

Sam: Miller.

LETTERS

ON

THE EARLY HISTORY

OF THE

PRESBYTERIAN CHURCH IN AMERICA,

ADDRESSED TO

THE LATE REV. ROBERT M. LAIRD.

BY IRVING SPENCE, ESQ.

OF SNOWHILL, MARYLAND.

WITH A

SKETCH OF THE LIFE OF THE AUTHOR,

AND A SELECTION FROM

HIS RELIGIOUS WRITINGS.

PHILADELPHIA:

HENRY PERKINS, 134 CHESTNUT STREET.

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EXTRACT 1.

"At a court held by her Majesty's wor'll. Justices of Peace for Somerset county, at Dividing Creek, the 14th day of November, in the fourth year of the Reign of our Soveragn, Lady Anne, by the Grace of God, of England, Scotland, France and Ireland, Queen, Defendr of the faith, &c. Anno Dom. 1705."

"Commissioners present were—Capt. John West, Maj. John Cornish, Mr. Tho. Newbold, Capt. John Frankland, Capt. Chas. Ballard, and Mr. Jos. Venables."

Amongst other proceedings of the Court were the following, viz :

EXTRACT 2.

"The Rev. Mr. Robert Keith and Mr. Alexander Adams, with one Mr. George McNish, before the wor'll Justices in Court sitting, did their *Petions* exhibit as followeth :

"Somerset County, sct.

"To the wor'll the Commissioners of Somerset County, the Address of the Vestry of the Parish of Coventry, Humbly sheweth—That whereas, we have

good ground to believe, that Mr. Francis Mackemy and others his assistance, are intended to addresse your worships on account of a Tolleration granted to the Dissenters, for Preaching and building meeting houses, and doing what else is incumbent on them As such, and wee duely considering the import of the matter ; humbly desire, that the whole, as to Premises, be remitted to his Excellency the Governor of this Province, and the honourable Council of State thereof, By them to be considered, ordered and determind as they shall think fitt ; And that nothing bedone in The premises untill warrant and order be obtained from them, as to the whole premises, or any part thereof. And the same presented to your worships in open Court, or to the Vestry of the said Parish, and the remnant Vestrys therein concerned. This, our humble desire, we offer without any presumption of disobedience to The Laws, whereof we find ourselves not competent Judges. May it therefore please your worps seriously to consider the matter above represented, and to grant our desire according to Justice, and your Petioners shall ever, &c.

“ Signed, per order,

“ JOHN HEATH, Pro Vestry.”

“ To the Justices of the worshipfull Court of the County of Somerset now sitting, the Petition of George McNish humbly sheweth,—That your petitioner craveth that the usual oaths according to law

tendered to, And to be taken by dissenting Ministers, and Preachers, may be tendered to yr Petitioner. And your Petitioner shall in bounden duty pray, &c.

“GEORGE McNISH.”

“The Petions aforesaid being read in Open Court, wor’ll Justices having heard and deliberately Considered the Premises on both sides, it having reference to his Exncy for result in Ecclesiastic matters, &c., he being here Representative in Chief of Church and State, Allow the said Vestry’s Petion to have its final result and determination By his said Exncy and honble Council of State as prayed for. Notwithstanding the said McNish in decent manner, Did require (he being a Dissenter from the Church of England,) that he might be dignified as by law in this County to preach, offering to take the Oaths and subscribe the Declaration. Nevertheless the wor’ll Court hath Resolved as aforesaid.”

EXTRACT 3.

“At a Court held by her Mjty’s wor’ll Justices of Peace for Somerset County, at Dividing Creek, the eighth day of January, in the fourth year of the Reigne of our Sovereign Lady Anne, by the Grace of God, of England, Scotland, France, and Ireland, Queen, Defender of the Faith, &c., Anno Domini 1705-6,—

“Commissioners present were—Capt. John West, Major John Cornish, Mr. Thos. Newbald, Captain

John Franklyne, Capt. Charles Ballard, Mr. Joseph Venables.”

Amongst other proceedings of the court were the following, viz.

EXTRACT 4.

“Then did Mr. George McNish and Mr. John Hampton their Petition exhibit before the worshipfull justices in court as followeth :

“To the worshipfull court of Somerset county, in the Province of Maryland, the petition of George McNish and John Hampton, most humbly sheweth,

“That whereas there is an Act of Parliament made in the first year of the reign of King William and Queen Mary, Instituted an Act for Exempting their Majesties Protestant subjects dissenting from the Church of England, from the penalties of sundry Laws. And whereas by the Express words of the said Law, we are required to tender to the Justices of the Peace at the General or Quarter Sessions of the County Town, parts or division where we live, to Take the Oath of Allegiance, take or subscribe the Declarations, and Declare our Approbation of, and subscribe the Articles of Religion made the thirtieth year of the reign of Queen Elizabeth, Excepting such as are Excepted in said Act ; and whereas we In a ready Compliance with said Law have already attended and tendered ourselves to take the said Oath and perform every thing required in said Law ; we do humbly tender ourselves again to your worships, as the proper Court held by the Justices of the Peace for this

County Empowered and required to administer such Oaths, and for receiving such subscriptions, as are Enjoyed in said Act of Parliament.

“ We, therefore, your Humble Petitioners pray, that by a further Consideration of sd Law, we may be admitted to do our duty in complying with said Law, which we are ready to doe, seeing all Dissenters in all her majesties Dominions have in this manner Qualified themselves; and your Petitioners as in duty bound, shall allways pray.”

