

William Gibson

The Persecution of Thomas Emlyn, 1703–1705

Gibson, W (2006) The Persecution of Thomas Emlyn, 1703–1705. *Journal of Church and State*, 48 (3). pp. 525-539

DOI: 10.1093/jcs/48.3.525

This version is available: <http://radar.brookes.ac.uk/radar/items/66ec7372-b91a-0eba-7ea8-536f43d88fcc/1/>
Available in the RADAR: 31st January 2012

Copyright © and Moral Rights are retained by the author(s) and/ or other copyright owners. A copy can be downloaded for personal non-commercial research or study, without prior permission or charge. This item cannot be reproduced or quoted extensively from without first obtaining permission in writing from the copyright holder(s). The content must not be changed in any way or sold commercially in any format or medium without the formal permission of the copyright holders.

This document is the postprint of the journal article. Some differences between the published version and this version may remain and you are advised to consult the published version if you wish to cite from it.

The Persecution of Thomas Emlyn, 1703-1705

The passage of the Toleration Act in 1689 changed the nature of religion in England; no longer were Trinitarian dissenters outlawed and subject to criminal penalties. This was the start of a more enlightened attitude to religion that dramatically changed the way in which religious affiliation was viewed. But early in the eighteenth century the process was in its infancy and as the Convocation controversy of 1705 showed, there remained strong Anglican voices calling for the limitation, and even the abandonment, of toleration. There were also instances which showed what such an intolerant spirit could still achieve. The example of Thomas Emlyn (1663–1741) is perhaps the foremost of these, and certainly the most influential on public and religious opinion. Emlyn's treatment seemed to show the importance of the Toleration Act in the prevention of religious persecution. It also strongly influenced heterodox Anglican clergymen and Low Churchmen who expressed a growing aversion to impositions of political and civic penalties in matters of faith and who saw subscription to articles of religion as an attempt to shackle consciences.

Emlyn has also been overlooked by modern historians of the period. Jonathan Clark notes that Emlyn's prosecution was one of a 'handful' which was unavoidable.¹ *The Cambridge History of English and American Literature* asserts that 'the Arian controversy, properly so-called, does not owe anything to Emlyn.'² In fact the prosecution and punishment of Thomas Emlyn had a dramatic effect on English religion and theology. His persecution influenced the Low Churchmen who

¹ Jonathan Clark, *English Society 1660-1832*, Cambridge, 2000 (2nd Edition), p. 331.

² 'The Age of Johnson' in *The Cambridge History of English and American Literature*, vol X,

'The Persecution of Thomas Emlyn, 1703-1705' in *The Journal of Church and State*, vol. 48, 2006

determined the agenda for the Hanoverian era, and his Unitarian theology was to be a lasting influence on Anglicans and Dissenters alike. In short both the persecution of Thomas Emlyn and the spread of his ideas, like those of John Locke, are hidden influences on the eighteenth century.

Thomas Emlyn's early life did not immediately suggest that he would be a martyr for religious freedom. Emlyn was born at Stamford, Lincolnshire, on 27 May 1663, son of Silvester Emlyn who was a shopkeeper. Emlyn's father was also a Stamford borough councillor, but was removed for nonconformity in 1662. Although he was a nonconformist Emlyn's father was a churchman in practice, and friendly with Richard Cumberland, later bishop of Peterborough, who held a benefice in Stamford. Thomas was educated by the Nonconformist George Boheme, younger brother of Mauritius Bohemus, and attended the church kept by Richard Brocklesby, a Non-juror, at Folkingham. In 1678 Emlyn transferred to the dissenting academy run by an ejected minister at Sulby, Northamptonshire. Emlyn seems to have been dissatisfied with, among other things, his tutor's small library and on 20 May 1679 he was entered at Emmanuel College, Cambridge, but he never matriculated, and remained at Sulby. In 1682 he transferred to the academy of Thomas Doolittle, a noted divinity teacher, at Islington, where he acquired a distaste for precise and dogmatic theology and preached his first sermon in Doolittle's meeting-house on 19 December 1682. At Doolittle's academy Emlyn was educated alongside the next generation of leading dissenters, including Edmund Calamy, Matthew Henry and Thomas Rowe.

