

Erskine May, Vol. III, Chapter XII, pp. 71-82

Religious Affairs to 1760

James I and Charles I

Such having been the results of the Reformation; the accession of James united the three crowns of these realms; and what were his relations to the church? In England, he was the head of a state church; environed by formidable bodies of Catholics and Puritans. In Scotland, a Presbyterian church had been founded upon the model approved by English Puritans. In Ireland, he was the head of a church maintained by the sword. This incongruous heritage, unwisely used, brought ruin on his royal house. Reared [72] among a Presbyterian people, he vexed the English Puritans with a more rigorous conformity; and spurning the religion of his own countrymen, forced upon them a hated episcopacy, the supremacy of the crown, and observances repugnant to their creed. No less intolerant of his own mother's church, he hastened to aggravate the penalties against Popish recusants. Such was his rancour that he denied them the right of educating their children in the Catholic faith. The laws against them were also enforced with renewed severity. The monstrous plot of Guy Fawkes naturally incensed Parliament and the people against the whole body of Catholics, whose religion was still associated with imminent danger to the state; and again were treason and Popery scourged with the same rod. Further penalties were imposed on Popish recusants, not attending the services and sacraments of the church; and a new oath of allegiance was devised to test their loyalty. In Ireland, Catholic priests were banished by proclamation; and the laws rigorously enforced against the laity who absented themselves from Protestant worship. The king's only claim upon the favour of the Puritans was his persecution of Papists; and this he suddenly renounced. In compliance with engagements entered into with foreign powers, he began openly to tolerate the Catholics; and granted a pardon to all who had incurred the penalties of recusancy. The breach was ever widening between the Puritans and the [73] throne; and while the monarch was asserting the divine right of kings, his bishops were exalting prelacy, and bringing the Reformed church nearer to the Romish model.

Charles continued to extend an indulgence to Catholics, at once offensive to the Puritan party, and in violation of laws which his prerogative could not rightfully suspend. Even the toleration of the Stuarts, like their rigour, was beyond the law. The prerogatives and supremacy of the crown were alike abused. Favouring absolutism in the state, and domination in the church, Charles found congenial instruments of tyranny in the Star Chamber and High Commission,—in Strafford and in Laud. In England he oppressed Puritans: in Scotland he introduced a high church liturgy, which provoked rebellion. Arbitrary rule in church and state completed the alienation of the Puritan party; and their enmity was fatal. The church was overthrown; and a republican commonwealth established on the ruins of the monarchy. The polity of the Reformation was riven, as by a thunderbolt.

The Commonwealth

The Commonwealth was generally favourable to religious liberty. The intolerance of Presbyterians, indeed, was fanatical.(1) In the words of Milton, 'new Presbyter was but [74] old Priest,—writ large.' Had they been suffered to exercise uncontrolled dominion, they would have rivalled Laud himself in persecution. But Cromwell guaranteed freedom of worship to all except Papists and Prelatists; declaring 'that none be compelled to conform to the public religion by penalties or otherwise.' Such was his policy, as a statesman and an Independent.(2)

He extended toleration even to the Jews. Yet was he sometimes led, by political causes, to put his iron heel upon the bishops and clergy of the Church of England, upon Roman Catholics, and even upon Presbyterians. The church party and Roman Catholics had fought for the king in the civil war; and the hands of churchmen and Puritans were red with each others' blood. To religious rancour was added the vengeance of enemies on the battle-field.

Before the king's fall, he had been forced to restore the Presbyterian polity to Scotland;(3) and the Covenanters, in a furious spirit of fanaticism, avenged upon Episcopalians the wrongs which their cause had suffered in the last two reigns. [75] Every age brought new discords; and religious differences commingled with civil strifes.

The Restoration

After the Restoration, Roundheads could expect no mercy from Cavaliers and churchmen. They were spurned as dissenters and republicans. While in the ascendant, their gloomy fanaticism and joyless discipline had outraged the natural sentiments and taste of the people; and there was now a strong reaction against them. And first the church herself was to be purged of Puritans. Their consciences were tried by a new Act of Uniformity, which drove forth two thousand of her clergy, and further recruited the ranks of Protestant nonconformists. (4) This measure, fruitful of future danger to the church, was followed by a rigorous code of laws, proscribing freedom of worship, and multiplying civil disabilities, as penalties for dissent.

