

The Test Act of 1673 and its aftermath

“THE BLACK charter of English Protestantism” is how G. M. Trevelyan describes the first Test Act of 1673.¹ The tercentenary of its being placed on the statute book is an opportune time to review its introduction and to follow the legislative and constitutional vicissitudes of the next one hundred and fifty years when Non-conformists were sometimes persecuted, frequently pilloried and always, in law at least, second-class citizens.

On the 15th March 1672 Charles II issued his Declaration of Indulgence. He had issued such a Declaration on the 26 December 1662, but Clarendon had countered by persuading the Lords the following spring to drop a bill based upon it. How far did the King anticipate the cruciality of the constitutional position which the new Declaration would raise? He could claim that he was only giving effect to the principles of toleration indicated by the Declaration of Breda. He was doubtless frustrated that every attempt he had made to ameliorate the severity of the Clarendon Code by royal prerogative had failed. He could point to the discontent of some leading Nonconformists who fulminated against the attempt to secure uniformity by coercive legislation. The King did, in fact, take soundings in London of certain leading Dissenters, as a result of which Sir Joseph Williamson, clerk to the Council, wondered “whether (it would) not (be) better for the King now of himself to offer what is capable to content them”.² It must have seemed to the King that the most powerful argument in favour of the Declaration was the need to unite the nation at the prospect of a third Dutch war.

There were personal reasons, however, why Charles was anxious to have the Declaration accepted. Early in 1669 his brother, James, Duke of York and heir presumptive, had revealed to Charles and to two members of the Cabal, Clifford and Arlington, that he had become a Roman Catholic. Charles now expressed a desire to promote the Roman Catholic interest in his realm and, following negotiations with Louis XIV, signed the secret Treaty of Dover in May 1670. Financially it was a bad bargain for the King. The Commons had supported the second Dutch war but their grants towards its cost left a short-fall of £1½ million. For a third war Louis was offering less than £170,000. By the Treaty Charles reserved the right to choose the time when he should announce his submission to Rome, but his Declaration must surely be regarded as a first step along the road leading to the reinstatement of Roman Catholicism, even though Protestant Dissenters would have been the greater beneficiaries in the terms of its provisions. It was the King’s plan to permit to the Roman Catholics “the exercise of their worship in their private houses only”,

whilst Protestant Dissenters could enjoy public worship provided that they obtained a licence. Of the latter diverse group some refused to take advantage of the concession, whilst others seized it thankfully.³

The Declaration aroused the concern of the nation on two counts. It was plain that the King was trying to use royal prerogative to nullify statute law. If this practice passed unchallenged the consequences would be incalculable. Secondly, however closely guarded the secret Treaty of Dover might be, rumours abounded of plots to restore Roman Catholics to power. The Declaration was a move in that direction. Parliament was as susceptible as the rest of the country to the rumours but was even more jealous of its position as the legislature than were the people. Upon their sympathies with Roman Catholicism the Cabal was hopelessly divided, Clifford was an ardent Roman Catholic; Arlington was a fellow-traveller; Buckingham numbered Independents among his friends; Lauderdale was a chameleon; Shaftesbury was committed to the principle of religious toleration for all Protestants. In the event Shaftesbury and Arlington united to advance the bill to impose religious tests, thus forcing Clifford to surrender office and the dissolution of the Cabal.

The Commons met in February 1673. The question was put "That penal Statutes, in Matters Ecclesiastical cannot be suspended but by Act of Parliament". The Yeas were 168 and the Noes 116. The King was informed. ". . . he is very much troubled" he replied, "that the Declaration . . . should . . . give occasion to the questioning of his power in ecclesiasticks: which he does not find done in the reigns of any of his ancestors . . ." He disclaimed any pretence to the right to suspend ". . . laws wherein the properties, rights or liberties of any of his subjects are concerned: nor to alter anything in the established doctrine or discipline of the Church of England . . ." The Commons promptly replied, ". . . we find, that the said Answer is not sufficient to clear the apprehensions that may justly remain in the minds of your people, by your majesty having claimed a power to suspend penal statutes, in matters ecclesiastical, and which your majesty does still seem to assert, in the said Answer to be intrusted in the Crown and never questioned in the reigns of any of your ancestors; wherein we humbly conceive, your majesty hath been very much misinformed; since no such power was ever claimed or exercised, by any of your majesty's predecessors. . . ." The next month the Lord Chancellor informed Parliament that the Declaration had been cancelled, a development which D. Ogg called the most important royal surrender of the century.⁴

