock in the morning, and warned Dr. Kipling and Mr. Frend then and there to appear.

SECOND COURT DAY.

At a Court holden before the Right Worshipful Isaac Milner, D. D. Vice-Chancellor of the University of Cambridge, and John Smith, Richard Farmer, William Colman, Lowther Yates, John Barker, Joseph Turner, Francis Barnes, William Craven, and Thomas Postlethwaite, Doctors in Divinity, and John Fisher, L.L. D. his Assessors, between the hours of ten and one, on Friday the tenth day of May, 1793, in the Law Schools of the said University.

Me present.

G E O. B O R L A S E,

Not. Publ. and Registr.

The Office of the Judge } promoted By Thos. Kipling, D. D. } against William Frend, M. A. and } Fellow of Jesus College. }	On the opening of the Court, the Judge asked Mr. Frend, if he was now ready to answer to the charges laid against him.— Mr. Frend declared, that he did not come with the idea of answering to the Charges this day; but that he was ready
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ready to act according to the Laws of the University, and referred again to the Grace, passed Oct. 24, 1609. On which the Vice-Chancellor said, that as Mr. Frennd on the last Court Day urged the necessity of adhering strictly to the Grace of Oct. 24, 1609, and according to his own explanation of what is there stated; He thought it expedient now to explain his ideas concerning the meaning and authority of it.

The Vice-Chancellor then gave his reasons at large, in support of the present proceedings, and explained, according to the best of his judgment, in what sense this Grace is to be considered as obligatory, and in what sense its authority could be admitted.—He said, this Court had unquestionably authority to proceed more or less summarily; and in the present instance, he did not perceive the shadow of a reason for departing from the usual practice. He added, that he was ready to listen with the utmost attention and patience, as long as any thing could be advanced on either side. His object was to do substantial justice, and he exhorted both the Accuser and the Accused, to use no unnecessary delay.

Question from Mr. Frennd. Whether the Judge meant to proceed according to the statute "*De concionibus*" simply, or whether that statute made a part of the law, under which the Judge was now proceeding?

Answer. I certainly consider myself as not acting under that statute separately, but as part of the law on which I mean to proceed.

Question from Mr. Frennd. Whether the Judge said this from his own authority, or with the assent and consent of the Heads?

Answer. I do not think it necessary to answer that question repeatedly.

Mr. Frennd protested against the Court now proceeding; as he said, there was not now present with the Vice-Chancellor, a majority of the Heads, and therefore, he could not proceed to take the Examination of Witnesses, on Oath, as long as the statute "*De concionibus*" is made a part of the statutes on which the accusation is founded.

Dr. Kipling read the Second Article, and the Vice-Chancellor asked Mr. Frennd whether he admitted or denied the same?

Answer. That he had before generally denied them all, asserting them to be false, wicked, and malicious.

Witnesses were then called on the part of the Promoter.

HARVEY ALGER

Sworn, and (a Pamphlet being put into his hand by Dr. Kipling) deposed as follows :

Dr. Kipling. Did you ever see that book before ?

Witness. Yes.

Dr. K. Did you purchase it of any One ?

W. Yes.

Dr. K. Of whom ?

W. Of Mr. Lunn the Bookseller.

Dr. K. About what time ?

W. On Friday the 19th of April, 1793.

Dr. K. Who delivered that book into your hands ?

W. Mr. Lunn's Journeyman.

Dr. K. How do you know that to be the very Book, you received from Mr. Lunn's Journeyman ?

W. By having marked it on the cover, and by an L. for Lunn.

Dr. K. Did you make these marks before you delivered the Book out of your hands ?

W. Yes.

Dr. K. Can you say on your oath, that it is the very Pamphlet you delivered into my hands the last Court-Day ?

W. Yes.

Dr. K. How do you know it to be the very same ?

W. By the letter L. which I know to be my handwriting.

Dr. K. Did you look at the letter L. particularly, when you delivered the Book into my hands, on the last Court-Day ?

W. I did.

Dr. K. Did you look at it again particularly, when I returned it to you ?

W. I did.

Dr. K. Had it been in possession of any person besides yourself, since the last Court Day ?

W. No.

Question from the Court. Where does Mr. Lunn live ?

W. In Trumpington-street.

Q. Can you read ?

W. Yes.

Witness was ordered to read the title of the said Pamphlet, and read as follows :—“ Peace and Union Recommended to the Associated Bodies of Republicans and Anti-Republicans ; by William Friend, M. A. and
“ Fellow

“ Fellow of Jesus College, Cambridge. Printed
 “ for the Author, by P. C. Croft, St. Ives, 1793,
 “ (price one shilling).”

Dr. K. Did you deliver the same book into my hands this morning, when I came into Court?

W. Yes.

Mr. FRIEND Cross-Examined the said Witness.

Q. Are you not Dr. Kipling's servant?

W. I am.

Q. For whom did you purchase this book?

W. For Dr. Kipling.

Q. With what intention?

W. By Dr. Kipling's desire.

Q. When did you make the two marks?

W. I made them before I took the book to Dr. Kipling.

Q. Why was you induced to make those marks and letter, before you gave the book to Dr. Kipling?

W. By Dr. Kipling's order.

Q. How long did it remain in Dr. Kipling's possession after the first delivery?

W. About two days.

Q. Who delivered it into your possession at the end of the two days?

W. Dr. Kipling.

Q. For what purpose did Dr. Kipling deliver it to you?

W. He desired me to lock it up.

Q. Did Dr. Kipling assign any reason for its being locked up?

W. No.

Q. Did you keep it locked up?

W. I did.

Q. With what intention did you keep it locked up?

W. With no other intention than by Dr. Kipling's order.

Q. By whose order did you take the Book from the place where it was locked up?

W. By Dr. Kipling's order.

Q. Did you bring the book to court the last Court Day by Dr. Kipling's order?

W. Yes.

Q. Was this book produced in Court?

W. I gave it to Dr. Kipling in the Senate-House-Yard before I came into Court; but cannot say what became of it after.

Q. Why

Q. Why could not this Book be out of your possession between the last Court Day and this?

W. Because I locked it up as soon as I went home, and have had the key in my possession ever since.

PHILIP LIFE Sworn.

Dr. Kipling. Do you know the last witness, my servant?

Witness. I know him by sight.

Dr. K. Do you recollect ever delivering to that servant a Pamphlet, intituled "Peace and Union, &c. by William Frennd, M. A.?"

W. I do.

Dr. K. Do you recollect about what time you delivered it to him?

W. I do not.

Dr. K. Can you say from whence that Pamphlet came, which you delivered to my servant?

W. I cannot.

Dr. K. Did you ever receive any Copies of the Pamphlet, intituled "Peace and Union, &c." from Mr. Frennd himself?

W. I did.

Dr. K. How many Copies?

W. Twenty Copies.

Dr. K. On what Day?

W. On the 3d of April last.

Dr. K. Had Mr. Lunn any Copies of this Book at that time unfold?

W. Not that I know of.

Dr. K. Did Mr. Lunn, to your knowledge, procure any Copies of this Pamphlet, from any other Quarter, between the 3d and 19th of April last?

W. Not that I know of; at least I did not go for any.

Dr. K. At what Place did you receive those twenty Copies of the Pamphlet from Mr. Frennd?

W. At Mr. Frennd's Room in Jesus College.

Dr. K. Why did you go thither for any Copies of the Pamphlet?

W. I applied to Mr. Bowtell for some Copies, but he had none. Mr. Bowtell told me that Mr. Frennd had them all.

Dr. K. Was you directed by Mr. Lunn to go to Mr. Bowtell for some Copies?

W. I was.

Dr. K. What

Dr. K. What did you say to Mr. Frend, when you first went to Mr. Frend's Chambers?

W. I cannot exactly say what the Words were—the purport of them was, that Mr. Lunn presented his compliments to Mr. Frend, and having sold all the Copies of his Pamphlet which he had, would thank him for 50 Copies more.

Dr. K. Do you recollect, whether you asked Mr. Frend for Copies of his Pamphlet?

W. I do.

Dr. K. Did Mr. Frend make any answer to you on the occasion, and what?

W. As near as I can recollect, Mr. Frend said, that he did not think he had fifty Copies; but that Mr. Lunn should have all he had.

Dr. K. What did Mr. Frend do immediately after this?

W. When I went to Mr. Frend's Rooms, he was not in them. Some little time afterwards, I saw him standing in the Court; when I went to him, and delivered the message I have repeated: I then went with Mr. Frend to his rooms, when he delivered to me 20 Copies of the Pamphlet, intitled "Peace and Union."

Dr. K. What did you do with these 20 Copies?

W. I brought them home to Mr. Lunn's shop.

Dr. K. You mentioned to Mr. Frend, that Mr. Lunn had sent you for more Copies of the Pamphlet, because Mr. Lunn then had none remaining unfold in his shop. Was this a part of Mr. Lunn's message or not?

W. As near as I can recollect, it was.

The REV. THOS. LLOYD, M. A. was then called.

Mr. Frend objected to his Evidence, and desired that his Objection might be recorded by the Registry.

O B J E C T I O N.

I ask the Court whether a Person concerned in the Prosecution, may be a Witness in the Cause?—Because Mr. Lloyd, now standing in this Court, was one of the Twenty-Seven, or of the number which assembled at the Vice-Chancellor's Lodge, and there entered into certain Resolutions respecting this Cause; by which Resolutions Dr. Kipling, Dr. Jowett, Mr. Mansel, Mr. Belward and Mr. Mainwaring, were appointed Managers, (as he, Mr. Frend, understands) to carry on in their names, this Prosecution.

A Copy

A Copy of which Resolutions, he (Mr. Frend) requested Dr. Kipling to send him. But he (Dr. Kipling) returned word in his first answer, in writing, that he had them not.—Mr. Frend sent a second note to Dr. Kipling, to desire to know by what means he (Mr. Frend) might procure a Copy of these Resolutions. He returned him (Mr. Frend) for answer in writing, that they were in the possession of the Vice-Chancellor.—He (Mr. Frend) wrote between the hours of twelve and one of that day, to the Vice-Chancellor, and receiving no answer from him, he wrote again between the hours of five and six, requesting that as his interests were much involved in those Resolutions, he might be favoured with a copy of them.—Between the hours of seven and eight, the Vice-Chancellor sent him word in writing, that he did not think himself authorized to comply with his (Mr. Frend's) request. He now again makes his request, considering the Production of that Paper as necessary in the Prosecution of this Cause, and being fully convinced (whether those Resolutions are to any purpose or not in themselves) that a very bad use has been made of them by the Twenty-seven, to prejudice him in the eyes of the public, and of the University.

The Court asked Dr. Kipling, whether he chose that the Resolutions should be shewn to Mr. Frend.—Dr. Kipling declared he had no objection.

In answer to Mr. Frend's objection to Mr. Lloyd's Evidence (on account of his being one of the number, which had signed the Resolutions) the Court thought the evidence to be competent; but determined that as he was one of that number, they thought it their duty to receive his Testimony with caution.

MR. LLOYD was then Sworn,
and deposed as follows :

Dr. Kipling. What Pamphlet is that you hold in your hand? (Mr. Frend objected to the Question, but the Court admitted it.)

Witness. A Pamphlet, entitled "Peace and Union," by Wm. Frend, Fellow of Jesus College.

Dr. K. Did you purchase it or was it given to you?

W. I purchased it.

Dr. K. Of whom?

W. Of Mr. Lunn the Bookseller.

Dr. K. Did you purchase it before the 3d of April or after?

W. After that date.

Dr. K. How

Dr. K. How long after that date?

W. On Thursday the 18th of April.

Dr. K. Can you say upon your oath, that it is the very pamphlet you bought in Mr. Lunn's shop?

W. I can.

Dr. K. Did you receive it from Mr. Lunn himself, or his Foreman?

W. From his Foreman.

The Witness cross-examined by Mr. Friend.

Mr. F. Was there any agreement between you and the Promoter, to appear here with a Pamphlet?

W. I was asked by Dr. Kipling, if I had any objection to appear, and had none.—The same principle that led me to petition for a prosecution, led me also to take the part I now do, in it.

(The Question being repeated by Mr. Friend).

Ans. I had no objection to purchase a Pamphlet, for the express purpose of appearing here against Mr. Friend, and to bring home the charge against him.

Q. Was there any agreement between you and Dr. Kipling concerning purchasing, keeping, and exhibiting a Pamphlet before this Court?

W. Dr. Kipling suggested to me, to take every proper method for identifying the Pamphlet, and qualifying myself as a witness on this occasion.

Q. Was you one of the twenty-seven, or a greater or less number, who had met at the Vice-Chancellor's and entered into certain Resolutions respecting this Cause?

W. I have the honour to be of that number, and I thank Mr. Friend for making it known.

Q. Did you vote for Dr. Kipling being Chairman, in that meeting?

W. I did.

Dr. K. Did you debate on the mode of prosecution?

W. The plan was not finally settled on that occasion, there certainly was a debate.

Q. By whose direction did you go to the Vice-Chancellor's Lodge on that day?

W. I think it was in consequence of a message from Mr. Vice-Chancellor, I am not very positive, but believe it was.

Q. Did you vote for the five Managers?

W. I do not think it came to a regular voting.

Q. Were they nominated?

W. Their names were mentioned.

Q. Was there any question of depriving Mr. Frend of his property at that meeting?

W. I rather think it was hinted by some person present, that a prosecution might go to that, but that it was not a necessary consequence. The question was, whether the College might not, on account of the University prosecuting, proceed to exclude him from his fellowship; but I do not pretend to be accurate.

Q. Was it not said, that to deprive Mr. Frend of his property was a matter of comparatively small moment?

W. I do not recollect that remark.

PHILIP LIFE called again.

Dr. Kipling. Do you recollect a Pamphlet being sold to Mr. Lloyd, entitled "Peace and Union."?

Witness. I do.

Dr. K. Do you recollect whether it was sold after the 3d of April or before?

W. I think after.

Question from the Court. How come you to recollect selling that Pamphlet to Mr. Lloyd?

W. By Mr. Lloyd writing his name on it.

Q. (Being shewn a Pamphlet) Is this the same?

W. It is like it, but I am not sure it is the same; I have no circumstance fixed in my memory, which will enable me to say with certainty, that the pamphlet was really sold to Mr. Lloyd after the 3d of April; and do not remember that it was dated; the Pamphlet being dated, is the sole circumstance which leads me to suppose it was sold then.

The same Witness cross-examined by MR. FREND.

Q. Why do you remember the day, on which you have said you came to my room?

W. Because I gave Mr. Frend credit for 20 Copies, in Mr. Lunn's Ledger.

Q. By whose instructions did you take the memorandums in your hand?

W. By Mr. Lunn's.

HARVEY ALGER called again and examined
by DR. KIPLING.

Dr. Kipling. Are you in possession of a Copy of the Pamphlet, entitled "Peace and Union, by Mr. Frend"?

Witness. I am.

Dr. K. Where did you purchase it?

W. Of Mr. Bowtell.

Dr. K. About

Dr. K. About what time?

W. On Friday the 19th of April last.

Question from Mr. Frend. Did you buy this second Copy by direction of Dr. Kipling?

W. I bought both Books by the direction of Dr. Kipling.

JOHN BOWTELL SEN. called and Sworn.

Dr. K. Do you recollect selling a Copy of a Pamphlet, intituled "Peace and Union," by Mr. Frend, to my servant?

W. I do.

Dr. K. From whom had you that Pamphlet?

W. From Mr. Frend.

Dr. K. Did you go to Mr. Frend's Chambers for it?

W. No.

Dr. K. Where then did Mr. Frend deliver it to you?

W. I received it from Mr. Frend, in my own house.

Dr. K. Did Mr. Frend bring it himself to your house?

W. No.

Dr. K. Who then brought it to your house?

W. It came to my house in a parcel directed to Mr. Frend.

Dr. K. Do you know from whence that parcel came?

W. I do not.

Dr. K. What did that parcel contain, besides that one Copy sold to my servant?

W. It contained that Pamphlet, and several other Duplicates.

Dr. K. How do you know that it contained several other Duplicates of that Pamphlet?

W. I saw them when the parcel was opened.

Dr. K. Who opened that parcel?

W. Mr. Frend himself.

Dr. K. How long had the Parcel been in your house, before Mr. Frend came to open it?

W. I do not now recollect, whether Mr. Frend came the same day on which it arrived or not, but it was on the same, or the following day.

Dr. K. Did Mr. Frend deliver that said Copy, and several others, to be sold for him?

W. He did.

Dr. K. Did he give you any Commission about the remaining Copies?

W. I do not recollect that he did.

Dr. K. Did he give no directions to send any Copies to Mr. Merrill or Mr. Lunn?

W. I do not recollect that he did.

Dr. K. Did you hear Mr. Friend give any such directions to your servant?

W. He did.

Dr. K. Inform the Court, what those directions were.

W. Mr. Friend directed my Servant to take one of the inclosed Parcels to Mr. Merrill, another inclosed Parcel was directed to be taken to Mr. Lunn.

Q. (from the Court) Were any of the Parcels under Cover?

W. They were tied up with the Titles; so that no Print was seen. The Ends of the Pamphlet were blank.

Q. How did you know that these Pamphlets were copies of "Peace and Union"?

W. I do not know that they were copies of "Peace and Union".

Q. Do you know that the Pamphlet now produced by Dr. Kipling's servant, was the Pamphlet fold by you?

W. I do not know that it was.

Mr. FRIEND cross-examined the Witnesses.

