

Erskine May, Vol. III, Chapter XII, pp. 82-94

Advance of Toleration

State of Religion in 1760

The reign of George III. opened under circumstances favourable to religious liberty. The intolerant spirit of the high church party had been broken since the death of Anne. The phrensies of Sacheverell and Atterbury had yielded to the liberal philosophy of Milton and Locke, of Jeremy Taylor, Hoadley, Warburton, and Montesquieu. The angry disputations of convocation were silenced. The church was at peace; and the state had ceased to distrust either Roman [83] Catholics or nonconformists. Never since the Reformation, had any monarch succeeded to the throne, at a period so free from religious discords and embarrassments. In former reigns, high churchmen had been tainted with Jacobite sympathies: now all parties vied in attachment and loyalty. Once more the church was wholly with the king: and added all her weight to the influence of the crown. Many English Catholics, crushed by persecution, and losing hopes of the restoration of their own faith, had gradually conformed to a church, already beginning to boast a certain antiquity,—enshrined in the ancient temples of their forefathers,—respecting their traditions,—allied to the state,—and enjoying the power, wealth, fashion, and popularity of a national establishment. Some of this body had been implicated in both the Jacobite rebellions: but their numbers had ceased to be formidable; and they were now universally well-disposed and loyal.(1) The dissenters had been uniformly attached to the House of Hanover; and, having ceased to be oppressed, quietly prospered, without offence to the church. The old nonconformist bodies,—the offspring of the Reformation, and the Act of Uniformity,—so far from making progress, had declined in numbers and activity, since the time of William III.(2) There had [84] been little religious zeal, either within or without the church. It was an age of spiritual indifference and lethargy. With many noble exceptions, the clergy had been inert and apathetic. A benefice was regarded as an estate, to which was attached the performance of certain ecclesiastical duties. These once performed,—the service read, the weekly sermon preached, the child christened, the parishioner buried,—and the parson differed little from the squire. He was generally charitable, kindly, moral, and well educated—according to the standard of the age,—in all but theology.(3) But his spiritual calling sat lightly upon him. Zealous for church and king, and honestly hating dissenters, he was unconscious of a mission to spread the knowledge of the gospel among the people, to solve their doubts, to satisfy their spiritual longings, and to attach their religious sympathies to the church.(4) The nonconformist ministers, comfortably established among their flocks, [85] and enjoying their modest temporalities, shared the spiritual ease of churchmen. They were ruffled by no sectarian zeal, or restless spirit of encroachment. Many even conformed to the Church of England. The age was not congenial to religious excitement and enthusiasm; a lull had succeeded to storms and agitations.

Methodism

But this religious calm had lately been disturbed by Wesley and Whitefield, the apostles of modern dissent. These eminent men were both brought up as faithful disciples of the church, and admitted to holy orders. Not impelled to their extraordinary mission by any repugnance to her doctrines and discipline, they went forth to rouse the people from their religious apathy, and awaken them to a sense of sin. They penetrated the haunts of ignorance and vice; and braved ridicule, insults, and violence. They preached in the open air, to multitudes who had scarcely heard of the gospel. On the hill-side,—by ruins,—on the sea-shore, they appealed to

the imagination as well as to the devotional sentiments of their hearers. They devoted their lives to the spiritual instruction of the middle and lower classes: preached to them everywhere: prayed with them: read the scriptures in public and private; and addressed them with familiar speech and homely illustration.(5) Wesley, still in communion with the [86] church, and holding her in love and reverence, became the founder of a new sect. He preached to reclaim men from sin: he addressed the neglected heathens of society, whom the church knew not: he laboured as a missionary, not as a sectarian. Schism grew out of his pious zeal: but his followers, like their revered founder, have seldom raised their voices, in the spirit of schismatics, against their parent church.(6) Whitefield, for a time the fellow-labourer of Wesley, surpassed that great man as a preacher; and moved the feelings and devotion of his hearers with the inspiration of a prophet: but, less gifted with powers of organisation and government, he left fewer monuments of his labours, as the founder of a religious sect. Holding to the doctrine of absolute predestination, he became the leader of the Calvinistic Methodists, and Lady Huntingdon's connection. The Methodists were regarded by churchmen as fanatical enthusiasts rather than dissenters; while their close relations with the church repelled the favour of other sects. They suffered [87] ridicule, but enjoyed toleration; and, labouring in a new field, attracted multitudes to their communion.