By the Corporation Act, none could be elected to a corporate office who had not taken the sacrament within the year.(5) By another Act, no one could serve as a vestryman, unless he made a declaration against taking up arms and the covenant, and engaged to conform to the Liturgy.(6) The Five Mile Act prohibited any nonconformist minister from coming within five miles of a corporate town; and all nonconformists, whether lay or clerical, from teaching in any public or private school.(7) The monstrous Conventicle Act punished [76] attendance at meetings of more than five persons, in any house, for religious worship, with imprisonment and transportation.(8) This, again, was succeeded by a new test, by which the clergy were required to swear that it was not lawful, on any pretence whatever, to take up arms against the king.(9) This test, conceived in the spirit of the high church, touched the consciences of none but the Calvinistic clergy, many of whom refused to take it, and further swelled the ranks of dissent.

While the foundations of the church were narrowed by such laws as these, nonconformists were pursued by incessant persecutions. Eight thousand Protestants are said to have been imprisoned, besides great numbers of Catholics.(10) Fifteen hundred Quakers were confined: of whom three hundred and fifty died in prison. During this reign, indeed, several attempts were made to effect a reconciliation between the church and nonconformists: but the irreconcilable differences of the two parties, the unyielding disposition of churchmen, and the impracticable temper of nonconformists, forbad the success of any scheme of comprehension.

[77] Nonconformists having been discouraged at the beginning of this reign, Catholics provoked repression at the end. In 1673, Parliament, impelled by apprehension for the Protestant religion and civil liberties of the people, passed the celebrated Test Act.(11) Designed to exclude Roman Catholic ministers from the king's councils, its provisions yet embraced Protestant nonconformists. That body, for the sake of averting a danger common to all Protestants, joined the church in supporting a measure fraught with evil to themselves. They were, indeed, promised further indulgence in the exercise of their religion, and even an exemption from the Test Act itself: but the church party, having secured them in its toils, was in no haste to release them.

The Church of Scotland fared worse than the English nonconformists, after the Restoration. Episcopacy was restored: the king's supremacy reasserted: the entire polity of the church

overthrown;(12) while the wrongs of Episcopalians, under the Commonwealth, were avenged, with barbarous cruelty, upon Presbyterians.

The Revolution Settlement

The Protestant faith and civil liberties of the people being threatened by James II., all classes of Protestants combined to expel him from his throne. Again the [78] nonconformists united with the church, to resist a common danger. They were not even conciliated by his declarations of liberty of conscience and indulgence, in which they perceived a stretch of prerogative, and a dangerous leaning towards the Catholic faith, under the guise of religious freedom. The revolution was not less Protestant than political; and Catholics were thrust further than ever beyond the pale of the constitution.

The recent services of dissenters to the church and the Protestant cause were rewarded by the Toleration Act.(13) This celebrated measure repealed none of the statutes exacting conformity with the Church of England: but exempted all persons from penalties, on taking the oaths of allegiance and supremacy, and subscribing a declaration against transubstantiation. It relieved dissenting ministers from the restrictions imposed by the Act of Uniformity and the Conventicle Act, upon the administration of the sacrament and preaching in meetings: but required them to subscribe the thirty-nine articles, with some exceptions.(14) The dissenting chapels were to be registered; and their congregations protected from any molestation. A still easier indulgence was given to the Quakers: but toleration was withheld from Roman Catholics and Unitarians, who found no favour either with the church or nonconformists.

The Toleration Act, whatever its shortcomings, [79] was at least the first recognition of the right of public worship, beyond the pale of the state church. It was the great charter of dissent. Far from granting religious liberty, it yet gave indulgence and security from persecution.

The age was not ripe for wider principles of toleration. Catholics and Unitarians were soon afterwards pursued with severer penalties; and in 1700, the intolerant spirit of Parliament was displayed by an Act,—no less factious than bigoted,—which cannot be read without astonishment. It offered a reward of £100 for the discovery of any Catholic priest performing the offices of his church: it incapacitated every Roman Catholic from inheriting or purchasing land, unless he abjured his religion upon oath; and on his refusal, it vested his property, during his life, in his next of kin, being a Protestant. He was even prohibited from sending his children abroad, to be educated in his own faith.(15) And while his religion was thus proscribed, his civil rights were further restrained by the oath of abjuration.

Again the policy of comprehension was favoured by William III.: but it was too late. The church was far too strong to be willing to sacrifice her own convictions to the scruples of nonconformists. Nor was she forgetful of her own wrongs under the Commonwealth, or [80] insensible to the sufferings of Episcopalians in Scotland. On the other side, the nonconformists, confirmed in their repugnance to the doctrines and ceremonies of the church, by the persecutions of a hundred and fifty years, were not to be tempted by small concessions to their consciences, or by the doubtful prospects of preferment, in an establishment from which they could expect little favour.

