

**SUBSTANCE OF THE  
SPEECH OF CHARLES  
PURTON COOPER**

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Substance of the speech of Charles Purton Cooper by Charles Purton Cooper

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MY LORDS, The Defendant Wellbeloved is a Sub-Trustee or Manager of the Hospital or Almshouse founded by the Deeds of April, 1707, for the sustentation of ten poor persons.—He is also the Preacher at Saint Saviour's Gate Chapel, and, down to the time when the present information was filed, received from the Grand Trustees, under the Deeds of January, 1704, a small yearly allowance, as "a poor and godly preacher," within the meaning of the charity which they are appointed to administer. Mr. Wellbeloved has therefore the same interest in the question raised by this suit as the other Managers and Sub-Trustees of the Hospital, and he has also a further and distinct interest, inasmuch as it is sought, that this allowance, enjoyed by him for more than thirty years, may be discontinued. It is plain, then, it will be part of my duty to support the general line of defence raised by the other Defendants; and it would also appear to be part of my duty to make some remarks applicable to the peculiar interest of Mr. Wellbeloved, and the

relief specially prayed against him. This, however, has become unnecessary. My venerable client is unwilling that, in a matter of such wide concern, the time of the Court should be occupied with what may seem to relate only to himself, and my observations will therefore be directed solely to the general case, avoiding, however, as much as possible, all those portions which have been, or as I can learn, are likely to be, most dwelt upon by my learned friends who appear for the other Defendants; and avoiding them, not because they are less important,—for, on the contrary, I believe several to be infinitely more important than any parts of the case upon which I shall touch,—but because I am desirous that the Court should not be delayed by travelling with me a road with which it must already have become better acquainted than I am myself.

The Charity, which the Court is called upon to remodel upon the assertion that it has assumed a form not contemplated by its pious and benevolent foundress, was created for the benefit “ of poor and godly Preachers for the time being of Christ’s Holy Gospel, and of poor and godly Widows of such preachers, and for the encouragement and promoting of the preaching of Christ’s Holy Gospel in poor places, and for Exhibitions for educating young men designed for the Ministry of Christ’s Holy Gospel, and for relieving godly persons in distress,”—and a

preference is given to objects resident in Yorkshire and the Northern Counties. Now the great legal question that arises is, what is the meaning of these trusts, who, in short, are the "poor and godly preachers" designed to be the objects of the testatrix's bounty.

No one alleges that ministers of the Church of England were intended. It is admitted on all hands—the information states—the witnesses of the Relators prove, that by "poor and godly Preachers" was intended Dissenters from the Established Church. But the instruments creating this Charity do not point out, in express terms, any particular sect or class; and it will, as it appears to me, be requisite to consider what were the sects or classes of Dissenters prevalent in England at the time when the charity was founded, and what their respective doctrines and tenets were, before any determination can be come to as to which was the subject of Lady Hewley's care.

Now, my Lords, at the close of the 17th century, there were three principal classes or denominations of Dissenters—the Baptists, the Independents, and the Presbyterians; for I omit the Quakers, there being less reason to suppose Lady Hewley meant them than the Church of England.

1st. Of the Baptists it will be necessary for me to say little or nothing; they do not appear to join in the attempt to deprive the Presbyterians of

their participation in the Charity ; and it will be sufficient to state that this sect was divided into Particular and General Baptists, and that the former—the Particular Baptists, were excellent Trinitarians and ultra Calvinists, protected by the Toleration Act, and not subject to the penalties of the Act of 9 and 10 Will. III.

2d. I proceed then to the Independents ; and with respect to them the History of the Commonwealth informs us, that they made rapid progress in those stormy times, but “ after the Restoration,” says Mosheim in his *Ecclesiastical History*, “ their cause declined, and they fell back gradually into “ their primitive obscurity.” This learned writer adds, “ the sect still subsisted but in such a state “ of dejection and weakness as engaged them in “ 1691, under the government of King William, “ to enter into an association with the Presbyterians residing in and about London, under “ certain heads of agreement that tended to the “ maintenance of their respective institutions.”

