THE

## NATURE

OF

# Justice and Moral Honesty.

SHEWN IN

Two SERMONS

PREACHED AT

### WARE in Hertfordshire;

Wherein are some

#### GENERAL RULES

Laid down, that may easily be applied to

### PARTICULAR CASES,

As they may happen to arise in

# COMMONLIFE;

And the Doctrine applied, particularly, to the

CASE of Tithes and Offerings.

By the Rev. W. WEBSTER, D. D.

#### LONDON:

Printed for the Author, and Sold by W. Russell, without Temple-bar. 1754.

[Price Six-pence.]

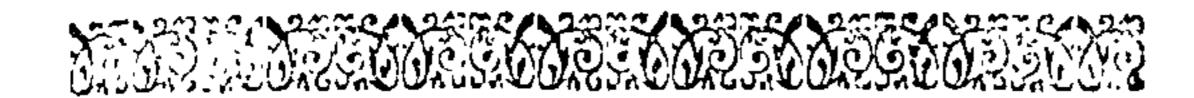
### ADVERTISEMENT

#### TOTHE

# PUBLICK.

had no Thoughts of publishing them, but only to circulate them among my Parishioners of this Town, to the State and Condition of which they were particularly adapted. But, when I revised them in Order for the Press, I could not help thinking that there are several Things that may be of more general Use. I wish, I may not be mistaken in my Opinion, or disappointed in my Hopes of doing my Brethren of the Clergy, as well as others, some little Service; but, disappointed I must be, in some Measure, unless they'll give me the Assistance of their Recommendation. The Want of Union and Zeal in promoting Things intended for publick Good has been a great Discouragement to laudable Attempts, and has hindered the Success of them when made.





# To the Inhabitants of WARE.

DEAR BRETHREN,

HE main Substance of what I here recommend to your serious Perusal was delivered to you from the Pulpit, about five Years ago, though I have since made some Alterations and Additions; I wish, I could send it with more Hopes of Success than your former Behaviour gives me Room to entertain. I have been at the Trouble of Writing, and at the Expence of Printing, and Circulating among you, several Discourses upon useful Subjects; written with all the Force of my imall Ability, and with a very fincere and affectionate Concern for your Happiness; but, I cannot fay that I have feen so good an Effect from them as I intended, and expected. However, discouraging as this has been, I have made one Attempt more; and may the Bleffing of God make it more successful than the others have been. I am sure, what I put into your Hands is greatly seasonable, and of great Concern; and you'll be very much wanting to yourselves if you do not read it with Attention and Impartiality. Let not my Freedom

### To the Inhabitants of WARE.

of Speech give you any Offence. It may be disagreeable, but it was necessary. Oil may be proper in some Cases, but an old Sore must be probed to the Bottom, the corrupted Flesh must be cut out, and Causticks applied, or there can be no Cure. If you have no Feeling, it is a certain Sign of a Mortification; and, therefore, I shall not be forry if I put you to some Pain. To me, indeed, it is not pleasant, but for you it is safe. Whatever may be the Event, it is not in your Power to deprive me of the Pleasure, or disappoint me of the Reward, of a good Intention. Though many of you have treated me as if you counted me for an Enemy, I ever was, and ever will be, with my best Wishes, and daily Prayers, for you all,

Your faithful Friend,

W. WEBSTER.



# The Nature of Justice.

#### St. MATTH. v. 6.

Blessed are they who do Hunger and Thirst after Righteousness.

N discoursing upon these Words I purpose to do three Things.

I. Settle the *Duty* to which a particular Blessing is here promised.

II. Open and explain the several Parts of it, that you may the better

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know when you put it in Practice.

III. Apply the general Doctrine to the particular Case of Tithes and Offerings.

I. I am to state and settle the Duty here en-

joined.

The Word, Righteousness, has various Acceptations in the New Testament, which has occasioned Interpreters to put very different Senses upon the Use of it in this Place. It is sometimes used in a borrowed, Law Sense; not for real, but imputed Righteousness, when a Man is cleared in Judgment, by standing upon his Vindication of himself, or plead-

ing his Pardon. This last Sense the New Testament calls the Righteousness of Faith in Christ, by which we are justified, or acquitted, before God: And, this being a proper Object of our spiritual Hunger and Thirst, several Interpreters have understood it in this Sense here, tho' it is not so used in any other Place in the sour Gospels, nor any where else, but in St. Paul's Epistles. But, for several Reasons, this Interpretation cannot be the true one. For,

Ist, It is observable, that whenever the Word, Righteousness, is used in this borrowed, Law Sense, it has always some previous, or concomitant Description added to it, from which we may know that it is determined to that Sense; such as these, the Righteousness of Faith, the Righteousness of God, or Righteousness imputed. Without something of this kind, added, by way of Explanation, the Word is

never used in this Sense.

2dly, The Doctrine of Justification had not, as yet, been preached, and therefore it is quite absurd to suppose that our Blessed Saviour should use the Word in a Sense that must, then, have been alto-

gether unintelligible to his Hearers. Besides,

3dly, This Interpretation is manifestly inconsistent with the whole Scope of the Place, it being the Drift of all the other Beatitudes to inculcate the Doctrine of Sanctification, or a new Life, as a necessary Disposition for the evangelical State. If, therefore, all the other Beatitudes are plainly to be taken in a moral Sense, why should this, differently from all the rest, be thought to relate to Matters of Faith? Is it not infinitely more reasonable to interpret this Beatitude in such a Sense as will correspond with the other seven, in correcting the erroneous Notions of his Disciples concerning the Nature of Christ's Kingdom, and the Dispositions of Mind that were necessary

necessary in order to qualify them to be Members of it?

