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A table of contents for the *Transactions of Congregational Historical Society* can be found here:

https://biblicalstudies.org.uk/articles_congregational-historical-society-1.php

EDITORIAL.

THE Annual Meeting of the Society was held at the Memorial Hall on Wednesday, May 13th, Dr. Grieve presiding. Mr. Muddiman presented the Financial Statement, and was cordially thanked for all the service he renders to the Society. The Editor outlined a proposal for reprinting a uniform edition of the works of Browne, Barrowe, Greenwood, Penry, and Harrison. The Society heartily supported the scheme, inviting Dr. Grieve and the Editor to be responsible for the series subject to the necessary financial assistance being forthcoming.

The Rev. William Pierce then gave a very interesting *résumé* of his researches regarding Nonconformist contributions to the building of the Mansion House. There was an animated discussion, and Mr. Pierce was warmly thanked for his paper, which appears in the present issue.

* * * *

The Autumnal Meeting will be held in one of the rooms at Richmond Hill Congregational Church, Bournemouth, on *Wednesday, October 14th, at 3 p.m.* The Society has now been in existence for twenty-five years, and we trust there will be a good attendance of members and of delegates to celebrate the occasion. The Rev. Dr. Grieve, Principal of Lancashire Independent College, will speak on "Our Society: A Survey of Achievement, 1900-1925." Will members of the Society note the place and time, and bring friends with them ?

* * * *

Mr. Manning's complete article, "Some Hymns and Hymn-books," has been reprinted separately, and copies may be obtained from the Publication Department of the Congregational Union at the Memorial Hall, price 1s. 3d. Copies of Prof. Veitch's "Thomas Raffles of Liverpool" (1s.) are also available. We trust our members will make these reprints widely known. The articles are of more than antiquarian interest and should have a wide circulation.

The Contributions of the Nonconformists to the Building of the Mansion House.

IN the years immediately preceding the Great War, Mr. Alfred D. Beaven compiled for the Corporation of the City of London, after prolonged research among the City records, a learned *History of the Aldermen*, in two volumes. In his introduction to the second volume, published in 1913, he refers to the fact that persons nominated to the office of Sheriff, and in some cases formally elected, frequently refused to serve. Instances, I may add, are found in the records as far back as 1526, and by diligent search could probably be found still earlier. They continue onwards throughout the eighteenth century. The procedure was regularized by what is known as Ducy's Act, passed under the Lord Mayor of that name in 1631. Those refusing to serve on nomination were fined £400; later, if this sum were not paid forthwith, the Liverymen—who are the electors—proceed formally to elect the nominee and the fine became £600. In each case the fine was increased by 20 marks, a contribution to the support of the chaplains of the city prisons; and also by a sum for the “usual fees,” the amount of which I have not ascertained.¹ The only other means of avoiding serving was to plead insufficiency of estate, which at first was fixed at £10,000 as a qualifying minimum; later (3rd February, 1738) the sum was increased to £15,000.² Under Ducy's Act £100 was paid out of the fines to the next person accepting office: I gather, however, from the incomplete memoranda on this point, that the sum was only paid, or perhaps claimed, intermittently, and under a continually growing opposition from members of the Common Council. There were also certain perquisites falling to the Sheriffs by ancient custom. An undated memorandum in late eighteenth-century script gives a list of these, amounting to £1,005 6s. 8d., to be divided between the two Sheriffs annually elected. But the cost to the holder of the honourable office, even when lightened by these perquisites, was no doubt much greater than the fines imposed upon those refusing to serve.

¹ See *C. C. Journal*, No. 53 f. 640.

² *Journal*, 58, f. 69b.

Among these latter Mr. Beaven states there were "some Nonconformists," who under the Corporation Act were not legally eligible. He is far from defending "the system of the Test and Corporation Acts" and recognizes that the final judgment of the House of Lords in favour of Nonconformists claiming exemption was in accordance with common sense no less than with law; still, he thinks that "a good deal of cheap indignation has been showered upon the Corporation of that day by later writers." For, he says, the Corporation Act was practically a dead letter by virtue of the Indemnity Acts passed annually, so that without risk Nonconformists might have accepted office. This point I may clear out of the way at once. The indignation was not so cheap as Mr. Beaven supposed. If he had read the Indemnity Acts he would have seen that they have no relation to the Nonconformists who for conscientious reasons could not accept, and were by the statute prohibited from accepting, the office of Sheriff. The Indemnity Acts gave six months grace to holders of municipal offices who had not fulfilled the demands of the Test Act. The protesting Nonconformists had not held, nor could they hold, office for a single day. The Indemnity Acts were simply extending Acts. The holder of the office had sooner or later to qualify according to the statute. All this was plainly pointed out by Justice Wilmot and Chief Baron Parker, when the case of the Nonconformists came before them as Commissioners sitting in the Court of St. Martin's.³

Mr. Beaven further observes, "It is sometimes said that the Mansion House was built with money derived from fines imposed by a tyrannical Corporation upon persecuted Nonconformists. It is true that for some years fines for non-acceptance of office were devoted to that object, but it is a simple travesty of fact to assume that the persons fined were all Nonconformists."⁴

A couple of years ago the City Surveyor, Mr. Sydney Perks, published his very complete *History of the Mansion House*, and naturally touched upon the contributions of those who refused the shrievalty to the erection of a palatial home for the Lord Mayor; but in regard to the fines extracted from the Nonconformists he modestly contents himself with a brief

³ Guildhall Records. Shorthand notes of the opinions of the judges in giving judgment against the Corporation and reversing the judgments pronounced at the Sheriffs' Courts and the Court of Hustings.

⁴ *Op. Cit.*, pp. xxxv., xxxvi.

quotation from the observations of Mr. Beaven already cited (see his Appendix I.). The High Church papers, which had evidently missed their opportunity when Mr. Beaven's solid volumes were published, on the appearance of Mr. Perks' book at once expressed their satisfaction with the assumed exoneration of the Corporation from the charge of religious persecution. *The Times* in its *Literary Supplement* was glad that this bubble was pricked, and the *Morning Post* (19th July, 1922) greatly rejoiced that this "ancient fable" had been knocked "on the head."

In order to set forth the facts securely upon an historic basis, I have been engaged intermittently during the past nine or ten months in making researches into the above matter at the London Guildhall Records Office. The invaluable records of the great City are in the charge of Mr. A. H. Thomas, M.A., whose position as a mediævalist and palæographer has been established by his recently published calendar of early documents in the archives of the City. Through Mr. Thomas permission was freely granted to me to consult all the documents relating to my subject in the possession of the Corporation, and I am under obligation to the City Fathers for the great courtesy shown me by their officials. Out of the mass of the material I have there gathered together, with the information already in our possession drawn from authoritative Nonconformist sources, I proceed to give an outline of the story of the contributions of the Nonconformists to the building of the Mansion House in the eighteenth century.

The source of the statements in regard to this matter made by Congregational historians and writers is a volume bearing the title—

A sketch | Of | The History And Proceedings | Of The |
Deputies | Appointed, To Protect | The Civil Rights | Of
The Protestant Dissenters, | etc. 4to London, 1813.⁵

The Protestant Deputies, an honourable body still in existence, held their first meeting in Salters' Hall in 1737. The society arose out of a movement of Protestant Dissenters which began five years earlier for the repeal of the obnoxious Corporation and Test Acts, a task which was not accomplished for another century. This led to the formation of the society of Dissenting Deputies, an influential body of Protestant

⁵ A smaller 8vo ed. was published the following year. It appears to be an exact reprint of the text of the first edition.

laymen, who took up the defence of the civil rights of Protestant Dissenters generally.

The illegal action against Nonconformists taken by the Corporation of London in connexion with the shrievalty can only be understood by the sinister movement which was taking place throughout England and Wales. The passing of the Toleration Act immediately upon the accession of William III. was the signal for the recrudescence of religious bigotry and intolerance. That Act gave no relief from the prohibitions of the Corporation and Test Acts, and a considerable number of persons in authority in all parts of the country determined it should give no other relief. The manifestation of this spirit gathered great force under Anne. We must not forget—she herself never forgot—that she was a Stuart princess. Her pious attachment to the Protestant Church as established by law saw nothing alien to her piety in imposing pains and penalties upon those who stubbornly refused to enter its portals and to conform to its order of worship. The leaders of the Tory party who came into power with the accession of Anne raged furiously against the Dissenters, and especially against their practise of occasional conformity, in virtue of which some of them escaped the penalties of the Corporation Act when they accepted municipal offices.* In the early years of the reign strenuous efforts were made, but in vain, to penalize occasional conformity by legislation. Meanwhile a wild reactionary clergyman named Sacheverell did what he could without legislation to damp the ardour of Nonconformists. Following the passing of the Toleration Act the Dissenters had bent all their energies to the tremendous task of building for themselves places of worship. Thousands of these meeting-houses were put up during the next ten years; none of them very large, and most of them very unpretentious. The wild tirades of Sacheverell excited the mob in London, who proceeded to pull down these sanctuaries, several of which were wrecked. In a later progress in Shropshire, Sacheverell's railing discourses were marked by the same features. It will indicate the feeling prevailing among the ruling classes in London to note that Sacheverell had the honour of preaching before the Lord Mayor and Corporation in 1709. His sermon on the *False Brethren* was full of incredible violence, and accused Nonconformists of every

* In 1697 Sir Humphrey Edwin was Lord Mayor; in 1701 Sir Thomas Abney filled the office; both were distinguished Congregationalists and occasional Conformists.

sin in the calendar from murder downwards. It was sent to the press, and sold in great numbers.

In all parts of the country, despite the Toleration Act, civil wrongs were inflicted upon Dissenters. They were cited before the Spiritual Courts for baptismal fees for children baptized by their own ministers; ministers were sued for baptizing; a clergyman refused to marry a couple and then claimed a fee when they were married elsewhere; parents were indicted because they refused to bring their children to be "christened"; husbands were sued because their wives had not been "churched." A Justice of the Peace issued a distress against the goods of a Nonconformist under the Conventicle Act; he had, however, to pay for all the goods sold, restore those unsold, and pay all the costs of the action promoted by the Dissenting Deputies. Magistrates refused to execute their office and grant qualifying certificates to ministers and licences to places of worship, as required by the Toleration Act. The rites of burial were denied in the case of children unbaptized, or baptized by a Nonconformist. The services held in Nonconformist places of worship, although regularly licensed, were continually interfered with, a riotous mob in some cases damaging the edifice and assaulting the minister. The managers attempted to exclude the children of Nonconformists from the benefits of the Free School at Hitchin.

The Dissenting Deputies undertook to give advice and help whenever needful, and in the cases of poor congregations, or of individuals, ministers or others, unable to meet the legal expenses of the defence of their rights, they also gave financial aid. They intervened in some hundreds of cases scattered over all parts of England and Wales, and almost invariably with success.⁷ Being a body of substantial men, and able to command the best legal advice, a firm but courteous letter was commonly sufficient to obtain the necessary redress. Where that was not forthcoming they obtained a *mandamus* from the court of King's Bench, and, in the case of unrelenting oppressors, acted with necessary vigour. An appeal to the Bishops against the illegalities of the clergy under their jurisdiction was always effective, for they were generally broad-minded ecclesiastics of King William's appointment.

We have already seen that London took part in the riotous

⁷ The cases are summarised in the Dissenting Deputies' "*Sketch of Proceedings*" (1813): supplement pp. 123-144.

proceedings against Nonconformists, and the invitation extended to Sacheverell to preach before the Lord Mayor had a sinister import. In the subsequent years the City shared more or less the High Church and illiberal views which manifested themselves in the provinces, although in earlier generations it had been a stalwart defender of the liberties of the people, civil and religious. A close scrutiny had now to be kept on the ecclesiastical measures promoted in Parliament by the City. The bill for the rebuilding of St. Olave's, Southwark, subjected Dissenters to exceptional rates on burial, and the same was attempted in the cases of St. Leonard's, Shoreditch, and St. Mary's, Rotherhithe. The appeal of the Deputies to Parliament succeeded in obtaining redress. An attempt was made to levy illegal rates upon meeting-houses in London, but when the Committee of the Deputies took up the matter the design was abandoned. In the same spirit the Corporation sought to obtain a discretionary power to assess meeting-houses for a lighting rate, which the Committee successfully resisted. The same service was rendered to Hare Court Chapel when rated for the repairs of Aldersgate Church, and to Jewin Chapel, when assessed for the poor rate.