Parliament was now satisfied that its powers were safe from erosion by royal prerogative but the rumours of plots to Roman Catholic advantage continued. So on the 29th March the first Test Act came into being. It was called *An Act for preventing dangers which may happen from popish recusants*, and among its provisions were:

"That all and every person or persons, as well peers as commoners, that shall bear any office or offices civil or military . . .

or shall be of the household, or in the service or employment of his Majesty, or of his Royal Highness the Duke of York . . . shall . . . take the several Oaths of Supremacy and Allegiance, . . . and the respective officers aforesaid shall also receive the Sacrament of the Lord's Supper according to the usage of the Church of England . . . And be it further enacted . . . That at the same time when the persons concerned in this act shall take the aforesaid Oaths of Supremacy and Allegiance, they shall likewise make and subscribe this declaration following. . . .

"I, A.B. do declare, That I do believe that there is not any transubstantiation in the sacrament of the Lord's Supper, or in the elements of Bread and Wine, at or after the consecration thereof by any person whatsoever. . . ."

It had not escaped the notice of the legislature that the act excluded from the prescribed offices Protestant Dissenters as effectively as Roman Catholics. The Commons introduced and passed a bill for the "Ease of Protestant Dissenters", but the bishops in the Upper Chamber opposed it and before the two Houses could agree on any amended version—if, indeed, any such would have been acceptable to the lords spiritual—Parliament was prorogued and rose on the 29th March.

The royal assent having been given to the Test Act, Parliament had voted nearly £1½ million from monthly assessments to clear off debts arising from the conflict with Holland. Towards the close of 1673 Louis sent £500,000 to Charles as an inducement to him to continue the struggle, but early in the new year Parliament withdrew the country from the third war, the Treaty of Westminster being signed in the February. Charles' foreign policy was thwarted and his hopes for the restoration of Roman Catholic fortunes had suffered serious reverses. Ironically, the price which Parliament extracted from the King for their support for a war which lasted less than twelve months was his assent to an act which remained in force for over a century and a half.

For Roman Catholics worse was to come. After the Popish Plot a second Test Act, passed in November 1678, excluded them from any place in Parliament. In court circles, however, they found favour among the households of Queen Catherine, Henrietta Maria the Queen Mother, and the Duke and Duchess of York. Meanwhile Protestant Dissenters, their cause espoused by the Whigs, numbered in their ranks men of the quality of John Owen, Richard Baxter, Matthew Mead, Hanserd Knollys, Thomas Collier, William Kiffin, John Bunyan, John Collinges, John Flavel, Francis Holcroft and Nathaniel Mather.

The success with which Charles withstood every attempt to have his brother excluded from the succession on account of James' allegiance to Roman Catholicism meant that some rebellion upon the accession of James II in 1685 was inevitable. The abortive rising of Monmouth in the spring of that year was followed by the Bloody Assizes, which demonstrated that James could be master in his Courts. With increas-

ing boldness he showed favour to Roman Catholics and demanded of Parliament that they should be permitted to hold commissions in the army in spite of the Test Act. Parliament responded by requesting assurances which James was unprepared to offer, and, despairing of the co-operation of the legislature, the King sent the members to the country. They were not recalled during his reign.

Although Charles had had to surrender his claim to be able to use the royal prerogative to set at nought any statute affecting ecclesiastical matters generally, James was intent on using the same instrument successfully in particular cases. With the help of his compliant Courts he managed to do so. Sir Edward Hales had served as a colonel in Charles' time. Upon the enthronement of James he felt courageous enough to announce his loyalty to Rome. He immediately received a royal dispensation. By collusion, Hales' coachman, Godden, brought an action against his employer. After conviction at Rochester, the case went to appeal before twelve judges of the King's Bench, eleven of whom were prepared to find for Hales in his plea that the royal dispensation was valid. Lord Chief Justice Herbert, giving judgment, concluded " . . . 'tis an inseparable prerogative in the kings of England, to dispense with penal laws in particular cases and upon necessary reasons . . . this is not a trust invested in, or granted to the king by the people, but ancient remains of the sovereign power and prerogative of the kings of England; which never yet was taken from them, nor can be."