Having shewn that the Word, Righteousness, is used in this Place in a moral Sense, the next Enquiry that offers itself, is, Whether it signifies a particular Virtue, or the Whole of our Duty? That it is used in several other Places of Scripture in a limitated Sense, signifying a particular Virtue, is certain. I shall cite only two Places; I Ep. to Tim. ch. vi. ver. II. But thou, O Man of God, follow after Righteousness, Godliness, Faith, Patience, Love, Meekness. Again, 2 Ep. ch. ii. ver. 22. Follow after Righteousness, Charity, Peace, &c. That it is used in this limited Sense here is as evident, because, as in the former Instances now cited, it stands in the List of several other particular Virtues, and therefore cannot, without the utmost Absurdity, be understood to comprehend all the Virtues of the whole moral Law, much less the whole of our Duty to God. The very learned Dr. Whithy, with many others, contend for this unlimited Sense, but in so doing I must think that they contend against the clearest Evidence. The more acute Mr. Blair, in his Exposition of our Saviour's Sermon upon the Mount, has not only confuted this Opinion, but by one Argument, drawn from the Drift and Scope of the Beatitudes, has plainly proved, not only that Righteousness here must fignify a particular Virtue, but that Justice is the Virtue which our Saviour means. Having very justly observed that the main Intent of the Beatitudes was, to correct the bad Dispositions of his Hearers in relation to the evangelical State, he takes Notice that one of their most notoriously bad Dispositions was, that they expected, by the Way of Conquest, to invade other Men's Possessions. This Temper our Saviour had corrected in another Beatitude, where B 2

he recommends Poverty of Spirit; and the Injustice of it he here blames.

This grand, evangelical Duty of Justice, the very first of all Christian Virtues, shall be the Subject of my present Discourse, because it seems, by the general Practice of the World, to be little understood,

and less regarded.

If we were to consider the Duty of Justice in the most extensive Sense of it we should include all those Virtues by which our Neighbour has any sort of Right to claim from us, or not to be injured by us, but it is more agreeable to the Drist of our Blessed Saviour's Discourse to restrain it to Money and Goods. In this limited Sense I purpose at present, principally, to consider it.

Having thus ascertained the *Duty* which I apprehend to be particularly meant in my Text, I shall proceed, according to the Method which I proposed to follow,

II. To open and explain the several Parts of it, or, in other Words, the several Ways by which you may be guilty of *Injustice*.—And here, again, they are so various that I can only lay down general Heads, under which the *Particulars* may be reduced and judged of by Persons of the most ordinary Understanding, if they do but bring with them an unbiassed Mind.

The first of these Heads is, Robbery, either by getting forceable Entrance into our Neighbour's House, and carrying away Goods or Money, or openly demanding them in the Road, or in the Street. This I mention for the Sake of Method; not suspecting, that any of you are prosligate and bold enough to be guilty of so infamous and dangerous a Vice: Supposing that a Sense of Justice would not restrain

restrain you, Shame and Fear will be a sufficient Restraint in this Case.

But there are other Ways of doing Injustice which partake of the Nature and Guilt of Robbery, tho' not of its Infamy and Danger, and which have usually one aggravating Circumstance attending it, in that the Persons who practice them have not the Plea of Necessity to mitigate their Guilt, nor any other Temptation besides an avaricious and greedy Disposition. These Persons shew a little more Modesty, and a great deal more Caution, but not a Grain

more of Honesty, than abandoned Robbers.

The first of these subordinate Robbers are Extortioners. The Word, Extortion, comes from an Original that signifies to pillage or plunder. The former make use of direct Violence, at the Peril of their own Lives, while the latter only compel by taking Advantage of the Necessities of Mankind, and demanding more for a Thing than it is really worth, because the Person can't well do without it. Of this fort, Pawn-Brokers, and common Usurers are the most infamous. To use that strong Expression of the royal Prophet, the tender Mercies of these Harpies are cruel. Under the Notion of taking Compassion of the unfortunate, they gradually devour them.

In a lower Degree, People in the Way of Trade are frequently guilty of this Vice. As for Instance. If a Set of Men in the same Way of Business agree amongst themselves to keep up the Price of any Commodity beyond what is reasonable, or what it is sold for, in other Markets, because they know that the People must, or will, buy, either to supply their Necessity, or to gratify their Palate, this is Extortion; this is a Sort of Pillage or Plunder. To convince them of the Iniquity of this Practice, I will only put another plain Case, by Way of Con-

trast. Suppose a Person, or Persons, had been at a great Expence to supply a Neighbourhood with some of the Necessaries and Conveniencies of Life, and must be great Sufferers if they have no Demand for their Goods, but the Town, taking Advantage of their Necessity to sell, enter into a Confederacy not to buy, any of that Commodity, because they can make shift without it, longer than it will keep good; I say, suppose they thus agree not to buy any of it, unless the Sellers will take less than a living Profit, the Sellers would foon be convinced, and loudly complain of such an unjust and cruel Agreement; and if they have any Conscience, this short Argument will persuade them to Act more fairly, themselves. And, therefore, in all such Cases the Buyer should put himself into the Place of the Seller, and the Seller into the Place of the Buyer, and the Golden Rule, of doing as we would be done by, would then prevent abundance of these Exorbitances in Trade and Commerce.

Monopolizers, who by the Help of early Intelligence, an overgrown Fortune, or by any other Means, engross a necessary Commodity, and sell it out upon their own extravagant Terms, such Tradesmen, whatever their Characters may be in other Respects, are no better than Pillagers and Plunderers of the Publick, and Enemies to Trade. I call that an extravagant Price which is more than the Market Price would have been had that Commodity been sold by the Merchants and Tradesmen in COMMON.

I shall mention three Sorts of Plunderers more.

of them, I could not have believed that there are Persons, professing some Regard to Justice, who can be guilty of such shameful Injustice. They look upon all those as Enemies with whom they are angry; and,

and, considering them as in a State of Hostility, they fancy, they have a Right to use them as injuriously as they please. It is in their Opinion a State of War, that will justify all the military Art.

2. These Plunderers are bad enough in all Conscience, but there is another Set, if possible, worse than even these; I mean those who take Advantage of Good Nature and Generosity, and add Ingratitude

to Injustice, by plundering their Friends

3. The last Sort are those (and many such there are) who by Force, or Stratagem, DETAIN from any one his just Dues. The Nature of the Action, the Manner of committing Injustice, is different, but the Sin is of the same Kind. For, if I take Advantage of a Person's Weakness and Incapacity to recover his Right, and resule to give it him, I do him as much open Injustice, as if I forceably took so much Money, or Goods from him. This I take to be so clear a Case, that I need not inlarge upon it, and so frequently practised, that I need not stay to give Instances of it.