Mr. F. Have you not sold for me, a Variety of Books of different Authors, addressed both to yourself and Mr. Friend, in Parcels from London?

W. I have.

CHARLES DICKENS, L. L. D. called by the Promoter, and Sworn.

Dr. Kipling. Have you in your Possession at present, that Pamphlet, entitled, "Peace and Union, &c." by William Friend, that was shewn to me by a friend of yours and mine, about a week ago; containing an Appendix in two Parts?

Witness. I have.

Dr. K. Produce it to the Court. (produced)

Of whom had you that Pamphlet?

W. Of my Friend, Mr. Friend. I went to the printing office at St. Ives, where Mr. Friend was packing up many others. I took up one of the Pamphlets, and asked him whether I might take one. Mr. Friend consented to my taking one, (which I have now in my hand) but said, that he designed to have sent me one.

Dr. K. How do you know, that it is the same Pamphlet you took up at that time?

W. "Hifce Oculis video." I know it by my own handwriting on it.

Being

Being asked what he had written, he read,
 “Sunt bona, sunt quædam mediocria, sunt mala plura.”

Dr. Dickens was desired by Mr. Frend to read what he had wrote at the end of the book.

He read,

Siste per Fidem, at the bottom of the stairs

Nolo per Jovem, faith good Mr. Eyres

Nil dictum quod non dictum sit prius.

The Court was then adjourned to the next day at twelve o'clock.

THIRD COURT DAY.

At a Court holden before the Right Worshipful Isaac Milner, D. D. Vice-Chancellor of the University of Cambridge, and John Smith, Richard Farmer, William Colman, Lowther Yates, John Barker, Joseph Turner, Francis Barnes, and William Craven, Doctors in Divinity, and John Fisher, L.L. D. his Assessors, between the hours of twelve and six, on Saturday the eleventh of May, 1793, in the Senate-house of the said University.

Me present.

G E O. B O R L A S E,

Not. Publ. and Registr.

The Office of the Judge } promoted by Thos. Kipling, D. D. } against William Frend, M. A. and } Fellow of Jesus College. }	}	Certain Resolutions respecting this Cause, (Pag. 4 & 5.) by which Dr. Kipling, Dr. Jowett, Mr. Mansel, Mr. Mainwaring and Mr. Belward, were appointed Managers to carry on this Prosecution, were read.
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Dr. Kipling desired that the two Pamphlets produced yesterday in Court, the one by Harvey Alger, the other by Dr. Dickens, might be examined by the Court, that the Court might be satisfied that they were duplicates of the Pamphlet “Peace and Union” in all respects excepting an Appendix annexed to the latter.

JOHN BOWTELL Jun. called and sworn.

Dr. Kipling. Do you recollect seeing Mr. Frend a few weeks ago open a Parcel in Mr. Bowtell's house containing some Pamphlets?

Witness. I do.

Dr. K. Did Mr. Frend deliver any of those Pamphlets to you?

W. He left some there for me to take out.

Dr. K. Did

Dr. K. Did he himself give you directions about them?

W. Yes.

Dr. K. What were those directions?

W. To take one Parcel to Mr. Merrill's and one to Mr. Lunn's.

Dr. K. Did you see the Title Page of any one of those Pamphlets?

W. Of some that laid loose.

Dr. K. What was the Title Page as nearly as you can recollect?

W. Peace and Union.

Dr. K. Do you recollect any Person's Name on the Title-Page?

W. Mr. Friend's.

Dr. K. Were you directed to carry out any of those Pamphlets that laid loose?

W. Yes.

Dr. K. Who gave you those directions?

W. Mr. Friend.

Dr. K. To what Gentlemen did he direct you to carry them?

W. To Dr. Edwards.

Dr. K. To any other Persons?

W. To Mr. Lambert, and to Mr. Marsh.

Dr. K. Were you to deliver any Message with the Pamphlets?

W. I do not remember that I was.

Dr. K. To whom did you deliver that Parcel which Mr. Friend ordered you to carry to Mr. Lunn's?

W. To Mr. Life.

Dr. K. Who is Mr. Life?

W. Mr. Lunn's Journeyman.

Dr. K. Can you say how many Pamphlets were in that Parcel?

W. They were tied up in fifties, and I took one Parcel.

Dr. K. To whom did you deliver that Parcel which Mr. Friend directed you to carry to Mr. Merrill?

W. To Mr. Merrill's Maid Servant.

Dr. K. Do you know her name?

W. No.

Dr. K. Can you recollect her Person, when you see her again?

Q. (from the Court) Do you know what those Pamphlets were, which you delivered to Mr. Merrill's Maid Servant?

W. No.

PHILIP LIFE, again called and examined by
Dr. Kipling.

Dr. K. Do you recollect ever receiving from John Bowtell jun. a Parcel, containing 50 Pamphlets or thereabouts?

W. I do.

Dr. K. Did you open that Parcel yourself?

W. I cannot charge my memory, whether Mr. Lunn or I opened it.

Dr. K. Did you see the Parcel opened?

W. I saw it when it was open.

Dr. K. What were the Contents of it?

W. It contained 50 Copies of a Pamphlet, intitled, "Peace and Union recommended to the Associated Bodies of Republicans and Anti-Republicans."

Dr. K. Was there any Person's Name upon the Title Page?

W. Yes. Mr. Frend's.

Dr. K. What might be the Interval of Time, or nearly so, between your receiving the Parcel, and seeing it open?

W. I saw it open the same Evening it was brought.

Dr. K. Are you sure that the Parcel of Pamphlets that you saw open, was the very parcel that you received from John Bowtell Jun?

W. I am sure.

Dr. K. Did John Bowtell Jun. deliver any message to you, with that Parcel?

W. He said, it came from Mr. Frend.

Dr. K. Did he say for what purpose?

W. I do not recollect that he did.

Dr. K. Have any of those Pamphlets been sold in Mr. Lunn's shop?

W. Yes.

Dr. K. How many?

W. The whole fifty.

Dr. K. On what authority did you undertake to sell them?

W. I cannot say.—It was Mr. Lunn's order they should be put in the shop for sale.

Dr. K. Have any more Copies of the same Pamphlet, been sold in Mr. Lunn's shop?

W. Yes.

Dr. K. How many more?

W. About seventy.

Dr. K. Do you know where those seventy Copies came from?

W. I went for Fifty of them to Mr. Bowtell's house, and for the other twenty, to Mr. Friend's rooms.

Dr. K. Did you receive the fifty copies yourself from Mr. Bowtell?

W. I did.

Dr. K. What did you do with them?

W. I brought them home to Mr. Lunn's shop.

Dr. K. Are all those 50 Copies sold?

W. They are.

Dr. K. Were they all sold, before you went to Mr. Friend's chambers for more copies of the same Pamphlet?

W. I believe they were, but cannot speak with any certainty.

Dr. K. Do you know, whether any more Copies of the same Pamphlet, were brought into Mr. Lunn's shop for sale?

W. I never saw any, after the twenty Copies I received from Mr. Friend.

Dr. K. Do you believe, that no more than those 120 Copies, which have been just now mentioned, were exposed to sale in Mr. Lunn's shop?

W. I do.

Question from Mr. Friend. At what time did the sale of these Pamphlets begin at Mr. Lunn's?

W. Sometime about February the 13th last.

JOHN BOWTELL SEN. called and examined again
by the Promoter.

Dr. Kipling. Did you ever deliver 50 Copies of the Pamphlet, entitled "Peace and Union, &c." to Philip Life, Mr. Lunn's Journeyman?

Witness. I do not recollect that I did.

Dr. K. Do you recollect whether Philip Life ever came and asked you for some copies of that work?

W. No; I do not remember that.

Dr. K. Do you recollect ever giving any parcel of books to Philip Life?

W. I have no recollection of it.

Dr. K. Did not Mr. Friend leave several Copies of the Pamphlet, entitled "Peace and Union," in your house to be distributed to others, who might ask for the work?

W. He did.

Dr. K. Did you make an entry in your account Books, of the number of Copies which he left you, for that purpose?

W. I believe I did.

Dr. K. Have

Dr. K. Have you kept an account in the same Books of the persons names to whom you have delivered copies of that work, and of the number of copies you have delivered to each person?

W. I have no account of any person to whom I have sold them.

Dr. K. You told the Court, yesterday, that you saw Mr. Frend open a parcel, which contained many Pamphlets; you have also told the Court, that several of those Pamphlets were left in your own possession—Have you kept any account of those Pamphlets?

W. No; I have not.

Dr. K. Are they all still in your own possession?

W. None of them.

Dr. K. Tell the Court to what persons you recollect having delivered some of them.

W. I think I recollect sending 50 copies to Mr. Frend unfold.

Dr. K. Tell the Court the names of all the persons to whom you have sent parcels of those Pamphlets.

W. I sent none; I saw them go; Mr. Frend sent them.

Dr. K. How many copies did you send to Mr. Lunn?

W. I sent none.

Dr. K. Do you mean to deny that Philip Life ever had 50 Copies from you, of the Pamphlet, intitled "Peace and Union, &c." by Mr. Frend?

W. No.

Dr. K. Do you think that he never had that number of Copies so intitled, from your house?

W. I might deliver them, but I do not recollect it.

Dr. K. You have said that you never sent any of those Pamphlets yourself to Mr. Lunn's, but that you saw 50 of them go.—By whom were they carried to Mr. Lunn's?

W. By my servant, John Bowtell Jun.

Dr. K. Who directed him to carry them thither?

W. Mr. Frend.

Dr. K. What message did Mr. Frend send with them?

W. I do not recollect any particular message.

Dr. K. Did he send no message?

W. He said, take them to Mr. Merrill and Mr. Lunn; this is all I recollect.

WILLIAM HENRY LUNN Sworn.

Dr. Kipling. Your Foreman has told the Court, that he received a parcel containing 50 Pamphlets from John

Bowtell Jun. that he does not recollect, whether he or yourself opened that parcel; do you recollect by whom it was opened?

W. I have no recollection of that circumstance at all.

Dr. K. Do you recollect that a parcel containing 50 Pamphlets, intituled "Peace and Union, &c." by William Frend, was left in the month of February, at your house?

W. I have a perfect recollection of their being left, but cannot speak to the time; but my Ledger will prove it.

Dr. K. Did you deliver them to your Foreman for sale in the shop, or give him any directions for that purpose?

W. I do not recollect.

Dr. K. By what authority then do you suppose, they were sold in your shop?

W. As coming from Mr. Bowtell, by Mr. Frend's order.

Dr. K. Had you any more Copies of the same Pamphlet, from Mr. Bowtell?

W. I sent for more, when the first were sold.

Dr. K. How many were brought?

W. Fifty.

Dr. K. Had you sold the whole 100 Copies, which you say you received from Mr. Bowtell, before the third of April?

W. I cannot say.

Dr. K. Had you sold all of them, when you sent for some more Copies from Mr. Frend?

W. I think they were all sold, I will not say positively.

Dr. K. What other Copies of the same work, have you ever received for sale?

W. Twenty Copies.

Dr. K. From whom did you receive those Twenty Copies?

W. I received them by my Agent, in consequence of a message I sent to Mr. Frend.

Dr. K. Had you ever any Copies of the same Pamphlet, for sale in your shop, beside the 100 Copies you had from Mr. Bowtell, and the 20 Copies you had by your Journeyman?

W. No.

Dr. K. Do you believe that those 120 Copies are the only ones ever brought into your shop for sale, and that you have sold no others?

W. I do.

ELIZABETH EVERSDEN Called and Sworn.

Dr. Kipling. Do you remember ever seeing John Bowtell Jun.?

Witness. I do not.

Dr. K. Do you recollect receiving a parcel of Pamphlets from a person of about that size?

W. Yes.

Dr. K. To whom did you deliver that parcel?

W. To my master, Mr. Merrill.

Dr. K. Did you see that parcel opened?

W. No.

Dr. K. Did the person, of whom you received that parcel, deliver any message with it?

W. He told me they were Pamphlets, to be sold for Mr. Friend.

Dr. K. Did he tell you from whence they came?

W. No.

Dr. K. Do you recollect about what time you received that Parcel?

W. No.

Dr. K. Can you tell how long ago?

W. I cannot say.

JOHN BOWTELL JUN. called again.

Dr. Kipling. Do you recollect delivering a parcel of Pamphlets, which you received from Mr. Friend, to Eliz. Everdsen, Mr. Merrill's servant?

Witness. I recollect delivering a parcel to Mr. Merrill's maid.

Dr. K. Do you recollect her person?

W. I cannot tell.

JOHN MERRILL Sworn.

Dr. Kipling. Do you remember, receiving from your maid servant, a parcel containing 50 Pamphlets, intitled "Peace and Union, &c. by William Friend," with a message, purporting that they were to be sold for Mr. Friend?

Witness. Yes.

Dr. K. How were those Pamphlets put up?

W. I cannot recollect, that they were put up in any particular order.

Dr. K. Were the Title Pages visible?

W. I do not remember they were visible; they had Titles.

Dr. K. Did you open the parcel yourself?

W. I did.

Dr. K. What were the Titles of those Pamphlets ?

W. "Peace and Union, &c." by William Friend.

Dr. K. Have you sold any of those Pamphlets ?

W. I have.

Dr. K. Do you recollect, whether at the time you received them, each Pamphlet had an Appendix to it ?

W. They had.

Dr. K. Have you since that, sold any without the Appendix ?

W. I have.

Dr. K. By whose authority was the Appendix cancelled ?

W. By Mr. Friend's.

Dr. K. Did Mr. Friend in person, authorize you to cancel the Appendix ?

W. Yes.

Dr. K. Did he in person, direct you to sell the Pamphlet, without the Appendix ?

W. I do not recollect that he did.

Dr. K. Did he give you no directions whatever in person, about the sale of those Pamphlets ?

W. I do not remember that he did.

Dr. K. To whom have you given credit, in your books, for the money you have received, for the Copies of the Pamphlets, that are sold ?

W. To Mr. Friend.

Dr. K. Did you send a Copy of the said Pamphlet, to the Master of Arts Coffee House ?

W. I did.

Dr. K. Do you recollect by whom you sent it ?

W. I do not.

Question from the Court. At what time did you receive the parcel from your servant ?

W. On February the 13th last, as appears by entry in my book.

Q. Do you remember numbering that Book ? [Shewing him a Copy of "Peace and Union," from the Master of Arts Coffee-House.]

W. No ; But I believe it to be numbered by my young man.

THOMAS WAGSTAFF Called and Sworn.

(A Book was given him by Dr. Kipling.)

Dr. Kipling. What is the Title of that Book ?

Witness. "Peace and Union, &c."

Dr. K. Did

Dr. K. Did you ever see that book before ?

W. Yes.

Dr. K. Where did you see it ?

W. In the Master of Arts Coffee-Room.

Dr. K. Who keeps that Coffee-Room ?

W. I do.

Dr. K. From whence did that Book come ?

W. From Mr. Merrill's.

Dr. K. Look at the second leaf—Whose hand writing is that ?

W. It is mine.

Dr. K. What is written on the leaf ?

W. Master of Arts Coffee-Room.

Question from Mr. Friend. Who has a right to take books out of the Master of Arts Coffee-Room ?

W. Any Member belonging to the society ?

Q. Is Dr. Kipling a Member of that society.

W. No.

Q. Do you know then how that Book came into Dr. Kipling's possession ?

W. No.

Q. Do you know who took it out of the Coffee-Room ?

W. Mr. Frampton of St. John's.

Q. How long has it been out of the Coffee-Room ?

W. On the 6th of May.

Q. Are there any limitations respecting the time of taking Books out of the Coffee-Room ?

W. Seven Days.

Q. How long is a Book to be in the Coffee-Room, before it may be taken out ?

W. Two Months.

Q. When did you receive this Book ?

W. On the 15th of February.

(FROM THE COURT.)

Q. How do you know that the Book came from Mr. Merrill ?

W. Because it was numbered when it came in, which is the common case with Books that come from Mr. Merrill.

(Question from the Court to Mr. Merrill.)

Q. Do you remember how that number came on the Pamphlet ?

W. I believe it is my Young Man's writing.

REV. JOSH. WATSON, M. A. called and Sworn.

Dr. Kipling. Were you not Curate of Fenstanton in February or March last?

Witness. I was.

Dr. K. Did you not in that interval make some inquiries respecting the Price of Spinning Wool?

W. I did.

Dr. K. What led you to that inquiry?

W. The perusal of Part of a Book which I had read at the Master of Arts Coffee-House.

Dr. K. What was the Title of that Book?

W. I do not recollect the precise Title, but I have reason to believe, that the beginning of the title was "Peace and Union."

Dr. K. Is any Person's Name mentioned in the Title Page?

W. I believe, William Frend, M. A. Fellow of Jesus College.

Dr. K. Did you find what is stated in that Book, respecting the Price of Spinning, to be agreeable to the information you received from the Inhabitants of Fenstanton?

W. I had reason to believe that the information I received at Fenstanton, on that subject, was different from the information, I received from that Book, on that subject.

Dr. K. Did you mention that seeming misrepresentation to any one of your acquaintances at that time?

W. I did, whenever enquiry was made of me, on the subject.

Dr. K. Have you reason to think that Mr. Frend ever heard, that you thought, what is said in the before-mentioned Pamphlet, about Spinning, is not true?

