

A L E T T E R

T O T H E

Reverend SAMUEL FRINK, A.M. Rector of *Christ-
Church* Parish in Georgia,

R E L A T I N G T O

Some Fees demanded of some of his Dissenting Parishioners.

I COR. xiii. 1. Though I speak with the tongues of men, and of angels, and have not charity, I am become as sounding brass, or a tinkling cymbal. MARK ix. 51. Have salt among yourselves, and peace with one another.

Reverend Sir,

TO follow peace with all men is the duty of every Christian, but Ministers of the Gospel, by their office, are more particularly bound to study the things which make for peace. The servant of the Lord must not strive, but be gentle unto all men; a wrangling disposition is utterly unbecoming his character, and, to charge that disposition on any that are not guilty of it, though it may not give a right to recriminate, yet surely it leaves them very excusable that speak or write only in their own defence; even in the opinion of the Apostle it is not always possible to be at peace with all men; that we should do so as far as in us lies is all that is expected; and even, when we are willing to bear and forbear what may only affect our persons, and sit still under grievous aspersions, in hopes of appearing with a better advantage in some future day, there may be circumstances in which to be altogether silent may hurt a good cause, nay truth itself may be wounded through our sides, while we do not give its friends a fair opportunity to judge of its merit.

I hope I am not mistaken, Reverend Sir, when I assert there is no private or personal difference between you and me; if there should, I freely own I should be the more sorry for it, because I always maintained honourable thoughts of your kind and benevolent temper. I am sorry if you (and perhaps others with you) cannot return me the same compliment, but I can truly say I made it my study to gain your good-will ever since you became my neighbour. When you first settled in your parish you did me the honour to accept of an invitation, and I then had

an opportunity of making you a very sincere offer of my respects and services, but there has been very little intercourse between us since that time; I never had the pleasure of a single visit in return for some which, I am now afraid, I obtruded on you; and when you were lately sick, and I waited on you, I had not the happiness of being admitted; you sent your compliments by your servant to the door, and informed me you were much better. I hope I may appeal to such in this place as have known me in a ministerial character upwards of five and twenty years, that I never was a bigot. Your worthy predecessor sometimes did not think it beneath him to accept of my services, and what his opinion was of me and my conduct on his dying-bed (which often makes us view things in a truer light) some worthy gentlemen still living may possibly remember. You will excuse, Reverend Sir, my addressing you in this publick manner, when you consider you as good as forbid me to write to you on the subject in private. You write me, "*Mr. Frink is very sorry that Mr. Zubly is so troublesome to him, and is always seeking occasion to quarrel and make a disturbance in his parish.*" This is a heavy accusation; if it is grounded on the letter I took the liberty to write to you, the effect has been the very reverse from the intention, I meant to prevent a law-suit in which I expected you as party, and in which I thought to appear in behalf of a widow, my hearer. You know, Sir, such an action you have brought against us before, and it seemed to me that it could not be very honourable to ourselves, nor edifying to the generality of our hearers; that we should appear in Court against one another for the sum of three and sixpence sterling, claimed by one without any express law, and refused by the other because he would not suffer a precedent to be established to require wages where no work had been done or desired.

You indeed now tell me, "*Mr. Frink once for all tells Mr. Zubly that he does not dictate the parish sexton in those dues that belong to the sexton: the sexton has a right to take care of what belongs to himself;*" but you will recollect, Sir, that though now the blame is thrown upon the sexton, in the action formerly brought you yourself appeared in Court as plaintiff, the account for tolling the bell is made out as due to you, and you had men after your own heart, a proselyted Catechist, a Vestryman, (who served upon that jury and not before nor since) and your own Clerk, to determine the matter. I may possibly have expressed myself in your opinion too strongly against that trial, but this you take no further notice of than by calling me troublesome and contentious; a single good argument to prove the justice of such a demand would have silenced me for ever. Is it not strange, Sir, that in a free Protestant country the ringing of a bell should prove a bone of contention. I do not know which would be the greatest hardship,

Ship,

ship, the depriving us of the conveniency of a bell, which it seems is the strong inclination of the Justice that gave his charge to the jury; or the making us pay for a bell we do not desire to make any use of, and which formerly we were denied to have the use of when we would have been glad to pay for it. * When we had no bell, nor place of worship, of our own, we sometimes could hardly obtain the use of the parish bell for love or money, and now we have one of our own, it seems we are not to make use of it unless we pay a fine of three shillings and sixpence for the non-usage of your's; on what principle of reason, justice, or natural equity, this can be grounded, I am entirely ignorant, and if this claim, for which we have already been prosecuted three several times, has any foundation in reason, justice, or equity, it must be just and reasonable to make you also pay for services never performed or required; I dare say you would think this an entire alteration of the case, perhaps none but a young Star-Chamber would fix such an imposition on Protestants, and no Court of JUSTICE ever could decree a man a reward for doing nothing.