With the narrative of these events before us we are not surprised at the action of the Corporation against Dissenters who were freemen of the City, in connexion with the shrievalty, and we are furnished with grounds for surmising the motives which actuated their illegal procedure. This long and exhaustive controversy was governed by three acts of Parliament—the Corporation Act, which prohibited any person from holding a public office unless within twelve months previous to his appointment he had taken the Lord's Supper according to the rites of the Church of England; the Test Act, which required the same qualification within six months after appointment; and the Toleration Act, which disallowed any one from being persecuted for Nonconformity, but left the Corporation and Test Acts unaffected. The Test Act is specifically excepted from its provisions.

In the year 1730 the Corporation resolved to appropriate the fines levied on persons refusing to serve in the office of sheriff to the building of the Mansion House, a home for the Lord Mayor for the time being worthy of the chief officer of the greatest city in the world. The foundation-stone was laid in 1739, and the building was partly occupied about 1755. The *London Magazine*^s states that in the years 1730-32 the

^s Quoted by Perks, *Hist. of the Mans. Ho.*, p. 163.

finances from the above source amounted to £20,700. And John Entick tells us that in 1754 there was in hand, derived from this source, a sum of £18,000, paid by forty-five gentlemen. The Dissenting Deputies' *Sketch* asserts that numbers of Dissenters, although legally ineligible, paid the fine, being unwilling to fight for their rights in the Courts. But from this special source about the year 1754 above £15,000 had been raised.¹⁰

The illegal nomination of Nonconformists began early in the century, for we find in 1703 John Coggs, citizen and goldsmith, refusing office on the ground of his Nonconformity, and refusing to pay the fine. The case was apparently withdrawn, but in 1738 a second attempt was made to get this substantial Dissenter to pay the fine, and the story of the legal controversy which ensued is very fully represented in the Guildhall papers for the next two years. In the earlier cases, after the manner of substantial litigants, the Corporation attempted to tire out their opponents, and to put all manner of difficulties in their way, as may be discovered by the complaint of the Deputies. It is a policy which suggests to us to-day a want of confidence in their legal position. However that may be, we soon find that the Nonconformist defendants were outmanœuvring their opponents, and it is they that are complaining that they cannot get a case tried upon its merits, and, as they hoped, by a favourable verdict, secure the fines and also their heavy costs. The lawyers employed by the Nonconformists showed a provoking ingenuity in discovering technical flaws in the procedure of the prosecution. In the great case presently to be narrated, which finally settled the question in favour of the Nonconformists, a flaw in the indictment was one of the alternative lines of defence, and the judges hinted not obscurely that it might have effectually barred the proceedings had they not chosen in the interests of the public to bring the long-drawn dispute to a close by a considered verdict on the real issues of the suit. In 1742 Adam Calamy, Mr. Cogg's counsel, effectively pleaded an irregularity in his client's so-called election. The Corporation determined to pursue the matter one stage further in order to discover the defects of their own by-laws.

The case of John Wightman, citizen and brewer, one of the

⁹ *History of London*, vol. ii., p. 464.

¹⁰ *Sketch of Proceedings* (1813) p. 27.

most resolute of the resisting Dissenters, whose case bulks largely in the manuscript records, proceeds on very similar lines. Elected in 1738, the next year his case came before the Sheriffs' Court. Wightman then obtained a writ of *Habeas Corpus* which brought the case to King's Bench. This procedure was later followed in Cogg's case.¹¹ And here a word may be said on the form of the writ which both defendants succeeded in obtaining. Taken literally it assumes that the person in whose interest it is issued in the name of the King—Wightman in the one instance, and Cogg in the other—is "now detained in our prison [The Poultry Compter] under your [the Sheriffs'] authority." It does not follow that Cogg or Wightman were at this time actually under lock and key. There is every probability that although technically prisoners they were abroad on bail. Both cases went on year after year without apparently coming nearer to an issue, but in 1747, nine years after his nominal election, Wightman's death is reported and his case ends.¹²

A more general interest was displayed in the case of Robert Grosvenor, citizen and leatherseller, owing to his eminent position in the Nonconformist community. He was nominated to the shrievalty in 1738 and resisted the fine for not serving on the ground that by law he was not eligible. In the early stages of the prosecution he is linked with Stamp Brooksbank, citizen and clothworker, and Wightman, the brewer, in a common indictment. Nine years later the suit is still proceeding, but the prosecution are clearly sick of it. They allow it to proceed one stage further, not with any hope of getting a verdict, but by the advice of their counsel, who desired to know, as in a previous case, the weak points in their by-laws governing these cases.

It is evident that at this juncture the Corporation determined thoroughly to explore their position. Fortunately for them the majority of the well-to-do Nonconformists, disliking the hazard of a legal contest, which would involve them in much labour, anxiety and expense in any case, preferred to pay the fine, since they were prohibited by law from serving. But the case of those resisting the imposition was growing serious. The suits against Cogg and Wightman

¹¹ Theophilus Salwey, nominated 1744, is another Nonconformist defendant who obtained a writ of *Habeas Corpus*. Other Nonconformists resisting the fine were Thomas Watson, Thomas Lockyer, Thomas Freeman, and Philip Stephens.

¹² *Journal*, 59, f. 74.

failed to come to an issue. Wightman, after years of legal contention, died, and his case abruptly abated. Other cases were pending and promised no better result. Nine years of litigation in Grosvenor's suit left them with only a pile of bills of costs on their hands. There was no difficulty in the case of those who were unable to plead the Dissenters' immunity. These might grumble as much as they pleased at being nominated merely for the sake of exacting the large fine for the augmentation of the Mansion House Building Fund. In the year 1734 thirty-seven persons, including no doubt a proportion of Nonconformists, were nominated and paid the fine, before the Mayor came to the two men who, as he knew, were prepared to accept the honourable but expensive distinction. But in the case of the few determined Nonconformists who refused either to serve or to pay the fine, it was evident that the by-laws as they stood were insufficient. They left too many loopholes for escape.

A bold course was determined upon. All the pending cases were discharged and a special Committee was appointed to examine the records relating to the election of Sheriffs, to produce copies of the Charters and Acts of Parliament and of the Acts of the Court of Common Council which warranted them in their procedure. And if on examination their own by-laws appeared defective then, the reference ran, they were to draft new and sufficient rules to govern their future prosecutions. To clear the ground, all earlier by-laws were repealed, and after due examination a new Act was passed. And so, under date 7th April, 1748, we have "An Act for Repealing all former Acts, Orders and Ordinances touching the Nomination and Election of Sheriffs of this City of London and Co. of Middlesex, and for regulating and Enforcing such Nominations and Elections for the future." It is fully engrossed on twelve pages of the Journal.¹³ It is clearly stated that, though by ancient custom the Lord Mayor can nominate, the right to nominate and finally to elect rests with the Liverymen assembled at Common Hall.¹⁴ The election took place a little time before the expiry of the terms of the sitting sheriffs, and the normal procedure was that the name of the elect was called out, and he signified his acceptance and entered into a bond of a thousand pounds to enter upon his office upon the appointed day.

¹³ *Journal* 59, ff. 130b-136.

¹⁴ The Liveryman could, and did, adopt the nominees of the Lord Mayor and proceed to their election.

There were reasons for pressing forward with the actions against the recalcitrant Nonconformists without delay; and with renewed assurance on the strength of the new and carefully drafted Act. For though the Sheriffs' fines had now for many years kept the treasury well supplied, this source was not inexhaustible, and to erect and furnish a Mansion House of proper "magnificence" and befitting the "dignity of the City" is a costly affair, especially when carried out by the Corporation themselves, a condition which may add to the substantiality of the building, but does not make for economy; and the same may be said of the custom then prevailing of members of the Council supplying most of the materials required.¹⁵ In any case the Building Committee report in the month of July, 1747, that the new Mansion was covered in, and that a sum of £13,842 was still required—an estimate to be increased later on, and on more than one occasion. They had in hand only £9,460. Moreover, they had thus far only wasted the funds of the City to a lamentable extent in their futile endeavours to get fines out of the few Nonconformists, comparatively, who resisted their unwarranted demands. It was an open inducement to all Nonconformists to follow the example of Coggs and Wightman and Grosvenor. John Paterson, the City Solicitor, who up to this point had conducted the prosecutions, had a bill of costs. Unfortunately for him he did not present it until towards the close of the period of prosecution-activity. By that time the accumulation of costs and the alarming uncertainty of ever getting a penny of them back, led the Committee to scrutinize very strictly every demand made upon them by their lawyers, and Paterson's bill of £1297 6s. 4½d., covering some small items besides the shrieval prosecutions, under the rigid examination of Alderman Dickinson shrank to £554. Large and liberal-handed at the outset, confident of getting the full fine and costs in each case, we shall find the Committee becoming pitiless economists before the end of the story.

We now come to the celebrated case of Streatfield, Sheafe, and Evans, which triumphantly vindicated the action of these Nonconformists and put an end to prosecutions, which, in the light of the facts I have adduced, must surely be regarded as persecutions. The suit lasted from 1751 to 1767;

¹⁵ See *Journal* 60, f. 286 (14 Mar., 1755). Furnishing Accounts: Amounts paid to Deputies Child and Rd. Molineaux, Alderman Alexander, etc.

from the mass of interesting details available I can only outline the narrative of events during these sixteen years.

The hero of the case is Mr. Allen Evans, a wealthy Nonconformist living in Piccadilly. With him were associated Mr. George Streatfield and Mr. Alexander Sheafe; but when the last phase of the trial was reached in the House of Lords, Mr. Evans was again the sole defendant. For the sake of his memory, and to fix the date of the beginning of the suit, I will here transcribe the earliest document in the case. It is a letter from him to the Lord Mayor and Alderman refusing office.

MAY IT PLEASE YOUR LORDSHIP AND WORSHIPS,

Having been nominated at a Court of Lord Mayor and Alderman the 30th April last, to be publicly put in Nomination for the Offices of Sherifalty of this City and the County of Middlesex, I desire this Honourable Court will be pleased to receive Notice and that the worthy Liverymen may previous to my intended nomination at Common Hall, be informed, That I am a Protestant dissenting from the Church of England, and as such have taken the oaths and made and subscribed the Declaration prescribed by law; that I have never taken the Sacrament of the Lord's Supper according to the rites of the Church of England, and that I cannot in conscience take the same according to those Rites.

It is therefore apprehended that my Brethren of the Livery cannot consider me as a fit and proper person for the said Offices; Because by the Corporation Act, No Person is to be elected to those offices that has not within a year next before such election taken the Sacrament of the Lord's Supper according to the Rites aforesaid.

And although I am far from thinking that a Protestant Dissenter merely as such, ought to seek for an exemption from Offices of Burthen: yet in the present case, and under the incapacity aforesaid I must, if chosen, refuse the said offices. Because if I execute the same the Test Act puts this alternative upon me: Either I must take the Holy Sacrament in the manner aforesaid which I cannot do, or be exposed for not doing it to penalties and disabilities extremely severe.

I am may it please y^r L^dship and Worships,

Your L^dship's and Worships' most obed^t serv^t,

ALLEN EVANS.

Piccadilly, 14 May 1761.

In relation to this important action, so intimately connected as it was with the peace and well-being of Nonconformists throughout the land, the City Records Office possesses a large number of interesting documents—copies of declarations, pleas, replications, rejoinders and demurrers, opinions of counsel, notes of the findings of the judges, as well as the *Journals* of the Courts of the Common Council for the period. The most valuable manuscript, however, is a dossier containing

a brief record of the meetings of the Committee of Prosecutions, between forty and fifty meetings in all, ranging from 1745 to the melancholy record of its failure in 1767. The legal proceedings fall into three divisions.

- I. The trial at the Sheriffs' Court and the Court of Hastings—local Courts of Record, whose judges were appointed by the Corporation, and were the legal advisers of that body. The verdict in both courts was against the Non-conformists.
- II. The trial by Writ of Error, instituted by the Nonconformists at the ancient Court of St. Martin's, before the superior judges of the State, sitting as Commissioners.
- III. The trial by Writ of Error, instituted by the Corporation, before the House of Lords.

I. The prosecution of Streatfield, Sheafe, and Evans in the Sheriffs' Court and the Court of Hastings needs only a brief record.

The Court of Common Council issued to the newly-appointed Committee its Order of Reference in September, 1754. Its business was to prosecute vigorously and to employ competent counsel both to advise and to appear for the City when the case was argued before the Courts. Robert Henshaw, a lawyer, resigned his membership of the Committee to become its Attorney. The first meeting was held in the following October.