W. I have reason to conceive so.

Dr. K. Mention that reason to the Court?

W. I did receive Notes or Letters, as I presumed coming from Mr. Frend; in one of which I was desired, not to assert in future, that the subject on which I had been questioned in various companies, was a misrepresentation.

Dr. K. Is that Note in your possession?

W. It is.

Dr. K. Have you it in Court?

W. I have.

Dr. K. Please to produce it.

Mr. Watson produced the Note.

REV. EDW. KILVINGTON, M. A.

Called by the Promoter, who shewed him the Note,
and asked him ;

Dr. Kipling. Whose hand writing is that ?

Witness. Mr. Friend's

Dr. K. Have you frequently seen him write ?

W. Yes, frequently.

Mr. FRIEND cross-examined the Witness.

Mr. Friend. Do you know it to be Mr. Friend's hand writing ?

Witness. I do.

Mr. F. How came you to know it to be Mr. Friend's hand writing ?

W. By having very frequently seen him write, and from having letters of his now in my own possession.

Mr. F. Did you ever write letters to Mr. Friend ?

W. I believe I have.

Mr. F. Where did you see Mr. Friend write ?

W. In his room when giving Lectures, for three years, or thereabouts.

Mr. F. How long is it since you saw Mr. Friend write ?

W. About six or seven years since I saw him write, certainly not more.

Mr. F. How then can you say, that this is Mr. Friend's hand writing, that bears so late a date ?

W. I have reasons, but on Mr. Friend's account, I am unwilling to give them.

Mr. F. I beg the Witness may be desired to give them.

(Here the Court consulted, and ordered Mr. Kilvington to give his Reasons:)

W. Mr. Friend's studied attentions shewn to me, as I believe they were shewn to all those whom he was desirous of proselyting to his own opinions, were such, as to have impressed very deeply on my mind, the recollection, not only of his hand-writing, but a thousand other circumstances, much more minute—Added to this; I have occasionally seen his hand-writing since the time I formerly alluded to.

Mr. F. How long since ?

W. Very lately.

Mr. F. How far back ?

W. Within a month.

Mr. F. On what occasion ?

W. In

W. In the Order Book at the Master of Arts Coffee-House, and I further believe that I have seen Mr. Friend write within these two or three years.

Mr. F. Did you read the writing which you saw Mr. Friend write within these two or three years?

W. I have read the Directions of Letters which I have seen Mr. Friend write.

Mr. F. I desire to know the precise time.

W. I cannot say, but I believe, within three years.

Mr. F. Is it within two years?

W. I believe not.

REV. JOHN PLAMPIN, M.A. called and Sworn.

(A Note was given to him by Dr. Kipling.)

Dr. Kipling. Whose hand-writing do you believe that to be?

Witness. I believe it to be Mr. Friend's.

(FROM THE COURT.)

Q. Have you seen Mr. Friend write frequently and lately?

W. I have, within six weeks.

The Witness cross-examined by Mr. Friend.

Mr. Friend. Have any of your Pupils an opportunity of knowing your hand-writing at Lectures?

Witness. Certainly not, because it is not my duty to write in their presence.

REV. THOS. NEWTON, M. A. called and sworn.

(A Note was given to him by Dr. Kipling.)

Dr. Kipling. Whose hand-writing do you think that to be?

Witness. I believe it is Mr. Friend's, but I cannot say positively.

FROM THE COURT.

Q. Have you seen Mr. Friend write frequently, and how lately?

W. I have seen him write within a year or two, but not frequently.

(A)

The Note was read :

Mr. Friend having been informed, that Mr. Watson has studiously endeavoured, in various Companies, to make it appear that his account of the Fall in Spinning is a misrepresentation; takes this opportunity of acquainting him, that

that Mr. Frend gained his knowledge of this circumstance, from these sources; from the Poor employed in spinning, from the persons employed by the Wool-Dealers to deliver out Wool to the Poor, and from the printed Paper sent round by the Wool-Dealers. He asserts it, as a Fact, from these informations, that the poor Person, who earned a shilling the week before the printed Paper Mr. Frend alludes to, was sent round, did the week after gain for the same quantity of work, only nine-pence. Mr. Audley, a Wool-Dealer in this town, is willing to corroborate this account, and will, Mr. Frend doubts not, give Mr. Watson any further information on this subject, which may not only tend to make Mr. Watson's ideas clearer, but prevent him from misstating in future, a matter of fact.

Jesus College, March 13, 1793.

[To the Rev. Mr. Watson, Fellow of Sydney College.]

Dr. K. Has that note ever been out of your possession?

W. It has.

Dr. K. How do you know that the very same note you lent, was returned to you?

W. By my own hand-writing, which is on one side of it.

Dr. K. When was that written?

W. Before it went out of my possession.

Dr. K. Did you return any Answer to that Note?

W. I did.

Dr. K. Be pleased to produce that answer, to the Court.

The Witness delivered in the answer, which he could not swear was a literal, or a verbatim Copy, of the answer he sent to Mr. Frend, but that it contained the meaning and substance; and was written on the same day he received the Note.

This answer was then read, and delivered to the Registrar.

Mr. Watson has received a Note from Mr. Frend, in answer to which he declares, that whenever the subject of conversation in his presence was the oppression of the Poor of Fenshanton, as represented in Mr. Frend's Appendix, he has asserted that he wished to believe that Mr. Frend, through ignorance, had misrepresented the fact; the foundation of this assertion, was information which Mr. Watson received at Fenshanton; Mr. Watson is still of the same opinion; as to his being studiously earnest either in approv-

ing or contradicting Mr. Frend's publication, he denies the fact.

Drum, March 14.

Dr. K. Did you ever receive any Answer to that Note you have now read?

Wit. I did.

Dr. K. Produce that Answer.

(Produced and Read)

(B.) *Rev. Mr. Watson, Fellow of Sydney College.*

Mr. Frend requests the favor of Mr. Watson to omit, in future, his remark on Mr. Frend's Account of the Fall in Spinning, namely, that he wished to believe that Mr. Frend, through ignorance, "had misrepresented the fact," as Mr. Frend takes upon himself to assure Mr. Watson, that the fact is not at all misrepresented. Mr. Frend has informed Mr. Watson from what sources he derived his information, and takes the liberty of observing, that Mr. Watson is not probably aware that the printed bills alluded to are formed at meetings for a large district, and that those which Mr. Frend saw, did not relate only to the Spinners of Stanton, but extended over Huntingdonshire, and parts of Northamptonshire and Bedfordshire.

In consequence of Mr. Watson's Note, Mr. Frend called this evening on Mr. Audley, who has given him a printed paper just made for Cambridgeshire, and Parts of Hertfordshire, Bedfordshire, and Huntingdonshire, and shewn him Letters from Yorkshire and other Parts, informing him of the Progress in the lowering of the Value of Spinning. At a Meeting, this week, in Suffolk, Spinning was lowered again 2d. per pound, from 9d. to 7d.

Now if in contradiction to Mr. Audley, and a variety of dealers whom Mr. Audley is willing to name to Mr. Watson, besides giving him every other information on this subject; Mr. Watson still persists in declaring that the Price of Spinning, which was one week at a shilling, and reduced, according to Mr. Frend's account, over a large district, to 9d. the week after, was not in this manner reduced; Mr. Frend can only request that he would point out to him, from what source he has derived an information which the principal dealer in wool of this place declares not to be true, which Mr. Frend knows also not to be true from the actual inspection of the printed papers which regulate these proceedings.

Mr. Frend did not in his former Note refer to his publication

lication at large, but simply to the Fact of the Fall of the Value of Spinning; he did not say that Mr. Watson was studiously earnest in contradicting or supporting Mr. F's publication, but solely that he has studiously endeavoured in various Companies, to make the account of the fall in spinning, a misrepresentation.

Jesus Coll. Thursday Evening, March 14.

Mr. Kilvington, Mr. Plampin and Mr. Newton, were then asked by Dr. Kipling whether they believed this Note to be the Hand-writing of Mr. Frenck; to which they respectively answered, that they believed it to be his hand-writing.

Dr. K. to Mr. Watson. Did you answer this Note?

W. I did.

The Answer produced and read.

SIR,

I will briefly state to you the subject matter of the information which I received at my Parish—A Shilling may be termed the maximum of Price for Spinning a certain Quantity of that kind of Wool, which the generality of the Poor are found capable of spinning to the best advantage of the Wool-Dealer. But the Receipt of a Shilling for this quantity, from my information, depended upon the Price of Wool, upon the Dexterity and the Honesty of the Spinner, and upon the Conscience of the Dealer in Wool, to give what ought to be the due reward of labour—I understood, that of this certain species of Wool, and for a certain quantity, the Value of Spinning fluctuated from 1s. as the highest mark, downwards to 11½d. 11d. &c. according to the fluctuating Value of the manufactured Commodity when brought to Market. I pretend not to comprehend the Mystery of Woollen Manufactories so far as to explain why a shilling's worth of labour should only be paid by 11½d. 11d. &c. I concluded that at the time mentioned in your Publication, the Price of spinning a certain Quantity of this Wool was 9d. but I had reason to think that it did not, in one week, descend from 1s. to 9d. because the Majority of the Poor had not received the maximum of Price for some time. This is the substance of what I have said, when interrogated, as Curate of the Parish of Fenstanton, upon the Fall of Spinning. My Information was derived from some of the most respectable Inhabitants of my Parish. I have ever professed to suppose

that you had not wilfully misrepresented the matter of fact.

I am, Sir,
Your humble Servant,
J. WATSON.

Dr. K. Did you receive an Answer to this Note?

W. I did.

(Read)

(C) *Mr. Watson, Fellow of Sydney College.*

Mr. Friend did not write to Mr. Watson to enter into any Controversy on the Mysteries of Woollen Manufactories, which, like the pretended Mysteries of Religion, are only such to those, who do not give themselves the trouble of gaining knowledge from the proper sources. It is the misrepresentation of a matter of Fact, to the Injury of Mr. Friend's Character, that he complains of; and however light the subject may appear in Mr. Watson's eyes, as long as Truth is violated, it becomes Mr. Watson to acquire just Information, and having done that, to convict Mr. Friend of a falsehood, or to retract his former Assertion. Mr. Friend declares, that at the time mentioned in the Appendix to his Pamphlet, spinning was at nine pence, the week before it was at par or a shilling. Mr. Watson denies this, and is referred by Mr. Friend to Mr. Audley, the principal Wool-Dealer in this place, or to any Wool-Dealer in Huntingdonshire. It appears strange, that Mr. Watson should delay to call on Mr. Audley, from whom he will gain more information on this subject, than from the most respectable Inhabitants of his Parish, not immediately concerned in letting out spinning to the Poor.

Jesus College, March 15, 1793.

Mr. Plampin, Mr. Kilvington, and Mr. Newton, were called by the Promoter to prove the Hand-writing of the above Note, and deposed as before.

(Dr. Kipling to Mr. Watson)

Were the two last Notes you produced marked with the marks B. and C. by you, before you parted with them?

W. They were.

Dr. K. Did you answer the third Note marked C?

W. I did.

(Mr. Watson's Answer read.)

SIR,

You assert that I deny what you positively affirm—I do not—The information which I received from my Parishioners, about the fall of the Price of Spinning, seemed inconsistent

inconsistent with the Contents of your Publication. I repeat to you that I am not skilled in the knowledge of the practices observed in Woollen Manufactories—I cannot from my own knowledge, presume to contradict what you, from your professed extensive investigation of the subject, positively assert to be matter of Fact—I will endeavour to recollect, if it can be deemed worthy of recollection, that you have unequivocally contradicted the idea which I had conceived, from the information of my Parishioners.

I have before said, that I wished to believe, that thro' ignorance you had misrepresented a matter of Fact—You cannot think that I have injured your character, by supposing you liable to error.

But I affirm, that it will be a violation of Truth, if you maintain that I have, in various companies, studiously endeavoured to accuse you of wilful misrepresentation—I beg leave to decline any future correspondence with you upon the subject of the “fall in spinning” at Fenstanton—I would wish to profess the apparent sentiments, of that person, or those persons, who humanely and studiously endeavoured to deliver your Pamphlet from the incumbrance of its Appendices, by tearing them from the Copies that were sent to the different Booksellers. I would be far from desiring, that by any exertion of mine, the remembrance even of these lucubrations, should be attached to the main body of your Publication. The intention of their separation from it, doubtless was, that they might be consigned to Oblivion—that peaceful Asylum where enthusiastic Rhapsodies and chimerical Theories, having lost their novel excentricity, repose undisturbed from persecution, being secured by their own intrinsic insignificancy.

I am, Sir, Your Humble Servant,

J. WATSON.

Sydney Coll. March 17.

Dr. K. By whom did you send that answer to Mr. Friend?

W. By my bed-maker, John Smith.

Dr. K. Did your bed-maker bring you any answer?

W. He did.

(The Court ordered that John Smith be cited to appear on the next Court Day.)

Dr. K. Have you any particular Reason to think that the Notes marked A. B. C. came from Mr. Friend of Jesus College?

W. I have.

Dr. K. Please

Dr. K. Please to give that reason to the Court.

W. The first time I met Mr. Friend in public, after the receipt of the third note, he used to me the words, "*Our Correspondence has ceased.*"

Dr. K. Had you any other correspondence with Mr. Friend in writing, since Christmas?

W. Not to the best of my recollection.

Dr. K. Is there any other reason you would produce to the Court?

W. No.

The Witness cross-examined by MR. FRIEND.

Mr. F. Have you not reason to believe, that the information you received from Fenstanton, was not true?

W. At the time I received the information, I thought it true; since that time I have not searched into it, being satisfied with what Mr. Friend had shewn me.

Mr. F. What did Mr. Friend shew you?

W. Several papers since our correspondence.

Mr. F. What did these papers relate to?

W. I do not exactly know.

Mr. F. Were they certificates?

W. I believe one might have the form of a Certificate.

Mr. F. Were they all written papers?

W. I believe not.

Mr. F. Have you any recollection of what the printed papers referred to?

W. I remember seeing one printed paper particularly.

Mr. F. I beg you to relate, what the printed paper contained.

W. I believe it contained a scale of the Prices of Wool-Spinning, but I cannot swear that it did.

The Court was then adjourned to Monday next, at ten o'clock in forenoon.

FOURTH COURT DAY.

At a Court holden before the Right Worshipful Isaac Milner, D. D. Vice-Chancellor of the University of Cambridge, and John Smith, Richard Farmer, William Colman, Lowther Yates, John Barker, Joseph Turner, Francis Barnes, and William Craven, Doctors in Divinity, and John Fisher, L.L. D. his Assessors, between the hours of ten and two on Monday the thirteenth of May, 1793, in the Senate-house of the said University.

Me present.

G E O. B O R L A S E,
Not. Publ. and Registr.

The

The Office of the Judge } promoted By Thos. Kipling, D. D. } against William Frennd, M. A. and } Fellow of Jesus College. }	Francis Hodson sworn and examined, also E. Kilvington, J. Plampin, T. Newton, J. Merrill, J. Bowtell Sen. J. Bowtell Jun. H. Alger, ex- amined, and J. Smith, and W. Mathew, L.L. B. sworn and examined.
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FRANCIS HODSON called by Dr. Kipling and sworn.
 (The Cambridge Chronicle and Journal was given
 to him, dated February 9th, 1793.)

Dr. Kipling. Are you the Printer of that News-
 Paper?

Witness. Yes.

Dr. K. Read that Advertisement.

W. In the Press, and, &c.

Dr. K. By what authority did you insert that Adver-
 tisement?

W. A Gentleman of the University brought it to me
 on February the 6th, and desired me to insert it, and paid
 me for inserting it.

Dr. K. Was it Mr. Frennd himself?

W. No.

Dr. K. Do you know who the Gentleman was?

W. It was the Rev. Herbert Marsh, Fellow of St.
 John's College.

Dr. K. Have you the writing which Mr. Marsh left
 with you?

W. I have.

Dr. K. Produce it to the Court.

(Produced and read.)

“ In the Press, and in the course of next week will be
 “ published, PEACE AND UNION recommended to the
 “ associated Bodies of Republicans and Anti-Republicans,
 “ by William Frennd, M. A. and Fellow of Jesus Col-
 “ lege.”

The REV. HERBERT MARSH, M. A. was called, but
 represented to the Court, that he was a near Relation
 and a private friend to the Defendant, and desired
 therefore that his evidence might be dispensed with,
 which was consented to by the Promoter.

The Cambridge Chronicle and Journal, dated 16th of
 February, was then given to Mr. Hodson.

Dr. K. Are

Dr. Kipling. Are you the Printer of that News-Paper?
 Witness. Yes.

Dr. K. Read that Advertisement.

W. This day is published, &c.

Dr. K. By whose order did you insert that Advertisement?

W. By Mr. Friend's own order personally.

Dr. K. Mention to the Court what passed between you and Mr. Friend, relative to that order.

W. I cannot recollect the exact words, but Mr. Friend desired me to repeat his advertisement in the next paper, and to say, "This day is published."

Dr. K. Did he make use of any other words?

W. Not to my recollection.

Dr. K. Did you receive a Note from Mr. Friend soon after that conversation?

W. I received a note in the name of Mr. Friend, saying that he had omitted to desire me to add "the Price of One Shilling."

Dr. K. Produce that note to the Court.

(Produced and read).