The next Head of Injustice, that I shall mention, is Theft, which confifts in taking another Person's Goods, or Money, CLANDESTINELY. Like direct Robbery, this is so infamous a Crime that all, but the most abandon'd, will be asham'd, and so dangerous to the Life of the Committer of it, that all, but the most daring Offender, will be afraid to commit it. But, there are Sorts of Injustice which low and ignorant people are often guilty of, without any feeming Sense of the Nature and Guilt of the Action, and which the Injur'd seldom think worth a publick Prosecution. Such as poor People's stealing Fruit out of Gardens; Turnips, Beans, Pease, &c. out of Fields; Fish out of Ponds; and Poultry; and Servants stealing Victuals and Drink, without the KnowKnowledge, and contrary to the Orders of the Master, or Mistress. If they have not a sufficient Quantity of wholesome, necessary Food, the Law is open, there lies an Appeal to the Magistrate for Redress. If they want to live better, they are at Liberty to leave that Service and take their Chance in another. But it is not fit that Servants should judge and carve for themselves. Meat and Drink are as much the Property of the Possessian Money, or any other Goods, and taking them clandestinely, without Leave, is downright Thest. It has the Nature and Guilt of that Crime, tho' thro' Lenity it may escape the Punishment due to it by the Law of the Land.

Under this Head I shall mention but one more Instance, which is often practised; I mean, the Concealment of a just Debt from the Creditor. Whoever will deliberately do this, can have no Sense of moral Honesty, and would as readily be guilty of any other kind of Thest, if he could do it with equal

Safety to his Person and Credit.

Money and Goods are Things in which we have a Property by the Laws of our Country, and therefore the several Instances of Injustice which I have already mentioned, are Offences against human Authority, but there are many others of which we may be guilty, without the Intervention of Civil Laws, or even in Opposition to them. This may sound strangely to some of you, but the Doctrine is absolutely true, and easily prov'd. —— Justice has a Foundation in the Nature and Reason of Things, which are antecedent to human Laws, and unalterable by any human Authority. HUMAN Laws may create a Right where there was none before, but they cannot cancel antecedent Claims, founded upon the eternal Law of Natural Equity, or discharge our Conscience from the Observance of them. One

Instance

Instance will be sufficient to illustrate the Truth of this Doctrine, and the Application of it to other particular Instances will be easy. The Labourer, says St. Paul, is worthy of his Hire. Every Man's Reason must say the same Thing. No Man in his Senses ever had the Impudence to deny this plain Truth; so that if there were no positive Law to oblige in this Case, natural Equity would bind us without any, or (as I said before) in Opposition to any human Authority. For, if the Legislature should enact a Law requiring People to work for us for nothing, or without reasonable Wages, this would not discharge our Conscience from the natural Duty of rewarding every one fuitably to his Labour, his Skill, and the Advantages accruing from his Labour to the Person for whom he works.

And, as no honest Man will take Advantage of the Silence, or Unreasonableness, of human Laws, to discharge himself from the Duty of natural 'fustice, or Equity (for, in the Court of Conscience, tho' not at Westminster Hall, Justice and Equity mean the same Thing) so neither will he take Shelter under the bare Letter of the Law to screen himself from the original Intent and Meaning of it, plainly appearing; which will always bind the private Conscience of the Subject (in Opposition to any Custom that may have obtained to its Prejudice) and ought to guide those whose Office it is to explain the Laws. I repeat it, because it is a Matter of Consequence, tho' not always regarded; I do say, that the plain Intention of any Law, appearing from the Law itself, however defectively worded, is binding in Opposition to the bare Letter, or any subsequent Customs, because it is the plain Intent, and Meaning of the  $L\epsilon$ gislature, and not the strict Letter of the Law, which carries the binding Force. Indeed, where the original

original Intention of the Legislature, and consequently, the genuine Meaning of the Law, is doubtful, the Judgment of the proper Expositors may be a safe Rule of Conscience; but it cannot be, in all Cases, a sufficient and unerring one, because if it appears evidently to my Understanding that it was the original Design of the Law to bind me to pay Money (for Instance) which the authoritative Construction does not require, I do not see how That can discharge my private Conscience, tho', for the Peace and Order of Society, it may bind to my Prejudice; as, suppose, the Determination of the Courts of Law should require me to pay Money, contrary to the plain Intention of the Law and common Sense, Submission to legal Authority is absolutely necessary in Point of Conscience; but, where my private Judgment happens to be contrary to the Sentiments of the Courts of Justice, in all such Cases, my own Opinion, i. e. my own Conscience, requires the Payment of it, because no human Authority can cancel a superior, ansecedent one.

I shall now consider the Injustice of violating Contrasts and Promises, tho' they should be of such a Nature that the Law cannot, or will not, compel to a Performance of them. This is a Point of very great Consequence to private Happiness, and a Point wherein I have always found Men extremely loose, as if they imagined Contrasts to be binding only on one Side, and Promises to be binding no longer than it suits their Conveniency, or Humour, to keep them.

Contracts and Promises are of the same Nature, with only this Difference, that in all Contracts there is a double Promise, both Parties promising something; and they are, both of them, binding on the same Principle, in that both of them convey a Right to the Thing promised, or contracted sor, by Virtue

of the Promise. Suppose I contract with a Person for such a Piece of Work to be done at such a Price, by Virtue of this Contract, or Promise, I have an absolute Right (tho' not a legal one) to the Personmance of the Work, and he has, for the very same Reason, the same Right to be employed, upon the Terms agreed upon; and neither of us can be dis-

charged, without the Consent of the other.

So it is with regard to Goods, if I agree with a Person for any Thing at a fixed Price, the Seller is not at Liberty to sell it to a better Customer, because he has actually fold it to me, and given me a Right to it at the Price agreed upon. If he disappoints me. he does me Injustice. So, likewise, it is in respect to Promises. If I promise a good Office, or a Sum of Money, by Way of Present, BEFORE the Promise they were Matters of mere Favour, and I was at Liberty whether I would grant them, but after the Promise, Justice is concerned, because, as I said before, a Promise conveys a Right, and the Breach of it is a real Injury. For which Reason, all prudent Persons are cautious how they lay themselves under fuch Ties, and all Persons of Honour are as careful, when they have done it, to discharge the Obligation, tho' it should be to their own Hindrance, or Dissatisfaction. This was David's Notion of an honest Man, but many of you seem, by your Practice, to be very little acquainted with that holy Man, or to have but a slender Opinion of his Judgment.