The first difficulty of the defendants was to get access to the records in the archives of the City relating to the election of Sheriffs. Sheafe and Evans and their attorneys took oath that they could not prepare their case unless this privilege were granted them. In effect it denied them the benefit of legal defence. Many applications were made to the Lord Mayor and the various officials of the Corporation; they were in all cases refused. In the end the defendants filed bills in Chancery, and two years after the beginning of the action were granted by the Lord Chancellor the necessary authority.

Streatfield took no part in this action. He was stated to be "out of jurisdiction," the fact being that the prosecution failed to serve him with a writ. Henshaw kept his eye on that great rendezvous of Congregationalists, Pinners' Hall, but failed to find Streatfield. He therefore placed a man there to keep the spot under observation, but all to no purpose. All we have are two items in Henshaw's bill of costs—his fee of 6s. 8d. for trying to get Scott, Streatfield's attorney,

to accept service on behalf of his client, and 13s. 4d. for the watcher "for attending for near twelve months at Pinner's Hall to serve the defendant." Scott stated that "he could not advise any gentleman to appear voluntarily when he could avoid it, in an Inferior Court, to an action for £600, claimed by those who appoint the Judges and are themselves of the Jury"; and all, as he further added, in opposition to the plain words of the Act. Scott's statement was only too true. The Corporation appointed and paid the salaries of the Under-Sheriffs, who were the judges of the Sheriffs' Court; they appointed and paid a salary to the Recorder, the presiding judge at the Court of Hustings; and freely allowing that these men were as fair-minded as other men in their great profession, it will be generally admitted that where the prosecutors were the men who appointed the judges and feed them, it was an arrangement which did not tend to a perfect unbiassed judgment upon the arguments of the defendant. In the case of the Recorder the protest of Scott deserves even more serious consideration. For when the Committee for conducting the prosecution of Streatfield, Sheafe, and Evans were getting up their case, "the Common Serjeant and the Recorder" were requested to be in attendance to give legal help and advice in framing the indictment. When the case came before the Court of Hustings the point was raised by the counsel for the Nonconformists, that there was a fatal technical flaw in the form of the indictment—and that there was serious ground for their contention may be easily gathered from the remarks of the judges of the higher Court when the case came before them. But the Recorder in his own Court, in judging that there was no technical error in the indictment, was passing a judgment on his own handiwork. And he would indeed be a Phoenix if in a such a situation he could give a wholly unbiassed opinion. However, such was the verdict, with taxed costs against Evans of £95 3s., and against Sheafe, £93 4s. With this verdict given on Dec. 30th, 1758, the case passes from the jurisdiction of these local Courts of Record with their judges and juries, to the adjudication of the State-appointed judges of assize, with results of which in their issue the Nonconformists had little reason to complain.

II. Acting on the advice of the Dissenting Deputies, Sheafe and Evans, in face of the adverse verdict of the City tribunal, obtained from the Lord Keeper, a Writ of Error returnable at the Court of St. Martin's, an ancient Court which originally met in a disused monastic building in St. Martins-le-Grand, and

now held its sittings at the Guildhall or in Serjeant's Inn. It has since been abolished.

The Committee for prosecutions was reconstituted by the City Council and met early in 1759. By 23rd November, Henshaw was able to report that the writs had been issued and a Commission of judges named, under the presiding of Lord Chief Justice Willes. In the three years that elapsed before the case matured the Lord Chief Justice's health failed, and not long after he died. His place was taken by the Lord Chief Baron Parker, and on the Commission were Justices Bathhurst and Wilmot. Justice Foster was added to make up the original number. Thus constituted it was a very strong Bench. But the process was slow. The judges had their regular statutory duties to perform, and the special trial at the Court of St. Martin's had to wait their necessary convenience.

In the following Midsummer Henshaw's report was that the 6th November had been fixed to hear the arguments. The whole of the next twelve months was apparently occupied in hearing an argument on the "Frame of the Declaration," that is, the form of the indictment presented on behalf of the City. The counsel for Sheafe and Evans had discovered a vital omission in the Declaration. The next news reported to the City Committee is that the further hearing was postponed till the 23rd May, and Henshaw is straitly bidden to ransack the records of the Corporation to find precedents to support their case.

These preliminaries came to an end on 5th July, 1762, when the Court met at the Guildhall to deliver its judgment. The members of the Commission gave their several opinions, beginning with Justice Wilmot and closing with the Lord Chief Baron. They are weighty judgments, and are unanimously and strongly in favour of the Nonconformists. A shorthand note ordered by the Committee of the deliverances of the learned judges is among the Guildhall records.¹⁶

The mass of irrelevances weighting the City's arguments were swept out of the way. The contention of Sheafe and Evans concerning the flaw in the "Frame" of the statement of the case by the City was likewise set aside, not because this contention was unsound, but as the judges pointed out,

¹⁶ This interesting document and the dossier of the Committee's proceedings are in the box labelled, "Sheriffs: Miscellaneous Papers, etc. (1)."

because the issue had been long delayed and in the interests of the country it was desirable that a final judgment should be given on the merits of the case. Judge Wilmot's opinion, apart from its technical arguments on the principles of law called in question by the cases cited by the counsel for the City, is a brilliant defence of the rights of Dissenters under the laws then in force. He shows repeatedly that it is not Sheafe and Evans who have broken the law, but the Corporation, who elected men disqualified by statute for the office of Sheriffs, prohibited indeed under heavy penalties from holding the office. And having themselves violated the statute the City authorities proceed to make their illegality the grounds on which to base an action against these Nonconformists. The members of the Established Church, through the legal disqualifications of the Nonconformists, obtained all the lucrative offices and should be willing to accept the burthensome. The balance, said the Judge, was to their advantage. Moreover, if the office of Sheriff be represented as burthensome, it is nevertheless such an office as rich men are ambitious to fill. The Nonconformists do not, as the counsel of the City allege, "scruple to pay the £400."¹⁷ They have no such scruple. They scruple to take the Sacrament as prescribed; but they refuse to pay the £400 because they do not owe it. Justice Wilmot also disposes of the strange contention that the Nonconformists were sheltered by the Indemnity Acts, for we must assume that the legal advisers of the City had read these enactments. They provide, as the learned Judge pointed out, only temporary protection. They do not cancel the provisions of the Corporation and Tests Acts. The Lord Chief Baron, coming last and summing up the findings of the Bench, emphasizes that the protecting Act had relation only to those in office, not to those who were incapable of accepting office.

The verdict of the Judge-Commissioners was unanimous. They reversed the two former judgments.

III. We have now reached the last stage in our story.

The Corporation regarded the adverse verdict as calamitous, and that they should have expected any other issue to their suit shows how blinded they were by their prejudices. Their special Committee, having meanwhile consulted their counsel, after formally reporting the verdict of the Court, go on to say :

¹⁷ The members who paid their fine, paid £400. But those resisting and allowing their names to go to election were sued for £600.

“The Consequence of which Judgment is, That there is an End of the Actions brought, and the Costs lost which were taxed upon the former Judgments, unless the City bring in a Writ of Error in the House of Lords to affirm the said two Judgments and reverse the judgment last given, Which if the Lords shall think proper to doe, and which the City’s Counsel think they will do, Then the Lords, it is hoped, will award sufficient costs to the City.”¹⁸

The case was not concluded for five years, and in that interval the minds of the Committee were painfully preoccupied with two matters ; one, which betrays itself in the above quotation, is the continual accumulation of costs ; the other, the precarious health of the two Nonconformists they were prosecuting, especially in the face of the law’s delays. It was now eleven years since they began their legal—or illegal—efforts to get the £600 fine from Mr. Allen Evans, only to find themselves at this juncture landed with a large bill of costs.

Henshaw’s Bills becomes one of the most constant and perplexing subjects of the agenda of every meeting of the Committee. At first they are cheerful enough in signing warrants for the bills as they are presented. “Mr. Chamberlain to defray all costs” is the regular appendage to the successive resolutions to proceed with the prosecutions. They can draw upon the Corporation’s deep purse ; besides it is only in the nature of a temporary loan, for they mean that the rebellious Dissenting citizens and freemen, all in good time, shall foot the bill, though they have been disillusioned of the idea that they can win by putting gratuitous obstacles in the way of a legal trial and decision and tiring out the defendants. Before the end it is they that are crying out for a decision of the case on its merits, wearied by the endless technical difficulties which the acute Nonconformists’ counsel interpose between them and the chance of a verdict for the £600 and “sufficient costs.” But they begin buoyantly by asking Henshaw to present his bills quarterly. In the first six months they signed warrants for £138 14s. 4d. Next Spring they paid £198 3s. 6d., and before the end of the year a further sum of £204 2s. 4d. ; in 1756 £423 10s. 6d. ; in 1757 £336 ; in the Spring of 1758 Henshaw’s three bills came to

¹⁸ Guildhall Records. Box labelled “Sheriffs : Misc. Papers, etc. (1).” Paper headed “State of Proceedings,” summary of legal steps (1754-1762) in the prosecution of Sheafe and Evans. The facts given are very interesting, but the dates in more than one instance are obviously wrong.

162 Contributions of the Nonconformists to the

£291 12s. 4d. The Committee by this time are getting restless, and pass a resolution that all Henshaw's bills from the beginning should be audited. At the close of that same year the taxed costs of the Court of Hustings is £188 7s. In 1759 the bill is £408 5s. 4d., and they sign a warrant for £400; in 1760 they pay £343 13s. 10d. We now skip a year, and in 1762 it is reported that Henshaw's bills cannot be audited for want of dates and details. They also discover that his bills are not inclusive; the Sheriff's attorney had a bill for £126 5s. 8d., and the Junior Registrar of the Mayor's Court a bill for £128 0s. 4d., and both officials appeal to the Committee to put pressure upon Henshaw so that they may be paid. A sub-committee of experts appointed to go thoroughly into the matter make no headway. After much delay Henshaw supplies particulars. I have by me a transcript of some of his accounts. He has no difficulty in making up the sum total. If he goes across the road to the Recorder's office about a replication it is 6s. 8d., and the same for each defendant. At each distinct stage the declarations, replications, rejoinders, demurrers, pleas and counterpleas are so many that we lose count of them, and the six and eightpences cluster about them as thick as blackberries on a bramble. The retaining fees are heavy, the regular court fees increasingly so, as the case advances; copies of documents in an alarming number of folios have to be paid for. There are the clerks of the eminent counsel and Henshaw's own clerk, and subordinate officials of the Courts, all to be gratified. The doorkeeper of the hall has a special gift. The Town Clerk is drawn into the work, and as his salary is only a retaining fee to be eked out by recognized allowances, he is paid twenty guineas, and his clerk five guineas.

All through the later years the Committee have had another anxiety. Streatfield died early in the course of proceedings, and the health of the remaining defendants was but indifferent. Their record told them that since this campaign had started Coggs had died, Wightman had died, and several others, while the suits against them were pending. So far they had not gained a single verdict, and had not recouped themselves a single penny of their costs, to say nothing of the fines. But in 1766, the penultimate year of the trial, they received grave news. The official prosecutor, Harrison, the City Chamberlain, and Alexander Sheafe had both died. The counsel for the City advise that Harrison being only nominally the prosecutor the suit does not abate; also that the claim against

Sheafe—that is against his estate—had better be abandoned, and all efforts be concentrated upon the action against Allen Evans. When they meet they see that they must do their utmost to hasten the trial and they set on record that “Allen Evans, Esquire,” is “a very old man and in an infirm state of health.”¹⁹ But there is nothing to report at the following meeting, so two of their number are deputed to see their counsel, Sir Fletcher Norton, and the Attorney General. Two days later Norton told the Committee that he had seen Henshaw but once during the previous twelve months. By the end of the year they learn that their case is seventh on the list, and again they urge their counsel to be ready; they also approach certain lords to get a motion for early hearing, “for fear,” as they say, “Evans should dye before the case is heard.”²⁰

One is tempted to ask again before describing the last scene in this tragi-comedy, on what grounds the prosecution could hope for a favourable verdict. In the long list of legal authorities, among them distinguished jurists, outside the judges appointed by the City, only one judge could say a word in favour of their view. And of Baron Perrott's argument little was left when Lord Mansfield had completed his great speech at the close of the trial. It is difficult to explain why they should court defeat and loss, by presenting so absurd a plea as theirs was, except that they were blinded by their religious prejudices. They shared the widely-prevailing reactionary and bigoted feelings of the times, and so persuaded themselves that their charters and by-laws were superior to the laws of the country, and that Dissent being an evil thing in itself, while it deprived its adherents of all offices of honour and profit and loaded them with all manner of social and educational disadvantages, should justly be penalized by being compelled to pay a handsome contribution to building the Lord Mayor's palace. An interesting glimpse of their attitude of mind is given in a question on which the City solicitor, when conducting the prosecution of Mr. Wightman, the brewer, wished to obtain learned counsel's opinion. Does not the Act, he asks, which allows exemption, “tend to encourage people to Dissent from (rather) than to come over to the established Church? This argument, it is added, had great weight in former cases.”²¹

¹⁹ Dossier of Committee, 20 March, 1766.