Dr. K. Have you ever seen Mr. Friend write?

W. Yes.

Dr. K. Do you think those Notes were written by Mr. Friend?

W. I am of opinion they were, but I would not be considered to speak positively.

The Court desired him to give his Reasons for thinking them the hand-writing of Mr. Friend.

W. The reasons are, that the respect I have for Mr. Friend, as a Gentleman of Literature and a Member of this University, would not have permitted me to insert an Advertisement, to which his name was annexed, unless I supposed, I had his own authority for doing it.

REV. E. KILVINGTON, M. A. called.

Dr. Kipling. Whose hand-writing do you believe that to be in both those notes?

Witness. Mr. Friend's.

Dr. K. Have you seen Mr. Friend write within these two years?

W. I am now, upon recollection, prepared to say, that I have.

Dr. K. Have you read any of Mr. Friend's hand-writing, which you have seen him write with in these two years?

W. I have.

REV.

REV. JOHN PLAMPIN, M. A. called.

Dr. Kipling. Look on those two notes—Whose handwriting do you believe it to be?

Witness. I believe it to be Mr. Friend's, but am not so certain of it as I was of the others.

REV. THOMAS NEWTON, M. A. called.

Dr. Kipling. Look at those two notes—Whose handwriting is it?

W. I cannot speak positively, but I believe it to be Mr. Friend's.

JOHN MERRILL called again.

Dr. Kipling. Have you ever received into your house any one Copy of "Peace and Union, &c." by William Friend, besides those 50 copies which you mentioned in your former evidence?

W. I never received any more than that parcel on the 13th of Feb. last.

JOHN BOWTELL SEN. called again.

Dr. Kipling. Have you ever had in your house, either as presents, or for sale, any Copies of the Pamphlet, intitled "Peace and Union," that were not contained in the parcel, which you have told the Court, was opened by Mr. Friend at your house, and in your presence?

Witness. None that I have seen.

Dr. K. Do you not think you would have seen them, had there been such?

W. Yes, I think I should, had I been in the way.

Dr. K. Did you ever hear of any such coming into your house, that were not contained in that parcel?

W. I have.

Dr. K. Do you know from whence they came?

W. No.

Dr. K. Do you know who brought them into your house?

W. No.

Dr. K. Who told you about them?

W. My Nephew, John Bowtell.

Dr. K. Have you sold any of those Copies?

W. No.

Dr. K. Are they still in your possession?

W. No.

Dr. K. To whom have you delivered them or caused them to be delivered?

W. I have neither delivered them to any body, nor caused them to be delivered.

JOHN BOWTELL JUN. called.

Dr. Kipling. Have any Copies of the Pamphlet, intituled "Peace and Union, &c." been brought into your Master's house, besides all those Copies of that Pamphlet, which were taken out of a parcel opened there by Mr. Friend?

Witness. I brought some in myself.

Dr. K. Do you recollect how many you brought in?

W. No.

Dr. K. From whom did you receive those copies?

W. I fetched them from the Inn where the Carrier sets up at?

Dr. K. What Carrier?

W. The St. Ives.

Dr. K. To whom were they directed?

W. They were directed to our house, I think for Mr. Friend.

Dr. K. Who ordered you to go to the Carrier's for them?

W. Mr. Friend.

Dr. K. What did you do with those Copies?

W. Mr. Friend desired me to unpack them.

Dr. K. Where was you when he desired you to unpack them?

W. In our own house.

Dr. K. Do you know what became of them afterwards?

W. They were sent to London.

Dr. K. Did you take them to the London Carrier yourself?

W. Yes.

Dr. K. How do you know they were Copies of the Pamphlet, "Peace and Union, &c."?

W. I saw some of them untied, and saw the Title-Pages.

Dr. K. When?

W. About the 16th or 17th of February, on Thursday night, and they were sent to London the same night.

Mr. FRIEND cross-examined the Witness.

Mr. Friend. Do you remember seeing Mr. Friend before at your house, packing up, or unpacking parcels?

Witness. I have seen Mr. Friend one or two days before in our house unpacking a parcel.

Mr. F. But

Mr. F. But within these three or four years last, have you seen him frequently unpacking parcels, or causing them to be packed?

W. I do not remember that I have.

JOHN BOWTELL SEN. called again.

Dr. Kipling. Have any Copies of the Pamphlet been sent from your house to Mr. Merrill or Mr. Lunn for sale, which were not taken out of the parcel you saw Mr. Friend open?

Witness. I cannot tell—I do not know of any.

Dr. K. Have you ever sold any copies with the Appendix annexed?

W. I do not recollect that I have sold one with the Appendix annexed.

Dr. K. Was the Appendix torn from any Copies of the Pamphlet at your house?

W. Yes, it was cancelled.

Dr. K. Who cancelled it?

W. I did.

Dr. K. By whose order?

W. By Mr. Friend's.

Dr. K. To whom have you given credit in your books, for the money you have received, for the pamphlets sold by you?

W. To Mr. Friend.

Question from Mr. Friend. Do you recollect several parcels of books of various authors, in the course of four or five years, packed or unpacked by me or my order, at your house?

W. I do,

HARVEY ALGER called again.

Dr. Kipling. Did you deliver both the Copies of the Pamphlet, which you purchased by my Order, at Mr. Lunn's or Mr. Bowtell's, into my hands, on the first Court Day, or one only?

Witness. Only one.

Dr. K. Which of them was it?

W. That which I purchased at Mr. Lunn's.

Dr. K. How do you know it was that Pamphlet in particular?

W. I marked it with an L.

Dr. K. Did you see me take the very same Pamphlet from the Table in the Court, on that Day?

W. I did.

Dr. K. How do you know it to be the same?

W. By the marks which were on it.

Dr. K. At what Time did I take it from the Table?

W. At the Time the Court broke up.

Dr. K. To whom did I deliver it?

W. To me.

Dr. K. When and where?

W. At the Table, at the Time the Court broke up.

JOHN SMITH called and sworn.

Dr. Kipling. Do you know Mr. Frend by Sight?

Witness. Yes.

Dr. K. Do you remember carrying a Note to him from Mr. Watson of Sydney, within these two or three months?

W. Yes.

Dr. K. Did you deliver it into Mr. Frend's own hands?

W. I did.

Dr. K. What did Mr. Frend say to you on that occasion?

W. It required no Answer.

Dr. K. Is this the only Note you ever took from Mr. Watson to Mr. Frend?

W. Yes.

Dr. Kipling then read the third Article (pag. 10) and also the twenty-ninth Page of the Pamphlet "Peace and Union," beginning from the Words "The Liturgy, &c." to the Words "such Compositions?" and referred the said Article to the Judgment of the Court.

After Dr. Kipling had read the fourth Article, (page 10) he begged leave to add a few words concerning it; as some persons, he found, doubted, whether these words "the great body of Christians," which occur in the 37th page, were intended to mean the Church of Rome only, or included the members of the Church of England. To find out their true meaning he desired the Court to observe, that in the exhortation, with which the paragraph concludes, are mentioned only those Churchmen and Dissenters, who "reject many points established in the Romish Church;" and that therefore the Charge "of worshipping created Beings," which is the subject matter of this paragraph, is laid by the Author of the Pamphlet, not against the Romish, but against the Reformed Church; in which latter is contained the Church of England.

Dr.

Dr. Kipling then read the 5th Article (page 10) and part of the 39th page of the Pamphlet, beginning at the words, "the Christian World," to the words, "Spirit of Christianity," and adduced the Case of Charke, Fellow of Peter-House, in 1572, who was expelled his college, and banished from the University, for having asserted, that among the Ministers of the Church of Christ, there ought to be no superiority or pre-eminence whatever.

Dr. Kipling then read the Sixth and seventh Articles, (Page 10.) and called

WM. MATHEW, Esq; L.L. B. who was sworn,
and deposed as follows:

Dr. Kipling. Was Mr. Frennd Fellow of Jesus College in the month of February last, and does he continue Fellow at this time?

Witness. He was Fellow in the month of February last, and is Fellow at this time.

Dr. K. On what ground do you affirm that?

W. On two Grounds—The first, because the admission to his Fellowship in Jesus College appears upon the Register of the College, and because I pay to him such money, as is due to him as Fellow.

REV. JOHN PLAMPIN, M. A. called.

Dr. Kipling. Do you know that Mr. Frennd was Fellow of your College, in the month of February, and that he continues Fellow?

Witness. Yes.

The Vice-Chancellor directed the Registry to produce the Book of Degrees, and the Supplicat for the admission of Mr. Frennd to the Degree of M. A. at the next Court.

Dr. Kipling then read the 8th Article (page 11) and part of statute "*De concionibus*," from the word "*Prohibemus*," to the end; and the Grace, passed in the year 1603.

The 9th Article (page 11) was then read by Dr. Kipling, and the Vice-Chancellor appointed the next Court-Day for Dr. Kipling to make his observations on the Evidence.

Adjourned to Friday the 17th inst. at ten o'clock in the forenoon.

FIFTH COURT DAY.

At a Court holden before the Right Worshipful Isaac Milner, D. D. Vice-Chancellor of the University of Cambridge, and John Smith, Richard Farmer, William Colman, Lowther Yates, John Barker, Joseph Turner, Francis Barnes, and William Craven, Doctors in Divinity, and John Fisher, L.L.D. his Assessors, between the hours of ten and twelve of Friday the seventeenth of May, 1793, in the Senate-house of the said University.

Me present.

G E O. B O R L A S E,
Not. Publ. and Registr.

<p>The Office of the Judge } promoted by Thos. Kipling, D. D. } against William Frend, M. A. and } Fellow of Jesus College. }</p>	<p>The Book of Degrees, and the Supplicat for the admif- fion of William Frend, to the Degree of Master of Arts, was produced by the Regif- trary, and Dr. Kipling was heard upon the evidence here- tofore produced iⁿ this Cause to the Court.</p>
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He began with expressing his acknowledgements to the Court for their patient attention during the trial, and for their present indulgence. His aim now was to collect and combine the scattered parts of the evidence—Arrangement would communicate energy; a perspicuous connected detail would aid the decisions of justice, remove the hesitation, which might have arisen from suspense, and impress a deeper conviction, where its force had been weakened by the interruptions and tedium of the Trial. In my remarks however, he said, I shall be as concise as possible, and shall carefully avoid every thing impertinent and personal.—And, if any thing of this nature should fall from the Defendant, he left it to the Authority of the Court to repress it. Whilst at the same time it would be a consolation to him, that the Accuser had not, in that respect, been the Aggressor; that invective was deprived of the plea of retaliation.

After this introduction, Dr. Kipling repeated the charge which had been brought against Mr. Frend, and explained the principal step which he had taken, previous to the trial, in order to establish its truth. Not aware of any objection to the testimony of a domestic to a plain matter of fact, he had directed his servant, Harvey Alger, to purchase two
copies

copies of the pamphlet, intituled "Peace and Union," at different booksellers. And the Court had now heard his deposition, that in compliance with his Master's orders, he did on the 19th of last April, buy two copies, one at Mr. Bowtell's, and the other at Mr. Lunn's; that, before he delivered them to his Master, or any other person, he put such marks upon them, as might enable him to swear to their identity, and in particular, upon the copy bought at Mr. Lunn's, the letter L.

Dr. Kipling then addressed the Vice-Chancellor, with observing, that the *First* result of his Examination of Witnesses was this, that the Pamphlet marked L. and now in the possession of the Court, was one of Twenty Copies, which Philip Life, Mr. Lunn's Foreman, brought from Mr. Frend, at his Chambers in Jesus College, on the 3d of April.

The testimony upon which he built this conclusion, was arranged, as follows :

Mr. Lunn had deposed, that he received by his Agent, in consequence of a message sent to Mr. Frend, 20 Copies of the Pamphlet, entitled "Peace and Union."

Philip Life, his foreman, had deposed, that he went to Mr. Frend on the 3d of April, with this message from his master, "Mr. Lunn's compliments, and having sold all the copies of his Pamphlet, which he had from Mr. Bowtell's, desires to have 50 more;" that Mr. Frend gave him 20, and that he brought these to his master's shop for sale.

Being asked, whether Mr. Lunn had any Copies of the Pamphlet unfold at the time of his going with the above message, he answered, "not that I know of;" and being again interrogated, whether Mr. Lunn had procured any other copies of the pamphlet for sale from any other quarter, between the 3d and 19th of April, he replied, "not to my knowledge."

Another deposition of his Master was, that the only Copies he ever had for sale, were 100, which he received from Bowtell's, and 20, which he afterwards received from Mr. Frend by his Journeyman; and that he thought he had not one copy remaining in his house, when he sent him to Mr. Frend on the 3d of April for some more.

From these premises then, Dr. Kipling remarked, the conclusion is clear and decisive.

Dr. Kipling here added, that what was true of the Copy marked L. was also true of that which another witness had

had delivered to the Court on the second Court-Day.—Mr. Lloyd had deposed, that he bought his copy at Mr. Lunn's shop on the 18th of April.

And, as if solicitous to engage the attention of the Court in a peculiar manner, to the point and the proof before them, he called their recollection to other parts of the evidence. According to the testimony of Bowtell Sen. Mr. Friend had come his to house on or about the 13th of last February, had opened a parcel which was directed for himself at Bowtell's, and which contained several pamphlets, and had ordered his Nephew (Bowtell Jun.) to take 50 of them to Mr. Lunn's. From Bowtell Jun. they had learned, that these 50 copies were delivered by him to Philip Life, and from the latter, that he had received them into his Master's shop, and that, when they were all sold, had fetched 50 more from Bowtell's house, who himself gave them into his hands.

After this proof, Dr. Kipling proceeded to shew, that even admitting it was not conclusive, there remained *another*, which could not be disputed.—Supposing Mr. Lloyd's copy, and that marked L. were not of the twenty which were brought from Mr. Friend's chambers, they still must have come from Bowtell's house, and consequently from the Defendant.

His argument was comprized in the following interrogatories and answers :

Philip Life was asked, "Do you believe, that no more than the 50 copies, delivered to you by Bowtell Jun. as coming from Mr. Friend; the 50 you yourself afterwards received from Bowtell the Elder, and the 20 you brought from Mr. Friend's Chambers, were ever exposed to sale in Mr. Lunn's shop?" And the witness replied in the affirmative.

To the question, "Had you ever for sale in your shop any copies of the pamphlet, intituled "Peace and Union," besides the 100 you received from Mr. Bowtell, and the 20 which your Foreman brought from Mr. Friend?" Mr. Lunn replied in the negative.

The Elder Bowtell was then asked, whether any copies of the pamphlet in question, had been sent to Mr. Lunn's for sale from his house, which had not been taken out of the parcel opened by Mr. Friend in his house, and in his presence—And his answer was, "I do not know of any."

Who then, observed the Promoter, as he recapitulated this united testimony, can controvert the plain inference, that if the copies before-mentioned, which were both purchased at Mr. Lunn's, did not come from Mr. Friend's chambers on the 3d of April, they were still a part of the parcel

parcel opened by Mr. Frend in Bowtell's house, and revert to him as their Publisher and Owner?

From this accurate representation, from this two-fold proof of the same point, Dr. Kipling passed to a *Third* particular of no less moment. He appeared to wish to spare no investigation, nor could he be conscious of having done so. He seemed not to expect conviction from declamation or artifice, but to address the Judge in his true capacity, as the severe and steady Patron of Truth in her plainest dress.

He now proposed to shew, that the Defendant had issued the copy, which his servant had bought at Bowtell's, and the copy, which belonged to the Masters of Arts Coffee-House, and was distinguished from the other only by an Appendix.

For the first, the single testimony of Bowtell was adverted to. He had said, that he never saw in his house, either as presents, or for sale, any copies of the Pamphlet, except such as had been taken out of the parcel opened by Mr. Frend in his house, and in his presence: and that he thought, he must certainly have seen them, if there had been any others.

With respect to the copy belonging to the Masters of Arts Coffee-House, Dr. Kipling appealed to the depositions of four witnesses.

Mr. Merrill had told the Court, that on the 13th of February, his Maid-servant delivered to him a bundle, containing 50 copies, which were all he had ever received into his house; and that he sent the copy before them to the Masters of Arts Coffee-House.

Elizabeth Eversden, the Maid-servant, had added to her Master's testimony, that she received from a young person, about the size of Bowtell Jun. a bundle of Pamphlets, and was told by him, that they were to be sold for Mr. Frend.

Of the two Bowtells, the younger says, that, in obedience to orders given by Mr. Frend in person, he took a bundle of 50 Pamphlets to Mr. Merrill's shop, and delivered it to his maid-servant; the Elder deposes, that Mr. Frend in his presence, ordered his Nephew (Bowtell Jun.) to carry a bundle of pamphlets, which came out of the parcel opened by Mr. Frend, to Mr. Merrill's house, and that he knows not of any one copy being sent from his house to Mr. Merrill's, excepting the contents of that bundle.

The Court then, remarked the Promoter, cannot but
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anticipate the observation, which closes this statement.—Mr. Merrill having no copy for sale, but what had come from Bowtell's house, out of the parcel opened by Mr. Friend, they will immediately decide the claim of the Defendant to that which was sent to the Masters of Arts Coffee-House.

At this point of the summary, Dr. Kipling, anxious to carry along with his own convictions, those of his hearers, recalled to their memories the amount of the whole preceding proofs. Out of five copies in the possession of the Court, four have come from the Defendant, either when he was at Mr. Bowtell's, or at his own Chambers: viz. Mr. Lloyd's, the Masters of Arts, and the two purchased by his servant.