In what I have said, concerning the Right which Covenants and Promises convey, I take it for granted, that the Matter of them is lawful, for, otherwise, they are void in course; and so are Oaths; but, wherever an Oath would bind to a Performance, a

Promise will do the same, tho' not so strongly.

But, Persons may bring themselves under the Olligation of a Promise, without making one in direct Terms. Words are the Instruments of conveying our Thoughts; and, if we only give Hints, or use any other Means, whereby we give any one Reason to believe, that we intend to do a Thing, it is the fame Thing, to all Intents and Purposes, as if we made the most absolute Promise, because the same Expellations are raised, the same Uneasiness arises from the Disappointment, and consequently the same Injury is done. This insincere Trafick is not confined to Courrs; for, the lowest bred People can imitate, if not equal, the highest, in their Hypocrist, tho' not in their Politeness. This I mention because I have often observed that your SHREWD ones, when they have a Design to serve a Turn upon any one, by Way of Inducement will give Hopes of great Services in Return, but, afterwards make a Jest of him for his Credulity and Folly, and express great Surprize that he should entertain any such Expectations.

All Trusts partake of the Nature of Contracts and Promises. Suppose, I desire a Person, of whom I entertain a good Opinion, to undertake the Management of an Assair of mine, and he accepts of the Commission, the very Acceptance implies a Premise to discharge it punctually and faithfully, whatever Trouble it may give him. Before the Acceptance of the Trust he was at Liberty to resuse, but afterwards, by Virtue of his Acceptance, I acquire a Right to his best Skill and Care in the Discharge of it, and he cannot honestly free himself without my Consent.

There are Trusts of a subordinate Kind in the Way of Trade. Suppose, I bespeak Goods of any Kind, or buy them when made, leaving it intirely to the Honour and Honesty of the Tradesman to supply me with what would answer my Purpose, if, after

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fuch a Confidence, he imposes upon me, sends me what he knew would not suit, or please me, and take the Price of a good Commodity for a bad one, he is not only a Knave in cheating me, but his Knavery is aggravated by the most dishonourable Treachery in betraying a Trust! I shall say no more upon this Head, than to desire you to recollect your Dealings, and judge of them by the Rule which I have laid down. If any of you must be condemned, I chuse that your own Hearts should condemn you, and make you blush in secret. If you be past Blushing.

ing, you are past Reforming.

This leads me to consider a very wicked Notion, which, to my Knowledge, is too current among you. Whatever your Practice may be, you scruple not to own, that when a Person confides in your Honour, it is most shameful to deceive him; but, that if he trusts to his own Judgment, this leaves you at Liberty to make as good a Bargain as ever you can; that is, to cheat him as much as ever you can. Where you met with this Doctrine, I am at a loss to imagine, unless it were in the Dictates of a corrupt Heart. Christianity, and natural Justice teach you better Things; They teach you to deal fairly with every Body; to take no Advantage of the Ignorance of others; and a Man is not one Jot the less ignorant for being conceited, or the less intitled to common Honesty. I'll put a Case that, I think, will clear the Matter beyond Dispute. A Person comes to take a Sum of Money, owns frankly that he does not know good Money from bad, and depends intirely upon your Honour for not imposing upon him. This Point is already settled and agreed between us. But, next comes a conceited Coxcomb. who knows as little of the Matter as the other, but affects the Critic, examines all the Pieces, felf,

felf, with wondrous Accuracy. Notwithstanding his great Opinion of himself, you find out his Ignorance, and slip some bad Guineas into the Payment, which he accepts. In this Case you may fancy yourself to be very shrewd and cunning, but all honest Men will judge you to be a very great Knave, at the Expence of but a small Share of Understanding.

This Case will help to settle all the Variety of Cases that occur in Trade, relating to the Concealment of the Defects of any Commodity, where the Buyer has not Skill enough to discover them, and to fell it for a Thing perfectly good in its kind. Reduce all such Goods to Coin. Suppose them to be so many Pieces of Money, so many Guineas, which you are going to dispose of in Payment. You know some of them to be very defective in Weight or Metal. The Question (if such a Point can ever be brought into Question) is, Whether it be lawful to conceal this Defect, and pay them away for good Money? A Person that should be known to practise fuch Frauds, DESIGNEDLY, would be liable to a publick Prosecution. Now, let any Man, if he can, shew me the Difference, in Point of Honesty, between imposing upon a Customer, by concealing from him the Defects of Coin, and the Defects of any other Goods, whatsoever.

This brings to my Memory a fophistical Distinction by which a Tradesman made his Conscience quite easy in cheating me.—I bought some Goods of him which were very good. In a little Time I sent for some more of the same Sort, for which he took the same Price as I paid him for the former. When I came to examine my Bargain, I sound he had sent me a very defective Commodity, not worth half the Money. Upon this I went and expostulated with him, but could have no Remedy. He said, that if

it were not so good as what I had before, it cost him as much, and he would not make any Abatement. This is the old Story. If I take a Piece of bad Money, I may, if I can, pay it away for good, because I took it as such.

I ask any indifferent Person whether it would not have been more agreeable to Reason to have returned those defective Goods, or to have demanded a proper Abatement from his Correspondent, than to put them off upon his Customer. A Tradesman might as reasonably expect a Customer to pay all his bad Debts, as to make good all his bad Bargains.

What I have said concerning the Dishonesty of concealing from a Customer any Defects in his Goods I apprehend to be so plain, that it needs not the Sanction of any Authority, but I shall cite the Opinion of the greatest Christian Preacher, and the greatest Heathen Moralist, that ever lived. The first of them is Archbishop Tillotson, who delivers his Opinion in the following Words.

Impose upon no Man's Ignorance, or Unskil-

FULNESS.

The Roman Orator, Tully, fays the same Thing. The Buyer should not be left ignorant of any Thing that the SELLER knows, i.e. concerning the Faults of his Goods \*. I must here relate one Fact (which I had from one who knew the Truth of it.) A Person not much acquainted with Things of that Nature, went to Market, and was so infamously cheated that some of his Neighbours expostulated with the Tradesman for imposing upon him in so shameful a Manner. To which he very HONEST-

<sup>\*</sup> See the Life of Archbishop Tillotson by Dr. Birch, **P.** 460, 461.

Ly replied, in the Sincerity of his Heart, Why did they fend a Fool to Market? Why, truely, it might have been better if the Person had been a little wiser; however, the Fool might have fared very well if he had not fallen into the Hands of a Knave. But, I fear, this honest Man spoke the real Sentiments of many of his Brethren.