You observe, "*that Mr. Frink does not dictate to the Parish Clerk,*" but it is not long since my sexton received a message as from you not to toll our bell without first giving you notice, and I must do your sexton the justice, that, in an account brought me a very few days ago, he very readily accepted the demand for tolling the bell; no sexton before him made such a demand, and the present did not make it till he first had the sanction of a precedent under his Rector.

Upon the whole, I would willingly hope for the future you will leave people to themselves who are very unwilling to give you any disturbance. I have always been happy in a good correspondence with the gentlemen of the established Church; there never was the shadow of any uneasiness between me and the Rectors of those parishes in *Carolina* where I officiated. A good understanding between Ministers has usually a very happy effect upon hearers; it cannot be for the interest of religion to widen our differences, or "*to inculcate that Jews should have no dealings with Samaritans.*" It is an easy matter to say harsh things of any particular man or set of people; but as praises cannot make us better, so reproach undeserved cannot make us worse than we really are. You have once been a Dissenter yourself, and, for your nearest relation's sake, will not scruple to allow that men not inferior to you in any thing may be among them.

* Some time ago a parishioner was executed for murder; the Provost-Marshal, (as usual) in my hearing, ordered the bell to toll, but the bell was not tolled; it was judged the reason of this must be because the unhappy man, originally a Papist, being visited during his long confinement by nobody but a Dissenter, chose that the same should also attend him to the last; and as it must be owned he expected the Rector of the parish would also attend at least that day, and expressed his uneasiness that the passing bell should be denied him as he passed by the church to the gallows.

them still. To condemn them by wholesale, and to insinuate " that it is an equal crime to transgress the laws of the Church or the laws of the Land," " that the man that will be his own God will also be his own King," can give no great idea of the Preacher's notions of candour, charity, and Christian liberty. I should think it possible to maintain every right, and yet also to maintain a friendly intercourse with those of a different opinion. It is a pity any thing should be called a right which is an injury to another, or that any present or future incumbent of any parish should follow the precedent which so much pains are now taken to establish as a rule for the whole province. This is very different from the spirit of moderation so strongly breathing in the writings of our Episcopalian brethren in the North in favour of an *American* Bishop, for which purpose I heard it whispered a petition has been sent home from this province, and if one should come and demand all his fees with equal rigour as his inferior Clergy, it is obvious what is to expected; neither do I know any place besides this where differences are carried even to the grave, and one set of Christian Ministers have refused every invitation to assist at the funerals of their Dissenting Christian brethren or think themselves disgraced to walk in the company of a Dissenting Minister.

I should not have addressed myself to you in this publick manner if you had thought proper to pay the least regard to my private request, but while I am apprehensive that the same measures are intended against my Dissenting friends all over the province, I could not but think it necessary to inform them of the steps taken *pro & con*. in this place. I will not trouble you with a vindication of my character; we must go through evil reports as well as good reports; if we may but meet with the approbation of the only Judge that can save and condemn all will be well at last. That you may be very useful in his service now, and meet with his plaudit hereafter, is the sincere prayer of, Reverend Sir, your very humble servant.

Some LETTERS between Mr. FRINK and ZUBLY now follow.

To the Reverend Mr. FRINK.

Reverend Sir,

Jan. 10, 1770.

MY sexton informs me that *Battoon*, brought him a message as from you not to ring our bell in case of any death without giving you previous information; if you think, Sir, you have any authority over our bell or sexton, I will take it kind in you if you will let me know by a few lines on what that authority is grounded. Unless I receive a written answer from you signifying the contrary, I shall consider the whole matter as a piece of impertinence of *Battoon*, (of which indeed I think him very capable) and treat it accordingly. I am respectfully, &c.

The

MR. *Frink's* compliments wait on Mr. *Zubly*; he is sure that he never gave any direction to *Battoon* with regard to what is mentioned per letter. Mr. *Frink* is sorry to find so many in his parish busy in breeding differences, which is contrary to his nature and inclinations. He wishes Mr. *Zubly* and his family well. Jan. 10, 1770.

Mr. ZUBLY to Mr. FRINK.

MR. *Zubly's* compliments wait on Mr. *Frink*; he is very happy in Mr. *Frink's* kind answer; Mr. *Frink* must now see "who is breeding differences in the parish so contrary to Mr. *Frink's* nature and inclination," and will doubtless think his honour engaged to shew a proper resentment against the man who made bold with his name to carry an irrelevant, and, as it now appears, false message.