He intended hereafter to shew, that the fifth had the same source.—But he was now proceeding to the *Fourth* result of the evidence. And he had, he said, in his hand a string of depositions, whose proof could not be resisted, that the sale and dispersion of every copy within the precincts of this University, originated with the Defendant.—He was indeed aware of the objection, which might be here made, to the repetition of testimony, but requested, that the nature of his situation, as Promoter, and the solicitude he felt, to discharge his obligations, and to impress the minds of his honourable auditory, might be admitted as his excuse and apology.

Dr. Kipling then entered upon a narrative to this effect:—A parcel directed for Mr. Friend was brought to the house of Bowtell Sen. in the month of February. On the day it arrived, or certainly on the following day, Mr. Friend came and opened it in his presence.—It contained a number of pamphlets, some of which Mr. Friend put into his hands. Of these, and of others, which he saw scattered about, the Titles were "Peace and Union, &c." From this circumstance he concluded, that the Titles of the rest of the parcel were the same—No others, but what came out of this parcel, has he ever seen in his house; and when he sold any, he considered himself as accountable to Mr. Friend for the money.

Bowtell heard Mr. Friend order his nephew to carry two bundles of Pamphlets, which were a part of the parcel, one to Mr. Merrill's, and another to Mr. Lunn's.—And the nephew, in compliance with that order, took the two bundles, each containing 50 Pamphlets, and going to the booksellers, delivered one to Mr. Merrill's maid-servant, and the other to Mr. Lunn's foreman.

The maid-servant, according to her account, received a bundle for her master from a boy, about his size, and was told, "that it contained some pamphlets to be sold for Mr. Frend;" and she delivered the bundle to her master with the message.

Mr. Merrill, on opening it, found it to contain 50 pamphlets with the Title "Peace and Union, &c." sold several of them, though none but what were a part of that bundle, and gave Mr. Frend credit for the money in his account book.

Mr. Lunn's Foreman received the other bundle of pamphlets from Bowtell Jun. and when it was opened, either by himself, or Mr. Lunn, observed, that it also contained 50 of the aforesaid pamphlets.

Mr. Lunn took notice of the number of the pamphlets, and also of their Titles, as well as his foreman. Mr. Lunn indeed received from Bowtell's 100 copies in the whole, (which all came out of the parcel opened by Mr. Frend) and he had had 20 from Mr. Frend's chambers—But besides these, he never had for sale any others. The 100 have been sold by him, and though he had not Mr. Frend's express direction to sell them, yet he exposed them to sale, upon the presumption, that they could not be sent to a bookseller for any other purpose.

From this relation drawn from the evidence, Dr. Kipling concluded, that not one single copy of the pamphlet under consideration had been sold in this place, but what came from the Defendant: That he was the publisher of it, and had caused it to be dispersed within the precincts of this University.

He could, he said, insist upon other points, as that Mr. Lunn's foreman had received 20 pamphlets out of Mr. Frend's own hands, at his Chambers in Jesus College, to be sold at his Master's shop:—But he hastened from an uninteresting, though important detail, to prove, that Mr. Frend is the AUTHOR, as well as the PUBLISHER of the PAMPHLET.

Dr. Kipling requested, that the Court would connect the preceding testimony with the language, in which the Pamphlet is addressed to the public. An anonymous Author had not obtruded himself on their notice. The Title-Page greets them in the name of W. Frend, and informs them, that the book is published for him, the Author.

There is, he continued, in the minutes of the Court more than one confession on the part of Mr. Frend of the

Truth of what the title-page asserts. The Pamphlet had scarce appeared to the world for three days, when the Defendant called on Mr. Merrill, and ordered him to cancel the Appendix. Now, had Mr. Frennd's name been put into the Title without his knowledge, and without his consent, would he have ordered the last leaf to be torn off? Would he not rather have directed the bookseller to cancel the first leaf? He certainly admitted in this act, that the remainder claimed, and was not unworthy of his signature.

What else is it, Dr. Kipling said, but a confession of Authorship, that upon being asked by a bookseller's servant for more copies of HIS Pamphlet, the Defendant should immediately, with his own hands, give him those, which were in his possession?

Dr. Kipling next produced and read the advertisement, which had been sent to Mr. Hodson, to be inserted in the Cambridge Chronicle of the 9th of February.—It told the same tale to the world with the Title-Page. And the note, in which it had been sent, had been proved by four Witnesses to be Mr. Frennd's hand-writing. Nor was this all.—In the following week Mr. Frennd had himself called on the Printer, and directed him to repeat HIS Advertisement.

Dr. Kipling after this, reminded the Court, that they were in possession of a fifth Copy of the Pamphlet, which he had not yet assigned to its owner. It was that which Dr. Dickens had produced. He repeated Dr. Dickens's testimony, and observed, that he had now fulfilled the promise he before made, of shewing that this, as well as the others, came from the Defendant; and he would now prove him to be its Author, and by consequence, the Author of the rest, which bore it company. They differed in nothing, which at all affected the merits of the cause.—There were two with an Appendix, and three without.

Mr. Watson, he said, had been engaged with Mr. Frennd in an epistolary controversy on an assertion contained in the Appendix—Three notes written by Mr. Frennd had been produced by Mr. Watson. The hand-writing of each had been established; and in the third, Mr. Frennd expressly acknowledges the pamphlet, to which this Appendix belongs to be HIS—a direct confession from Mr. Frennd himself, that he is the author.

Here the Promoter, by a brief recapitulation of these last proofs, closed his review of the evidence, and expressed his

his firm conviction, that the most scrupulous must admit the truth of the Second Article of Accusation. Indeed, for his own part, he said, he had no doubt of the truth of every charge. They had all been read to the Court, and spake a plain intelligible language. He held it to be unnecessary for him to point out the pernicious tendency of the passages quoted. The ordinary feelings of men would be insulted by such an attempt—Neither could he be called on to unfold a criminal intent, where there was no hidden meaning.—He left to sophistry its own devices.

Neither did he consider it, he added, as necessary for him to touch on that part of his accusation, which had respect to the Laws and Statutes violated.—No objection had as yet been made to that charge.—And he stood before a Court, which needed no counsel from him, before the Governors of the University, a Judge and his Assessors, who are the established lawful interpreters of all its ordinances.

Dr. Kipling then finished his accurate and able statement by saying, that, as he could not foresee what his adversary might alledge in his defence, he still reserved to himself the privilege of reply.

The Court was adjourned to Friday next, the 24th inst. at ten in the forenoon, when Mr. Friend was appointed to enter on his defence,

SIXTH COURT DAY.

At a Court holden before the Right Worshipful Isaac Milner, D. D. Vice-Chancellor of the University of Cambridge, J. Smith, R. Farmer, W. Colman, L. Yates, J. Barker, Jos. Turner, Fr. Barnes, W. Craven, and J. Postlethwaite, Doctors in Divinity, and John Fisher, L. L. D. his Assessors, on Friday the 24th of May, 1793, between the hours of ten and three, in the Senate-house of the said University.

Me present.

GEO. BORLASE,

Not. Publ. and Registr.

The Office of the Judge }
 promoted }
 By Thos. Kipling, D. D. }
 against }
 William Friend, M. A. and }
 Fellow of Jesus College. }

Mr. Friend was heard on his defence, having first reserved to himself the Power of objecting hereafter to any Part of the Evidence or of the Proceedings heretofore produced, and had before the Court in this Cause.

Mr. Friend addressed the Vice-Chancellor—I hope the Court

Court will not take advantage, if I should in the course of my Defence, inadvertently call the Pamphlet mine, as I am obliged to defend it.

Vice-Chancellor. Certainly not.

D E F E N C E.

I.

After the Promoter has been allowed four days in accusing me, I feel myself happy, in having at length an opportunity of refuting the Charges brought against me, and of proving, I trust, to the satisfaction of this Court, that they are false, wicked and malicious.

This is a Cause of a most extraordinary nature, such as has not been known since the foundation of the University. It is a persecution unheard of—It has been carried on in a manner that would disgrace the worst Inquisitor!

The Pamphlet, intitled "Peace and Union, &c." was published in the middle of February; at a time when the people of England were deluded by false reports of secret enemies. Advantage was taken of this circumstance, by a cabal formed against me—By a pretended gang, usurping the power of the Vice-Chancellor and Heads of Colleges, violating the Statutes, and having no right to examine into the contents of the pamphlet. They have assaulted me by every art—They have ransacked my Letters—Betrayed my private conversations—They have even summoned against me my Relation! my bosom Friend!—Private notes were handed about from college to college—they travelled from St. John's to Dr. Kipling, taking Caius College in their way; where they were read by Mr. Belward.

Thus attacked, I was not forsaken by my friends, they cheerfully came forward to give me their support, and I shall always reflect on their generous attachment with triumph, and remember it with gratitude to the latest hour of my life.

——— Animæ, quales neque candidiores,
Terra tulit; nec quis me sit devinctior alter.

Among the arts my enemies have employed to prejudice the minds of the public against me, they have represented me as unworthy to breathe—as an Atheist—an Infidel.—My opinions are Philosophical—The Charge of Atheism I refute, by asserting in the words of the Church, my belief: that there is but one living and true God, everlasting, without Body, Parts, or Passions; of infinite Power, Wisdom, and goodness; the Maker
and

and Preserver of all things both visible and invisible—Such is my Belief. The Charge of Infidelity I refute by asserting my belief, that Jesus Christ is the Saviour of Mankind, the only Mediator between God and Man, through whom alone I as well as you expect Salvation.

My third opinion is, that it is the duty of all who profess themselves Christians, to be benevolent to all men.

After having endeavoured to traduce my Religious Character, they have also attacked my Political. I have been represented as an Enemy to Government, a Republican and a Leveller; Characters not to be found in a Man of Education and Literature. Is it to be supposed, that any man can be a Leveller whose pursuits are entirely literary, and who would have no means of support were the leveling system to prevail? Were I disposed to be a Republican, I should not be the less satisfied with our Constitution, which is more republican than that of any country, where I have travelled; some few Cantons of Switzerland, only excepted. If indeed, he who wishes the Commons to have a proper weight, is a Republican, I acknowledge myself **one**: At the same time I allow that certain Powers and Privileges are given to the Chief Magistrate, and to the House of Peers.

I rejoiced at the success of the French Revolution—but when was it that I rejoiced? It was at a time when a Predecessor of the Vice-Chancellor had given out the Demolition of the Bastile, as a subject of Triumph and Congratulation! Which of us indeed did not applaud the first steps in that Revolution, or who does not view with horror their late conduct? Our Governors having now entered into a War with the French, has made me silent.—I have been charged with maintaining a Correspondence with the Convention; which, if true, I should have no Reason to disavow; but I declare it to be false, both as it respects myself, and other Members of this University involved in the same Charge. I declare from my own knowledge that no such Letter or Correspondence ever passed between me or them.

II.

I now desire that the Second Article may be read—“ You the said William Friend, M. A. did publish and cause to be dispersed within this University a scandalous Pamphlet, intitled Peace and Union, &c.” [See Page 10.]

The Promoter did well to deprecate all *personal* reflections, after charging me with being the Author of a *scandalous* Pamphlet.—To be sure this is not *personal* at all!

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—The word *scandalous* is not at all *personal*! He had good reason to desire that no *Personalities* might be used.—If I chose to be *personal*, I might say, that Dr. Kipling by a recent Publication had disgraced the University—Had I professed to publish a *Fac Simile* of a M. S. and really produced a *Fac Contrarium*, that would have been *scandalous*—had I prefixed to it a preface, the Latinity of which was derived from Beza, and not from Cicero, that would indeed have been a *scanda!* to the University. As to the Pamphlet in question, I know it is not scandalous in the opinion of many Members of the House of Lords, many Members of the House of Commons, many Members of this University.

Evidence of Authorship is either external or internal. External from the Author's Declaration, or from Witnesses; the former not producible in a Court of Justice, because no Confession before Trial is valid. The validity of Witnesses must depend on their character; and in works of Literature on their Competency. The ignorant and illiterate are not competent.

Internal evidence is derived from the book itself; from a similarity of style with a person's public speeches, or his publications. For Example. If the Promoter's Preface had been brought to me; from the elegance and purity of style so much resembling, what I have often heard him utter in the Divinity Schools and in the Pulpit, I should certainly have concluded that the Writer could be no other than Dr. Kipling. But such proof, however satisfactory among Men of Letters, cannot be admitted in a Court. And for this reason the Promoter was not allowed to produce other Pamphlets, said to be written by me.

It has been argued, that the Pamphlet intitled "Peace and Union" was written by me, because my Name is in the Title Page. In confutation of this Argument, I produce a Volume of Sermons, which in the Title Page are said to be by Dr. White, but which were the joint production of a Dissenting Minister and a Member of this University. Again, another Example occurs in the Promoter's Publication—*Codex Theodori Beza Cantabrigiensis*—I do not pretend to a deep Knowledge of the Latin Language, but I have been told by those who have a better Title to the Name of Critic, that the Words are to be construed thus. *Codex*, the Book, *Theodori Beza*, of Theodore Beza, *Cantabrigiensis* a Cambridge Man: therefore, if any Faith is to be given to Title Pages, Theodore Beza was a Cambridge Man—Now if any *twenty seven* should take a Dis-

gust

gust at a particular Passage in this Book, and, learning from the Title-page that Beza was a Cambridge Man, should cite him into the Vice-Chancellor's Court, Beza would be returned, non est inventus—but if he cannot be found—he is not the Author.

Some time ago, Epigrams, reviling the Vice-Chancellor and Heads of Colleges, were attributed to a celebrated Mathematician, who found it necessary, in a public Manner, to disavow them. These were the Production of a Gentleman famous for his eloquence.

But the Title Page was in my own hand writing!

This is no Evidence that I am the Author. I might be employed as a Copyer by the Author.

But I delivered the Pamphlets for Sale!

Persons often deliver the Pamphlets of other Authors: Thus during the Discussion of the Test Act, I dispersed many Copies of Bishop Hoadley's Tract. Indeed I have an Agent here whom I employ to send Books into different Parts.

The Witnesses produced by the Promoter were Book-sellers, Bookseller's Boys, and a Mr. Lloyd—The Promoter failed in his Proof that the Copy exhibited in Court, was one of the twenty brought from my Chambers: For Mr. Lunn did not affirm that all the Copies which he had from Bowtell were sold before his Journeyman came to my Chambers for more.—The Printer was called to prove that the Advertisement of the Pamphlet was by my Order—he said, that after the first Advertisement, he received a Note ordering a second Advertisement. Being asked whether the Note was in my hand writing, he would not swear to it, though he has seen more of my hand writing than any other Person whatsoever. He had some Regard for an Oath!—Two Witnesses of the University were then found

————— Arcades ambo,

Et jurare pares et respondere parati,

who both immediately swore to the Hand-writing.

Now for the catechising of Mr. Lloyd!

Enter Mr. Lloyd.

Dr. Kipling. What is that you have in your hand?

Answer. A Book.

Dr. K. What Book?

W. "Peace and Union"

Dr. K. Where did you buy it?

W. At Mr. Lunn's.

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Dr. K. For

Dr. K. For what purpose?

W. For the purpose of bringing home the charge against Mr. Frend.

Thus did he confess, that he was prepared by the Promoter, and came for the express Purpose of convicting me!

My Accusers bring their second Proof from Letters which passed between me and Mr. Watson, but there is no proof from them: for nothing contained in the Letters substantiates the Book—The Notes written by Mr. Watson *only* speak of the Book as *published* by me. Great stress has been laid upon a Passage in one of my Notes, but what does it prove? Let us read it and judge—"Mr. Frend did *not*, in his former Note refer to his Publication." Now observe the Manner in which I am proved to be the Author—I do *not* refer to the Book, and therefore it *must* be mine! Nothing in the World can be clearer.

In the Course of Mr. Watson's Examination, an honest Countryman, as I am informed, being struck with the frequent Repetition of the Words "Wool and Wool-Spinning;" and somehow unaccountably concluding that Mr. W. was the Person under accusation, exclaimed, Ah! the Matter's plain enough: Poor Man! he *sartently* stole the Wool!

The Witnesses are all inadmissible because they are of the *twenty seven*.—Against one of them I have a Charge of a more serious Nature, which I bring forward with Concern—He has disgraced himself in the Face of the Court. I will not trust to my Memory, but will read his Words as I have set them down.

"The studied Attentions which Mr. Frend shewed to me, as he did I believe to all those whom he wished to profelyte to his opinions, &c." (See page 33) This is a Charge heavier than any brought against me by the Promoter, and which I could have refuted from Mr. Kilvington's own Letter if I had been permitted to produce it. I was then Tutor of a College, and however lightly *others* may think of the office of a Tutor, I have too high an opinion of the sacred Nature of that office, to think of enforcing my particular Tenets, on those committed to my Care. Besides, who are they that were addicted to making Profelytes? The Scribes and Pharisees, who compassed Sea and Land to make one Profelyte! What is their Character? We are told by Christ himself that they were Hypocrites. There is a set of Men, to whom this Imputation may be more properly applied, who imitate the Pharisees of old
with

with their melancholy countenances, and their long Prayers.—The Charge of making Profelytes when applied to me is evidently false.