To try to absolve all those he wished to elevate from the penalties of the Test Act by use of the royal prerogative was an impossible course for the King. In April 1687 James issued a Declaration of Indulgence modelled on that of his brother's of 1672. The criticism of it was so acute that although he had promised Parliament should meet by November to discuss it, the King soon realised that no acceptance of it was possible. He now dissolved the Parliament which he had earlier adjourned. In his continuing desire to repeal the Test Act, James now courted the Protestant Nonconformists, trying to woo men like Baxter and Kiffin. William Penn, who enjoyed an unusual relationship with the King, was successful in persuading him to release from prison over a thousand Quakers. In the main, however, Dissenters who had been dubbed rebels and regicides by a monarch who was now anxious for their support were unwilling to enter into any marriage, the offspring from which were so predictable. Meanwhile in Anglican circles the practice of non-resistance to the monarchy continued until 1688. In April of that year, James reissued his Declaration of Indulgence, requiring that all clergy should read it from their pulpits on two successive Sundays. This was too much, however, and the alienated clergy now defied the order almost universally. In the subsequent case of The Seven Bishops, the Courts at last showed an independency of the monarchy that cheered those who cared for justice. Archbishop Sancroft and the bishops of St. Asaph, Ely, Peterborough, Bath & Wells, Chichester and Bristol petitioned

the King on the 7th May against his orders to distribute and read the Declaration. They pleaded:

We are not averse to the publishing of the Declaration, out of want of due tenderness towards Dissenters, with whom we shall be willing to come to such a temper as shall be thought fitt when the matter comes to be settled and considered in parl'mt. But the Declaration being founded on such a dispensing power, as may at pleasure sett aside all law, ecclesiastical or civill, appears to us illegall, and did soe to the parl'mt of 72, and it is a point of soe great consequence, that we cannot soe farre make o'selves p'ties to it, as the reading of it in the churches at ye time of divine service will amount to.

On the 29th June all seven appeared before Lord Chief Justice Wright and a jury on a charge of writing and publishing "a false, feigned, malicious, pernicious and seditious libel". The next day the jury brought in a verdict of "Not Guilty".

With the departure of James and the commencement of the reign of William and Mary, Dissenters tend to remember 1689 for the Act of Toleration. The act is misnamed, however. Protestant Dissenters enjoyed very limited relief by its provisions, and Roman Catholics, Unitarians and Jews none at all. Its correct title is *An Act for exempting their Majesties' Protestant Subjects Dissenting from the Church of England, from the Penalties of certain Laws*. It was introduced on the 28th February 1689 by the Earl of Nottingham and received the royal assent on the 24th May. Henceforward Protestant Nonconformists enjoyed the right to worship separately from the established church, except that any who met

in any place for religious worship with the doors locked, barred, or bolted, during any time of such meeting together, all and every person or persons, which shall come to and be at such meeting, shall not receive any benefit from this law.

In addition, the payment of tithes was still enforced and subscription was required to

. . . . the articles of religion mentioned in the statute made in the thirteenth year of the reign of the late Queen Elizabeth, except the thirty-fourth, thirty-fifth and thirty-sixth

The articles excluded referred to the Traditions of the Church, Homilies and the Consecration of Bishops and Ministers respectively. For Baptists a further concession was made

And whereas some dissenting protestants scruple the baptizing of infants; be it enacted That every person in pretended holy orders, or pretending to holy orders, or preacher, or teacher, that shall subscribe the aforesaid articles of religion, except before excepted, and also except part of the seven and twentieth article touching infant baptism and shall take the said oaths, and make and subscribe the declaration aforesaid, every such person shall enjoy all the privileges, benefits, and advantages, which any

other dissenting minister, as aforesaid, might have or enjoy by virtue of this act.