Scotland and Ireland

To the Church of Scotland the Revolution brought freedom and favour. The king's supremacy was finally renounced; Episcopacy, against which she had vainly struggled for a hundred years, for ever abolished; her confession of faith recognised by statute; and the Presbyterian polity confirmed.(16) But William III., in restoring the privileges of the church, endeavoured to impress upon her rulers his own moderation and tolerant spirit. Fearing the persecution of Episcopalians at their hands, he wrote thus nobly and wisely to the General Assembly: 'We expect that your management shall be such that we may have no reason to repent what we

have done. We never could be of the mind that violence was suited to the advancing of true religion: nor do we intend that our authority shall ever be a tool to the irregular passions of any party.'(17) And not many years afterwards, when Presbyterian Scotland was united to Episcopalian England, the rights of her church, in worship, [81] discipline, and government, were confirmed and declared unalterable.(18)

To the Catholics of Ireland, the reign of William was made terrible by new rigours and oppression. They were in arms for the exiled king; and again was their faith the symbol of rebellion. Overcome by the sword, they were condemned to proscription and outlawry.

Anne to George II

It was long before Catholics were to enjoy indulgence. In 1711, a proclamation was published for enforcing the penal laws against them in England. And in Ireland, the severities of former reigns were aggravated by Acts of Queen Anne. After the rebellion of 1715, Parliament endeavoured to strengthen the Protestant interest, by enforcing the laws against Papists. Again, in 1722, the estates of Roman Catholics and non-jurors were made to bear a special financial burden, not charged upon other property. And, lastly, the rebellion of 1745 called forth a proclamation, in the spirit of earlier times, offering a reward of £100 for the discovery of Jesuits and popish priests, and calling upon magistrates to bring them to justice.

Much of the toleration which had been conceded to Protestant nonconformists at the Revolution, was again withdrawn during the four last years of Queen Anne. Having found their way into many offices, by taking the [82] sacrament, an Act was passed, in 1711, against occasional conformity, by which dissenters were dispossessed of their employments, and more rigorously disqualified in future. Again were nonconformists repelled, with contumely, from honourable fellowship with the state. Two years afterwards the Schism Bill was passed, prohibiting the exercise of the vocation of schoolmaster or private teacher, without a declaration of conformity, and a licence from a bishop. Both these statutes, however, were repealed in the following reign.

With the reign of George II. a wider toleration was commenced, in another form. The time was not yet come for repealing the laws imposing civil disabilities upon dissenters: but annual Acts of Indemnity were passed, by which persons who had failed to qualify themselves for office, were protected.(19)

Footnotes.

1. Life of Baxter, 103. Their clergy in London protested against toleration to the Westminster Assembly, Dec. 18th, 1645, saying, 'we cannot dissemble how we detest and abhor this much endeavoured toleration.'—Price's Hist. of Nonconformity, ii. 329. Edwards, a Presbyterian minister, denounced toleration as 'the grand design of the devil,' and 'the most ready, compendious, and sure way to destroy all religion,'—'all the devils in hell and their instruments being at work to promote it.'—Gangræna, part i. 58.
2. Hume affirms, somewhat too broadly, that 'of all the Christian sects this was the first which during its prosperity as well as its adversity, always adopted the principles of toleration.'—Hist., v. 168.
3. In 1641.
4. 13 and 14 Car. II. c. 4. Calamy's Nonconformist's Memorial, Intr. 31, etc.; Baxter's Life and Times, by Calamy, i. 181.
5. 13 Car. II. stat. 2, c. 1.
6. 15 Car. II. c. 5.
7. 13 and 14 Car. II. c. 4.
8. 16 Car. II. c. 4, continued and amended by 22 Car. II. c. 1.
9. 17 Car. II. c. 2.

10. Delaune's Plea for Nonconformists, preface; Short's Hist., 559. Oldmixon goes so far as to estimate the total number who suffered on account of their religion, during this reign, at 60,000!—History of the Stuarts, 715.
11. 25 Car. II. c. 2
12. Scots Acts, 1661, c. 11; 1669, c. 1; 1681, c. 6. Wodrow's Church Hist.. i. 190.
13. 1 Will. and Mar. c. 8; confirmed by 10 Anne, c. 2; Bogue and Bennett's Hist. of Dissenters, i. 187-204.
14. All except three and part of a fourth. See [infra, p. 93 \[footnote 8\]](#).
15. 11 and 12 Will. III. c. 4; Burnet's Own Time, iv. 409. Butler's Hist. Mem. of the Catholics, iii. 134-138, 279; Burke's Speech at Bristol, 1780, Works, iii. 385.
16. Scots Acts, 1689, c. 2; 1690, c.5; 1692, c. 117.
17. Macaulay's Hist., iii 708.
18. Act of Union, 5 Anne, c. 8; Scots Acts, 1705, c. 4; 1706, c. 7.
19. The first of these Acts was in 1727; 1 Geo.II. c. 23. Hallam's Const. Hist., ii. 412.

[Next](#)

[Contents](#)

[Previous](#)