In 1683, without apparently having obtained any religious orders, Emlyn became domestic chaplain to the widowed countess of Donegal, a Presbyterian peeress who lived in Lincoln's Inn Fields, London. While there he witnessed the

‘The Persecution of Thomas Emlyn, 1703–1705’ in *The Journal of Church and State*, vol. 48, 2006

execution of Lord William Russell, who was widely regarded as a Protestant martyr who had opposed the succession of James, Duke of York, who was the Catholic heir of Charles II.³ In 1684 Emlyn travelled with Lady Donegal to Belfast and continued as her chaplain after her marriage to Sir William Franklin. While in Belfast Emlyn attended the parish church twice a day; and he preached at the castle in the evening when the vicar, Claudius Gilbert, came to hear him. Emlyn’s skills as a preacher were such that the local bishop gave him a license to preach, without ordination or subscription, it was said he wore a clergyman’s habit and often officiated in the parish church. Sir William Franklin offered Emlyn a living on his estate in the west of England, but Emlyn felt he could not conform to the Church of England. In May Emlyn declined an offer to minister to the Presbyterian congregation of Wood Street, Dublin. His employment by Lady Donegal lasted until 1688, when the Glorious Revolution caused many Protestants to flee from Ireland. Passing through Liverpool, he preached at St Nicholas’s, where again his skills earned him the offer of the living. In May 1689 he became chaplain to Sir Robert Rich at Rose Hall, near Beccles, Suffolk. Rich was a leading Presbyterian who led a congregation that met at nearby Lowestoft. Emlyn ministered there for about a year and a half. He was on good terms with the vicar of Lowestoft and took his people to charity sermons in the parish church. He was also friendly with an elderly Independent minister, William Manning.⁴

By Emlyn’s own account, his refusal of the livings offered to him were not influenced by any scruples ‘which he afterwards had in relation to the articles of the Trinity.’⁵ But he told his friend Joseph Boyse in Dublin in May 1688

³ *Memoirs of the Life and Writings of Mr Thomas Emlyn*, London, 1718, p. vi.

⁴ Alexander Gordon, ‘Emlyn, Thomas (1663–1741)’, rev. H. J. McLachlan, *Oxford Dictionary of National Biography*, Oxford University Press, 2004

⁵ *Memoirs of the Life and Writings of Mr Thomas Emlyn*, p. vii

'The Persecution of Thomas Emlyn, 1703-1705' in *The Journal of Church and State*, vol. 48, 2006

As for the rumour with you of my being addicted wholly to the church, it is so far true, that (as I wrote you before) I preached once every Lord's day publicly; but you did very rightly understand me, that I had my license without ordination or subscription, for I had it without any condition, and I do not intend to take Episcopal ordination, unless I could escape the subscription, or be reconciled to it, which I am not yet, nor think I shall be; but as for what concerns Lay-conformity with the church I can safely dispense with it, and do not scruple to preach either in church or meeting, both [of] which I would make one church...⁶

Subscription to the Thirty-Nine Articles of the Church of England therefore was an important concern for Emlyn, and he hoped to be able to exercise a ministry without shackling his conscience by committing himself to articles in which he did not believe.

It was Emlyn's meeting with William Manning, the Suffolk Congregational teacher and Socinian, that altered his views dramatically. They shared 'an inquisitive temper' and read William Sherlock's strident *Vindication of the Trinity*, published in 1690. Sherlock had intended to defend the orthodox doctrine of the Trinity but some concluded that Sherlock's position was closer to tri-theism. Manning took the Socinian view, largely because he doubted the pre-existence of Christ before his incarnation, but Emlyn was not yet ready to make such a move. In September 1690 Boyse renewed his invitation to Emlyn to come to Dublin, and this time Emlyn agreed. In May 1691 he was ordained in Dublin as a colleague of Joseph Boyse at Wood Street. Emlyn's talents as a preacher made him a popular minister but he carefully avoided controversy, as he wrote to Manning 'I meddle not with any but practicals in preaching, i.e. the agenda and petenda, and such only of the credenda as

⁶ *Ibid.*, p. xi.

'The Persecution of Thomas Emlyn, 1703–1705' in *The Journal of Church and State*, vol. 48, 2006

are contained in the Apostles' Creed.' He regarded 'controversial divinity' as 'men in the dark... pleased with their ingenious romances.'⁷ He was also skilled in prayer and assiduous in visiting his congregation.⁸

However, by 1697 Emlyn's doubts about the Trinity were growing and he knew they made his position in Dublin untenable; he wrote to Manning: 'I cannot hope to continue here in my present post when I have once professed [my views].'⁹ It was not an easy to decide to reveal his true beliefs. As he wrote later, the congregation was made up of 'a sober and peaceable people, not unworthy of my love, nor... wanting in any testimonies of affection and respect that I could reasonably desire or expect from them.'¹⁰ But while he considered Sabellian ideas—the idea that it was impossible to separate the persons of God—and tritheistic views, which suggested that the persons of the Trinity were separate and distinct, eventually he admitted 'I had lost the Trinity.'