Perhaps an execution now said to be issued about the very thing in question is also issued without Mr. *Frink's* knowledge, and contrary to his inclination.

Mr. Z. observes, that on funerals Mr. *Frink* has no scruple to walk with Dr. -----; he therefore must have been ashamed of Mr. Z. only when he bid the Doctor and him walk alone at the funeral of the Rev. Mr. *Matthews*. Mr. Z. owns he was never used so before by any gentleman.

He is greatly obliged to Mr. *Frink* for his good wishes, and begs leave to make him a sincere tender of his respects, and of any services he may be capable of upon any occasion. Jan. 11, 1770.

This produced the following ANSWER.

MR. *Frink's* compliments to Mr. *Zubly*, and wishes that he might have an opportunity of conversing with him, as he is not perfectly acquainted with what Mr. *Zubly* drives at in the literary way.

Mr. *Frink* will be at leisure Saturday morning. Jan. 11, 1770.

Mr. Z. waited on Mr. *Frink* twice that Saturday morning, but had not the pleasure of finding him at home.

Mr. Z. to Mr. FRINK, April 2, 1770.

Reverend Sir,

ONE of my hearers, the Widow *H.* informs me there is a summons out against her for the Church bell at her late husband's funeral, which you know was made no use of upon that occasion. I was really in hopes no such demand would ever be made any more, and though you carried the cause once, I should think a victory before such a Judge, such a jury, and in such a cause, more scandalous than a defeat. I am still in hopes you will think better of it, and not suffer it to come into Court, or ever to be mentioned hereafter; it is a claim which neither justice, law, nor equity, can support. Unless you favour me with assurances

ances to the contrary, I must take it for granted you intend to go on, and wherever there is a plaintiff it is just there also should be a defendant, and it seems the greater a hardship as the fee in question is nowhere demanded neither in *Britain* nor *America*, but only in *Christ-Church* parish, *Georgia*. I am, &c.

Mr. FRINK's ANSWER follows:

MR. Frink is sorry that Mr. Zubly is so troublisome to him, and is always seeking occasion to quarrel and make a disturbance in his parrish. Mr. Frink once for all tells Mr. Zubly that he does not dictate the parrish sexton in those fees that belong to the sexton, the sexton has a right to take care of what belongs to himself; as for Mr. Frink's part, he can assure Mr. Zubly he will support his right as Rector of the parrish of *Christ-Church*. Mr. Frink expects to hear no more on the subject from Mr. Zubly.

Savannah, April 3, 1770.

To this no answer was made whatever.

But as it is now absolutely denied that the Dissenters were ever sued for or cast for a fee when the Church bell was not tolled, the following account and summons are subjoined:

1769. JOSEPH GIBBONS, Esquire, Dr.

To the Rev. Mr. FRINK.

To tooling the bell, - - - £. 0 3 6

To the ground, - - - 0 3 6

£. 0 7 0

GEORGIA, Christ-Church Parish. To any Constable of the said Parish.

Mr. Joseph Gibbons, You are hereby summoned to appear at the Court of Conscience, to be held at the Court-House in *Savannah*, on the first Thursday in May next ensuing, at ten of the clock in the forenoon, to answer a complaint entered against you by the Reverend Mr. Frink. And in case, &c. Signed J. Ottolenghe. April 12, 1769.

Mr. Frink accordingly appeared personally, and the proceedings on the said trial were published in the *Georgia Gazette*, May 10, 1769.

A REMARKABLE case having been tried last week before the Court of Conscience, which being designed as a precedent, and likely to affect numbers of people, it is thought proper to inform the publick of the issue.

Some months ago, a poor man died; the person who out of charity had taken care of him in his sickness intending to bury him without any charge to the parish, had him buried in the way of his profession as a Dissenter, the Meeting bell tolled, and the sexton of the Meeting attended.

Since that the Mate of a vessel died, who being a Presbyterian, his Captain also thought fit to have him buried in his own way.

Thereupon a suit was brought against that Captain and the other person for the following fees, being the account given in in the first case:

(7)

To tolling the bell,	-	-	-	£. 0 3 6
To the ground,	-	-	-	0 3 6
				£. 0 7 0

A law being produced the fee for the breaking of the ground was not disputed, but as to tolling the bell, it was thought no man could be entitled to wages that had done no work, so the decision was left to a jury.

The Judge, who had declared his opinion upon the merits of the cause long before the trial, upon the trial observed, that the sexton had a legal right to a fee for any burial, within the parish, whether he was desired to attend or no, and though in a private plantation. He also with his usual good manners declared, that the Dissenters had no right to the use of a bell at all, and that the Rector of the parish was to blame that he had it not pulled down.