The Distribution of Books is no proof of Authorship. I have distributed in the last 6 or 7 years no fewer than 10,000.

I cannot conceive for what end Dr. Dickens was cited. He is an elderly gentleman, who has often afforded us amusement in the Combination Rooms at Christmas, and with whom I frequently divert myself. His Evidence amounted to this. He came to the Printer's at St. Ives, where I was, took up a Copy of Peace and Union, and carried it off, which is the same thing, he maintains, as if I had given it to him.

But were every thing else valid, the Court cannot proceed to pass sentence upon a Record, which has been in the hands of the Promoter.

The civil Law requires Evidence to be in Writing. The common Law allows no Evidence to be heard out of Court; (Case of Metcalfe and Dean.) The Jury after going out of Court sent for a Witness to re-examine him privately: The Judge set aside their Verdict, although the Evidence was not alia aut diversa.

Dr. Kipling has been guilty of many Informalities, in reminding Witnesses, what they had before deposed,—preparing them—calling them and recalling them. Besides the Witnesses were examined in each other's Presence; nay, even confronted to prove personal Identity (in the case of Merrill's Maid and Bowtell Jun.) Moreover one of the Witnesses is a menial Servant of the Promoter, and therefore not admissible.

Testis non est, cui imperari potest.

Hand-writing is not to be allowed as Evidence, from the case of the seven Bishops—And from the case of that great man Algernon Sydney. Others of the Witnesses were not admissible, because, *Nemo in propria Causa est idoneus*, Lloyd and Kilvington were among the original accusers; and the latter not to be credited because he had uttered a deliberate Falsehood; and as he was false in one fact, it was fair to conclude, that he was false in all.

Here Mr. Belward rose and said,

Mr. Vice Chancellor, I beg leave to observe, that Mr. Friend's assertion, that private Notes sent from St. John's College to Dr. Kipling, had on their Way, been read by me at Caius College, is a Falsehood.—I never saw them.

Mr. Friend replied, Perhaps I was misinformed—I ask Mr. Belward's Pardon. It is a matter of no consequence.

The Testimony of Mr. Plampin and Mr. Mathew is not to be admitted, *both* as being of the 27, and as having sat as my Judges, and condemned me in my own College. I here repeat my Objection to the Minutes, as having been taken out of Court by the Promoter. (The Commissary informed Mr. F. that these Minutes were only helps for the Court, and were not matter of Record. The Vice-Chancellor asked the Registry whether the Minutes had suffered any alteration. He answered that he had examined them carefully, but had found none.)

Here Mr. F. gave in the following Protest against the Minutes.

Protest of the under-signed against the Validity of the Evidence in this Cause.

The Witnesses cited by the Promoter in this cause, having been examined in the Court upon Interrogatories proposed by the said Promoter, and taken down in writing by the Registry of the Court before they were put to the Witnesses, and the Answers of such Witnesses having been also taken down by the Registry, the Evidence of the several Witnesses so recorded by the Registry ought to have been kept in Court as an official Minute of such Evidence: but the original Minutes of the Evidence, as taken in Court, having been delivered out of the hands of the proper Officer, and put into the custody of the Promoter, I do protest against such Evidence, and do declare that it has lost its Authenticity, and cannot be considered as the same Evidence, or ever be made, either in this Court or any future Court of Review, the Foundation of a Judicial Decision.

W. F R E N D.

Signed by W. Friend, May 24,
1793, in the presence of me,
GEO. BORLASE,
Notr. Publ. and Registr.

III.

Mr. Friend desired that the third Article might be read. "You have defamed the public Liturgy of the established Church, by affirming that it is very far from that standard of purity in Doctrine, which is required in such Compositions." (See page 10.)

I ask, is the Liturgy a divine or a human Composition? If divine, it would be profane to accuse it of Imperfection; but

but to style a human Composition defective—will any one pretend to say that that is defamation? Every Man has a Right to form his private Judgement on such a subject, and the Promoter, from his standing and station, may be supposed a better Judge than I can be. If I had said that the Liturgy was deficient in purity of Doctrine, I might have appealed to Archbishop Sancroft, who on account of the burial service, would never take Cure of Souls—to Archbishop Tillotson, who wished we were well rid of the Athanasian Creed—to the Margaret Professor, who reprimanded Dr. Pearce, when Fellow of St. John's, for reading in Chapel the Athanasian Creed. (Here the Professor arose and said, "It is false! I can take upon me to say, "that I never censured Dr. Pearce for reading that Creed.") To the Bishops of London and Ely, and to all the Petitioners for the Reform of our Articles.

If I had said, there were Imperfections, I might be justified by the Mis-translation of the Psalms, "Let his Wife be a Widow, let his Children be fatherless, and let the Extortioner take all that he hath." (Psalm 108: 9, 10.) Is there any Man here, who would wish so much ill to the worst of his Enemies? Did those words come from David? Will any Jew repeat those Words? Any one that understands the original will not be deceived by this Error of the Translators. I might also instance the antiquated Language of the Collects: "Prevent us, O Lord, in all our doings"—when the design was, to invoke the *succour* of the Almighty. These and other Passages might be altered with advantage, for common use.

I might appeal to Royal Authority, that of James I. when King of Scotland. "Our Neighbour Kirk has a Liturgy much like the Mass; it wants only the Liftings." It appears that the above Royal Personage was not acquainted with the excellencies of the English Liturgy at that time, for he afterwards altered his sentiments. The English Liturgy, when considered collectively, is far superior to the Romish, Greek, or Hebrew; but still it cannot be denied, that other Services are in some parts superior to the English: thus in the passages out of the New Testament, the Greek has the Advantage: in the Psalms, the Hebrew. But I beg it may be understood that I maintain, that on the whole, our Liturgy is superior to any other established Liturgy.

In this third Article, the Promoter is guilty of a false quotation, for he has omitted *Arrangement* and *Language*, and retained only *Doctrine*. If any Person should say that the

the Vice-Chancellor was too remiss in some particulars, in others too strict, and in many unexceptionable; he would by no means be considered as charging the Vice-Chancellor with culpable Neglect in the Execution of his Office, taken collectively.

Now it may be true, that the Liturgy is far from the standard of Purity on three Accounts taken *conjointly*, and yet it ought not to be inferred, that the Author charges the Doctrine taken *singly*, with being far from that standard. When the Promoter was asked his Reason for the Omission, he replied, because he did not understand the meaning of Purity of Arrangement. He might have improved his Understanding if he had consulted the Margaret Professor, who in the preface to his Sermons has explained it. If he would now and then look into those vile authors, Virgil and Horace, whom I confess that I sometimes peruse, he would have read,

—————Cui lecta potenter erit res,
Nec facundia deserit hunc, nec lucidus ordo—

IV.

I desire that the 4th Article may be read.

(In this Mr. Frend is accused with charging the Church of England with Idolatry) See page 10.

This Charge is quite ridiculous. I am inclined to conjecture, that the Promoter has been imitating the Example of a Spanish Promoter, (as described in the celebrated Novel Gil Blas) who attended by his Accomplices, and dressed as the learned Promoter is, in a black Gown, in the Garb of the Holy Inquisition, knocked at an honest Man's Door, and enquired of the Boy—Does your Master eat Pork? I do not remember that he does. Write down that he is a notorious Jew. You doubtless eat Lamb sometimes. Yes sometimes, we had some last Easter. Write down that he keeps the passover. Is he fond of Children? Yes, very fond—Write down that he seduces Children into his house to cut their Throats. Does he spend one day of the week in total inaction? He shuts himself up on some days in his Closet for a long time—Ah ha! he keeps the Sabbath! Write down that he sabbatizes. Thus the Promoter, and his Familiars, assembled with a determination to find out some Charge against the Pamphlet. For some time, he sought without success. At length, a Gentleman famous for his eloquence found out “Orgies of Bacchus” Instantly there was a Cry, write down, Idolatry—What more? “Rites of the Eucharist” Write down, he derides the Eucharist. However

However ridiculous this may appear, the Intention was not less malignant. Let the Promoter blush when he reflects on it! Have I indeed been guilty of coupling the Orgies of Bacchus with the Rites of the Eucharist? He may indulge in the former, but let him not accuse me of profaning the latter, which I revere as an Ordinance instituted by Christ himself.

I am accused of degrading the Clergy, but it is clear that the Pamphlet does not speak of those of the Clergy of England, among whom are many of my Friends, and who do no Discredit to the sacerdotal Function. I am represented as an Unitarian. I affirm that the Church of England is so. I never met with more than one Person who maintained the contrary. The Promoter contends, that by the great Body of Christians is intended Churchmen and Dissenters, but they are far from a majority. Has he so little Knowledge of Ecclesiastical History as to be ignorant of the Greek and Romish Churches? I never called the Church of England idolatrous, I disclaim all such Language, as applied to it, and I actually did leave a Society to which I once belonged, because they would not desist from doing so.

V.

The fifth Article read. (See page 10.)

You affirm, in Page 39 of the said Pamphlet, that ecclesiastical Ranks and Titles, are all repugnant to Christianity.

In this Article Ecclesiastical Dress is left out: I could not understand why, until I found upon reading the Canon, that the Promoter was irregular himself in this Particular. (Reads part of the Canon as follows):

All Doctors in Divinity, Law, &c. shall usually wear Gowns with standing Collars and Sleeves, strait at the hands, or wide Sleeves as is used in the Universities, with Hoods or Tippetts of Silk, &c. We do further in like Manner ordain, That all the said Ecclesiastical Persons above mentioned, shall usually wear in their Journeys Cloaks with Sleeves, commonly called *Priests Cloaks*, without Guards, Welts, long Buttons or Cuts. And no Ecclesiastical Person shall wear any Coif or wrought Night Cap, but only plain Night Caps of black silk, sattin, or velvet. And that in public they go not in their Doublet and Hose, without Coats or Casocks, and that they wear not any light coloured Stockings.

Now I have seen him in spite of the Canon riding to the Hills, without his *long Cloak*, in his Doublet. Besides the
Canon

Canon says, that the Clergy shall wear no light coloured Stockings, in which the Promoter now appears, in defiance of the Canon.

I deny having asserted that *all* Ecclesiastical Courts are repugnant to the Spirit of Christianity: There certainly is a Court which is repugnant to the Spirit of Christianity. The Inquisition. There are ecclesiastical Ranks repugnant to the Spirit of Christianity: the Pope and those Ranks in which the Clergy claim superiority. The Clergy of England all take the Oath of Supremacy—In this Country the King is the Head of the Church—The Passage then has no Relation to them.

Vice-Chancellor. Do you affirm that the Church of England is not intended in that Passage?

Mr. Friend. Some Ranks and Titles are not repugnant to the Spirit of Christianity. Presbyters, Bishops and Deacons are not repugnant to Christianity, being appointed by the Apostles themselves. Some Courts also are not repugnant to Christianity, when they excommunicate a Man for Misbehaviour—for St. Paul himself did so—The Passage is falsely quoted, a Method by which any thing may be proved out of any thing. Thus it may be proved even from the Scripture, that there is no God—But if any one examines the Passage, he will find, that none but a Fool would have said so. Thus Suicide may be defended: In one place I read, Achitophel went and hanged himself: and in another it is said, Go thou and do likewise—A piece of Advice which I do not mean to give to the Promoter.

He has made three alterations in this short extract, inserting *one* word and leaving out *two*. The word *hence* which he omits, plainly refers to the preceding sentence, in which the Romish Clergy are described as claiming Superiority over the Laity. The construction of the passage is this: Hence (*viz.* from the affectation of superiority) all those Courts, which are repugnant to the Spirit of Christianity.—Again in the preceding passage (page 36) to which *hence* refers, the Christian World spoken of, is said to have existed 1400 years; the passage therefore does not relate to the Church of England. The doctrine as applied to Protestants I disavow.

VI.

The Sixth Article read (See page 11). That in page 39, you have ridiculed and reviled the Offices of Religion, &c.—The Laity like brute beasts, &c.

I scarcely know what answer to make to this Charge.—
The

The Promoter said nothing in explanation of it. I approve of the Rites of the Church of England; the Ministers who perform them are men of Education, and perform them with proper solemnity. Not with an usurped authority, as those mentioned in the Pamphlet, but by the authority of the people, declared by act of parliament. The passage evidently refers to the Church of Rome. It is in the Romish, not the English Church, that Marriage is held to be a Sacrament. The Church of England has no office of Sprinkling. It is the Burial of the Church of Rome which has a Spiritual Incantation, and the words, Another Spiritual Incantation, refer to the former one, viz. the Sprinkling with Holy Water. The Rites performed by our Clergy are all calculated to impress those of the same communion with pious sentiments. The charge really relates to the Priests, rather than to the Rites of Religion — for the latter the Promoter has no great regard, though he stands up for the dignity of the former.

S U M M A R Y.

The Liturgy being uninspired must be imperfect: it is no disparagement to it, to say, that it has suffered in its arrangement, that its style is sometimes rude and antiquated, and should it be affirmed, that its doctrines are far from the standard of purity, such assertion might be justified by many authorities. Tillotson, Sancroft, Bennett, Stebbing, Porteus, Yorke, Paley. Dr. Kipling in his Prolegomena indulged himself in a sting at those who held the Inspiration of the Evangelists; and now would atone for it by ascribing Inspiration to the Liturgy. If I could bring myself to cite passages from him, with as little delicacy, as he has cited witnesses, I should not doubt of equal success. *The great Body of Christians*, must refer to the *Catholics*, else what is the meaning of that admonition? “Let Churchmen and Dissenters examine (page 38) how far they have deviated from the true faith?” It is true, some Dissenters have brought the charge of Idolatry against the Church of England, but I have ever and still do express my disapprobation of such a charge. If the assertion (page 39) be understood of all Ecclesiastical Ranks and Courts, it is evidently absurd in itself, and contrary to scripture, which enjoins Excommunication, and specifies the ranks of Deacon, Presbyter, and Bishop. I believe these ranks to be consonant to the Spirit of Christianity. To say that I think them repugnant to it, is a vile calumny. The passage was incapable of such a construction, without separating

rating it from the context, by omitting the word *hence* and inserting *are*. The article deserves no reply, from the garbled state in which the passage is quoted. In the same manner, he has perverted the passage at the bottom of the 39th page. Do the *English* Laity sit patiently under the dominion of Priests like brute beasts? Has the *English* Church any office of Grace at Meals? The Author of the Pamphlet seems well acquainted with the *Romish* Church. The Expression, "another Spiritual Incantation," alludes to the Sprinkling with Holy Water.

Exfuffo te immundiffime Spiritus in Nom. Pat. &c.

Exorcifo te fi qua incurfet Diaboli Tentatio.

In their Burial Service they have another Incantation—Enchanted Water.—*Parva Crux super pectus—afpergitur Corpus aquâ benediçtâ*; not to mention their signing with the Crofs, and burning Incense.

The Expressions in the 40th page shew, that the *Romish* Church was intended—In that Church, not in the English, the Clergy derive benefits from the superstitious prejudices of the Laity, and the people are permitted to indulge in immoral practices from the Hopes of Absolution. The Gentleman in Black, refers to a Clergyman distinguished from his Fellow Citizens.—The English Clergyman is a Citizen.

VII.

Read the Grace of 1603.—The Proctor of the Court replied, that this Grace is not to be found.—The Grace Book was sent for and examined without finding the Grace.

And will the University look on with Patience, when one of its Members is accused of violating a Law which is known to have no existence? Or if it ever had, has not been acted upon these 190 years. The insertion of the 45th Statute in this Article, is an Insult upon the Vice-Chancellor, the Court, and the whole Senate. The Promoter must know that the Vice-Chancellor could act upon that statute *only* with the concurrence of the Heads of Colleges; in a Court, different also from that, into which I have been cited. But every right of an Englishman has been violated in this Trial. Would the Promoter and his twenty-seven wish to revive the Dissentions which tore the University in 1603? We are now too liberal, I trust, to devote a man to destruction, because he is of a different opinion in Philosophical, Political, or Religious Subjects.

I shall not enter into the consideration of the 45th stat. upon which I can be tried *only* before the Vice-Chancellor

cellor and Heads, but the Promoter has precluded that measure, by citing me into the Vice-Chancellor's Court.

The Vice-Chancellor reminded Mr. Frennd, that the Grace of 1603 exists in the Vice-Chancellor's Book.

Exists! But how? it is subscribed, "Ita Testor," without a Name. The Registry of that day being compelled to insert it, but too honest to subscribe to a falsehood.

CONCLUSION.

I have proved that the Articles, even supposing me the Author of the Pamphlet, are without Foundation: that I have not defamed the Liturgy, charged the worship of the Church of England with Idolatry—called Ecclesiastical Ranks, Courts, &c. repugnant to the Spirit of Christianity, or reviled the offices of our Church.

I postpone the consideration of the 45th Statute till I am called upon *publicè confiteri*. As to the Grace of 1603.—"De non apparentibus, & non existentibus eadem est Ratio." Even if it could be found, it is so worded as to shew, that it never was intended to bind posterity, for the words *pro statuto habeatur* are omitted, as well as the words, *in posterum*.—It is not "*si quis in posterum oppugnaverit*," but "*si quis oppugnaverit*," and relates to past, not future offences. At most, it was of a temporary nature, and like the late Alien Bill, and that against Traiterous Correspondence, to be confined to particular times and circumstances. I might also contend, that the Senate has no power to enact a Grace of a penal nature such as this—and that if it had, this Grace would be null, because, as the Vice-Chancellor confessed, it *detrahit statutis*, by altering the penalty.