Revival of Dissent

The revival of the religious spirit by the Methodists gradually stimulated the older sects of nonconformists. Presbyterians, Independents, and Baptists, awakened by Wesley and Whitefield to a sense of the spiritual wants of the people, strove, with all their energies, to meet them. And large numbers, whose spiritual care had hitherto been neglected alike by the church and by nonconformists, were steadily swelling the ranks of dissent. The church caught the same spirit more slowly. She was not alive to the causes which were undermining her influence, and invading her proper domain,—the religious teaching of the people,—until chapels and meeting houses had been erected in half the parishes of England.(7)

Scotland and Ireland

The church of Scotland, which in former reigns had often been at issue with the civil power, had now fallen under the rule of the moderate party, and was as tractable as the church of England herself. She had ever been faithful to the Revolution settlement, by which her own privileges were assured; and, when free from persecution, had cast off much of her former puritanism. Her spirit had been tempered by learning, cultivation, society, and the gentle influences of the South, until she had become a staunch ally of the crown and aristocracy.

[88] In Ireland, the Protestant church had made no progress since the days of Elizabeth. The mass of the population were still Catholics. The clergy of the state church, indifferent and supine, read the English liturgy in empty churches, while their parishioners attended mass in the Catholic chapels. Irish benefices afforded convenient patronage to the crown, and the great families. The Irish church was a good rallying point for Protestant ascendancy,—but instead of fulfilling the mission of a national establishment, it provoked religious animosity and civil dissensions. For the present, however, Protestant rule was absolute; and the subjection of the Catholics undisturbed.

The Penal Code

Such being the state of the church, and other religious bodies, the gradual relaxation of the penal code was, at length, to be commenced. This code, the growth of more than two centuries, was wholly inconsistent with the policy of a free state. Liberty of thought and discussion was allowed to be a constitutional right: but freedom of conscience was interdicted. Religious unity was still assumed, while dissent was notorious. Conformity with the state church was held to be a duty, the neglect of which was punishable with penalties and

disabilities. Freedom of worship and civil rights were denied to all but members of the church. This policy, originating in the doctrines [89] of a church pretending to infallibility, and admitted into our laws in the plenitude of civil and ecclesiastical power, grew up amid rebellions and civil wars, in which religion became the badge of contending parties. Religious intolerance was its foundation: political expediency its occasional justification. Long after the state had ceased to be threatened by any religious sect, the same policy was maintained on a new ground,—the security of the established church.

The penal code, with all its anomalies and inconsistencies, admitted of a simple division. One part imposed restraints on religious worship: the other attached civil disabilities to faith and doctrine. The former was naturally the first to be reviewed. More repugnant to religious liberty, and more generally condemned by the enlightened thinkers of the age, it was not to be defended by those political considerations which were associated with the latter. Men, earnest in upholding securities to our Protestant constitution, revolted from the persecution of conscience. These two divisions, however, were so intermixed in the tangled web of legislation: principles had been so little observed in carrying out the capricious and impulsive policy of intolerance; and the temper of Parliament and the country was still so unsettled in regard to the doctrines of religious liberty, that the labour of revision proceeded with no more system than the original code. Now a penalty affecting religion was repealed; now a civil disability removed. Sometimes Catholics received [90] indulgence; and sometimes a particular sect of nonconformists. First one grievance was redressed, and then another: but Parliament continued to shrink from the broad assertion of religious liberty, as the right of British subjects, and the policy of the state. Toleration and connivance at dissent, had already succeeded to active persecution: society had outgrown the law: but a century of strife and agitation had yet to pass, before the penal code was blotted out, and religious liberty established. We have now to follow this great cause through its lengthened annals, and to trace its halting and unsteady progress.