²⁰ Dossier, 12 Nov.

²¹ Box referred to already. MS. endorsed “Bosworth [City Chamberlain] v. Wightman.” I have not come across the counsel's opinion.

The trial, with all its important bearings on religious liberty, came at last before the House of Lords in the beginning of 1767. On January 21st and 22nd it was argued by the counsel of the respective parties. The judges took a week to prepare their answers to the question, whether on the admitted pleadings the Defendants could object to the validity of their election under the terms of the Corporation Act. Six of the Judges supported the Nonconformists in their objection, the seventh, Baron Perrott, favoured the City. In their final report the Committee for Prosecutions try to find comfort in the excellent deliverance of the Baron, "who with great clearness and perspicuity," and so forth. They do not, however, state that the points were demolished in the speech by Lord Mansfield, who rose in his place immediately and made a great and historic declaration in favour of religious liberty. His lordship, having shown *seriatim* that the action instituted by the City failed at every point, went on to declare that—

"It is no crime for a man to say that he is a Dissenter, no crime not to take the Sacrament according to the Church of England. The crime is if he does take it contrary to the dictates of his conscience."

"There never was a single instance from the Saxon times down to our own, in which a man was ever punished for erroneous opinions concerning rites and modes of worship, but upon some positive law. The Common Law of England, which is only common reason or usage, knows of no prosecution for mere opinions,"—

and the positive laws are repealed by the Act of Toleration. He then finely declares that

"Nothing is more opposed to the rights of human nature and the Principles of Christianity, more iniquitous and unjust, more impolitic, than persecution."

At this point he turns with withering sarcasm to the practice of the Corporation. He commends their method to the attention of the French in dealing with the Jesuits. "Let them pass a law rendering them incapable of office and then persecute them for not serving. If they accept punish them; if they refuse punish them."

"The by-law," he says, "placing Dissenters in this dilemma was passed by a Corporation, contrary to the law of the land; made long after the Corporation and the Toleration Acts and therefore knowing them to be existing; made in some year of the late King, I forget

which, but it was *about the time of the building of the Mansion House.*"

This meant, said his Lordship, the abrogation of the Toleration Act. Under it a Dissenter could be made to pay £600, or any sum they liked. The pretence was that they were bound to find fit and proper persons to serve. He then proceeds—

"But were I to deliver my own suspicion, it would be that they did not so much wish for their services as for their fines. Dissenters have been appointed to this office, one who was blind, another who was bed-ridden; not, I suppose, on account of their being fit and able to serve the office. No; they were disabled both by nature and by law. . . . In the case before your Lordships the Defendant was by law incapable at the time of his pretended election: and it is my firm persuasion that he was chosen because he was incapable. If he had been capable he had not been chosen; for they did not want him to serve the office. . . . They chose him that he might fall under the penalty of their by-law, made to serve a particular purpose. In opposition to which, and to avoid the fine thereby imposed he hath pleaded a legal disability grounded on two Acts of Parliament. As I am of opinion that his plea is good, I conclude with moving your Lordships that the Judgment be confirmed."²²

The judgment was immediately confirmed *nemine contradicente*. The Deputies, not being out for costs, which in the House are by order limited, although invited by several lords to apply for them, declined. In their record they explain the various devices resorted to by the City to increase the costs and tire them out and so to relinquish the contest. They conclude their account by saying that—

"By this decision the important question in which the property, not to say the liberties, and even the lives of Protestant Dissenters were so much involved, was finally set at rest."

As to the fine old Christian patriot and gentleman Allen Evans we read that—

"he was sufficiently sensible when the cause was determined to receive the information, and to express, with a

²² Large extracts from Lord Mansfield's speech are given in the *Dissenting Deputies' Sketch* (1813), pp. 31-37, taken from *Letters to Mr. Justice Blackstone*, by Ph. Furneaux, D.D. (Second ed. 1771.)

faint smile and faltering accents, the satisfaction it afforded him in the immediate prospect of death."²³

There are three conclusions to this narrative.

1. The sum of the contributions of Nonconformists to the building of the Mansion House cannot with our present knowledge be stated. At the beginning of the trial of Streatfield, Sheafe, and Evans, the Deputies reckon it at £15,000. A moderate estimate would add a similar sum for the remaining period. They were not the only or, as I think, the principal contributors. Nor does Fletcher, the Congregational historian says so, nor Mackennal, nor Stoughton, nor Dale.²⁴
2. The illegality of the action of the Corporation was gross, and was part of a widespread movement, shared by London, to deny to Nonconformists the measure of liberty granted them by the Toleration Act, and to resist their further enfranchisement by the repeal of the Corporation, Test, and other persecuting statutes.
3. The fines were imposed to get money for the Mansion House and not to provide a succession of Sheriffs. And so obvious illegal were the demands that in the light of what has been said above it is difficult not to assign the prosecutions to religious malice and bigotry.

If the names of the Nonconformists included in the following list could be identified, the sum of the fines contributed by Nonconformists to the Mansion House Building Fund would be finally determined.

LIST OF FREEMEN FINED FOR NOT ACCEPTING THE SHRIEVALTY.

The payment of the fine of £400 is not entered in the Chamberlain's Accounts after the year 1730 until the year 1769; that is, during the building of the Mansion House, when the amounts went direct to the Building Committee. All the following are described as having "paid their Fines" and an acknowledgment is made of the sum of 20 marks (£13 6s. 8d.) paid by each toward "the maintenance of the ministry of the several prisons of this City." If we could trace the names of all the Nonconformists in the following list we should know the exact sum contributed by them to the erection of the Lord Mayor's palace.

²³ The *Sketch* (ed. 1813), pp. 25-39.

²⁴ The words of Dale are perhaps ambiguous.

- 1729* James Chambers, Goldsmith.
William Coward, Hatband-
maker.
Sir Wm. Jolliffe, Mercer.
- 1730 Sir Roger Hudson, Goldsmith.
Samuel Ball, Salter.
Stephen Ram, Goldsmith.
John Hopkins, Dyer.
Christopher Spicer, Fish-
monger.
John Gould, Draper.
- 1731 No entry.
- 1732 Michael Hillersdon, Mercer.
- 1733 Peter Theobalds, Barber
Surgeon.
Stephen Perry, Clothworker.
Theophilus Dillington, Mer-
chant taylor.
Richard Chase, Ironmonger.
Thomas Mayle, Spectacle
maker.
Joseph Beachcroft, Haber-
dasher.
Caleb Cotesworth, M.D., Bar-
ber Surgeon.
Benjn. Hooper, Salter.
George Russell, Lorinor (*sic*).
Josias Nicholson, Brewer.
Edward Strong, Mason.
Sir John Lade, Bart., Leather-
seller.
Thomas Walker, Ironmonger.
Ralph Ratcliffe, Lorinor.
Richard Chiswell, Mercer.
Bartholomew Clarke, Cooper.
Nathl. Garland, Mercer.
Thomas Martin, Goldsmith.
Wight Woolley, Mercer.
Abraham Atkins, Blacksmith.
John Lansdel, Goldsmith.
Jacob Tonson, Stationer.
Jacob Tonson, Jr., Stationer.
John Howard, Upholder.
Henry Collins, Vintner.
Richard Morson, Goldsmith.
John Yaldwin, Haberdasher.
Nathl. Newnham, Mercer.
Sir Wm. Perkins, Tallow-
chandler.
Humphrey Thayer, Skinner.
- 1733 William Cam, Merchant
Taylor.
Thomas Snow, Goldsmith.
David Petty, Mercer.
Benjamin Moyer, Mercer.
Benjamin Hoare, Goldsmith.
Seth Gibson, Mercer.
Percival Lewis, Draper.
- 1734 No entry.
- 1735 Arthur Dabbs, Goldsmith.
William Rawstorne, Grocer.
William Nicholas, Dyer.
John Shipton, Barber Sur-
geon.
William Parkin, Ironmonger.
John Morse, Goldsmith.
- 1736 Joseph Shaw, Draper.
Robert Fferguson, Glass
Seller.
Lawrence Victorine, Iron-
monger.
Samuel Swynfen, fishmonger
Joseph Barrett, Weaver.
Thomas Diggles, Woollman.
- 1737 John Cosins, Bowyer.
Arthur Harris, Haberdasher.
Philip Scarth, Grocer.
Peter Hanssen, Gasier.
Charles Hosier, Goldsmith.
John Marlow, Broiderer.
- 1738 Thomas Trotman, Salter.
Humphrey South, fish-
monger.
- 1739 Thomas Morris, Weaver.
William Chauncer, Mercer.
Thomas Knapp, Haber-
dasher.
John Palmer, Tallow Chan-
dler.
- 1740 Benjamin Devinck, Girdler.
John Eaton, Mercer.
William Davis, Stationer.
Thomas Le Gendre, Draper.
Thomas Snell, Draper.
- 1741 Thomas Vernon, Haber-
dasher.
Thomas Cooke, Mercer.
William Ffinch, Leather-
seller.
John Peck, Dyer.

* The full entry in the Chamberlain's Accounts is " James Chambers, Esquire, Citizen and Goldsmith " ; and similarly in the other entries.

168 Contributions of the Nonconformists to the

- 1741 Charles Edgerton, Haberdasher.
Francis Musters, Skinner.
- 1743 Richard Symons, fishmonger.
John Bloss, Haberdasher.
Charles Polhill, Merchant taylor.
Thomas Longman, Stationer.
Sir Philip Hall, Distiller.
Robert Evans, Plummer (*sic*).
Henry Neale, Cooper.
- 1744 William Petty, Barber Surgeon.
Samuel Remnant, Glover.
Thomas Ripley, Carpenter.
James Langston, Vintner.
Andrew Jeff, Mason.
John Parkes, Mercer.
- 1745 Edward Barker, Salter.
George Roberts, Clothworker.
Abram Dakin, Clothworker.
Robert Purse, Grocer.
Thomas Ashurst, Salter.
Robert Milner, Upholder.
Henry Pliteroft, Joyner.
- 1746 Jeremiah Knapp, Wax-chandler.
Dudley Foley, Haberdasher.
- 1747 [By-laws redrafted and pending cases discharged this year.]
- 1748 Fraser Honeywood, Merchant Taylor.
William Reynolds, Weaver.
Edward Robinson, Salter.
- 1749 Thomas Green, Fletcher.
Daniel Collyer, Vintner.
- 1750 Richard Knollys, Skinner.
John Gird, Surgeon.
Nathaniel Wilks, Distiller.
Thomas Morson, Mercer.
Edward Radcliffe, Salter.
James Theobalds, Barber.
William Hulls, Pewterer.
- 1751 Richard Kent, Fishmonger.
Robert Carey, Salter.
- 1752 John Holmes, Innholder.
Joseph Dash, Grocer.
John Waters, Draper.
- 1752 Thomas Brookes, Broderer.
- 1753 John Reeves, Fishmonger.
Benjamin Adamson, Fishmonger.
- 1754 No entry.
- 1755 Roger Drake, Skinner.
William Sitwell, Ironmonger.
John Payne, Haberdasher.
Samuel Wilson, Cooper.
Thomas Bigg, Surgeon.
William Stevens, Grocer.
Bourchier Cleeve, Pewterer.
John Turnpenny, Distiller.
Jeremiah Redwood, Musician.
Claude Bosanquet, Fishmonger.
Thomas Overbury, Vintner.
William Tennant, Mercer.
Robert Marsh, Fishmonger.
- 1756 John Fisher, Draper.
John Gwill, [Company not given].
William Jephson [Company not given].
- 1757 Joseph Pratt, Tyler and Bricklayer.
John Crutchfield, Painter-stainer.
Joseph Newdick, Fletcher.
- 1758 Henry Marsh [Company not given].
Thomas Bray, Weaver.
John Roberts, Dyer.
- 1759 — Whichcott, Skinner.
Jeremiah Marlow, Grocer.
Richard Astley, Grocer.
*Jacob Tonson, Stationer.
Edward Proudfoot, Glover.
- 1760 George Lee, Goldsmith.
John Skey, Draper.
Henry Hoare, Goldsmith.
George Jennings, Distiller.
Allington, Wild, Stationer.
Joseph Vere, Goldsmith.
*Richard Tonson, Stationer.
- 1761 George Jervis, Currier.
- 1762 Edward Coldham, Mercer.
Richard Ireland, Tallow Chandler.