The same statement may be found in many dissenting writers, but I cite these short passages of Mosheim, as condensing in a few words many of their pages.

It was this association of the Independents and the Presbyterians which was called the “ Happy Union.” The attempt, however, to unite the two sects permanently was unsuccessful, and in a short time the frail links that connected them



were snapped asunder, and although the Independents survived the separation, yet it was not until many years afterwards that their numbers began to increase, and they regained some of that importance which they enjoyed whilst in the sunshine of Cromwell's favour. But few and insignificant as the Independents were in Lady Hewley's time, it cannot be denied that the creed which they had adopted as the standard of their faith had not in it a tittle of Unitarianism. The confession of faith drawn up at the Savoy in 1658, shows what their leading principles were; and we find amongst them abundant proof that they had embraced the doctrines of the Trinity, of election, of original sin, and consequently of redemption.

3d. I come now to the Presbyterians; and when I use the term Presbyterian, it must be recollected that I am speaking of the Presbyterians of 1707, and not of those of the time of the Commonwealth. The Presbyterians of the days of the Commonwealth, when in possession of power, showed themselves not a whit more tolerant than the Church which they had overturned; and as it is of the greatest importance, for a correct understanding of the present case, to have a clear notion of the difference between them and the Presbyterians of Lady Hewley's time, I shall, before I attempt to describe the latter, present the Court with a picture of the denomination as it existed during the interregnum. Dr. Toulmin

in his *History of Protestant Dissenters*, cited by the Relators' witnesses, after narrating briefly the fall of the Presbyterian body upon the Restoration, proceeds to remark :—

“ The friend of religious liberty will not be disposed to weep over the fate of the Presbyterian hierarchy. While it existed, it was only a substitute of one spiritual tyranny, of one system of coercion for another. In the room of prelates, arose presbyters, or elders, as lords over God’s heritage. Laws were made for conscience ; the supposed doctrines and laws of Jesus Christ were enforced by penal sanctions, and the civil magistrate was sworn to do the worst part of the work. The Form of Directory for Worship was enforced by fines and penalties ; the use of the Common Prayer in churches, in private families, and even in the closet was forbidden. The modest and reasonable application of the Independents for indulgence and toleration was denied. The cry of the day and the Shibboleth of the dominant party was Covenant, Uniformity, and the Divine Right of Presbytery. An ordinance against blasphemy and heresy, exhibiting a long and black list of principles and tenets on which it fixed this stigma, doomed to the pains of death, without benefit of clergy, those against whom an indictment for holding any of the errors specified in the statute should be found, and who on trial did not abjure the same. It was a principle advanced in the admired Assembly’s Catechism, that the second commandment forbids the toleration of all false religion. It sufficiently, indeed, marks the spirit of the Presbyterian government, that in a vindication of it, published by the ministers and elders of London met in a provincial assembly, November 2d, 1649, the doctrine of universal toleration is represented as contrary to godliness, opening a door to liber-

tinism and profaneness, and a tenet to be rejected as slow poison."\*

These are the words of Dr. Toulmin; and although, perhaps, the picture is somewhat too deeply coloured, yet the outline, the groundwork is correct. We all know that the History of the Scotch Presbyterians is full of intolerance, and that of the English Presbyterians, when in the ascendant, exhibits the same selfish bigotry.

Let us see now what were the principles and tenets of the Presbyterians of Lady Hewley's days, and in this inquiry I am quite willing to follow the guide with which the Relators have furnished me. I shall have recourse to a work published by one of their principal witnesses, for that proof of the position which I seek to establish, that is to be found, it is true, in other books, but which I prefer to draw from a source opened to me by the Relators, as it is one to which they, at all events, cannot object that I should resort.

The old Presbyterians were principally distinguished from the other churches and sects that arose out of the Reformation by their form of ecclesiastical government. They differed, on the one hand, from the Established Church, by rejecting the order of diocesan bishops having authority to rule both the pastors of churches and the people, and on the other hand, they differed

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\* Toulmin, p. 268.