One notable disability was retained, however. The Church of England was strong enough to have removed from the bill a clause giving exemption to Dissenting schoolmasters. One result of that removal was that Nonconformists paid greater attention to the provision of schools and academies of their own with a subsequent grudging admiration from many of the establishment for the standards they achieved.

In the same year as the passing of the Toleration Act, John Howe advocated the practice of occasional conformity, by which Protestant Nonconformists with easy consciences could qualify for office under crown or state. Many Dissenters scorned recourse to such place-seeking methods. Daniel Defoe called it "a kind of playing Bo-peep with God Almighty".⁵ Others like Sir Humphrey Edwin and Sir Thomas Abney in London adopted Howe's advice. Although in the days towards the close of the reign of James II some in the established church came to regard Protestant Dissenters in a more favourable light, occasional conformity widened the breach.

When the last of the Stuarts came to the throne in 1702, Protestant Nonconformists were very apprehensive. They were uncertain of the temper of Anne, and their fears became more gloomy on account of the Tory victory in the election of that summer. The same year is, however, probably the birth year of the General Body of the Three Denominations.⁶ That body, both directly and through the Dissenting Deputies, was to play an important role in the struggle for equality before the law. Earlier attempts by Presbyterians and Congregationalists in cooperative endeavour had foundered in the last decade of the seventeenth century. The new General Body was at the beginning somewhat less pretentious in its aims and enjoyed a life remnants of which still persist.

The new government lost no time in trying to put an end to occasional conformity, but the bill they introduced in November 1702 was defeated in the Lords. So were similar bills a year and two years later. At last in 1711 the Occasional Conformity Act was passed through all its stages as a result of a deal between the Whig peers and the Earl of Nottingham who had introduced the earlier bills. The act provided:

That if any person or persons . . . either Peers or Commoners . . . who by the said recited acts . . . are obliged to receive the Sacrament of the Lord's Supper according to the rites and usage of the Church of England . . . shall at any time after their Admission into their respective offices . . . knowingly or willingly resort to or be present at any Conventicle, Assembly or Meeting . . . for the exercise of Religion in other Manner than according to the Liturgy and Practice of the Church of England . . . shall forfeit Forty Pounds to be recovered by Him or them that shall sue for the same . . . in any of her Majesty's Courts

. . . . And be it further enacted That every Person convicted shall be disabled from henceforth to hold such office and shall be adjudged incapable to bear any office or employment whatsoever

Now the established church was not only ascendant. It was manifestly seen to be ascendant. Anne favoured the Tory cause, Oxford and Bolingbroke were firmly in the saddle and the confidence of the Church of England knew no bounds. Only one significant fly was in the political ointment but it proved enough to render that confidence short lived. Whilst the Whigs were making overtures to the Electress Sophia and her son George, the Tories were still indecisive concerning the succession. They did not wish to offend their Queen, who was known to entertain hopes that her brother would renounce his allegiance to Rome and declare himself a Protestant. Neither, however, could the Tories come to terms with James Stuart. In spite of Bolingbroke's efforts at the last, Anne was to die before he had secured the future for the Tories and the Anglican Church.

Before this was to happen, Protestant Nonconformists, their ranks swollen by Huguenot refugees from the Continent, were to be harrassed by Church and State. On the street and in the Courts they saw the small gains in tolerance they had won being torn away as the reality of persecution by mob rule and the threat of legalised oppression made those who had read the signs and portents back in 1702 feel that their worst fears were about to be realised. The Schism Act told the whole sorry tale. Passed by both Houses in 1714 it planned to give a monopoly in education to the Church of England. "Bolingbroke wrote that the intention of the Tory party was not to distress the consciences of the existing generation of Nonconformists, but to prevent any fresh generation from being brought up in error."⁷ That was the plain intention, then, when every pretence had been taken down. The act itself required every schoolmaster to be licensed, but

. . . . no licence shall be granted by any archbishop, bishop, or ordinary, unless the person or persons who shall sue for the same, shall produce a certificate of his or their having received the sacrament according to the usage of the Church of England, in some parish church, within the space of one year next before the grant of such licence And be it further enacted That any person who shall have obtained a licence and shall at any time after, during the time of his or their keeping any public or private school or seminary, or instructing any youth as tutor or schoolmaster, knowingly or willingly, resort to any conventicle shall thenceforth be incapable of keeping any public or private school or seminary, or instructing any youth as tutor or schoolmaster. And be it further enacted That if any person Licenced, as aforesaid, shall teach any other catechism than the catechism set forth in the book of common prayer, the licence of such person shall from thenceforth

be void, and such person shall be liable to the penalties of this act.