* See under 1733, Jacob Tonson: father and son (the well-known publishers).

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| <p>1762 Sir John Glanvell, Apothecary.
Philip Bromfield, Grocer.</p> <p>1763 Nathanael Brassey, Goldsmith.
Thomas Tash, Brewer.
Cutts Maydwell, Mercer.
John Small, Salter.
James Vere, Merchant Taylor.
Stafford Briscoe, Clothworker
Thomas Crozier, Salter.</p> <p>1764 James Carter, Mason.
John Marsh, Skinner.
James Harding, Clothworker.
Richard Chiswell, Mercer.
Thos. Skinner, Coach and Coach Harness Maker.
John Lane, Grocer.
Robert Proctor, Fishmonger.
William Lethieullier, Clothworker.</p> <p>1765 Israel Skinner, Cooper.
Thomas Figuet, Dyer.
John Hookham, Mercer.</p> | <p>1765 Thomas Burdett, Ironmonger</p> <p>1766 Peter Godfrey, Mercer.
Samuel White, Goldsmith.
John Elmes, Musician.
William Margesson, Draper.
Giles Grendy, Joiner.</p> <p>1767 Henry Allcroft, Wiredrawer.
John Hodges, Glover.
Reuben Foxwell, Clothworker.
John Moseley, Fishmonger.
William Knight, Mercer.
Lillie Aynscombe, Cooper.
Richard Salway, Goldsmith.
Samuel Butler, Coach and Coach harness Maker.</p> <p>1768 No entry.</p> <p>1769 Sir Benjamin Truman, Loriner.
Bartholomew Price, Painter-stainer.
Daniel Bayne, Grocer.
Richard Bristow, Grocer.
Richard Brooke, Stationer.</p> |
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This last-noted year, the fine (£400) is entered for each of the above persons, presumably because the special Mansion House Building Fund was now closed. In 1784 the fines that were appropriated for the building of the Mansion House were assigned by the Common Council to the purposes of Blackfriars Bridge. It was stated above that the building was partly occupied about 1755; but its furnishing and completion were not accomplished for many years. Bills were being examined and passed in 1767, which is as far as our examination of the Journals has gone.

Some Hymns and Hymnbooks

(Continued from page 142.)

This same hymn introduces what I want to say about the place we Dissenters give to hymns in divine service. You remember that the hymn contains an interesting startling word :

Was not for you the victim slain ?
Are you forbid the children's bread ?

Victim : hardly the expression that conventional notions lead us to expect a Protestant Dissenter, writing in the basest of Latitudinarian times, to use at the Lord's Table ? *Victim* : it is the word of the Roman Mass, too strong for the *Book of Common Prayer* : it is the highest of high sacrificial doctrine. Yes, but it is *there* : Doddridge said it.

Now hear Wesley. There is between the Wolds and the sea in Wesley's county (and mine) within riding distance of Lincoln Cathedral the pitiful ruin of Bardney Abbey, left as Henry VIII. and his followers left it, when they had no more use for it ; they had melted down the bells and the lead on the roof and stolen the sacred vessels. You may see the place in the centre of the nave of the abbey church where they lit their fire and melted the lead ; and you may see more. You may see close by, unharmed because it was only of use to pious men, the altar of the five wounds of Christ, with its five signs of the cross ; one in each corner and one in the centre. Who thought of this or the five wounds in 18th century England ? Who preserved the continuity of Christian devotion in Bardney ? Not those Anglican farmers of Bardney, who carted away the Abbey stones to build their cowsheds. But Wesley was teaching their Methodist labourers that same catholic and evangelical faith, that "Enthusiasm," hateful to bishops and scorned by modernists, in almost the same accents as the Bardney monks had known. Within a stone's throw of the altar of the five wounds, the Methodists were singing :

Weary souls, that wander wide
From the central point of bliss,
Turn to Jesus crucified,
Fly to those dear wounds of His.

* * * *

Five bleeding wounds He bears,
 Received on Calvary ;
 They pour effectual prayers,
 They strongly plead for me.

Superstitious cult of the five wounds, says the critic. I know nothing of that ; but it is odd, is it not ? to find the language of medieval devotion coming back by the lips not of archbishops and deans in apostolic succession, but of Doddridge and Wesley. This language, these images of

The Master's marred and wounded mien,
 His hands, His feet, His side.

(to use Montgomery's words), I am aware, have come once again to be familiar in the thoughts and speech of all English Christians, Anglican and Nonconformist, for they could not permanently be lost unless Christian emotion was itself to perish. They had been wrongfully omitted by the Arianism and Latitudinarianism of the 18th century. But the way of their return : that it is that interests me, first by hymns and afterwards by catholic ornaments. It reminds us of the possibility, or is it a probability ? that the modern Romish worship of the Sacred Heart of Jesus took its origin from a devotional book by Oliver Cromwell's Congregational chaplain, Thomas Goodwin, *The Heart of Christ in Heaven towards Sinners on Earth*.

So, in piety, do extremes agree : Catholic and Evangelical meet, and kiss one another at the Cross.

Hymns are for us, Dissenters, what the liturgy is for the Anglican. They are the framework, the setting, the conventional, the traditional part of divine service as we use it : they are, to adopt the language of the ecclesiologists, the Dissenting Use. That is why we understand and love them as no one else does. You have only to attend Anglican services to discover that the Anglican, though he can write a hymn, cannot use it. It does not fit the Prayer Book service, it jars ; it does not harmonize. The Anglican, because he has what Barrow justly called " England's sublime liturgy," has been careless of other liturgies, like the liturgy of hymns. He has about as much feeling for the correct liturgical use of hymns as Dr. Orchard has for the correct liturgical use of collects ; I cannot put it stronger or fairer. It is with hymns and collects as it is with " hands " in riding—you must be born with them. An Anglican Dean to whom in

other respects no one could deny the adjective "educated" will choose as a hymn before a sermon

O worship the King
All glorious above,

a tolerable rhyme, useful to usher in late comers, but a most inadequate preparation for the Preaching of the Word. What you want a Methodist local preacher knows by instinct :

Come, Holy Ghost, for moved by Thee
The Prophets wrote and spoke.
Unlock the Truth, Thyself the key,
Unseal the sacred Book.

Inspirer of the Ancient Seers
Who wrote from Thee the sacred page,
The same through all succeeding years
To us in our degenerate age,
The Spirit of Thy word impart
And breathe the life into our heart.

And what is true of Anglicans is almost as true of Presbyterians. They have their metrical psalms. They can use them ; we cannot. But hymns ! why, they have as much feeling for hymns as for the proper use of *will* and *shall*, and *should* and *would*.

We English Dissenters, on the other hand, mark times and seasons, celebrate festivals, express experiences, and expound doctrines by hymns.¹ There is but one hymn with which

¹ The two village services which I attended on Easter Day perfectly illustrate this contrast between the Anglicans and ourselves. In the Parish Church you hear the appropriate liturgy of the Resurrection : the Proper Preface in the Communion, the Proper Collect ; and in place of the *Venite* commonly sung at Matins the Proper Anthem, " Christ our Passover is sacrificed for us therefore let us keep the feast." Those things any person familiar with the Prayer Book could prophesy would come ; but the hymns, they were a gamble : one could not be sure what the vicar would choose. I feared the worst and was right. But in the evening at the chapel, though I was uncertain about the prayers, there was no gamble about the hymns. I knew we should have Charles Wesley's Easter hymn, *Christ the Lord is risen to-day*, with its 24 Alleluias ; and we did have it. Among any Dissenters worth the name that hymn is as certain to come on Easter Day as the Easter collect in the Established Church. And mark this further—those 24 Alleluias are not there for nothing : *Alleluia* is the appropriate Easter response which comes down to us from the most venerable liturgies. Our hymns are our liturgy ; an excellent one. Let us study it, respect it, use it, develop it, and boast of it.

the Wesleyan Conference can open its annual session, "For the Society on meeting":

And are we yet alive
And see each other's face?
Glory and praise to Jesus give
For His redeeming grace.

What troubles have we seen,
What conflicts have we past,
Fightings without and fears within
Since we assembled last.

There is one hymn without which no Watch-Night service is complete:

Come, let us anew
Our journey pursue,
Roll round with the year,
And never stand still till the Master appear.

We recite no creed, because our hymns are full of the form of sound words:

Let earth and heaven combine,
Angels and men agree,
To praise in songs Divine
The Incarnate Deity
Our God contracted to a span,
Incomprehensibly made man.

"The Father incomprehensible, the Son incomprehensible, the Holy Ghost incomprehensible": it is the word of the Athanasian Creed. Every clause in the Nicene and in the Athanasian Creed has its parallel in our hymnbooks; and if we use no crucifix, no stations of the cross, no processions, no banners, no incense, you must attribute it not to the fancy that we have no need nor appreciation of what these things represent, but to the fact that our hymns revive the sacred scenes and stir the holy emotions with a power and a purity denied to all but the greatest craftsmen. There are pictures of the crucifixion that rival, and perhaps excel, the passion hymns of Watts and Wesley; but those pictures are to be sought in distant lands by the few and the wealthy for a few moments only. The hymnbook offers masterpieces for all who have an ear to hear, every day and in every place, to every worshipper. When I am informed that Dissenting worship is bare and cold, making no appeal to the emotions because it does not employ the tawdry and flashy productions of fifth rate ecclesiastical art-mongers, I am at no loss for an answer.

I am only at a loss when I am asked to explain why, holding these treasures, we turn so often from them—the great passionate, doctrinal, emotional hymns—to the pedestrian rhymers of ethical commonplaces.

Out of all this come two sets of general observations. If you grant that this is, at least among us Dissenters, the true place of the hymn in worship it follows, first, that the selection of the hymns, the setting of the framework upon which the whole service is to hang, the choice of the liturgy for the day, this goes, of right and of duty, to the minister. The selection of hymns by organists and choirmasters, or the gambling of them between the organist and the minister in the vestry ten minutes before the service begins—these are abuses that explain the confusion that commonly marks the progress of our services, confusion of thought I mean. You cannot tell where you will be next, what has been done, what is still to come. The separate parts of the service are not distinct, not articulated. There are two prayers; but what is the difference except the difference of length? It is often hard to tell. The same ground is traversed in each; too hurriedly first and afterwards too leisurely. And the hymns, if chosen at random, traverse the same ground. I take an extreme example: if a minister chooses (as he never should) that general Gaelic delivery hymn of Bonar: *When the weary, seeking rest, to Thy goodness flee*, he has clearly provided at that service with more than ample adequacy for general intercessions and he ought not to do it all over again in his prayer; and (if he thinks of what he is doing) he will not. But if Bonar's hymn is let off at him by an organist who likes the tune (and such there be,) and the minister has provided for intercession on the same lines in his prayer, then he must either improvise a fresh plan of service and prayer or repeat the same feature of service—two very bad things. Don't tell me that I have forgotten the tune problem; I have not. I allow the organist all his rights there; and I will not bar him from the absolute choice of some few hymns, if he selects them well in advance, and informs the minister before the minister plans his service. But as I protected the text of the hymns from the antiquarian, so I would protect their tunes from the mere musician. The glory of God, not of composers or even of organ builders, is the end of divine service.

My second observation turns on this question, which having suffered so much you have a right to put to me: what do you

think makes a good hymn? and, as some would go on, why cannot we write good hymns now? In answer to the second part of that question I should reply that we both can and do write good hymns to-day. They are, no doubt, difficult to find; but good things were always difficult to find in any-one's contemporaries; they were always smothered by rubbish, as they are to-day; and you must give the rubbish time to die down. The 19th century, as I have tried to show, produced some great hymns, some of the greatest; but it is not until the Havergals and the Bonars and the Fabers begin to droop and wither that we can see what is really there. I make no question but that it is the same to-day. "Wait and see" is the only wise, as it is the only liberal policy.