To make flight and defective Goods for publick Sale, because they can make them cheap, and get so much the more by them, this cannot properly be called a Fraud, like the Concealment of Desects, but it is an Imposition upon the Publick, and a Piece of

open Injustice.

It is impossible for me, or any one else, to settle the Price of Goods, or the Profits of every Man's Trade, but there are some general Rules which will guide the Conscience of any honest Man. Variation of Circumstances will alter the real Value, and the reasonable Price of Goods; but, whether in a Time of Plenty, or Scarcity, there is usually such a Thing as a Market Price: By which I do not mean the Price which any Commodity may happen to bear in a particular Town (because that may be raised, or kept up, by a knavish Confederacy of the Trade) but, the general Price which it bears in the Neighbouring Towns, of which no Tradesman, of any Dealings, can plead Ignorance. Thus with Regard to the Profits which a Tradesman may lawfully get in any Commodity that he makes, provided he makes it good, I can only fay that there is such a Thing as a living Profit, which is reasonable. If any one asks me, What is a living Profit? I can only answer, in general, I do not mean such a Profit as will enable an ordinary Tradesman to live like a Gentleman, and grow rich, but such as will answer the necessary Expences of his Trade, and support the Family in

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such a decent Manner as is suitable to their Station in the World.

But, besides Defects in the Nature, or Quality, of Goods, there are Defects in Quantity, too. These are the divers Weights and divers Measures, which Solomon pronounces to be an Abomination to the Lord; and great Reason have we to think them to be so, as they are manifest. Frauds, and Impositions. If a Person sells a bad Commodity for a good one, this is an Imposition and a Fraud; so, likewise, if he sells a Commodity that is ever so good, if he sells it for more than it contains, so much as it falls short of its due Weight, or Measure, the ignorant Customer is defrauded of so much Money; and the Crime is the very same as if the Seller had taken it clandestinely, out of a Scrutore, or a Pocket. It is not only as much an Act of Injustice, but it is a Piece of Injustice of the same Sort. I wish the Practice were as uncommon as the Sinfulness of it is apparent.

I have told you a great many disagreeable Truths, but I hope to make you some Amends by the Acceptableness of the next Article. For, tho' many of you like well enough to cheat your ignorant, or impose upon your necessitous, Neighbour in the Sale of your Goods, you would take it very much amiss if your Customers should get into your Debt, and never pay you, or not without putting you to great Expence and Trouble. This, no Doubt, is a capital AA of Injustice, and as destructive of all Trade and Commerce, as Trade and Commerce are necessary to

the Support and Happiness of Society.

Concerning Debts, I shall lay down two general Rules. The first relates to the contracting of Debts, the second, to the Payment of them.

As to the contracting of Debts, I lay down this general Rule — No Man can Honestly contract a Debt

Debt without some reasonable Ground of Hope that he shall be able, by his Industry, and the Blessing of God upon his Endeavours, to pay it. It is upon this Presumption, only, that a Man gets Credit for Goods, or Money; and if he offers to get it without any such Hope, he is guilty of a Fraud by imposing

upon the Credulity of his Neighbour.

When a Debt is contracted, Justice requires that he discharges it in a reasonable Time, if he be able. If by any unforeseen Accidents and Disappointments he be rendered incapable (which may happen to the honestest Man, especially to those who engage largely in Trade and Merchandize, or in expensive Undertakings for the Service of the Publick) he must use his best Endeavours to put himself into a Capacity of doing it, either by an Improvement of his Income, or a Reduction of his Expences. But, this general Rule is subject to some Limitations. Justice cannot oblige any Man to abridge himself of NEcessaries, neither will any Creditor, of common Humanity, desire it; unless he should be in the same Necessity, himself. But Necessaries vary, according to the different Circumstances of the Persons. What is sufficient to support a vigorous young Man in *Health*, will not be sufficient for the Support of a Man labouring under the Decays and Infirmities of Age. What is necessary for a sickly, insirm Person, is not so to a Person enjoying a sound and strong Constitution. What is necessary to a Person, who has long been habituated to a generous Way of Living, is not so to one who has always been accustomed to a spare and low Diet. What is necessary to a Man in one Station of Life, is not so in another. But the lowest Degree of Luxury, Elegancy, and pleasurable Amusements can never be considered as Necessaries in any Condition, or Station, whatever; and, therefore

Title

fore all such unnecessary Branches of Expence should immediately be lopp'd off for the Sake of doing

Justice by the Payment of Debts.

These general Rules, if honestly applied to particular Cases, as they shall happen to occur in the Course of your Trade and Business, or in the common Intercourse of Life, may, I hope, be found sufficient to direct your Consciences.

III. According to my proposed Method, I must now, in the third Place, beg your patient and candid Attention, while I apply what has been faid in general to the particular Case of Tithes and Offerings. I know not how it has happened, but, among many other Hardships, peculiar to the Clergy, this is one, that, while all other People are allowed the Liberty of defending their Rights and Privileges, it is thought indecent in the Clergy to assert theirs. But, SELF-DEFENCE is not only a Right which belongs to them in common with all the rest of Mankind, but in this Case it is a necessary Duty. Their Silence is not only a false, but criminal Modesty. They are not only meanly wanting to their own Interests, but, in my Opinion, negligent in the Discharge of their ministerial Function, as Teachers and Guides. They are as much wanting to their People, as they are to Themsclves. They suffer them to be guilty of a more complicated Piece of Injustice than any other can be (because it is Injustice done to God as well as Man) without explaining the Nature, and setting forth the Danger of it.