Early in this reign, the broad principles of toleration were judicially affirmed by the House of Lords. The city of London had perverted the Corporation Act into an instrument of extortion, by electing dissenters to the office of sheriff, and exacting fines when they refused to qualify. No less than £15,000 had thus been levied before the dissenters resisted this imposition. The law had made them ineligible: then how could they be fined for not serving? The City Courts upheld the claims of the Corporation: but the dissenters appealed to the Court of Judges or commissioners' delegates, and obtained a judgment in their favour. In 1759, the Corporation brought the cause before the House of Lords, on a writ of error. The judges being consulted, only one could be found to support the claims of the Corporation; and the House of Lords unanimously affirmed the judgment of the Court below. In [91] moving the judgment of the House, Lord Mansfield thus defined the legal rights of dissenters:—"It is now no crime," he said, "for a man to say he is a dissenter; nor is it any crime for him not to take the sacrament according to the rites of the Church of England: nay, the crime is if he does it, contrary to the dictates of his conscience." And again: "The Toleration Act renders that which was illegal before, now legal; the dissenters' way of worship is permitted and allowed by this Act. It is not only exempted from punishment, but rendered innocent and lawful; it is established; it is put under the protection, and is not merely under the connivance, of the law." And in condemning the laws to force conscience, he said:—"There is nothing certainly more unreasonable, more inconsistent with the rights of human nature, more contrary to the spirit and precepts of the Christian religion, more iniquitous and unjust, more impolitic, than persecution. It is against natural religion, revealed religion, and sound policy." In his views of toleration, the judge was in advance of the legislature.

Subscription to the 39 Articles

Several years elapsed before Parliament was invited to consider matters affecting the church

and dissenters. In 1772, Sir William Meredith presented a petition from several clergymen and others, complaining that subscription to the thirty-nine articles was required of the clergy, and at the universities. So [92] far as this complaint concerned the clergy, it was a question of comprehension and church discipline: but subscription on matriculation affected the admission of dissenters to the University of Oxford; and subscription on taking the degrees of Doctor of Laws and Doctor of Medicine excluded dissenters from the practice of the civil law, as advocates, and the practice of medicine, as physicians. In debate this complaint was treated chiefly as a question affecting the discipline of the church and universities: but sentiments were expressed that marked a growing spirit of toleration. It being objected that if subscription were relaxed, sectaries might gain admission to the church, Sir G. Savile said finely, 'sectaries, Sir! had it not been for sectaries, this cause had been tried at Rome. Thank God, it is tried here.' The motion for bringing up the petition found no more than seventy-one supporters. The University of Cambridge, however, made a concession to the complaints of these petitioners, by admitting bachelors of arts, on subscribing a declaration that they were bona fide members of the Church of England, instead of requiring their subscription to the thirty-nine articles. Sir W. Meredith renewed the discussion in the two following years, but found little encouragement.

In 1772, Sir H. Hoghton brought in a bill, with [93] little opposition, for relieving dissenting ministers and schoolmasters from the subscription required by the Toleration Act.(8) Dissenters conceived it to be a just matter of complaint that the law should recognise such a test, after dissent had been acknowledged to be lawful. No longer satisfied with connivance at a breach of the law, they prayed for honourable immunity. Their representations were felt to be so reasonable by the Commons, that the bill was passed with little opposition. In the Lords it was warmly supported by Lord Chatham, the Duke of Richmond, Lord Camden, and Lord Mansfield: but was lost on the second reading by a majority of seventy-three.