We return to the other part of the enquiry: what makes a good hymn? Two groups of hymns, which seem to me to be the best and which every competent judge will allow to be at least undeniably good—the evangelical hymns of the 18th century and the medieval hymns of the Latin Church—may supply the answer. Now if you look at the evangelical group you notice two things: first, these hymns combine personal experience with a presentation of historic events and doctrines. Full of the intensest and most individual passion as they are, they contain more than that; the writers look back from their own experience to those experiences of Incarnate God on which their faith was built. And this gives them a steadiness, a firmness, a security against mere emotionalism and sentimentality which more recent writers, trying to lay bare their souls, have found it difficult to avoid. Look first for instance at this 19th century hymn:

I lift my heart to Thee,
Saviour Divine;
For Thou art all to me,
And I am Thine.
Is there on earth a closer bond than this,
That "My Beloved's mine and I am His"?

To Thee, Thou bleeding Lamb,
I all things owe;
All that I have and am,
And all I know.
All that I have is now no longer mine,
And I am not mine own; Lord, I am Thine.

I choose purposely a hymn of unquestionable sincerity and of doctrine as like as may be to that of the 18th century

evangelical so that no extraneous differences may confuse the issue. But you notice the almost morbid self-consciousness of the writer ; throughout five verses he ploughs through his own hopes and experiences and emotions and has hardly time to make even an indirect reference to anything outside his own feelings.²

A great hymn of the 18th century describing a similar frame of mind and heart is familiar enough to us all. Notice how rapidly it glances from the writer's experience to that Divine experience and passion that is the very foundation of the writer's hope.

And can it be, that I should gain
 An interest in the Saviour's blood ?
 Died He for me who caused His pain ?
 For me who Him to death pursued ?
 Amazing love ! how can it be
 That Thou, my God, should'st die for me ?

He left His Father's throne above,
 So free, so infinite His grace,
 Emptied Himself of all but love
 And bled for Adam's helpless race :
 'Tis mercy all, immense and free ;
 For O my God it found out me.

Long my imprison'd spirit lay
 Fast bound in sin and nature's night ;
 Thine eye diffused a quick'ning ray ;
 I woke ; the dungeon flam'd with light ;
 My chains fell off ; my heart was free,
 I rose, went forth, and followed Thee.

It is not less personal than the other hymn ; but it has more of that other, the godward quality. And notice how carefully the writer expresses his experience of liberation in the words of St. Peter's deliverance from prison. It is as if, knowing how difficult it is to express religious emotion without nauseating sentimentality, he were timid about going outside the language already well tested for the expression of religious emotion, individual as his emotion may be.³

You have the supreme example of this transmuting our own experience into a classical, scriptural, authorized form, purging out all unworthy self-centredness and yet keeping it all the more alive for the change, in the greatest of Charles Wesley's

² The same is true of *O Love, that will not let me go*.

³ Contrast in the same way consecutive hymns in the *Hymnal*, the 19th century Buber's *I would commune with Thee, my God*, with Wesley's *Talk with us, Lord, Thyself reveal*.

hymns, *Come, O Thou Traveller unknown*. Here under the form of Jacob wrestling with the angel he tells of his own spiritual conversion.

It is this quality, I am persuaded, that John Wesley had in mind when he commended his brother's hymns as *scriptural*. It was a merit in Wesley's eyes not because of any rigidly bibliolatrrous notions but because, as a scholar and a gentleman, he liked to see great things clothed in great language.

And this brings us to the other quality of these 18th century hymn writers. They were trained in the school of the Greek and Latin classics; and this gave them not only a knowledge of metre and a facility in verse-making that no other training can give, but also a mastery of the art of allusion—deft, relevant, and appropriate. What he had done at Westminster and Oxford to the mythology, the poets, and the orators of Greece and Rome, Charles Wesley in later life continued to do to the Scriptures. That is why every verse of his 2,000 hymns contains a scriptural allusion.

You see what this meant not only for Charles Wesley but for all that antiquity-ridden century. It had, because of the form of its secular education, a training in expressing its own experience in conventional images which few recent writers have had. The age of the romantic poets that followed produced greater poetry, but lesser hymns. Hymn-writers follow, at a distance, the fashions of writing prevalent in the highest circles; and so long as poetic thought of all sorts found a strictly metrical expression, the hymn-writers (who *must* use rather rigid metres) could work easily because they were swimming with the current of their day; but after the romantic poets had burst the bonds of metre and no self-respecting person wrote "verses" any more, the hymn-writer found himself fighting against the current of poetic fashion or left in a backwater. The best people no longer wrote L.M. or S.M. or C.M. or 6-8s., but only P.M. The classical art of allusion to well-known events and the use of conventional metaphors were now the sign of an inferior mind; and if there be anything in my contention about the value of a union of personal experience with references to the historic events on which the Faith is built, it is clear that the 19th century writers were at a disadvantage when they wrote hymns in trying to express themselves in language mostly their own, with less borrowing from the rich treasury of the Christian classics—the Scriptures.

The other class of the greatest hymns that I mentioned—the medieval Latin and Greek hymns translated for the most part by the Oxford Movement people—illustrates a similar thesis. What is the almost magical charm of hymns like *All glory laud and honour* ; and *O happy band of pilgrims* ? No one can say with certainty, but simplicity—both of thought and expression, the simplicity of children and the Kingdom of Heaven—is an element in it. And the simplicity, if you look closely at it, consists in this : the writer takes an event in the life of our Lord and after the plainest mention of it joins with it some petition or reflexion which concerns his own life.

The people of the Hebrews
 With palms before Thee went ;
 Our praise and prayer and anthems
 Before Thee we present.
 To Thee before Thy Passion
 They sang their hymns of praise ;
 To Thee now high exalted
 Our melody we raise.

The Cross that Jesus carried
 He carried as your due ;
 The Crown that Jesus weareth
 He weareth it for you.

It is the art that conceals art ; but I believe the elements are the same as in the great 18th century hymns.

And lastly, the greatest hymns are Christian ; thoroughly and irrevocably Christian ; and when I say Christian I mean that they concern Christ, not that they are what is called Christian in spirit, or indirectly or unconsciously Christian,

My heart is full of Christ, and longs
 Its glorious matter to declare.
 Of Him I make my loftier songs . . .

that is the confession of the greatest hymn-writers. They go back to the New Testament and especially to the Gospels. They are not merely theistic like the psalm paraphrases : great as some of those are, they miss the highest note. Even *O God of Bethel* or *Through all the changing scenes of life* strike with a faint chill of Old Testament theology the disciple who has sat at Jesus' feet. Still less are the greatest hymns songs of human aspiration or human fellowship. Dare I say it ? Bunyan's pilgrim song is not among the greatest hymns for precisely this reason. I know its excellencies ; I yield to no

one in love of Bunyan ; but there, at any rate, he does not go deep enough. Not good fellowship, but Christ, is the subject of the greatest hymns.

That is why all the greatest hymns are orthodox, and why we Dissenters have preserved intact (even better than Churches with more elaborate safeguards) the full catholic and evangelical faith. Hymns are the safest protection and the surest vehicle of orthodoxy. The language of the greatest hymns in all ages and in all communions is the same.

Thou art the King of Glory, O Christ ;
Thou art the everlasting Son of the Father.
When Thou tookest upon Thee to deliver man
Thou didst not abhor the Virgin's womb.
When Thou hadst overcome the sharpness of death
Thou didst open the Kingdom of Heaven to all believers.

So says the *Te Deum* : and Charles Wesley goes on

Then let us sit beneath His cross
And gladly catch the healing stream :
All things for Him account but loss
And give up all our hearts to Him.
Of nothing think or speak beside,
My Lord, my Love, is crucified.

BERNARD L. MANNING.

John Moore of Tiverton.

IN *Trans.*, vol. VI., p. 143, some account is given of the Tiverton Academy, over which this half-forgotten worthy presided from about 1721 till his death. A list of his students, as nearly complete as could be compiled, is there given; but the article is marred by several inaccuracies which will now be corrected.

Some years ago the Congregational Library acquired by purchase a MS. volume containing entries relating to Devon and Somerset in the seventeenth and eighteenth centuries. It is six inches high, four inches broad, and seven-eighth inches thick; it was originally used for memoranda of receipts and payments, between 1651 and 1681, by Rev. Henry Berry, the ejected minister of Dulverton. The 110 pages thus occupied are of some antiquarian interest, as showing the current prices of various commodities at the time. Subsequently the volume came into the possession of Moore, who used it for a diary and household cash-book. The entries, in a very small but legible hand, extend from June 25th, 1705, to June 17th, 1721. Inserted is a loose leaf, containing a brief summary of his domestic joys and sorrows down to the date when the diary commences. From this diary, together with a few notes from the minutes of the Exeter Assembly, kindly furnished by Rev. G. Eyre Evans, the following sketch is compiled.

John Moore was the son of John and Elizabeth Moore of Great Torrington. We have no information either as to the date of his birth, his early years, or his education; but Dunsford, in his *Memorials of Tiverton*, calls him "A sensible and learned man." About 1686 he became chaplain in the household of S. Baker, Esquire, at Wattisfield, Suffolk, and gave pulpit assistance to the aged pastor, Edmund Whincop, on whose death, in 1687, he was invited to become his successor. This invitation he declined, and made his abode in Tiverton, where there were already three Dissenting congregations. One of these, known later as "The Steps Meeting," was Presbyterian, and had been founded by Theophilus Polwhele, the ejected minister of St. Peter's: one, called "The Pitt Meeting," was Independent; and one was Baptist. Mr. Polwhele died in April, 1689, and was succeeded by Samuel

Bartlett, the son of an ejected minister in Dorset, who for some time had been his assistant. But the arrangement evidently did not give entire satisfaction, as a secession took place, and Mr. Moore became pastor of the seceders. It is uncertain under what circumstances he had come to Tiverton. By one account it was as assistant to the Rev. R. Saunders of the "Pitt Meeting." However, he was ordained on 29th July (by another account, the 8th), 1691. He had on 30th January, 1689-90, married Mary, daughter of the Rev. Henry Berry. By her he had six children, two of whom died in infancy. He relates that his eldest daughter, Mary, "was baptised on y^e 3rd day of May [1691], by Mr. Stephen Towgood of Axminster in my meeting-place in Tiverton." This, it will be observed, was before his ordination, and it is doubtful whether "my meeting-place" was "the Pitt," or some temporary location held by the seceders. He afterwards ministered in a Meeting-house in Peter Street. Of the building of this Meeting-house the only traces we find in the diary are the following :

"Nov. 26 [1706]: Laid out towards y^e building of y^e Meeting-place by Mr. Bellamy's desire in paying Sister Milford what he has borrowed of her, 5£."

"March 25, 1707: Lent Mr. Bellamy in what he accounted unto me as laid out more towards y^e building of y^e Meeting-place—6£."

In 1706 there are also several entries of "Given to y^e workmen at y^e meeting, 6d." An entry on 31st December, 1706, "Given at y^e meeting on y^e Thanksgiving," may refer to a Thanksgiving on the completion of the work.

Mrs. Moore died in 1700, and was buried in the parish church, where two of her children were already interred. "Her funeral sermon was preached in my meeting-place by Mr. Robert Carel of Crediton, on Luke 10c. 42v."

Mr. Moore was not long a widower. On 22nd May, 1701, he married Mary Hooper, daughter of Zaccheus and Anne Hooper of Bridgwater. By her he had two sons and one daughter, of whom only the younger son survived her. Mrs. Moore the second seems to have suffered from a painful disorder; and scarcely less from grief at the death of her daughter, who did not complete her fourth year. Of this little "Betty" her father writes :

"A very forward pleasant child, y^t endeared herself much by her affectionate carriage, pretty humour, sprightliness, and witty talk, and readiness to learn what was taught her. . . . The good Lord seal up instructions by this stroke of prov."

Mrs. Moore died in 1707 ; and, like her predecessor and her children, was buried in the parish church. Her husband writes :

“ The Lord awaken me by this sudden and heavy stroke to greater zeal and diligence in his work ; and enable me under the losse of dearest earthly comfort to return unto my Rest, to walk more closely with him in y^e view of death, and lively sense of eternal things.”

Her funeral sermon was preached by Rev. Samuel Hall, of the “ Pitt Meeting,” from *Matthew* 16²⁷.

After about two years Mr. Moore entered on a third matrimonial venture, his choice being yet another Mary, the daughter of Thomas and Mary Withers of Sanford Peverell. No living children of this marriage are mentioned. In the diary we find :

“ December, 1709 : In consideration of this marriage I gave a bond to Mr. Josiah Eveleigh of Crediton, Minister, of 400£, to leave my wife and her children 200£ at my death ; receiving one hundred and fifty pounds portion with her.”