I shall first consider the Case of Tithes. This Part of the Clergy's Maintenance is converted into Property by civil Authority. The Tithes belonging to any Living are the real Estate of the Incumbent for the time being; and he has as incontestable a

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Title to them as any other Man can have to an Estate which he purchaces, or inherits. His Title is more antient. It was at first settled with more circumstances of Solemnity; not only by the Authority of the King, Lords, and Commons, but with the formal Consent of the next Heirs of the Possessors of the Estates, the Tithes, or tenth Part of the Product of which were then settled upon the Church. How is it possible for any Title to an Estate to be clearer, and fuller? It is possible for any Person to have a more absolute and indisputable Property in any Thing than the Clergy have in their Tithes? How then comes it to pass, that it should be thought such a trifling Matter to deprive a Clergyman of his Tithe, either by Force, or Fraud, while they think it so criminal to be guilty of any other Robbery, or Theft. If it be Robbery, forceably to dispossess any Layman of any Part of his Property, it is equally a ROBBERY in a Layman to disposses a Clergyman of his Tithe. If it be THEFT, clandestinely to take, or keep, a Sum of Money, or Goods, belonging to a Layman, it must be equally Thest in any Layman to conceal, and clandestinely keep back, Tithe, which the Person knows to be the Property of the Incumbent. I am now putting it, not on the Foot of Religion, but common Honesty, and the established Principles of civil Society, to which all of you will readily subscribe, when you are to reap any Benefit from them. But, what Title have you to the Protection of the Laws of your Country, unless you submit to them, yourselves, as well as expect Submission from others in the same Cases. If you deny the Obligation to be mutual, you declare yourselves Out-Laws, disqualified for Society. Here I venture to rest this Matter, it being, I think, too plain to be made plainer by any farther Enlargement. But, There

There is another Point relating to Tithes, considered as the Clergy's Property, that is very clear to my Apprehension, but will not so readily be agreed to. However, I shall State the Case fairly, and assign my Reasons with great Deserence to better

Judges.

Tithes are not only the Property of the Clergy, as much as any Gentleman's Estate is his Property, but it is a Property unalienable, by any other Authority than that of the Legislature. A Gentleman, with the Consent of the next Heir, can cut off an Entail, and give his Estate to whom, and in what Manner he pleases; but a Clergyman can have no such Consent from his Successors, and therefore can have no fuch Power to give away any Part of his Tithe. I shall easily be understood to mean those Exemptions and Modusses, which owed their Rise to the wicked, or weak, Consent of the then Incumbents, and have, now, obtained all the Sanction that Cuftom and the Authority of the Courts can give them; but, I humbly hope for Forgiveness, if I observe that what is absolutely wrong in itself can never be made right by Custom, or any Determinations of a Court: Tho' the Determinations of those who are appointed to interpret the Law may bind to a Submission, they can never destroy the plain Intent and Meaning of a Law, or the Obligation arising from it. There can be no Dispute whether it be the plain Intent and Meaning of the Law relating to Tithes, that all Land, and whatever else is specified in the Law, should be Titheable; and therefore as long as that orignal Law stands unrepealed by the same Authority which enacted it, and the Intent and Meaning of it continues to be plain, it is not in the Power of Interpreters to discharge the Consciences of the Pcople from their Obligation to observe it. If Interpreters

of a Law have a Power by their Interpretations, to destroy the plain Intent and Meaning, and to alter the very Nature, of it, they cease to be Interpreters, and are become Legislators. This is not explaining a Law, but making a new one destructive of the old, which they have no Authority to do. I shall illustrate this Matter by a similar Case.—The Clergy are the appointed, but not infallible, Interpreters of God's Word. Suppose, then, that any of their Interpretations should explain away the plain Intent and Meaning of any Part of the moral Law, and allow the People Liberties that God never intended to allow them, I ask any one, whether such Interpretations, tho' they should have obtained all the Sanction that all the Councils and Convocations that ever were held since the Beginning of Christianity, would destroy the Force of the Law, and justify the Consciences of Christians in taking those prohibited Liberties, allowed them by the Clergy. The Case of Exemptions and Modusses is exactly parallel. The Law of Tithe is plain and full, without any Exceptions whatsoever. By Virtue of this universal, unlimited, Law, the Clergy have an absolute Right to whatever is plainly made Titheable by the Law; what Authority, therefore, less than that which enacted the Law, i. e. the Legislature, can destroy that Right, and discharge the *People* from their Obligation to pay the Clergy what the Law has plainly given them? The Case is so much the clearer from the Nature of the Law, inasmuch as Length of Time can make no Alteration in it, or make the Clergy's Right any way disputable like other litigated Titles. The same Reasons upon which the Law was originally sounded Hill subsist, and ever will subsist. It is as reasonable now, as it was a hundred Years ago, that whatever the Law at first made Titheable should continue

to be so, without any Exceptions. And, with regard to the Person intitled to the Tithe, it is the plainest Law that ever was made, and the least liable to Litigation. In order to prove his Title, a Clergyman has in Reason nothing else to do than to shew that such a Thing is made Titheable by the original Law of Tithe, and that he is the rightful Incumbent, and his Title follows in course. For which Reason, I was very much furprized, some Time ago, when I heard of an Intention to bring a Bill into Parliament that should oblige the Incumbent to prove, that such a Piece of Land, or such a Thing, had actaully paid Tithe within a certain limited Time. The Intent of which Bill could be no other than to establish Injustice by a Law. The Incumbent had been deprived of his Right for many Years, and therefore he ought to be deprived of it for ever. But, the House of Commons was too Honourable to give Countenance to fuch an iniquitous Scheme.

Perhaps, it may be urged, that, tho' the Legislature has not actually repealed the Law of Tithe, some Parts of it are become obsolete. I can have no Conception of an Act of Parliament's being taken with a dead Palsy on one Side, or in a particular Limb. It must all live or die together. Neither do I conceive how a Law, granting Rights and Privileges to a Succession of Men, can grow obsolete. I can easily conceive, that a Charter may be forfeited by a Nonobservance of the Conditions upon which it was granted; and I can as easily conceive, that had the Tithes been granted conditionally, whenever those Conditions are violated, the Right of Tithes would be forfeited like a Charter; but, I never heard of any such Conditions, and should be thankful for the Sight of so great a Curiosity.

It may be farther urged, that if what I advance be true, the Consequence will be, that personal Tithe is still due, tho' never paid. I have spoken largely to this Argument in my Book upon Tithe; at present, I shall only say, that I have nothing to do with Consequences. Is what I advance just, or is it not? This is the only pertinent Question. If it be just, let those look to the Consequence who enjoy such large Incomes out of Trades and Professions, and perhaps pay no Tithe at all. If they think themselves indebted to God (as most certainly they are) they have Opportunities of paying Part of their Debt, by relieving necessitous Clergymen, and doing many other Acts of Piety and Charity.