What made Emlyn's worries more serious for him were that he searched the Gospels and was convinced that they supported his views. Nevertheless he carefully avoided preaching at Wood Street in such a way as would expose him to charges of insincerity or hypocrisy and did not discuss the issue in the pulpit.¹¹ But such a situation could not continue for long, and in June 1702 a member of his congregation, Dr Duncan Cummins, together with Joseph Boyse, came to Emlyn and asked him directly why he avoided any mention of the Trinity in his sermons. Emlyn felt bound to admit that he held 'that the God the Father of Jesus Christ is alone the supreme Being, and superior in excellency and authority to his son... who derives all from

⁷ *Ibid.*, p. xix.

⁸ Alexander Gordon, 'Emlyn, Thomas (1663–1741)' *ODNB*

⁹ *Memoirs of the Life and Writings of Mr Thomas Emlyn*, p. xxi.

¹⁰ *A True Narrative of the Proceedings of the Dissenting Ministers of Dublin against Mr Thomas Emlyn; and of his Prosecution in the Secular Court, and his sufferings thereupon*, London, 1719, p. 15.

¹¹ *Ibid.*, p. 16.

'The Persecution of Thomas Emlyn, 1703-1705' in *The Journal of Church and State*, vol. 48, 2006

him.'¹² He conceded the same to the congregation and recognised that he had to resign. Within a few days Emlyn had left for England, leaving his home and two young step-children in Dublin.¹³

Knowing that there was 'a great rage' in Dublin at his views, nevertheless after ten weeks in London Emlyn felt bound to return to Dublin to settle his affairs before moving permanently to London. He hoped to draw at least some of the heat from the abuse his name had attracted in Ireland, consequently in 1702 he wrote *A Humble Inquiry Into the Scripture-Account of the Lord Jesus Christ, or A Short Argument Concerning His Deity and Glory*. Emlyn hoped that, though he would not be in Dublin for long, he would at least leave behind him something which would vindicate his views.

The *Humble Inquiry* was a short work of just twenty two pages. But it was to worsen Emlyn's position by making his doubts more widely known. In it Emlyn argued that the Gospels distinguished between God and those who took the role of God, such as angels and Moses, who were sometimes described as 'god'. He argued that Christ himself acknowledged, on a number of occasions, his own subordination to God, as in the Gospel of John when Christ asked 'My God, My God, Why hast thou forsaken me?'¹⁴ This cry from the cross indicated clearly that Christ was the passive recipient of his father's plan. Emlyn argued that even the Latitudinarian Archbishop Thomas Tillotson of Canterbury and Daniel Whitby, the popular Anglican writer, had conceded that Christ did not claim equality with God.¹⁵ Emlyn listed Biblical

¹² *Ibid.*, p. 17.

¹³ Emlyn had married Hester Bury, widow of Richard Bury in 1694, but she had died in 1701, leaving Emlyn guardian of his two step-children.

¹⁴ *St John's Gospel*, ch 20, v 17

¹⁵ *A Humble Inquiry Into the Scripture-Account of the Lord Jesus Christ, or A Short Argument Concerning His Deity and Glory*, n.p., 1702, p. 5.

‘The Persecution of Thomas Emlyn, 1703-1705’ in *The Journal of Church and State*, vol. 48, 2006

quotations which suggested that Christ did not regard himself as divine.¹⁶ He argued that the Apostles Creed did not advance the divinity of Christ, and that Christ’s knowledge of the hearts of men was not a divine attribute. Emlyn agreed that God committed authority to Christ and elevated Christ as a mediator, but this also implied subordination. Even Christ’s miracles did not prove his divinity, especially as the Apostles raised men from the dead and healed the sick. Emlyn concluded that Christ was a great teacher, benefactor, lord, ruler, judge mediator and intercessor, but that he fulfilled these roles ‘by the will of the Father.’ He finished with the claim by Isaac Causabon that Trinitarianism had kept more people from embracing Christianity than any other feature.¹⁷

When they read it, members of Emlyn’s former Dublin congregation were further inflamed. Two of them, a Baptist and a Presbyterian, presented Emlyn to the Dublin Grand Jury for publishing his tract —this effectively was a complaint that the tract was a breach of the common law of blasphemy.¹⁸ A warrant was issued by Sir Richard Pyne, Lord Chief Justice of Ireland, and Emlyn was arrested with copies of the tract and thrown into Dublin gaol. He was charged with the common law offence of libel in the form of a blasphemy and denied bail before the Trinity session of the court. Emlyn’s case came to the Queen’s Bench Court in Dublin on 14 June 1703. Emlyn was told by the distinguished lawyer Sir Richard Levins that he would not be permitted to speak in his own defence, and that he would be run down ‘like a wolf without law or game.’¹⁹ Seven Church of Ireland bishops, including the archbishops of Armagh and Dublin, attended the court and sat on the bench alongside the judges.