The Whigs vigorously attacked the bill, but it became law on a vote of 237-167 in the Commons and of 77-72 in the Lords. G. M. Trevelyan wrote, "The Schism Act was the worst blot on the record of the Tory party after the Revolution, and rendered its downfall a precondition of religious freedom in England. For if the Schism Act had had time to come into force it must have led to the abolition of varieties of religious belief, or else to a civil war."⁸

England, education and the Nonconformists were saved the consequences of the act through the death of Anne which occurred on the very day it was due to come into force—the 1st August 1714. The Tories, in disarray over the succession, were replaced by the Whigs. Protestant Nonconformists breathed again, and on the 10th January 1719 *An Act for strengthening the Protestant Interest in these Kingdoms* repealed the worst features of both the Occasional Conformity and Schism Acts.

From the first, Protestant Nonconformists were loyal supporters of the Hanoverians and they continued, of course, to make common cause with the Whigs. In spite of their greatly improved lot, when compared with what it would have been if the Tories had remained in power, the disqualifying statutes were still unrepealed. In 1727, the year of the death of George I, the General Body of the Three Denominations called a meeting at which lay representatives as well as ministers were present. They met at Silver Street Meeting House in London, and there was formed a committee of twenty one, to be known as the Protestant Dissenting Deputies. Their immediate responsibilities included an examination of the ways by which the Test and Corporation Acts could best be repealed. In fact not all Protestant Dissenters agreed that the repeal was desirable. On the "bird in the hand is worth two in the bush" principle, some feared that to press their case too closely could beget a reaction. One of the earliest measures to receive the royal assent after the accession of George II was the Indemnity Act of 1727. Many Nonconformists considered that its concessions were as much as they could hope for at that time, although later Lord John Russell was to lampoon it as a measure "passed yearly to forgive good men for doing service to their country".⁹ There were others, however, who felt keenly that so long as the law remained unchanged, the danger of renewed and widespread intolerance would always threaten. Besides, it was galling for them to be thought questionable or unworthy citizens.

The arguments of the latter group gained strength because of the occasional invoking of laws against Dissenters. At the time of Philip Doddridge's successful resistance to the attempt by the Chancellor of the Diocese of Peterborough to force the closure of his academy at Northampton he wrote, ". . . near twenty such attempts have been made within less than so many years, upon dissenting schoolmasters in this diocese".¹⁰

From 1736, coincident with the succession of Benjamin Avery to the Chair of the Dissenting Deputies, the campaign for repeal intensified, but Walpole continued to resist pleas for change. Eager as were many Nonconformists to advance their cause for civil equality, they were reluctant to embarrass King or Government. Indeed, their support was never more apparent than when, during the 1745 Rebellion, Doddridge and other leaders encouraged volunteers from their congregations to defend the interests of the House of Hanover.

The Sheriff's Cause provided another illustration of the manner in which the disqualifications of the Test Act could continue to be used to persecute Nonconformists. In 1742 the City of London nominated Robert Grosvenor to serve as Sheriff. He was a Dissenter who was unwilling to qualify for such office by the practice of occasional conformity, and was encouraged by the Deputies, who believed that the Corporation Act itself precluded his eligibility, to refuse to serve. This led the City to adopt a bye-law in 1748, ostensibly to make it possible for suitable persons to be appointed as Sheriff, which imposed a fine of £400 upon any nominee for the office who declined to stand for election at the Common Hall and £600 upon any elected person who refused to serve. Thereafter, by the nomination and election to the office of Sheriff of Protestant Dissenters who were too high principled to satisfy the requirements of the Test Act, the City Fathers found it possible to raise very large sums by way of fines which were applied to the building of the Mansion House on the site of the old Stocks Market. Prolonged and costly litigation was necessary before the malevolent practice was recognised as unjust before the law. Allen Evans, a deacon at the Paul's Alley Baptist church and one of the Deputies became plaintiff against the City of London and in a case which went to appeal and counter appeals, received at last, from the Law Lords, judgment in his favour. No new liberties were gained in this action, only relief from further intended impositions, and extremely unjust ones at that. When satisfaction was at length gained in the promulgation of the judgment of the Lords given *seriatim*, Lord Mansfield commented, "It is now no crime for a man to say he is a dissenter; nor is it a 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".¹¹