What the Gentlemen of the long Robe will think of my Sentiments, I know not. This I promise them, that if any one of them will enter into the Rationale of the Law, and the Source of our Obligation, to obey it, and from thence prove, that I am in an Error, I will most heartily thank him for undeceiving me, and most readily take Shame to myself by a publick Acknowledgement of it. But, I am so very sincere, and so well assured, in this Matter,

that I should be under no Fear. if I were obliged to defend my Doctrine at the peril of my Life.

While I am talking with so much Freedom of the

Power and Authority of our Courts of Judicature, (for which no Man has an higher Esteem) it would be great Injustice to those venerable Persons who preside in the Court where the Clergy's Rights are generally determined, if I did not congratulate my Brethren upon their Felicity in seeing that honourable Bench so honourably fill'd; by Gentlemen, who have a true Sense of Religion, and who, from Principle, and Inclination, will always be Friends to the Clergy, as far as shall be consistent with Justice to the Laity.

This

This I speak in a great Measure, from a personal

Knowledge of them.

There is another Part of the Clergy's Maintenance besides Tithe, in which they have a Property, tho', through Ignorance, you look upon it to be a voluntary Contribution. So much a Head for every Person in a Family, of the Age of Sixteen, is due to the Minister of the Parish, in common Right, from the Master of the Family; and is recoverable by a Billin the Exchequer. In so large a Parish as this is, the Payment of Easter Offerings (for I speak not now of the Contribution for the Afternoon Sermon) would amount to a considerable Sum. From those who contribute more, towards the Support of the Lecture, than their Easter Offerings would amount to, I ought not to expect any Thing, having voluntarily given my Due to that Use; but, there are several Families that have never paid me any Thing during the tourteen Years that I have been here. Should I (and why should I not, unless they will pay it of their own Accord) file a Bill in the Exchequer to recover all my Arrears, and oblige them to pay regularly for the future, or contribute to the Afternoon Sermon, a most violent Clamour would be raised against me, as there lately was, only for employing an Attorney to write to some Delinquents for the Payment of Tithe that had been due several Years, tho' I had applied to them very civilly, to no Purpose. But, what an unreasonable, cruel Hardship is this upon the Clergy, they must either give up their Rights and their Bread, or lose the good Opinion, and good Will of their Pcople! And where is the common Honesty of those, who put them under this Difficulty! In the same Circumstances the Laity are not abused for doing themselves Justice. I must tell you a remarkable Case that happened last Year, and shews monstrous Ig-E rance

norance and Partiality against the Clergy. I got a Justice's Warrant (with the Approbation of the Person) to distrain upon a Quaker for Tithe, that I might not put him to the Charge of a Bill in the Exchequer, and some mighty good Sort of People made a Conscience of buying those Goods of me, because they were taken from the poor Quaker, as if they were stolen from him. This Method is not an Hardship upon the Quakers, but an Act of Indulgence, and good Nature in the Clergy, for, they can recover their Right in a shorter Way, without giving themselves, or any Body else, Trouble; and the Service is done, not to the Clergy, but to the Quakers.

I have hitherto considered the Injustice of depriving the Clergy of their Property. But in the former Part of these Discourses, I observed, that there may be Rights where there is no Property. For, Property is the Creature of civil Authority, whereas there are Rights founded upon the eternal and immutable Laws of Reason, which all reasonable Beings are obliged to obey. I instanced, in the Case cited by St. Paul, The Labourer is worthy of his Hire. If, then, a Clergyman does Duty for which the Laws of the Land have provided no Maintenance, and the People receive the Benefit of his Labour, they are bound in Conscience to give him a proper Reward. This is due by the Law of Nature. This is so obvious to common Sense, and would be so readily allowed if applied to any other Business, that it feems unaccountable how Persons, who would be very angry if their *Honesty* were called in Question, can reconcile it to any Principles of Justice and Equity, to attend upon the Services of the Church, either in Person, or by their Families, and, yet, refuse to contribute towards its Support.

But, if we consider the People as Christians, there is a positive Law of God enjoining it; and surely the Laws of God are as binding upon all Christians, as the Law of Nature is upon all Men, or the Law of

the Land upon all Subjects.

You must have heard that the Jewish Clergy had a Maintenance appointed them by God; that these Tithes and Offerings he looked upon as belonging to himself, and that he, not the People, gave them to the Priests, his immediate Servants who waited at his Altar, and that the Non-payment of them he confidered as robbing him. To refresh your Memories, I shall cite you a Passage out of the Prophet, Malachi, ch. iii. ver. 8. &c. "Will a Man rob God? "Yet ye have robbed me: But ye say, wherein have we robbed thee? in Tithes and Offerings. Ye are cursed with a Curse (a very strong Expresse sion) for ye have robbed me, even this whole Nation. Bring ye all the Tithes into the Storehouse, and prove me now herewith, saith the "Lord of Hosts, if I will not open you the Windows of Heaven, and pour you out a Bleffing that there shall not be Room enough to receive "it." This is another Expression as strong as can be conceived \*.

How

<sup>\*</sup> There being a great deal of Duty in this Parish (and a considerable Part of it extraordinary Duty, introduced by myself, without any Consideration, desired, expected, or ever received) the great Tithes alienated, and the Surplice Fees much lower than in any other Place in the Neighbourhood, about eight Years ago I proposed to get a new Table of Fees, which would have been a great Help to the Minister, and no Burden upon the Parish. I applied to some warm Advocates for the Church; their Answer

How it stands under the Gospel, St. Paul will inform you. I Ep. to the Cor. ch. ix. ver. 13, 14. "Do you not know that they who minister about " holy Things, live of the Sacrifice, and they who "wait at the Altar are Partakers with the Altar; " even so hath the Lord also ordained, that they "who Preach the Gospel, should live of the Gose pel." An honourable Maintenance is as much the Appointment of God under the Christian, as it was under the Jewish Dispensation, and the Tithes and Offerings do as peculiarly belong to God now, as they did then, and therefore to withhold them, is as much robbing of him; and the Christian Priesthood being much more honourable than the Jewish, and the Administration of the Word and Sacraments of Christ more advantageous to the People, the Sin must, at least, be equal. The Robbery of God, and the Injustice done to the Christian Clergy by depriving them of their Hire appointed by God, are the same.