It is a remarkable fact that all the three marriages—in 1690, 1701, and 1709—were solemnized in the same church, that of Upton Helion, a small village about nine miles S.W. of Tiverton, and by the same minister, Mr. Darcy.

Mr. Moore seems to have been in easy circumstances. A very large proportion of the entries in the diary relate to financial matters, purchase of property, monies lent at interest or in mortgage, etc., and many small loans, apparently without interest. From the Cash-book section of the MS. we learn that his income, between July 1705 and June 1721, totalled £1,726 13s. 9d., or an average of £107 14s. *per an.* Of this, £741 2s. appears to represent stipend, averaging £46 6s. 4d. *per an.*, very irregularly paid, and mostly in small sums. It must be remembered that the purchasing power of money was much greater in those days than in these : Moore's rent, for example, seems to have been at one time £8 a year, afterwards £12 ; a servant's wages, 15s. a quarter ; a pair of boots, 10s. ; a pair of spurs, 1s. 4d. ; three bushels of malt, 9s. ; half a hogshead of cider, 10s. ; a gallon of Canary, 7s. 6d.

Concerning Mr. Moore's ministry the diary gives less information than might be expected. There are entries of sixty Baptisms, of which four are said to have been “ in my meeting-place,” fifteen “ in my house,” two “ in a Church meeting in my house ” (both before the erection of the building of 1706), thirty-five “ in his (or their) own house,” and four

in other places. There are entries "given at y^e Sacrament, 1s.," at pretty regular intervals of about six weeks. There are many entries of horse-hire and horse-baiting on journeys to Barnstaple, Chulmleigh, Chawley, Crediton, Exeter, Honiton, Plymouth, Tavistock, Torrington, Totnes, and other places in Devon; also of expenses at Bridgwater, Frome, Lyme, Salisbury, Taunton (often), and more distant places. Many of these appear to have been preaching visits. There are thirty-four payments for funeral sermons, usually 10s., but sometimes a pound or a guinea. There was a club or friendly society which on the death of a member was accustomed to pay 10s. for a funeral sermon; several times on receiving this honorarium Mr. Moore returned it to the widow.

Moore was a frequent, though not constant, attendant at the "Exeter Assembly," *i.e.*, the Association of Dissenting Ministers in Devon and Cornwall. He was "Supporter" in September, 1694, preacher in May, 1704, and Moderator in May, 1705. There are several entries of small sums "given among the ministers," apparently to servants when attending the Assembly. He seems to have taken a more active part in the business of the Assembly in his later years, to which the diary does not extend.

The entries of "Cash Paid" are about 4,000 in number, and occupy ninety-one pages. Among the most interesting are the sums paid for books, frequently at auction. We find between October, 1705, and April, 1721, the titles of about 250 books, at a total cost of £33 3s. 9d.—an average of £2 1s. 6d. *per an.* Many of these are sets, or bulky treatises in several volumes, so that the volumes are considerably more numerous than the titles. There are books of divinity, history, ecclesiastical controversy, philology, medicine and surgery. Many are works of Latin writers of the sixteenth and seventeenth centuries; some are in Greek, French, Italian, German, and at least one in Arabic. Neither poetry nor fiction is represented and the enumeration omits the school books bought for his children. The list affords evidence that Moore had very respectable scholastic attainments; otherwise a large proportion of the books would have been perfectly useless to him.

It was disappointing to find that the MS. gives no information about the Academy. But the reason is obvious; the diary ends on 11th June, and the Cash-book on 28th June, 1721; and it was only about that time, or perhaps a few months earlier, that the Academy was commenced. The students were never numerous, usually about four. Rev. Geo. Eyre

Evans has enumerated fifteen, of whom only one—R. Flexman—was ordained within Moore's lifetime.

Mr. Moore took a keen interest in the Arian controversy, which broke out in the West of England in 1719. It was this which elicited his only two publications, *A Calm Defence of the Deity of Jesus Christ*, 48pp. Second Edition 1719; and *The Calm Defence Continued and Maintained*, 140 pp., 1721.

Moore had nine children, only four of whom lived beyond early childhood:—

- Mary, born 1st April, 1691; was married to Solomon Kiddell 30th April, 1719, and had issue.
- Anne, born 16th September, 1692; mentioned in cash-book in August, 1715, and 26th May, 1719; no further information.
- John, born 17th July, 1694; educated at Blundell's School; set up in trade, 1720.
- Henry, born 19th June, 1696; educated at Blundell's School, afterwards under S. Jones at Tewkesbury, and later under T. Amory at Taunton; ordained 1727 or 8; minister at Plymouth, 1731-62.
- Katharine, born 22nd September, 1698; died in a few hours.
- George, born 15th May, 1700; died 13th June, following.
- Benjamin (1), born 26th February, 1702; died 23rd November, 1703.
- Elizabeth, born 26th October, 1703; died 18th July, 1707.
- Benjamin (2), born 12th December, 1705; died 27th July, 1711.

The burial of Moore's first and second wives, and several of his children, within the parish church seems to indicate friendly relations between ecclesiastical parties in Tiverton. This may not be wholly unconnected with the remarkable strength of Nonconformity in the borough. The population at that time could not have much exceeded 4,000; but the Evans MS. (1717) gives the hearers at the "Steps" Meeting as 570, "Pitt" 500, and Mr. Moore's Meeting 200; besides which the Baptists are said to have numbered 350, making a total of 1,620. Of these eighty-six were County, and eight Borough Electors; the importance of which appears in that the Parliamentary Representatives of the borough were elected solely by the Corporation, which consisted of twenty-five or twenty-six persons.

A few entries from the Diary and Cash-book may be not without interest.

- †1702. September 29th. Recd of Bro. Mott towards y^e discharge of Coza Polwheles bond of 50£, 29£ 14s. [*This may suggest some family connection between Moore and the ejected minister of St. Peters.*]
1705. September 30th. To y^e brief for South Moulton Fire, 1s.

† The entries thus indicated are from the Diary, the rest from the Cash-book.

1706. January 14th. To John and Hen. for a new year's gift to y^e Master, 10s. 9d.
- „ January 19th. Pd Mrs. Crudge y^e tax unto y^e queen for 20 bushels of malt, 10s.
- „ January 26th. To y^e boys, to carry to y^e victor at school, 2s.
- „ February 8th. To y^e boys, instead of cocks to carry to school, 2s.
- [*This evidently refers to Shrove Tuesday Cock-fighting.*]
- „ March 20th. Given at y^e fast, 1s.
- „ March 25th. My wife paid y^e tax for Ben's birth, 2s.
- „ June 22nd. To my wife . . . to give y^e minister y^t preached for me when I was at Moulton y^e 23rd day, and for his horse, 12s. 6d.
- „ August 23rd. My wife p^d y^e first half for Mall's learning of pastry; y^e other half to be p^d when she is perfect, 10s.
- „ October 12th. My wife the remainder for Mall's learning of pastry, 11s. 6d.
1707. February 12th. To John and Hen. for y^e victor at School and a cock, 2s. 4d.
- „ April 26th. Recd of Jo Richards 10s. for preaching a funeral sermon on y^e 25th for one Small a comber of y^e club, w^c I presently gave to y^e poor wid. of y^e sd. Small.
- „ May 7th. Given to collection among the ministers for Mr. Babster, 2s. 6d.
- „ June 13th. p^d Jo. Hill towards y^e repair of Bickley bridge, 10s.
- „ June 20th. My wife gave to y^e sufferers by y^e fire in St. And. Street, 2s. 6d.
- „ July 19th. To Hannah Somers, w^t she layd out for ringing the bell upon Betty's death, 2s. 6d.
- „ July 22nd. p^d y^e Sexton for making y^e grave and tolling y^e bell etc., 10s.
- „ July 23rd. p^d Jane Emery for gloves at Betty's funeral, 1£ 15s.
- „ July 26th. p^d Mr. Thorn for Betty's coffin and mending y^e table, 4s.
- „ August 9th. Recd. of Gⁿ Brewer, 10s for preaching a funeral sermon at Robt Bryants funeral, w^{ch} I sent by him to his widdow.
- „ September 2nd. To Nan to pay Mr. Enchmarsh (1) for Schooling,* 2s.
- „ October 11th. To Dr. Cockram for my wife, 10s.
- „ October 15th. p^d Hannah Somers w^t she laid out for ringing y^e bell for my wife, for y^e covering cloth, for y^e affidavit and bier, 5s. 6d.
- „ October 16th. p^d Gⁿ Aldrige for y^e grave in y^e church, 10s. 6d.
- „ October 18th. p^d Rich Thorn for the coffin for my wife, 10s.
- „ October 20th. p^d Jane Emery for 3 doz and 1 pr of gloves, 3£.

* Observe that while the boys have the benefit of the Grammar school, the girls only receive a few meagre notices like this.

1707. December 29th. pd Mr. Baitson ye remainder of his bill for mourning for my wife, and in full of all accounts, 9£ 6s. 6d.
 [Other miscellaneous funeral expenses total 2£ 1s. 6d.]
- † „ December 24th. recd of Mr. Jo Podger a broad sceptre piece of gold left me as a legacy by Mr Humphrey Tiller for preaching his funeral sermon, wh I did at Moulton ye 23rd December 1707.
1708. January 2nd. Gave to a man whose house was burnt, 1s. 6d.
 „ January 4th. gave to briefs for fire, 1s.
 „ January 26th. Sent by ye boys as new year's gifts to Mr. Reymer and Mr. Williams their masters, one guinea.
- † „ January 29th. Recd. of Sampson Brinson a broad piece of gold left me as a legacy by his mother ye widdy Brinson for preaching her funeral sermon in our Meeting-house in Tiverton 19th January, 1707/8.
- „ January 31st. Given to one that had been a prisoner in France, 6d.
 „ March 17th. pd Joseph Carter for making 28 bushels of malt, 8s.
 „ March 17th. pd him ye Queen's tax for that malt, being 22 bushels in barley, 11s.
 „ August 4th. pd Thos. Durnsford his bill for board and his men's work about my study etc. 1£ 1s. 6d.
 „ September 8th. Given to a poor minister and among ye Ministers [at Exeter], 1s. 6d.
 „ September 16th. Given at ye Mayor's feast, 1s.
 „ November 20th. pd Mr. Will Upcott by my Nan. what I had subscribed toward Engines against fire, 10s.
1709. July 2nd. Given towards Berkley Meeting-place, 2s. 6d.
 „ September 10th. Gave to Uncle Hooper's Servts and among ye ministers, 2s. 6d.
 „ September 10th for my horse for 3 nights at Exon, 1s. 6d.
 „ October 6th. Given to a poor man out of work, 6d.
 „ October 25th. Mall pd Dan Hitchcock for Ben's schooling, 9d.
 [Frequent entries like this at irregular intervals.]
- „ November 16th. pd Mr. Harris for making a bond for me to Mr. Eveleigh for security for my intended wife's portion to her and her children, 5s.
 „ November 16th. pd for a licence to marry Mrs. Mary Withers, 1£ 4s. 4d.
 „ November 30th. To Mr. Darcy for marrying me wth Mrs. Mary Withers, my third wife, 10s.
- †1710. March 15th. pd Bro. Geo. Seven pounds in pt of 10£ for a lot in ye 1.500.000^{ls} lottery in partnership with him, Bro Roger and Rich^d, each putting into Mr. Davys hand of Gt Torrington 10£, in all 40£. [Further details of this transaction.]
- „ August 17th. Gave Mr. Dig. Lock towards ye meeting-place for ye building of it at Chimleigh, 10s.
 „ August 19th. To Ruth Glover for ye sexton to bury a still-born child, 6d.