This victory secured in the highest court in the land quickened the hopes of those still yearning for repeal. That a more liberal air was astir was demonstrated by the Catholic Relief Act of 1778 which repealed the provisions of *An Act for the further preventing the growth of popery* of 1700, by which a practising Roman Catholic could be imprisoned and dispossessed of all his property, but an act almost always honoured in the breach. The following year the Dissenters' Relief Act repealed the necessity of subscription to most of the thirty nine articles of the established church, as laid down by the Toleration Act. After 1779 a Dissenting minister who scrupled to subscribe to the required articles, could instead affirm:

I A. B., do solemnly declare, in the Presence of Almighty God, that I am a Christian and a Protestant, and as such, that I believe that the Scriptures of the Old and New Testament, as commonly received among Protestant Churches, do contain the revealed Will of God; and I do receive the same as the Rule of my Doctrine and Practice.

The sympathetic noises that some Protestant Nonconformists made on the matter of the French Revolution certainly made some of their well-wishers hesitate to support them in their endeavours for repeal. Observations of this kind in a sermon by Dr. Richard Price provoked Edmund Burke to write his *Reflections on the French Revolution* in 1789, and now opposition to the cause of Dissent hardened somewhat. A bill for repeal was introduced in 1790 but was defeated by the crushing majority of 294 to 105. In 1795 George III wrote to Lord Chief Justice Kenyon on the subject of Roman Catholic emancipation. The state of religion in Ireland was the main burden of the correspondence, but in a noteworthy paragraph the King wrote, "If the (Coronation) Oath was understood to bind the Crown not to assent to the Repeal of the Act of Uniformity in favour of Protestant Dissenters, it would seem to bind the Crown full as strongly not to assent to the Repeal of the Act of Supremacy, or the Test Act, in favour of Roman Catholics."¹² In 1807 a bill to allow Roman Catholics to receive commissions in the forces was dropped by Parliament, and George wrote on the 17th March acknowledging the action but expressing his displeasure at the thought that a later attempt to bring such a bill before Parliament might be made. He wrote, "The King therefore considers it due to himself, and consistent with the fair and upright conduct which it has and ever will be his object to observe towards everyone, to declare at once, most unequivocally, that upon this subject his sentiments can never change, that he cannot *ever* agree to any concessions to the Catholics which his confidential servants may in future propose to him, and that under these circumstances, and after what has passed, his mind cannot be at ease, unless he shall receive a *positive assurance from them, which shall effectually relieve him from all future apprehension.*"¹³ Strong words, and although the Cabinet made a rather tart rejoinder the next day, with such exchanges taking place the prospect for repeal was bleak. The King had not shown such determination to maintain the *status quo* for his Protestant Dissenting subjects, but ever since the failure in 1673 of Parliament to agree on a measure to exempt Nonconformists from the disqualifications of the Test Act, their fortunes and those of Roman Catholics had been linked together.

The place of Methodism in the struggle for repeal was necessarily confined to the closing stages. John Wesley, churchman and Tory, viewed Nonconformists with suspicion. The movement he founded at first adopted the same stance, but it was a posture that could not be long maintained. Whatever Methodism's pedigree or pretensions, many Anglicans regarded it as a new form of Dissent, and when,

around the turn of the century some fragmentation in the movement took place, it brought with it an increased awareness of its identity of interests with old Dissent. This, together with the increase that Congregationalists and Baptists particularly had enjoyed meant that the minority in the country that was on the wrong side of the Test Act was much larger than it had been in 1673 and was still growing.