Answer was, they would not bring upon themselves the Curses of the People. These Sticklers for the Church were very unfortunate in never having seen, or heard of this Passage of the Frophet; for, if they had, it might have given them a more CHRISTIAN Way of Thinking, and better Notions of common Justice. I had the more Reason to expect a chearful Compliance with my Request, as I had not only given them Monthly Sacraments, and Daily Prayers, but contributed largely (for the Parish is obliged to pay me Easter Offerings, whether there be any Lecture or not) towards the Support of the Afternoon Sermon, which the Law does not require from me. I intend to make a second Attempt, and take this Opportunity to declare, that I do not mean it as any Benefit to myself, but only as an Augmentation to my Curate's Income, that it may always be an Encouragement to a Gentleman of Character to do Justice to my Parishioners.

Does

Does God forseit his Right to a decent Support of his Worship? Do the Glergy forseit their Right to an honourable Maintenance, whenever the People shall take it into their Heads to dislike their Minister, or to disapprove of his political Principles, or of any Part of his Behaviour towards them. Let a Gentleman tell me whether he forseits his Rent whenever his Behaviour does not please his Tenant. Upon a Subject so disagreeable to myself as well as to you, I shall add no more than this.

It is an Insult upon common Sense to pretend sincerely to believe Christianity, and yet entertain a mean Opinion of the ministerial Function, and the Benefits of our Administrations. Is it an Honour to be employed by an earthly Prince in any Office of Importance to his Government, and the Welfare of his Subjects? And shall it be deemed a disreputable Employment to officiate under the Creator and Saviour of the World, in Matters relating to his Spiritual Kingdom, and the eternal Salvation of Mankind? To be employed with Angels and Archangels in ministring to those who shall be Heirs with Christ in his Heavenly Kingdom? Are ye so respectful and thankful to those who are the Instruments of any temporal Advantages? And is there no Respect, no Gratitude due to those, whom the blessed Jesus uses as the Instruments of conveying to Mankind the greatest Blessings that human Nature is capable of receiving? This is the Argument (and an unanswerable one it is) of St. Paul, If we have sown into you Spiritual Things, it is a great Matter if we should reap your worldly Things? Our Saviour has assured us, that all the Difrepect and Ingratitude shewn to the Ministers of his Word and Sacraments he takes to himself, forasmuch as it is he that has commissioned us. In Justice therefore, to your own Understandings,

as well as in Honour of your Redeemer, the Author of your Religion, either do not pretend to believe Christiany, and gravely attend upon its Ordinances, or else behave more suitably to your Faith; or you will but aggravate your Sin, and your Condemnation,

by adding Hypocrify to Irreligion.

I shall conclude with a pertinent Passage out of a learned and good Man, Mr. Bragge, the immediate Predecessor of the present worthy Incumbent of Hitchen, in this County. It is in the first Volume of his excellent Practical Discourses on the Miracles of our Blessed Saviour\*, (published in 1702.) p. 56. "It is the Custom, now, to advance every other Profession to the Height, and reward their Services with the greatest Bounty, and at the same Time to sink the Clergy to the very Bottom

of Contempt and Poverty, to lay on all the Weight

they can to keep them down, and sacrilegiously

to keep from them what the Laws both of God

" and Man, have made their Due.

No doubt, great Indifference, at least, to Religion is the Cause of this, and no Religion would

in a little Time be the Consequence, were not our Church supported, as we trust it is, by the

es Arm of God; and 'tis, indeed, his Providence

« alone that can uphold it.

<sup>\*</sup> These Discourses are not only sull of useful Instruction, but extremely entertaining. They are as ingenious as they are pious. And at a Time when there is such a general Discrelish of every Thing that is serious, nothing is so likely to captivate Attention as Books that will give Pleasure to the Imagination, while they inform the Judgment. For which Reason, I should be glad to see these Discourses reprinted.

But, those that are, in earnest, concerned for the Honour of Religion, and think themselves obliged, as far as in them lies, to support its sinking Interests, can take no better Course to do it

than to keep up the Spirits of the Clergy in these

discouraging Times, by shewing them such Coun-

tenance, and contributing in such a Manner to

"their Wants, as may raise them above Need and "Scorn, and enable them to do their Duty effec-

"tually, to God's Honour, and the People's great

" Advantage."

Happy those *People* who are blessed with such able and pious *Pastors*. Happy those *Pastors*, who have been settled amongst *People* who know how to value and reward their Merit. *Amen*.

P. S. Having made a publick Complaint of Injustice in respect to my Dues, I must do myself the Justice to tell the World what little Reason I have given for such Treatment. As to my Tithe, I have always appointed two Farmers for Ware, and two for Thundridge; who determine for their Bretheren, what every Farm shall pay as a reasonable Equivalent for the Tithe; always making it my Request to these Assessment of the Farmer. In this amicable Way we have gone on for sourteen Years, without ever having had the least Difference.

As to those People in the Town who have any Thing that is titheable, I have always trusted to their Honour for giving me a true Account. The Consequence of which Considence has been frequent discoveries of Concealments; and I expect to discover

more.

There are many Poultry bred in this Town for Sale, and, tho' I have an acknowledged Title to the

the Tithe of them, I have never made any Demand, because most of the People, who sell them, are poor; and I am tender of depriving them of any Part of a little Income. It would be natural to expect that they should now and then make me an Offer of a Fowl, by Way of Acknowledgment of my Right, but I never received any fuch Thing from above one of them, and not so much as Thanks from any of the rest. Such has been my generous Behaviour; such their ungrateful Return. Nay, I have lately been told by them, that they do not think themselves at all obliged to me, because I did no more than what I ought to do. If a Landlord should forgive a poor Tenant his Rent every Year, and should meet with such an insolent Return for his good Nature, I fancy, he would foon convince him, that it was Matter of meer Favour, and if I should take the same Course with these unthankful Wretches, nobody could wonder, or blame me.

#### F I N I S.

### BOOKS published by the same Author.

ASERMON against Popery, and a Defence of his Majesty's Title to the Crown; both published at the Time of the late Rebellion, and sold by DEPUTY CLARKE.

Three Dialogues upon Anger and Forgiveness;

sold by W. Owen near Temple Bar.

The Nature and Duty of living peaceably with all Men-and the Nature and Duty of Benevolence.

An Octavo Volume upon Prayer and the Sacraments.

An Essay on Contentment—Sold by W. Russell, at Horace's Head without Temple-Bar.