The Judge who gave the charge was Joseph Ottolenghe, Esq. some time Catechist at Savannah.

The Jurymen were, William Ewen, Esq. Mr. Thomas Lee, and Mr. Jonathan Peat.

Mr. Ewen being a Member of the late Assembly was never known to have served before upon a jury in the Court of Conscience, and being one of the Vestry, had also previously given his judgment against the defendant.

Mr. Thomas Lee is Clerk of the Church; and those two made the majority. I need not say a verdict was given against the defendant.

It is however thought that many persons will still refuse paying people that do no work for them; and as no law obliges any person to have any bell rung at all, and Protestant Dissenters, by the charter of this province, are allowed the FREE exercise of their religion, which I think means, that they should not be taxed for it, they must still think the liberty given them by a charter is not to be taken away by such a Judge and such a Jury. And if a parish sexton is entitled to a fee for every burial, it will be a double hardship upon such parishes as are chiefly inhabited by Dissenters, such as St. Matthew's, St. John's, and St. Andrew's, parishes. And if any Justice should have a right to pick a jury of whom he is more than morally sure that they concurred with him in prejudging the matter before it comes to a hearing, a trial in that case will be worse than a mere formality.

It is also thought, that to decide such a matter is above the jurisdiction of the lowest court in the province; for though a suit for three shillings and sixpence comes properly enough within the compass of small and mean causes, yet to establish a precedent of this nature, that will be pleaded all over the province, is not a trifling matter.

It is a remark of the Earl of Clarendon, that to discountenance and suppress all bold enquirers and opposers, the Council-table and Star-chamber enlarged their jurisdiction to a vast extent, "holding (as Thucydides

said of the *Athenians*) for honourable that which pleased, and for just that which profited." An execution for the fee thus sued for is actually issued. Sufficient vouchers are at hand, that the fee for breaking the ground was never refused, though it appears now that this also has been demanded without law, and that the fees demanded have been raised very considerably within these two years on persons buried of all denominations.

As a proof of what airs some persons can give themselves, the following advertisement, which in itself is a curiosity, is added; it was stuck up on a cottage where a Dissenter had preached for some time past occasionally, and an offer of a sermon once a month it is said has since been made provided no Dissenters ever preach in the same place.

"Ænigma-----A F. Idle to be answered before

"any presume to hold forth in this place.

"Audeat nemo sine auctoritate Sanctæ Ecclesiæ Anglicanæ & permisso Paro-
"chialis R D F hos intra muros suam Hæresin intonare, non, si dixeris Ar-
"gifestem illum cujus Nomen Zeta incipit; & parte altera oublier Gallica
"Lingua Oblivisci denotat, Uzæ Judicium---alliter Deum celestesq. po-
"testates precibus meis commovebo; ut Vox tandem faucibus illi hæreat, par-
"vumque fructum inde ferat, quia nunc secundo velit mihi hujus pauperis Testi
"Clavum tenenti injurias afferre, nec bene vertat illis, ex audientibus me qui
"illum aut alium mihi & Ecclesiæ legibus latæ oppositum huc insitant non Re-
"ligionis veræ, sed dissentionis gratia. Vetat interdicat Numen Loci eorum
"Constitia prava, meaque defendat audiatque verba Pater Filius & SS.

--- Gymnastarcha."

A bill to allow Protestants Dissenters a burying-ground in the Commons of Savannau, (where Negroes bury undisturbed and unmolested by any) lately passed the Lower and miscarried in the Upper House of Assembly. Upon that occasion it has been said that the question amounted to no less than, whether the Church or Meeting should be looked upon as established by law, as though a quiet grave to the dead in a place many had a property in while living could give a Church establishment to survivors. It has also been said the dispute was, whether the Rector or the Dissenting Minister should be entitled to the fee of three and sixpence, and that that fee accordingly has been paid to the latter; but as the Gentleman who asserted these things now acknowledges that he paid nobody but the sexton, and "it is no concern of his to what use the money is applied," it is hoped he must be sensible of his mistake: That Gentleman, though he seems rather a little angry, adds, "I have only to pray God, of his infinite mercy, to cleanse the
 "thoughts of your heart, by the inspiration of his holy spirit, that you may live peaceably with
 "all mankind" I thank him for this, look upon the prayer as charitable and excellent, and, if he had not confined it to a single person, perhaps it might be still better. If any man can prove that I ever required any fee for burying, I will give him ten shillings for every shilling he may prove the receipt of; and if any man asserts what he cannot prove, with a view to make his neighbour and wellwisher appear odious, though he may not chuse to hear of it, he must allow the injured to think. People may think they are in authority to throw dirt, but no doubt every man has a right to scrape it off when it is thrown upon him.

J. J. ZUBLY.