Participation by Methodism found expression in the common opposition to Lord Sidmouth's bill of 1811. This would have altered the conditions laid down in the Toleration Act which allowed a Dissenting minister to be certificated. Although Lord Sidmouth claimed that Dissenters themselves would benefit from his bill, over five hundred petitions presented on the floor of the Lords said they would not, and the bill was defeated without a division. That year saw the formation by John Wilks of the Protestant Society for the Protection of Religious Liberty, many of the members of which had come to feel that the Dissenting Deputies were not as urgent in this matter as they might be. Some further encouragement came next year in the repeal of the Five Mile and Conventicle Acts.

The last phase of the struggle began in 1820. On the 26th May, William Smith, M.P. for Norwich and chairman of the Dissenting Deputies presented a petition of 100,000 signatures to the Commons, demanding repeal. It was unsuccessful. Further mobilisation of support was necessary within Dissent as well as in the country at large. At the beginning of 1827 Lord Holland and Lord John Russell were persuaded to introduce a bill for repeal, but before they could do so Canning became Prime Minister and let it be known that he would oppose the move. For this reason, Lord John Russell withdrew the bill on the 7th June, but Nonconformists made it plain that in their eyes this action was only defensible if he would agree to present it the next year and every year thereafter until it was passed. By the time the bill came before Parliament again, on the 26th February 1828, Canning had already died. Upon Lord Russell's motion that the House should go into committee to examine the question voting was 237 in favour to 193 against. That evening Government ministers met and decided to agree to repeal. In future a Protestant Dissenter taking civil or court appointment would be required only to affirm:

I A. B., do solemnly and sincerely, in the presence of God, profess, testify and declare, upon the true faith of a Christian, That I will never exercise any power, authority or influence I may possess by virtue of the office of _____ to injure or weaken the Protestant Church, as it is by law established in England, or to disturb the said Church, or the bishops and clergy of the said Church, in the possession of any rights or privileges to which such Church, or the said bishops and clergy, are or may be by law entitled.

So the Nonconformists buried the Test Act. Others still had cause for complaint. The phrase "upon the true faith of a Christian" was written into the affirmation upon the motion of the Bishop of Llandaff,

who thus saw to it that Jews, deists and atheists were still disqualified. As for the Dissenters themselves, they still had to be married in the parish church, for the disabilities they suffered under Lord Hardwicke's Marriage Act of 1753 were not redressed until 1836; they still had to pay church rates, till 1868; they still had to use the Book of Common Prayer whenever they conducted a burial service, until 1880; and, most important of all, Oxford and Cambridge were not opened to them until 1871.

Yet there was good cause for the celebration dinners of 1828. In future they were citizens as fully able to serve their country as any churchman. And they have done so. The lingering regret is that from just before the death of Milton until after the birth of Matthew Arnold England beggared herself of the abilities of some of her finest sons.

NOTES

¹ G. M. Trevelyan, *England under the Stuarts*, 1960, p. 362.

² *Calendar of State Papers Domestic, 1671*, 563. Cited in C. Gordon Bolam & Others, *The English Presbyterians*, 1968, p. 89.

³ For a full but not exhaustive account of the use Baptists made of the 1672 licences see the *Transactions of the Baptist Historical Society*, vol. 1, pp. 156-177.

⁴ David Ogg, *England in the Reign of Charles II*, 1934, vol. 1, p. 368.

⁵ Michael Foot, *The Pen and the Sword*, 1957, p. 54.

⁶ Geoffrey F. Nuttall, *The General Body of the Three Denominations. A Historical Sketch*, 1955, p. 2.

⁷ G. M. Trevelyan, *op. cit.*, p. 456.

⁸ G. M. Trevelyan, *History of England*, 1948, p. 500.

⁹ C. G. Robertson (ed.), *Select Statutes, Cases and Documents to Illustrate English Constitutional History, 1660-1832*, 1935, p. 313.

¹⁰ Geoffrey F. Nuttall (ed.), *Philip Doddridge 1702-51*, 1951, p. 18.

¹¹ Joseph Ivimey, *History of English Baptists*, 1823, vol. III, p. 285.

¹² H. Phillpotts (ed.), *Letters from His late Majesty to the late Lord Kenyon on the Coronation Oath &c.*, 1827, p. 5.

¹³ Historical Manuscripts Commission, *Dropmore*, IX, 118.

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