In the next year, Sir H. Hoghton introduced an amended measure, and passed it through all its stages, in the Commons, by large majorities. Arguments were still heard that connivance was all that dissenters could expect; in reply to which, Mr. Burke exclaimed, 'What, Sir, is liberty by connivance but a temporary relaxation of slavery?' In the Lords, the bill met with the same fate as in the previous year.(9)

[94] In 1779, however, Sir Henry Hoghton at length succeeded in passing his measure. Dissenters were enabled to preach and to act as schoolmasters, without subscribing any of the thirty-nine articles. No other subscription was proposed to be substituted: but, on the motion of Lord North, a declaration was required to be made, that the person taking it was a Christian and a Protestant dissenter; and that he took the scriptures for the rule of his faith and practice. Except upon the question of this declaration, the Bill passed through both Houses, with little opposition.(10)

In Ireland, a much greater advance was made, at this time, in the principles of toleration. An Act was passed admitting Protestants to civil and military offices who had not taken the sacrament,—a measure nearly fifty years in advance of the policy of the British Parliament. (11) It must, however, be confessed that the dissenters owed this concession less to an enlightened toleration of their religion, than to the necessity of uniting all classes of Protestants in the cause of Protestant ascendancy.

Footnotes.

1. In 1767, there appear to have been no more than 67,916; and, in 1780, 69,376. They had 200 chapels.—Census, 1851: Report on Religious Worship, ci. In 1696, out of 2,599,786 freeholders in England and Wales, there had been 13,856 Catholics.—Ibid., c. Dalrymple, book i. part ii. App.; Butler's Historical Mem. of the Catholics, iii. 162.
2. Calamy's Life and Times, ii. 529; Lord Mahon's Hist., ii. 372; Bogue and Bennett's Hist., iii. 314-324. In 1696 it appeared that 108,676 freeholders in England and Wales

were nonconformists (Census Report, 1861, c.); but as dissent chiefly prevailed in the towns, this report must have fallen very far short of the total numbers.

3. Bishop Burnet thus speaks of candidates for ordination: 'Those who have read some few books, yet never seem to have read the scriptures.' 'The case is not much better in many, who, having got into orders, come for instruction and cannot make it appear that they have read the scriptures, or any one good book, since they were ordained.'—Pastoral Care, 3rd Ed., 1713: Preface.
4. 'A remiss, unthinking course of life, with little or no application to study, and the bare performing of that, which, if not done, would draw censures when complained of, without even pursuing the pastoral care in any suitable degree, is but too common, as well as too evident.'—Ibid. See also Intr. to last volume of Burnet's Hist.
5. 'I design plain truth for plain people; therefore, of set purpose I abstain from all nice and philosophical speculations, from all perplexed and intricate reasonings; and, as far as possible, from even the show of learning, unless in sometimes citing the original scriptures. I labour to avoid all words which are not easy to be understood,—all which are not used in common life, and in particular those kinds of technical terms that so frequently occur in bodies of divinity.'—Wesley's Pref. to Sermons, 1746.—In another place Wesley wrote: 'I dare no more write in a fine style, than wear a fine coat.'—Pref. to 2nd Ser. of Sermons, 1788.
6. Wesley's Works, viii. 205, 321; Centenary of Wesleyan Methodism, 183; Lord Mahon's Hist., ii. 365-366. Wesley himself said: 'We are not seceders; nor do we bear any resemblance to them:' and after his sect had spread itself over the land, he continually preached in the churches of the establishment.
7. See [infra](#), p. 222.
8. The 34th, 35th, 36th, and part of the 20th articles had been excepted by the Toleration Act, as expressing the distinctive doctrines of the church.
9. With reference to this bill Lord Chatham wrote: 'I hear, in the debate on the dissenters, the ministry avowed enslaving them, and to keep the cruel penal laws, like bloodhounds coupled up, to be let loose on the heels of these poor conscientious men, when government pleases; i.e. if they dare to dislike some ruinous measure, or to disobey orders at an election. Forty years ago, if any minister had avowed such a doctrine, the Tower! the Tower! would have echoed round the benches of the House of Lords; but *fuit Ilium*, the whole constitution is a shadow.'—Letter to Lord Shelburne, April 14th, 1773; Chatham Corr., iv. 259.
10. Dissenting Ministers Act, 1779, 19 Geo. III. c. 44.
11. 19 and 20 Geo. III. c. 6 (Ireland).

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