- 1710 August 25th. Gave Mr. Stephenson, a minister from Manchester, 2s. 6d.
- „ December 2nd. p^d Mall Yellicks by Nan for my bands, 10s. 6d.
1711. January 24th. p^d Mr. Wheeler towards Sacheverel's Tryal, 3s.
- „ July 24th. To Dr. Osmond for his advice for Ben, 10s.
[*The expenses at Ben's funeral aggregate 20£ 11s.*]
1712. January 1st. To a poor man at Crediton whose house (?) fell upon him, 6d.
- „ January 29th. My wife gave Hannibal, Bro. Mott's Man, who came home with y^e children, 1s.
[*Presumably a negro servant.*]
- † „ March 17th. I recd. of Will Curwood by his wife 20£ and also his with his son's bond for 25£, being in all 45£, the money for my wife's mother's house with a little field near y^e pond in Samford Peverel, intended as part of my wife's portion: her mother to have y^e interest of it during her life.
- „ July 3rd. p^d Mr. Jeans for John's indentures to Mr. Brown, 5s.
- †1713. February 18th. layed out for Mr. Walter Furse of Chulmleigh what I p^d Nic. Crocker for Pool's Synopsis in 5 vols., 2£ 13s.
- † „ February 24th. Sent the above s^d books to Mr. Furse by y^e messenger he sent his order by, and then rec^d w^t I had layd out, 2£ 13s.
- „ May 30th. To John, what he gave for a seat in y^e meeting, 10s.
- „ August 5th. Gave to one Clare, of Holy Island, who had his house and goods ruined by an inundation, 1s.
- „ September 15th. p^d for a sett of china dishes and plates, besides y^e value of 10s. in silver lace and other things; in money, 9s.
1714. April 20th. Laid out for a stamp paper for Mall's and Nan's release of Mr. Partridge and Mr. Brooks y^e trustees, 1s.
- „ August 22nd. p^d to Mr. John Lane, Treasurer, for y^e Charity Children, midsummer quarter, 5s.
1715. August 22nd. Spent at Exeter for y^e horses when sister Sarah and daughter and Nan went to y^e assize, 1s. 6d.
- „ October 18th. My wife p^d Mr. Rich. Hall for 8 y^{rds} $\frac{1}{4}$ of stuffe for my gown at 1s. 10d. per yard, 15s.
1716. January 13th. p^d Mr. Richards when we took y^e oaths of Allegiance Supremacy and abjuration at y^e quarter Sessions at Mr. Osmonds, 2s.
- „ August 14th. Spent on y^e journey wh I made with Hen. to London and Tewkesbury, 4£ 16s. 9d.
- „ October 27th. p^d Mr. Arthur Buckland for Hen's gown, 1£.
- „ October 30th. p^d Mr. Buckland for 8yds. of Russel at 1s. 9d. pr yd for my gown, 14s.
- „ November 2nd. Mr. Baitson for Hen's broadcloth suit, £3 9s.
- „ December 15th. Gave to a poor woman toward curing her eye, 6d.

John Moore of Tiverton

1717. June 10th. Spent in our journey to Tewkesbury, John being with me. [Total 10th to 15th.] 1£ 13s. 6d.
- „ June 14th. To Hen. to pay his apothecary's bill, 15s.
- † 1718. May 6th. Carried and p^d into y^e Assembly at Exon, towards y^e support of poor meetings 6£ 7s. w^{ch} I had rec^d of Mr. Glasse and his son Michael 31s., of Mr. Jo Chapel and wife 20s. 6d. ; of Mr. Art. Buckland 7s. 6d. ; of Mr. Carthien, 21s. ; of Mrs. Dor. Prowse, 42s. ; of Mr. Gale 5s.
- „ June 24th. Gave toward couching of James Kemp's eyes, 2s. 6d.
- „ September 26th. p^d Mr. Brown for Johns dyet for 14 weeks 1£ 15s.
- „ Gave Mrs. Morgan towards y^e cure of her mare's eye, 1s. 6d.
1719. April 22nd. To Mall, towards paying for her wedding clothes, 5£ 5s.
- „ April 25th. More to Mall, to pay for her wedding clothes, 5£ 5s.
- „ April 27th. p^d at y^e Half Moon at Exon for a pint of wine for Mr. Kiddell, 9d.
- „ April 30th. My daughter Mary was married to Mr. Solomon Kiddell at Bickley by Mr. Theodore Carew : having given me a bond dat. 29th Apr. to leave her 300£ etc.
- „ April 30th. To my wife, when Mall was married, 6s.
- „ May 8th. To Mall, when she went from my house to her own, 1£ 3s.
- „ May 26th. Rec^d. of Mr. Thos Stephenson y^e sume of Ninety-four pounds and ten shillings in discharge of Mr. Henry Leigh's bond of one hundred pounds principal and 5£ as one years Interest due upon y^e bond to my daughter Anne ; w^{ch} she acknowledged in her receipt upon y^e bond, myself and Mr. Elk. Chappel being witnesses : Allowing and giving to the said Mr. Stephenson ten guineas for procuring y^e payment, upon account of y^e difficulty and hazard y^t did arise upon Mr. Leigh's absconding, and perplexed circumstances, and death.
- „ August 31st. p^d Mr. Sam Westcott for supplying my vacancy while I was at Exeter 2 Lords days, 1£.
- „ October 15th. Spent at Tauton (*sic*) and given to coz Chadwick's maid, 2s. Pd. Mr. Amory for half years board for Hen. from lady day to Michaelmas, John and Hen. being present, 6£.
- „ October 20th. p^d. Mr. Kiddell w^{ch} he laid out for a Fan for John to carry to Tauton to give to Mrs. Betty Shrapnel, 8s.
- † „ November 7th. paid Mr. Hen. Lane six pounds and ten shillings to his son at Tewkesbury, for him to pay to Mrs. Jones widd. of y^e late Mr. Jones ; being what was due to him for Hen's board and teaching ; besides one guinea w^{ch} Hen. borrowed, and also what he paid the Apothecary for Hen. when ill.

1720. February 15th. Sarah Richards brought me ten pounds upon desire of ye society of women y^t use to meet at Brushfords in Weston, to keep it safely for them : unto whom I gave my bond for the money, to be without interest.
- " June 8th. p^d Mr. Amory for Hen's board in full, being for one q^{tr} from Michaelmas to Ch^tmas last past, 3£. p^d Mr. Groves and Mr. James in full for Hen's teaching, being 3 q^{tr}s from 25th March to 25th December, 1719, 1£ 11s. 6d. For my horse at Tauton (*sic*) at y^e old Angel etc., 1s. 2d.
- " June 9th. Gave Mr. Short toward y^e Meeting-place at Ufeulm, 10s.
- " July 11th. Gave to Mr. Will Hewett to y^e Brief for sufferers by thunder and hail in Staffordshire, 6d.
- " July 19th. To Mr. Towel for preaching for me when I was at Barnstaple, 10s. 6d.
- " August 10th. Given at y^e Fast for y^e Ordination of Mr. Walter of Combe and Mr. George Hanmar at Mr. Butcher's Meeting-place at Barnstaple, where I preached, 6d.
- " September 7th. Given among the ministers at Exon towards y^e charge of printing y^e Assembly's proceedings, 1s.
- " October 18th. To John to pay for wool (upon his beginning to set up trade) bought in y^e Market, 5£ 5s.
- " October 18th. More to pay for what he bought at Minehead 16£ 16s.
1721. January 26th. Sent to Hen. by Mr. Sandercock, 3 moyedores, 4£ 1s.
- The following are the last two entries :—*
- " June 27th. At the Coffee house, and given to a poor soldier, 1s. 2d.
- " June 28th. Gave Math Chappell on his loss by fire near Moulton, 2s. 6d.

The Minutes of the Exeter Assembly contain a few notices of Mr. Moore from September, 1721 onwards. At that date he is placed second in the list of ordained ministers present, probably in order of seniority. He was present on 7th and 8th May, and September 3rd and 4th, 1723; on the date last named a Mr. Follet being proposed for ordination it was "order'd that Mr. Moore, Mr. Evans [and others] do ordain him, and appoint time and place."

In May, 1724 the name of Moore does not appear in the register of attendance : but this may be an accidental omission, as on the next page, under "Mony Brot into the Fund," we have "By Mr. Moore from Mr. Harding, 8£ 0 0." Among "Candidates and Strangers" the name "Mr. Henry Moore" appears.

In May, 1725, it was reported that Mr. Cudmore of Looe intended to leave at Midsummer. A committee of six ministers,

including Moore, was appointed to urge Mr. Cudmore to remain, if possible, till the next Assembly; and "by all suitable arguments to press the people of Looe to do what they can for another minister, and that this Assembly may have an acct, next time they sit, what they can do."

Mr. Moore was present in September, 1725, and September, 1726; and at the latter date "Mr. Moore"—presumably Henry—was present as a candidate. At the Meetings of May 9th and 10th, 1727, Henry Moore was proposed for ordination. "Being desired as previous thereunto to declare his sentiments of the Doctrine of the Trinity, gave satisfaction to the Assembly." It was agreed that Mr. Harding, Mr. Sandercock, Mr. Moore senr., and six other ministers "be employed in g^t Solemnity." [This Henry Moore was minister at Plymouth from 1731 to 1762; he had a son Henry, who was minister at Liskeard.] It was also "desired by the Assembly that Mr. Hall, Mr. Moore [and others] be engaged in Mr. Oxenham's ordination." In September of the same year Mr. Moore, Mr. Ball, and some others are "desired to join in the ordination of Mr. Chorley."

In May, 1728, both John and Henry Moore were present; the former brought in three guineas to the Fund, and the latter seven from Mr. Harding. A Mr. Peter Bennett, one of Moore's students, is reported to have supplied for some time at Ailesbear Meeting. He was desired to bring to the next Assembly a testimonial from "his tutor, or some other ministers, of his ministerial abilities, sober conversation, and his being regularly admitted to the ministry." He failed to do this, and the grant that had been made to Ailesbear was suspended.

This is the latest reference to John Moore we have been able to discover, except that he died on 25th August, 1730. He seems to have had no successor, either as pastor or tutor. After his death the Meeting-house in Peter Street was applied to secular purposes, being at one time "a pound-house for cyder, and afterwards a theatre for strolling players." In 1781 it was rebuilt as a Methodist preaching place.

Mention is made of Benjamin Kiddell, born at Tiverton, educated in the Bridgwater Academy, minister in succession at Sidmouth (1750), Cork (1759), and Shepton Mallet (1770), died 1803. It seems most likely that he was a younger son of Solomon Kiddell and Mary Moore.

T. G. CRIPPEN.

Thomas Cartwright and Elizabethan Puritanism

By A. F. SCOTT PEARSON, M.A., B.D., D.Th. (Cambridge University Press. 25s.)

THIS century has already seen notable contributions to the study of Puritan origins, and Dr. Scott Pearson's book is worthy to rank with the best of them. It is the work of a scholar who for many years has given himself to research, and his findings, on the whole, are to be trusted. Dr. Pearson is a minister of the Church of Scotland who believes both in Presbyterianism and in a National Church, and he can therefore enter on a study of the life and teaching of Cartwright with peculiar sympathy. His well-documented biography, however, is almost entirely free from bias, and it will rank as an indispensable work for the student of the period.

While we learn very little about Cartwright as a man—what he looked like, what sort of husband and father he was—we do get straightened out many passages in the history of the time that have up to now been very confused, and light is thrown on periods in Cartwright's life where darkness has hitherto prevailed.

Some slips in the volume have been pointed out in the current issue of the *Congregational Quarterly*. To them may be added the following :

On p. 213 we have J. G. Crippen for T. G. Crippen ; and on pp. 234 f., Dr. Pearson gives the impression that he thinks Constantine and Augustine were contemporaries. More important than these, however, are the acceptance of the slanderous verdict of many in regard to Martin Marprelate : it should be impossible for anyone who has read the *Tracts* and contemporary lampoons to speak of "the unheard of pitch of scurrility of Martin." This, we imagine, points to what is perhaps the one weakness in Dr. Pearson's equipment—lack of a full and thorough acquaintance with the pamphlet literature of the period. With the documentary evidence Dr. Pearson seems quite familiar ; indeed the transcripts of original documents, given in the appendix, contribute largely to the value of the book.

Then the passage on p. 223 which says that "Harrison represented more faithfully [than Browne] the genealogical connection with Puritan Presbyterianism" would surely be difficult to substantiate. It was Harrison with whom Browne lived in Norwich, and if one came under Anabaptist influences there, the other certainly did.

We cannot think as highly of Cartwright as does Dr. Pearson—but that is largely because we do not share his conception of the Church. To us the retention of living and of membership in a Church while striving to alter in a radical degree the form of government of that Church does not seem quite “cricket”: our heart warms rather to those who, at whatever cost—livelihood, liberty, life—were prepared to come out and be separate, and strive to realize their vision of the Church.

Nevertheless Dr. Pearson has done the cause of historical learning great service. No student of the early history of Nonconformity—or indeed of the Elizabethan Church—can ignore his work. We trust he will be encouraged by the reception given to this volume to go forward: the relationship of Separatism and Presbyterianism between 1580 and 1620 still requires investigation, and if Dr. Pearson can tell us more about Browne's and Penry's adventures in Scotland he will place us further in his debt.

ALBERT PEEL.