¹⁶ For example: “Of myself I can do nothing” (*John*, ch 5, v. 30); “My Father in me does the works” (*John*, ch 14, v 10); “Why callest thou me Good? There is none Good but one, that is God.” (*Matthew*, ch 19, v 17).

¹⁷ *A Humble Inquiry...*, *op. cit.*, pp. 15-22.

¹⁸ The tract had been printed anonymously and without any details of printer and location, but it was widely-known that Emlyn was the author.

¹⁹ *A True Narrative...*, *op.cit.*, p. 26.

'The Persecution of Thomas Emlyn, 1703-1705' in *The Journal of Church and State*, vol. 48, 2006

The final charge was that Emlyn had caused to be printed 'a certain infamous and scandalous libel... in which [he] did blasphemously falsely and maliciously assert, affirm and declare... that Jesus Christ was not equal to God the Father...'²⁰ The weight of the crown evidence against him was so great that Emlyn had some difficulty in obtaining counsel but, when he did, one of his lawyers, Mr Broderick, told the Solicitor-General that he had never seen such a prosecution in all his years at the bar. Even those, like Bishop Wettenhall of Kilmore, who were well-disposed to Emlyn, did not dare openly to express their views.²¹

The trial was swiftly conducted, and at the conclusion Emlyn was denied the right to speak. When he dismissed the jury, the Lord Chief Justice was so intemperate that he stood up as he told them that if they acquitted Emlyn 'my lords the bishops were there' –presumably suggesting that the bishops would punish the jurymen if they chose the wrong verdict. When the jury took too long on their deliberations the irritated Lord Chief Justice sent to 'hasten 'em' and –though they were clearly reluctant- they returned a guilty verdict. Moreover some members of the jury, including the foreman Sir Humphrey Jervis, later visited Emlyn to express their sorrow at having convicted him.²² The Attorney-General immediately asked that Emlyn be placed in the pillory, but he was returned to gaol with the sentence to be imposed on 16 June. This was a year's imprisonment and a fine of a thousand pounds, with imprisonment to follow consecutively until the fine was paid and to provide a bond of security for good behaviour for life. The judge remitted the pillory, which would have caused Emlyn serious injury, given the mood among the public, but ordered Emlyn to walk through the Four Courts, the judicial building in Dublin, with

²⁰ *Ibid.*, p. 27.

²¹ *Ibid.*, p. 29.

²² *Ibid.*, pp. 30-32.

'The Persecution of Thomas Emlyn, 1703-1705' in *The Journal of Church and State*, vol. 48, 2006

a paper on his breast indicating his crime. It was a sentence some regarded as unduly 'very severe and cruel.'²³

Almost immediately a tract appeared in Dublin entitled *A Sober Expostulation with the Gentlemen and Citizens of Mr Emlin's Juries in Dublin...* It berated the grand jury which had indicted Emlyn and the jury which had convicted him. It confronted the jury in uncompromising tones, arguing that they knew Emlyn's character and that he had lived for twelve years among them as a pious man and pastor. It asked 'did he give any occasion to the most critical observer of him, to judge him a hypocrit, a dissembler and an ill-minded man?'²⁴ It challenged any of them to come forward with examples of his behaviour or conversation which impugned his character. It went on to claim that Anglican bishops and clergy were divided on the issue of the Trinity, citing Bishop Gilbert Burnet of Salisbury and William Sherlock as having questioned the doctrine. Had the jury been of the same mind as the University of Oxford in permitting Sherlock's book to be published, Emlyn would be free. 'If my Lord Bishop of Gloucester were to have his trial before such a jury as you... his Lordship will fall under the very same sentence.' What would such a jury make of Bishop George Bull's claim 'de subordinatione Filii ad Patrem' in his widely-admired *Defensio Fidei Nicenae*, published in 1685? Emlyn, the *Sober Expostulation* claimed, did not indicate any dishonour to Christ, and had only used Scripture to advance his views. It cited the sixth of the thirty-nine articles of the Church of England: 'that nothing ought to be required of any man as necessary to be believed but what is read in Scripture, or may be proved thereby' as the grounds for Emlyn's defence.

²³ *Ibid.*, p. 34.