The Case of Chark, 1572, was produced by the Promoter.

I would ask him these Questions.

Who was the Promoter in Chark's Case?

Were Mr. Chark's Relations cited against him?

Were Private Letters produced against him?

Were references made to other Books of the same Author?

Were the Minutes put into the hands of the Promoter?

Did any person of Rank in the University promote the office of the Judge, to gain preferment, or to gratify a persecuting spirit?

No Pamphlet Political or Religious, can have a pernicious consequence. It must be a weak government, that can be shaken by a Shilling Pamphlet!

Mr. Frend having finished his Defence, the Promoter replied in words to the following purpose :

R E P L Y.

He said that what he had to observe on Mr. Frend's Defence, should be confined to the following heads.

1. That the Extracts from the Pamphlet in Question, did not refer to the Errors of the *Roman Catholic Church* exclusively.

2. That the Prosecution was not malicious.

3. That the Defendant's objection was not well founded; namely, that the Laws, upon which he was prosecuted, were *obsolete*, and therefore ought not to be enforced.

4. That the Witnesses were unexceptionable.

1. That the Author of this Pamphlet, had not in his view the Errors of the *Romish Church*, will be evident from hence, that his Pamphlet contains advice to the associated Bodies of Republicans and Anti-Republicans, that is, to British Subjects, who have no power to reform *that Church*.

2. To refute the charge of malice, it would be necessary only to mention, that by means of a common friend, (Mr. Marsh) he had pointed out to the Defendant, the manner in which he believed his Peace might be made with the University, which was, by publicly acknowledging his offence, in speaking so degradingly of the established Church, and its Ministers, and by promising not to repeat this offence.

3. Dr. Kipling observed, that even admitting the Statutes, mentioned in the Eighth Article, to be *obsolete*, it would by no means follow, that they ought *never* to be enforced. The enforcing of a Law depends upon circumstances—On some occasions it may be more prudent to connive at an offence, than to bring the offender to Justice. But there are times, when such connivance would be criminal, as pregnant with the worst of consequences.—What was the state of this country when the Pamphlet was written? What was then the situation of our established Government?—Not only of our Political, but of our Ecclesiastical Government? Was it ever known, since the beginning of this century, to be in greater danger? Was not the *chief* cause of this danger the circulation of seditious and treasonable Pamphlets? Was not this danger increased to that alarming magnitude, by the unremitting industry of certain Writers, to infuse the Spirit of Disaffection into the public mind? And has not *this* Pamphlet the same evil tendency?

Dr. Kipling then proceeded in assuring his audience, that he would not have called on this Court to enforce either the 45th Statute, or the Grace of 1603, on a common occasion; but that the times had of late been extraordinary, and demanded extraordinary exertions.

4th and Lastly. With regard to the depositions of Mr. Plampin, Mr. Kilvington, and Mr. Lloyd, which were objected to by the Defendant, could it be conceived, that three Gentlemen of liberal Education would appear before that, or any other Court, *knowingly*, to perjure themselves? But the Court had been told, that the Testimonies of these Gentlemen could not be allowed, *because* they agreed with thirty other Members of the Senate, to prosecute the Defendant in the Vice-Chancellor's Court, and were therefore *Parties* in that Cause.

Now, such a principle as this—that the Testimony of an *interested* person is never to be admitted, tends to subvert all civil society whatever. For instance, in prosecuting an Assassin, not only the friends of the person assassinated, but all their Fellow-Citizens are interested in the Event.—It is a public offence—The body politic is injured. Granting, therefore, this principle, that none should be suffered to give Evidence in a Cause, but such as are *uninterested*; it would follow that in a Trial for Murder, you can have no Witnesses whatever, *all* being concerned—*all* being parties in the cause; and thus every murderer would escape with impunity.

To apply this to the present occasion, Dr. Kipling observed, that the Defendant had been prosecuted as the Author of a *Libel*, on our Ecclesiastical Polity, and our established Religion. He said, that Mr. Friend was not brought before that Court to answer for a *personal* insult, offered either to himself, or to any other gentleman concerned with him in that Trial. Far from it—he had offended the feelings of humanity, in sarcastically terming our solemn interment of the dead, “a Spiritual Incantation.” He had defamed the Established Church, by charging its worship with *Idolatry*. He had even dared to insult Christianity itself, by coupling its most sacred ordinance with a Bacchanalian Revel. Such then being the nature and extent of his crime, that *all* were *interested*,—*all* were *Parties* in this endeavour to punish it, and to check its pernicious influence: It followed from what had just been said, that no person whatever, even of common veracity, much less those three Gentlemen, ought, on that account, to be rejected as *partial* and improper Witnesses.—And it must also

also be evident, that it was a duty incumbent upon every one, to endeavour, as much as in him lay, that offences of this magnitude should not escape with impunity. This duty then, the Promoter observed, he had fulfilled to the utmost of his ability, and had only to add, that he should always gratefully remember with what patient attention the Court had listened throughout that long trial, to the Witnessses and the Arguments, produced by him, in support of his charges against the Defendant.

Mr. Frend made a short reply, in which he adverted more particularly to the first head of Dr. Kipling's remarks, and observed, That if Dr. Kipling had read the Pamphlet with due attention, he would have discovered, that the discussion of religious subjects is called a digression, at the bottom of page 41.

To the second Remark he replied, that he asked Mr. Marsh, if he came with any authority to negotiate with him? that Mr. Marsh replied, he had not—that Mr. Frend was to consider what was then advanced, as Mr. Marsh's advice *solely*.—Mr. Frend here observed, that for him to make any such acknowledgement as was required, would have been in effect to acknowledge himself the Author, without any security of avoiding the prosecution.

The third Remark was founded upon a presumption of danger, which never had any existence, and in fact was only a fiction.

That with respect to the Witnessses being described in the fourth remark, as unexceptionable, he had already proved that several of them were inadmissible.

Mr. Frend then delivered to the Vice-Chancellor, a written Copy of his Defence, which he desired might be for the perusal of himself and the Heads only.

The Court was then adjourned to Tuesday next, the 28th inst. at 11 o'clock in the forenoon.

SEVENTH COURT DAY.

At a Court holden before the Right Worshipful Isaac Milner, D. D. Vice-Chancellor of the University of Cambridge, J. Smith, R. Farmer, W. Colman, L. Yates, J. Barker, Peter Peckard, Jos. Turner, Fr. Barnes, W. Craven, and J. Postlethwaite, Doctors in Divinity, and
John

John Fisher, L. L. D. his Assessors, on Tuesday the 28th of May, 1793, between the hours of eleven and one, in the Senate-house of the said University.

Me present.

GEO. BORLASE,

Not. Publ. and Registr.

The Office of the Judge }
 promoted }
 By Thos. Kipling, D. D. }
 against }
 William Frend, M. A. and }
 Fellow of Jesus College. }

On opening the Court the Commissary read a sentence from Mr. Frend's written Defence, (which he had given into Court on the last Court-Day) which sentence appeared liable to misconception,

and he then asked Mr. Frend, whether he wished or intended to be heard on the Statute "*De concionibus*," by the Court constituted as it then was? To which Mr. Frend answered—Certainly not.

The Vice-Chancellor then informed Mr. Frend, that having fully and maturely weighed and considered the charges brought against him by Dr. Kipling, the Evidence, and his Defence, he was of opinion, that he the said Wm. Frend, was proved the Author and Publisher of the Pamphlet, intitled Peace and Union recommended to the associated Bodies of Republicans and Anti-Republicans; and that by writing the aforesaid Pamphlet, and publishing it within the University of Cambridge, He, the said Wm. Frend had offended against the latter part of the Statute "*De concionibus*," beginning with the words, "*Prohibemus ne quisquam, &c. &c.*"

Then the Vice-Chancellor, with the assent of the major part of the Heads of Colleges, as is required by the Statute, directed Mr. Frend to retract, and publicly to confess his error and temerity in the following manner:

" I WILLIAM FREND, Master of Arts, and Fellow of Jesus College in the University of Cambridge, do acknowledge, that by writing a Pamphlet, intitled "Peace and Union recommended to the associated Bodies of Republicans and Anti-Republicans," and by publishing the same within the University of Cambridge, I have offended against the latter part of the Statute "*De concionibus*," as expressed in the following words,

Prohibemus ne quisquam in Concione aliquâ in loco communi tractando, in Lectionibus publicis, seu aliter publicè infra Universitatem nostram, quicumque doceat, tractet, vel defendat, contra Religionem, seu ejusdem aliquam Partem, in Regno Nostro publicâ Authoritate receptam

et

et stabilitam, aut contra aliquem Statum, Authoritatem, Dignitatem seu Gradum vel ecclesiasticum, vel civilem, hujus nostri Regni, vel Angliæ vel Hiberniæ.

“ I do therefore, by the direction of the Vice-Chancellor, with the assent of the major part of the Heads of Colleges, retract and publicly confess my error and temerity, as the said Statute requires.”

Mr. Frend objected to reading the Recantation, as he affirmed, that he did not perfectly understand the meaning of some part of it.—The Vice-Chancellor said, that he should have no objection to allow him time to consider it fully, and ordered the Court to be adjourned to Thursday next, the 30th inst. at 9 o'clock in the forenoon; and Mr. Frend was warned by the Vice-Chancellor, then and there to appear, and to read the form before written.

EIGHTH COURT DAY.

At a Court holden before the Right Worshipful Isaac Milner, D. D. Vice-Chancellor of the University of Cambridge, J. Smith, R. Farmer, W. Colman, L. Yates, J. Barker, Jos. Turner, Fr. Barnes, W. Craven, and J. Postlethwaite, Doctors in Divinity, and John Fisher, L. L. D. his Assessors, on Thursday the 30th of May, 1793, between the hours of nine and eleven o'clock, in the Senate-House of the said University.

Me present.

GEO. BORLASE,

Not. Publ. and Registr.

The Office of the Judge }
promoted } Mr. Frend appeared, and
by Thos. Kipling, D. D. } the Minutes of the last Court
against } were read.

William Frend, M. A. and }
Fellow of Jesus College. } The Vice-Chancellor ad-
dressed Mr. Frend, and said,
that he he hoped he had considered the Form of Recantation,

which had been given him on the last Court-Day, and that he was now ready to read it.

Mr. Frend then arose, and began to read a different paper, when the Vice-Chancellor called him to order.

Mr. Frend said, this paper relates to the Explanation of some things which I do not understand. The Vice-Chancellor refused to hear him read it, but received the paper, and the Heads consulted on it.

The Vice-Chancellor informed Mr. Frend, that they adhered to their former opinion; that they had examined the paper, which did not contain any thing that could induce

induce them to change that opinion.—Mr. Friend said, that he did not understand what his error was; and still persisted in maintaining, that it did not appear how he had offended against the Statute “*De concionibus*.”

The Vice-Chancellor then said, Mr. Friend, you was heard in your defence for five hours, without the least interruption; and I would have listened to you with the greatest patience and attention for five hours more, if you had chosen to have pleaded upon the Statute “*De concionibus*.”—You refused to do so at that time—and now, that you are convicted of having offended against the Statute, you cannot be heard any longer. By the Statute it is left to the Court to prescribe the manner of Recantation, and you must now answer simply, whether you will read the Form prescribed to you or not.

Mr. Friend. Am I to read this RECANTATION as my own?

Vice-Chancellor. Yes.

Mr. Friend. Read that Recantation! I would as soon cut off this hand!

Mr. Friend then delivered the following Paper, which he said was in Bar of Sentence, and asked the Commissary, whether as a Member of the University, he could not insist upon his Privilege, that the Paper should be received in Bar of Sentence?

The Court received the Paper, and read it, but did not allow the Plea.

WHEREAS I WM. FRIEND am accused of having offended against a Statute of the University, by publishing a Pamphlet, intitled “Peace and Union, &c.” sometime in the month of March, at the Close of the last Term, the following Form of general Absolution was pronounced by the Vice-Chancellor’s Deputy, in a Public Congregation: I do hereby plead that Absolution, in Bar of any further Proceedings against me, on account of the said Publication.

Absolutiò in fine Termini.

Auctoritate nobis commissâ, nos absolvimus vos ab omni levi Negligentiâ, forisfactione, seu transgressione Statutorum Privilegiorum & Consuetudinum, & Deo et Sacramentis Ecclesiæ vos restituimus in Nomine Dei Patris, & Filii & Spiritus Sancti. Amen.

W. FRIEND.

Exhibited in Court,

30th May, 1793,

GEO. BORLASE, Not. Pub. & Registr.

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THE VICE-CHANCELLOR'S SPEECH.

When the University elected me Vice-Chancellor in the month of November last, I acquiesced in their determination with much diffidence and anxiety. The discharge of the *ordinary* duties of this important office seemed incompatible with my indifferent state of health; and, if any *unforeseen* trouble or difficulty should arise in the course of the year, I considered myself as utterly unfit for the management and direction of it. I foresaw that, while the remains of my health might probably be wasted in a diligent and conscientious attempt to do the best in my power, my mind would also be agitated with this painful reflection, “the dignity of the office of Vice-Chancellor suffers, and the discipline and general interests of the University are essentially injured through my incapacity.”

But, though apprehensions of this sort were naturally suggested by the circumstances, I still cherished a secret hope, that our Academical pursuits of learning and science might, for the present year, go on smoothly and without interruption, and our tranquillity be disturbed by no odious or troublesome investigation of the causes of irregularity or riot.

Little did I then imagine that, in the very short space of four months, so refreshing a hope was entirely to vanish, and that I should be *loudly called upon* publicly to animadvert, not upon the rash and intemperate sallies of an inexperienced Youth, but upon the premeditated and offensive conduct of a Gentleman with whom I had myself long been acquainted, whose standing in the University was very considerable, and for whose talents and attainments I entertain the most sincere respect.

Impossible, however, as such an event might be, it actually took place, and nothing remained for the Vice-Chancellor but the painful task of investigating the nature of the offence committed, and the punishment assigned by the Laws of the University, and of publicly explaining both, in the most open and perspicuous manner he was able.

On *such* an occasion, the situation of the Judge of this Court is not to be envied. *Our times*, whatever be the offence, are singularly unfavourable to the enforcement of rigid discipline, and, in regard to the degrading and vilifying of Establishments either of Church or State, by many it is scarcely supposed possible that an offence can be committed. Produce existing laws against such practices, and you are told that such laws ought never to have been made:
that

that they are a disgrace to the country, that they are obsolete, and, perhaps, that you *dare* not enforce them. Others, with more temper and plausibility, admit that offences like the present are highly blamable in themselves, and that, if you could confine your punishments to such gross and indecent examples, there would be no room for complaint; but, say they, when you have once begun to inflict penalties for the propagation of *opinions*, there will be no bounds to the operation of such laws: unfair advantages will be taken by men of captious and arbitrary principles: the most inoffensive and laudable endeavours after improvement will be stifled: not a syllable must be uttered against what has once been established: the slightest objections and hints at amendment, either of our religious or political establishments, will be construed into a conspiracy against Government:—there is an end of the exercise of our faculties in the dispassionate enquiry and investigation of truth. Then the parties cry out, Persecution! Tyranny over the conscience! No freedom of discussion! And thus, under the fair disguise of moderation and liberality of sentiment, the *clamours* of the ignorant or the disaffected are to be an answer to every sober argument that can be advanced in favor of the most sacred and venerable institutions that are to be found in the history of mankind.

It is true, indeed, that such popular and delusive topics can produce no conviction of the judgement of thinking persons; but it is no less true that too frequently they influence our practice. The soundest mental constitution is never wholly secure against the contagion of opinion, and therefore the safest rule, in all these difficult cases, is to turn a deaf ear to every argument or suggestion that has a tendency to draw the mind from the direct contemplation of the point in question, and to pay not the least regard either to those who cry out, *Tyranny* and *Persecution*, or to those who cry out, *Sedition* and *Heresy*.

With such views and impressions I entered on the investigation of this unpleasant business.

It is a cause of the greatest importance. A bold and indecent attack has been made upon the religious institutions of the country: the Statutes of the University have been openly violated, and, if an offence of this magnitude be suffered to pass unnoticed, I think the very existence of the University may be soon endangered.

I do not deny that cases of libellous publications frequently occur, where it is much better to treat an impudent Offender with neglect and contempt, than to gratify

the obscure and deluded Author by bringing him forth into publick notice and inflicting that precise sort of Martyrdom which he has justly deserved, and is absurdly anxious to suffer. But I maintain, on the present occasion, that the case of Mr. Friend is separated and distinguished, by peculiar circumstances, from that class of offences, which, from motives of discretion, it might be proper to pass over in silence and contempt.

The Author of this Pamphlet is a person of considerable standing in the University, and we are all of us ready to bear testimony to his talents and attainments. He has been in the important situation of a public Tutor of a College. He resides a good deal among us, and by his zeal and his perseverance is well qualified to make impressions on the unsuspecting minds of youth. He is known to have objections to the established Doctrines of the Church of England, and if he be permitted thus to defame with impunity the solemn institutions of our Religion, and the public functions of the Clergy, I am sure that great use will be made of such forbearance and lenity: our Under-graduates will soon be taught to insult the doctrines and ceremonies of the Church to which they belong, they will believe them to be mere political contrivances, and they will conclude, that as we ourselves dare not support them, even when we have the law on our side, we also, as well as others, are convinced, that they are indefensible by reason, and are only induced to adhere to them from pusillanimity or self-interest.