“ The aforesaid petition being read, and by the wor’ll Court Considered: That whereas a petition from Coventry Parish, and another from said Macnish, was in No’ber Court last to this court preferred, and the same referred to his Exncy and honble council for result, it is this day likewise by the wor’ll Justices again ordered, that said Hampton and Macnish petition be continued till the aforsd result be returned.”

EXTRACT 5.

“ Att a Court held By her Majty’s wor’ll Justices of the Peace for Somerset County, att Dividing Creek, the 12th day of June, Anno Dom. 1706,

“ Commissioners present were—Capt. John West, Major John Cornish, Mr. Thos. Newbold, Captain John Franklyne, Captain Charles Ballard, Mr. Joseph Venables.”

Amongst other proceedings were the following, viz :—

“ This day appeared Mr. John Hampton and Mr. George Macnish, Exhibited an order from his Excellency the Governor and honourable councill for their Qualification to preach in this county, in obedience thereunto this Court did administer the Oaths appointed per Act of Parliament, to the said Hampton and McNish, who did comply therewith, and did likewise Subscribe the Declaration, whereupon this Court did allow that the aforesaid Hampton and Macnish should preach att the meeting-house near Mr. Edgar’s, the meeting-house att the head of Monocan, the meeting-house att Snowhill, and the meeting-house on Mr. Joseph Venables’s Land, as per the Desenting preachers required.”

“ By his Exncy the Governor, March the 13th, 1705—Ordered then that the worpfull Justices of Somerset County, take the Oaths of the Desenting ministers according to the Act of Parliament of the first of King Wm and Queen Mary, Exempting her Majty’s Protestant subjects from Certain penaltys, &c.

Signed per order,

W. BLADEN, Cl. Councill.

Indorst to Somerset Court.”

The foregoing extracts, taken from Liber A. B. No. 1,—one of the Record books in the office of the clerk of Somerset county court, were intended, and are believed, to be exact to a word and letter, except that in several instances, where ancient abbreviations

occur in the record, I have written the words at large. The extracts are intended to be exact in other particulars—for example—in punctuation and the use of capital letters. Some of the inaccuracies in spelling, improprieties of punctuation, and other imperfections, were most probably errors of the clerk. Perhaps it would have been better, scrupulously to have observed the abbreviations throughout this copy; or still better to have disregarded them altogether.

In the record, and of course in the extracts which I have made from it, the order of the governor that the justices of Somerset county should take the oaths of the dissenting ministers, is dated not only before the joint petition of the Rev. Messrs. Hampton and McNish, but also before the previous sole petition of Mr. McNish. The sittings of the court are chronicled in the book in regular consecutive order, so that there is no mistake, I think, as to the dates, at which the petitions were preferred. The inconsistency in dates, I therefore believe to be owing to an error of either the clerk of the council of state, or the clerk of the county, in affixing the date to the order. Instead of having been dated in 1705, it ought, I doubt not, to have been dated in 1706, or 1705-6. If so dated, time and sense perfectly agree.

The joint petition of the Rev. Messrs. Hampton and McNish, represents that *they* had *already* tendered themselves to take the oath; and that *they* tender *themselves again* for that purpose. I do not perceive that there is any minute in Liber A. B. No.

21, of Mr. Hampton's having previously attended and tendered himself to take the oath; and as the order of the court on the joint petition refers to antecedent petitions of only the vestry of Coventry parish and of Mr. McNish, and not to any of Mr. Hampton, and those petitions are on the second page, it is unlikely, I think, that there is such a minute in the book. It may be then either that the expressions in the joint petition, that have been alluded to, are somewhat loose: or that Mr. Hampton attended on the first occasion with Mr. McNish, and tendered himself orally only, and so informally, that it was not thought proper to make any minute of it; and that their cases being precisely the same in principle and circumstantially too, it was understood that one petition should try the matter. The latter surmise receives a colour of probability from the statement in the petition of the vestry of Coventry parish, that they had good ground to believe that Mr. Francis Makemie and *others* intended to address the court in relation to the act in favour of the dissenters. This probability is strengthened by the consideration that the petitioners would hardly allege to the court that there had been transactions of business before it, which nevertheless had never occurred. Perhaps this consideration strengthens probability into certainty that either on the occasion that has been adverted to, or on some other occasion subsequent to that and previous to the joint petition, the Rev. John Hampton tendered himself to the court

to take the prescribed oath, and make and subscribe the required declarations.

Or it may be after all, that there is a minute in some preceding book of Mr. Hampton's having tendered himself to take the oath, and that his petition was continued on other grounds than that assigned for continuing the petition of Mr. McNish, and the joint petition of Messrs. Hampton and McNish. I have not been able, however, as yet to find such a minute. The joint petition was preferred, no doubt, on account of delay in hearing from the governor and council, and for the purpose of urging the matter on.

RIDER HENRY WINDER.

July 22, 1835.

N. B. It might be better, if the foregoing remarks were revised and written over; but at present time for the business cannot well be spared. The comments on some expressions in the joint petition having occurred to me, I have put them down. Perhaps, however, it may be thought that they are unnecessary and superfluous.

R. H. W.

Mr. Winder, who is also assisting me in making an alphabet to the records belonging to the clerk's office, has made a full copy of the proceedings in relation to the license of the Rev. Messrs. McNish and Hampton. I have thought proper to enclose them to you, although they were intended for myself.

G. HAND.

Mr. SPENCE.