

Manuscript Evidence on the Quakers Bill of 1722

SEVERAL documents relating to the issue of affirmation by Friends in the early eighteenth century are contained in the papers of the Whig politician Charles Spencer, third Earl of Sunderland.¹ A leading member of the ministry before his death in April 1722, Sunderland continued the close relationship with William Penn begun by his father the second earl.² He was also aware of the potential for political support from the Friends available to the Whigs as the party of nonconformity and toleration.³ The evidence within Sunderland's papers for his parliamentary support of Quakerism in the months preceding his death is not great, but it does demonstrate a continuing interest in favour of the cause of this minority.

Late in 1721 legislation was introduced into Parliament entitled "An Act for granting the People called Quakers, such Forms of Affirmation or Declaration, as may remove the Difficulties which many of them lye under". The difficulty for Friends was that the declaration allowed by the statute

¹ This collection has been acquired by the British Library from Blenheim Palace. The following evidence was dispersed among the original files (in particular C 1/56 and D 1/38) but in the course of the re-arrangement of the archive by the British Library the author was able to assemble the relevant documents within Sunderland's parliamentary papers, now Additional Ms. 61,496. Quotations appear with the permission of the British Library.

² See the letter of 27 March 1718 from Hannah Penn to Sunderland, mentioning the latter's long friendship with her husband: B. L., Add. Ms. 61,647, fos. 211-v. For the second earl see: J. P. Kenyon, *Robert Spencer, Earl of Sunderland 1641-1702* (London, 1958), pp. 6-7, 186-7.

³ Friends are mentioned in several places in the Sunderland correspondence relating to the spring 1722 general election. George Lucy, a Whig parliamentary candidate in Warwickshire, produced several reports for Sunderland and the latter's agent Sute at Lincoln's Inn: B.L., Add. Ms. 61,496, fos. 84-7. To Sute he wrote:

The Quakers in this County seem a little doubtfull in concerning themselves in Elections, your mentioning something that was lately writt to encourage them to intereste them selves, if there be any such thing be pleased to communicate it to me & what places the Quakers have voted at in Elections. I suppose Buckingham shire, there are many of that sort in Warwickshire.

Tobias Jenkyns, Whig alderman of York, mayor in 1720, and member of Parliament for the city, was at this time more confident of support from the same quarter. His success depended, he wrote, upon the "old Interest of the grave People, that are very steady, of the Quakers which I believe I have to a man, and the freemen I made at the last Election": B.L., Add. Ms. 61,496.

of William III's reign was considered to be too close to an oath for their consciences to sanction. Prominent members of the Society of Friends sought the support of the government for the alteration of the affirmation, including Thomas Story who had an apparently successful meeting with Sunderland at this time.⁴ This may well explain how Sunderland came to acquire a document relating to the issue. It is an undated slip of paper without heading or signature which rehearsed the fact that a conscientious scruple remained in the minds of thousands of Quakers concerning the form of the affirmation as it then stood. A simpler declaration in the style, "I A.B. do Sincerely declare & affirm, That the Evidence I Shall give Shall be the Truth etc. Or, that I will true answer make to Such questions as the Court Shall demand of me etc." was requested.⁵

The legislation passed through the House of Commons quickly, but problems arose in January 1722 when high church elements in the upper house exerted pressure against the alteration. One important dispute arose over a petition to the Lords presented by the London clergy against the new bill. This petition was debated on 17 January and rejected.⁶ However, a minority of peers—twenty in all, both spiritual and temporal—recorded their dissenting view in a signed protest.⁷ Sunderland had been present in the House of Lords on 17 January for the vote on the clergy's petition.⁸ After its defeat he apparently considered the matter important enough to press for a committee of inquiry into its libellous authors and promoters.⁹ He was probably also instrumental in securing the vote of the House on 5 March to expunge from its records the entire protest of the twenty members.¹⁰ This

⁴ For Story's imprisonment over the year and a half up to August 1721 for not taking the affirmation, and his account of the interview with Sunderland, see his *A journal of the life of Thomas Story* (Newcastle upon Tyne, 1747), pp. 634, 753-7. This and other aspects of the passage of the 1722 act are discussed in: John Gough, *A History of the people called Quakers*, 4 vols. (Dublin, 1789-90), IV, 180-91; Herbert S. Skeats and C. S. Miall, *History of the Free Churches of England, 1688-1891* (London, 1891), p. 252; William C. Braithwaite, *The Second period of Quakerism* (London, 1919), 201-3.

⁵ B.L., Add. Ms. 61,496, fo. 61.

⁶ *Journals of the House of Lords*, XXI, 651-2.

⁷ *Ibid.*, 652.

⁸ *Ibid.*

⁹ Skeats, p. 253.

¹⁰ *Ibid.*; *Journals*, XXI, 713.

portion of the Lords' Journal, running to over three pages, is now obliterated.¹¹ Not to be outdone, the opponents of Friends proceeded to have this protest, along with the original petition of the clergy and another protest of 19 January, privately printed for wider distribution.¹² In the absence of the official transcript on the obliterated journal, the content of the 17 January protest has been generally accessible only from this partisan source. It is of some interest for its precise statement, under six points, of the reasons why the London clergy should be assisted in their criticism of Friends. The text demonstrates that an important consideration to the twenty peers was their own dislike and distrust of Quakerism, a "sect" viewed to be "already too numerous". It is worth while to note that Sunderland acquired a manuscript copy of this protest from the Lords' Journal before it was expunged.¹³ The document is a fair six page transcript of the entire proceedings including copies of the signatures. With the exceptions of spelling, punctuation, and capitalization it is exactly the same as the printed version.¹⁴ It therefore provides independent verification of the privately published text from a reliable and favourable quarter, as well as serving to demonstrate the seriousness with which Sunderland viewed the entire issue.

The bill for the form of affirmation passed in the Lords with the support of the administration to be enacted in law.¹⁵ But with Sunderland's death in April Friends lost a valuable political ally. His interest in and support for Quakerism at this time is little more than hinted at in his surviving correspondence and papers, but even these help to fill in some of the background to the passage of the 1722 act.

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¹¹ *Journals*, XXI, 652.

¹² I. *The Petition of the London-Clergy to the House of Lords, against the Quakers Bill.* II. *The Lords Protest on rejecting the said Petition.* III. *The Lords Protest against the Quakers Bill.* The copy of this contemporary four page publication, without place or date, in the British Library has been used in this study. See also Joshua Freeman, *A letter to R. Moss, T. Gooch, and the rest of the ministers who, in a late petition to the House of Lords, stiled themselves the Clergy in and about London. To which is added the copy of a paper, intitl'd: I. The petition of the London Clergy to the House of Lords, against the Quakers Bill. II. The Lords' protest on rejecting the said petition. III. The Lords protest against the Quakers Bill.* (London, 1722).

¹³ B L., Add. Ms. 61,496, fos. 52-5.

¹⁴ One exception is the reversal of the positions occupied by the names of two of the signatories, Mountjoy and Trevor.

¹⁵ 8 George I. c. 6.