Such, I think, is the natural inference which a sensible young man would draw from the silence and indifference of the governing part of the University, upon the appearance of such a pamphlet as this.

I may perhaps be told, that they are mere speculations of my own fancy—I instantly repel the insinuation by affirming a well-known fact, that a numerous and respectable body of this University, appear to have been influenced in a great measure by sentiments of the same sort. For while I myself was hesitating, whether, as Vice-Chancellor, I was not called upon *ex officio*, by a flagrant breach of public decorum, to animadvert, in a summary way, upon the Author of this Pamphlet, I was released from much doubt on this head by the application of thirty-four Members of the Senate, and most of them of distinguished reputation, who requested the Vice-Chancellor to take cognizance of an offence which appeared to them dangerous in its tendency, and degrading to the Clergy of the Establishment.

blissment. And here I *must* say, in justice to the laudable and zealous efforts of the respectable characters who stood forth on this occasion, that I think it *impossible to conceive* a business of this sort to have been conducted with less appearance of private animosity or resentment; and I feel myself bound to declare, that in the application of no one of those gentlemen could I discover the slightest trace of a wish to injure or distress Mr. Frend. On the contrary, every one explained the grounds of his application in the most distinct and guarded manner, professing himself to be solely influenced by a desire of maintaining the honour and credit of the University.

After having advanced so much respecting my own views and the motives of others, I suppose the minds of several who hear me may be disposed to object the inaptitude and irrelevancy of these reflections, and to suggest the propriety of proceeding directly to the consideration of the evidence, and to the administration of the justice of the case.

I openly and freely acknowledge the force of this objection, and if I have introduced reflections which seem, in a degree, foreign to the subject, it is only because great stress is frequently laid upon such topics, and particularly by persons who affect more than ordinary candour and liberality of sentiment. In order that arguments derived from such sources may have no more than their just weight and influence, I have been tempted to oppose this sort of reasoning by arguments of a similar nature.

Having freely acknowledged so much, let us now seriously and solemnly approach the cause itself.—Let us hear no more of Tyranny and Persecution on the one hand, nor of Heresy and Sedition on the other.

A grievous charge is brought against Mr. Frend, and, as Judge of this Court, I find myself bound by the most solemn obligations to enforce the Statutes of the University. I do not mean to insinuate in the slightest degree, that the 45th Statute is an unwholesome or impolitick law, but this I say, that in my present situation, I have nothing to do with explaining or justifying the policy of that law. I find it in existence and I am bound to execute it. Dr. Kipling, the Promoter of this cause, has not alleged that the offence comes under any general sweeping clauses of the Statutes, such as that it is *contra bonos mores, modestiam*, or the like, on which account I feel myself relieved from that embarrassment which naturally attends a conscientious discharge of duty, in a case where much is left to the feeling

feeling and to the discretion of the Judge; but he has pointed out *certain* and *particular* statutes which he affirms to have been violated, and therefore, in case of conviction, the Court has no option.

Now the conviction or acquittal of Mr. Frend depends entirely on the solution of two questions. 1st. Is Mr. Frend the Author and Publisher of the Pamphlet, entitled Peace and Union? On this head we have not the slightest embarrassment. We think that Dr. Kipling has produced a great deal of superfluous evidence. The 2d Question is, Does the Pamphlet contain matter by which the 45th Statute is violated? We are all satisfied that it does, nor has the eloquence of Mr. Frend convinced us that the most offensive passages in the Pamphlet do not apply, and were not intended to apply, to the Church of England, as well as to the Church of Rome. Then, I say, the Court has no option.

Yet I am willing to *pause* for a moment, and to consider what *might* be the consequences of a *supposed* discretionary power in this Court.

Enumerate then the circumstances which should induce the Vice-Chancellor and his Assessors to mitigate the penalties of this Statute. Did the Pamphlet make its appearance at a time when every well-wisher for his country entertained the most serious apprehensions for its safety and tranquility? Does the oldest of us ever remember so general, and I had almost said universal, a concurrence and union of sentiment in the best characters of all parties uniting to oppose the influence of seditious meetings and seditious publications? At such a critical time as this, Did the Author of this Pamphlet inculcate the necessity of Peace and good Order? Or did he exhort the lower ranks of people to be patient and submissive in bearing the additional burthens which might be necessary to repel by force, the unjust attacks of an outrageous and insolent enemy? Or, again, when the National Convention of France had filled up the measure of their crimes, by murdering their King and destroying all lawful Government, when their deliberations breathed nothing but Atheism and Anarchy, and when they were threatening every country in Europe with the introduction of similar principles, did the Author of this Pamphlet sincerely inculcate a respect for the *King and Parliament of this country, and for the reformed Religion and the functions of the Clergy as established by Law?*

I ask not whether he entered into any nice disquisitions concerning improvements, or reformation in smaller matters;

ters; but I ask, in one word, whether the plain object of the Author, at least in *some* parts of the Pamphlet, was not to teach the degraded Laity, as he calls them, that “*Like brute beasts they were sitting tamely under an usurped authority?*”

Is there any satisfactory answer to be given to these questions? In the title page, it is true, there stands in great letters PEACE AND UNION.

Is it satisfactory to be told, that all the offensive passages apply to the members of the Church of Rome, and not to the Church of England? I answer as I have often heard my Lord Mansfield instruct a Jury—“Take the writing and read it as any plain man would do, and tell us the obvious meaning of the passages.” Upon this principle, I firmly believe, my Assessors, the Heads of Colleges, who have unanimously concurred with me in opinion, have most conscientiously acted.

But perhaps the Author is sorry for his offence. This would plead strongly in mitigation of censure, and I wish I could have perceived, in the whole conduct of this business, the slightest vestige of contrition.

Mr. Frend had certainly an undoubted right to use his own judgment in conducting his defence, yet still I cannot but think he has mistaken the proper mode, in several ways.

1st. He has not treated the cause with a sufficient degree of seriousness.

Did he expect to make an impression on the minds of the Judge and his Assessors by legal quibbles, by strokes of wit, by allusions to novels, or by endeavours to excite smiles in the galleries?

2dly. He might have avowed the Authorship, and if conscious of having gone too far in the propagation of principles, he might ingeniously have said, *this* I maintain to be true, *that* may possibly be defended, but *here* I wish I had stopped.

3dly. If not conscious of having gone too far, he might have boldly confessed and defended his principles, and in a manly way, have submitted to the infliction of penalties, which, according to his judgment, were arbitrary and unreasonable.

Whichsoever of these modes of defence he had chosen to pursue, *I do not perceive that he would have endangered his reputation as a man of honour and veracity.*

It was certainly laudable in Mr. Frend to use every fair and honest exertion of his talents to exculpate himself from the

the charges. But the Court has been at a loss to comprehend in what way the continued application of satirical remark and virulent invective on the character of Dr. Kipling, and on the rest of the Gentlemen who disapproved of this publication, could be considered as useful to this purpose? Can he now say as the great Roman did of old, "*Si nullâ aliâ in re, modestiâ certè et temperando linguæ, adolescens senem vicero.*"

Such satire and invective might indeed have a tendency to *debauch* the sentiments of the galleries, but could not will be supposed to make any impression upon the minds of the Vice-Chancellor or his Assessors, or of any gentleman who had carefully read and considered the pamphlet.

In the course of this defence it was *more than insinuated*, that the Promoter of this cause could neither write nor speak a sentence of pure latin. Suppose, for a moment, that the Bishop of Landaff, whose authority was so confidently appealed to on Friday last, could permit the most important Professorship in this University to be so scandalously degraded and neglected, as this imputation on Dr. Kipling implies—How would all this exculpate Mr. Frenn from the charges that have been brought against him? Again, suppose for a moment, that calumny could, by possibility, fix itself on the respectable characters of Dr. Glynn and Professor Mainwaring, of twelve Tutors and Lecturers of this University, of thirty-four Members of the Senate, who all applied to the Vice-Chancellor to take cognizance of this offence; I still ask, how would all this exculpate Mr. Frenn from the charges that have been brought against him?

But Mr. Frenn has not contented himself with applying the most disrespectful appellations to this considerable body of Academical Gentlemen. He has in effect maintained, that their evidence on oath ought to be rejected in this cause.

To this part of his argument, I confess, I listened with the utmost astonishment.

Let us try the truth of this assertion by a very possible supposition.—Suppose an offence to have been of so gross a nature, that not only 34 but twice that number—Suppose even the particular friends and intimates of the offender himself should have joined *the Cabal*, as it has been termed—Suppose the whole University, in a body, or by Delegates, had applied to the Vice-Chancellor, "Sir, you *must* take cognizance of this offence: Our character and credit in the world demand it;" will any man say that the evidence

of all these Gentlemen, speaking on oath, not to the intrinsic merits of the pamphlet, but to a plain fact, as the buying of a book or the hand-writing of a person, is to be rejected in such a cause? This would indeed be an alarming proposition, and enough to startle any considerate person. It amounts to no less an absurdity than this, that the very greatness of a crime might properly become its shelter and defence.

Before I put an end to this unpleasant business, by finally dissolving the Court, I feel myself called upon, by the extraordinary circumstances of this cause, to say a few words to the Junior part of this University.

You have shown yourselves to be much interested in the investigation, and in the event of this Trial, and now that it is brought to a conclusion, I wish to engage your most serious attention for a few moments, while I propose the following advice to your serious consideration:

I have no intention to animadvert upon the noisy and tumultuous irregularities of conduct by which our proceedings, on some of the former Court-Days, have been interrupted. Let these be consigned to oblivion; but let the principles from which these irregularities arose, be well considered, and let me seriously exhort you to be upon your guard in future against the consequences of their dangerous and delusive operation. I cannot suppose that you have even *heard* distinctly, much less that you can have *digested* every thing that has been advanced in the course of this trial.

Your passions and affections therefore, in this case, are not founded on a knowledge and understanding of the subject. Examine yourselves, you will perceive that they are founded upon certain vague ideas, that the accused person has been persecuted.

Such an unreasonable persuasion, if not effectually opposed by sober argument and reflection, will soon produce the most destructive consequences on your practice. And I think it the more necessary at this time to advertise you of your danger, when this country has just escaped and survived a most alarming crisis, and when several turbulent and democratic spirits still endeavour to persuade the public, that every attempt to punish libellous attacks upon the Constitution and Government of the kingdom, by enforcing wholesome and established laws, is a species of persecution, and contrary to the *imprescriptible Rights of Man*.

Now I affirm, that in this country, wherever there is *fair ground* for an accusation, and where the accused per-

son has had a *fair* hearing, there can be no such thing as persecution. On these two essential points I rest the merits of the question. When, therefore, I look on the Junior part of this University, and foresee in them the future supports and ornaments both of the Civil and Ecclesiastical Establishment of England, and when I consider that they have been entrusted to our care and nurture by relations and connexions who venerate these establishments, I feel myself authorized to *interrogate* you closely, and to demand, whether being educated from earliest infancy, in the practice of frequenting the Church, and reverencing her institutions, you are now prepared to say, on reading this pamphlet, that the accusation of having impugned the established Church was either frivolous or oppressive?

I know very well how you must answer this question, and am persuaded that the ingenuous dispositions of youth only needed this matter to be clearly stated to them.

In regard to the second question, whether the accused person has had a *fair* hearing, I have no anxiety. Whatever notions you may have inconsiderately entertained *before* the Trial, I have no doubt but that now, *after* the Trial, you will tell your Fathers, your Guardians and your Friends, that you never heard or read of a Trial where the accused person had a more full, deliberate, and impartial hearing.

You will tell them also, that the *only* doubt you could entertain of the propriety of the proceedings might be, whether the Judge of this Court, through an extreme unwillingness to interrupt the accused person in his defence, did not carry his patience and forbearance to an almost unwarrantable length, while he permitted the Defendant to proceed in an unbounded strain of virulent and irrelevant invective. *Then* you will add, and I trust, with some effect, that the University of Cambridge will not suffer the sacred and venerable institutions of the established Church to be derided and insulted; and that at a time when a profane and licentious spirit of infidelity and irreligion makes rapid advances and threatens the destruction of our ecclesiastical fabric, there were to be found in these seminaries, *respectable* characters who could accuse with *liberality and decorum*, and Judges who could condemn with *firmness and moderation*.

The remaining part of my advice to you will not fatigue your memories. It is brief; but it is important; but it is well worth your most serious consideration. *Beware* of entering

entering into religious controversies at this period of your lives. Whatever may be the profession you are intended for, improve your understandings by the diligent pursuit of Academical studies: obey your Tutors: frequent the service of God according to the established forms, both in your private colleges, and in the University Church. At present, *take it for granted*, that our forefathers had some good reason for steadily adhering to, and supporting these venerable institutions. I repeat it, at present take it for granted, and those whom I perceive to be objecting to these words, will themselves tell you, that it has not been my way to take things for granted. All I contend for is, that *this* is not your time for becoming parties in controversial matters of Religion. It is your business to cultivate your understandings, and to be careful, that the good seed sown in these retirements may take root downwards, and bear fruit upwards, and increase to a mighty harvest in your lives and practice.

Against those who would openly attack the religious principles in which you have been educated, it is easy to guard. I have more apprehensions from those who are perpetually talking of candour, of liberality, of thinking for themselves, of examining things to the bottom, of the newly discovered modes of interpreting Scripture, and of the opinions of fallible men. These, and such like topics are excessively captivating to the unsuspecting minds of Youth. Impressions of the most durable nature, are made in a few conversations, and, in this way, I have more than once seen the finest talents and most amiable dispositions soon perverted or rendered useless, which, doubtless, in happier circumstances and with a better cultivation, might have been eminently serviceable to their country, either in Church or State.

Remember then the earnest zealous advice of a person, who thus addresses you from the purest motives of good-will, and the warmest wishes for your best interests; of a person whose imagination and temper have never been heated with religious dispute, whose pride and ambition have ever been to obtain, in the various branches of useful science, solid information for himself, and to communicate it to others, and whose health has been almost exhausted with Academical labours.—Remember then, I say, the advice of a person who at this moment addresses you, not with the authority of a Vice-Chancellor, but with the friendship and affection of an experienced Academic, of a person who has never been suspected of being fond of possessing

possessing offices or dignities, who has lamented bitterly that the necessity of this enquiry should have taken place in the present year; but who, when the enquiry was once instituted, thought it his duty to go through it with all the energy he was capable of, and who found it impossible to acquit Mr. Friend of having offended against the Statute, without sacrificing every principle of Truth, of Justice, and of Honour.

The Vice-Chancellor, with the assent of the Major part of the Heads of Colleges, then decreed Sentence of BANISHMENT against Mr. Friend in the following Form :

“ I ISAAC MILNER, D. D. and Vice-Chancellor of the University of Cambridge, do Decree, Declare, and Pronounce that WM. FRIEND, M. A. and Fellow of Jesus College, having offended against the Statute, “ *De concionibus*,” by writing a PAMPHLET, entitled “ PEACE and UNION recommended to the Associated Bodies of Republicans and Anti-Republicans,” and by publishing the same within the University of Cambridge, and having refused to retract his Error and Temerity in the manner prescribed to him by me, the Vice-Chancellor, with the assent of the Major Part of the Heads of Colleges, has incurred the Penalty of the Statute, and that he is therefore BANISHED from this University.

Signed,

I. MILNER, Vice-Chancellor.
 J. SMITH,
 R. FARMER,
 W. COLMAN,
 L. YATES,
 J. BARKER,
 J. TURNER,
 FRA. BARNES,
 W. CRAVEN,
 T. POSTLETHWAITE.

The Court was then Dissolved.

A P P E N D I X.

MR. BEVERLEY inserts the following Papers, at the request of Mr. Kilvington; and he considers them as no unsuitable addition to his account of Mr. Frend's Trial.

(COPY)

CAMBRIDGE, *June 1st, 1793.*

WE, the underwritten, express our Detestation of the scandalous and unfounded Imputations, which were attempted to be thrown upon the characters of Mr. Lloyd, and Mr. Kilvington, at the late Trial of Mr. Frend.

T. Kipling	R. Boon
J. Jowett	J. Dudley
R. Glynn C.	W. Pugh
W. L. Mansel	C. Simeon
J. Mainwaring	Antho. Mainwaring
R. T. Belward	Edw. Wigley
Geo. Whitmore	W. Millers
W. Walford	Jos. Watfon
J. Oldershaw	Tho. Castley
W. Wade	John King
W. Mathew	Philip Douglas
J. Smith	E. Edwards
J. Wood	J. Bradshaw
W. Wilfon	W. Walker
H. Greene	J. Fawcett
R. Ramsden	R. Tillard
A. Frampton	W. Easton
E. Outram	Henry Jowett

(COPY)

THE Testimony given by Mr. Kilvington, during the Trial of Mr. Frend, having been openly contradicted by the latter, and an Idea having prevailed that certain Letters written by Mr. Kilvington to Mr. Frend, contained a Proof that the Testimony was untrue; I think myself called upon to declare publicly, in Vindication of Mr. Kilvington's Character, that since the Trial in the Vice-Chancellor's Court, Mr. Frend, on application made to him by Mr. Kilvington's Desire, shewed me those Letters, and that there was nothing in them which appeared to me in the smallest degree to invalidate that Testimony. The substance

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