²⁴ Anon., *A Sober Expostulation with the Gentlemen and Citizens of Mr Emlin's Juries in Dublin, concerning their Billa Vera and Verdict, June 14, 1703*, n.p., 1703, p. 3

'The Persecution of Thomas Emlyn, 1703-1705' in *The Journal of Church and State*, vol. 48, 2006

The author's real ire was saved for the judges, he told the jury 'I cannot much blame you Gentlemen for giving credit to the Judges that these clauses were criminal and blasphemous at Common Law, because the Judges are appointed, and it is their Duty to assist the Jury in the point of Law...' The solution was clear, the Jury should agree together to go to the judges and admit that the conviction was made as a result of 'inconsideration, ignorance and rashness' and influenced by the mob and the judges' duty was to revoke the judgement and sentence. The alternative would be that they would have 'made a precedent for the Prosecution and Ruin of most of the learned men in the two Kingdoms.'²⁵

The *Sober Expostulation* did not mitigate the judgement of the court and Emlyn was left to face his punishment. From the court he was taken to the Sheriff's gaol where he was kept in close confinement for three months, before transfer to the common gaol and then on to the Marshalsea –the latter was the sheriff's prison used for those who could not pay their debts. During Emlyn's sojourn in the "Black Dog", as the Dublin Marshalsea was known, Emlyn preached each Sunday to the confined debtors in a large room which he had hired for the purpose, at which many of his former congregation attended, although the Presbyterian ministers, with one exception, shunned him. After he had served his year's sentence, a friend, Thomas Medlicote, persuaded the Duke of Ormonde, the Lord Lieutenant of Ireland, to permit the thousand pound fine to be reduced to 100 marks. But the final indignity was that even when the fine was raised, the Primate of Ireland, Archbishop Narcissus Marsh of Armagh, demanded his right as the Queen's Almoner in Ireland to add a shilling in the pound to Emlyn's fine according to custom. He also insisted that the sum should be raised on the original fine of a thousand pounds not on the reduced fine of a 100

²⁵ *Ibid.*, pp. 1-8.

'The Persecution of Thomas Emlyn, 1703-1705' in *The Journal of Church and State*, vol. 48, 2006

marks. The time to raise this additional sum extended Emlyn's incarceration to two years and a month. He was released on 21 July 1705.

Reflecting on his suffering, Emlyn came to the view that 'the Dissenters having started the game, the church party presently joined them in pursuing it with heat and violence, and halloo'd the secular power to exert all its force in running him down...'²⁶ His prosecution was the result an alliance between Dissenters, the Church of Ireland and the State. Emlyn also felt that his treatment had been a miscarriage of justice. His complaint was that he had been denied the right to speak; the rules of evidence had not been followed; the witnesses, like Joseph Boyse, were intimidated; the law of libel had been applied to blasphemy; the jury had been threatened and the sentence was so severe as to have been illegal.²⁷

Perhaps the central feature of the prosecution was that those Dissenters to whom toleration had been extended by the Toleration Act of 1689 in England had been most fierce in their desire to prosecute Emlyn. Toleration did not appear to breed tolerance. The division in religion had shifted from Anglican vs. Dissent to orthodox Protestantism vs. heterodox Protestantism. The paradox of intolerance under the period of the Toleration Act was not lost on contemporaries. One author claimed that Emlyn's speculation about the divinity of Christ was what had antagonised the authorities.²⁸

The response to the Emlyn case caused consternation among Latitudinarian clergy in England. Benjamin Hoadly, the Low Church clergyman and later author of the Bangorian controversy, was outraged by the iniquitous treatment of Emlyn who

²⁶ *Memoirs of... Thomas Emlyn, op. cit.*, p. xxvii.

²⁷ *Ibid.*, pp. xxviii-xxxv.

²⁸ Anon., *Conscientious Nonconformity to every civil establishment of religion whatever...*, London, 1737, p. 76, which includes the line 'Did not Mr Emlyn in Dublin... feel all the influence of this Doctrine of theirs [against speculation] against Toleration?'

'The Persecution of Thomas Emlyn, 1703-1705' in *The Journal of Church and State*, vol. 48, 2006

seemed beset by universal intolerance.²⁹ And the Emlyn case stimulated Hoadly's desire to promote unity between Anglicans and Dissenters. Hoadly summed up the case: 'The Nonconformists accused him, the conformists condemned him, the secular power was called in, and the cause ended in an imprisonment and a very great fine, two methods of conviction of which the gospel is silent.' Hoadly went on 'sometimes we of the Established Church can manage a prosecution (for I will not call it a persecution) ourselves without calling in any other help. But I must do the Dissenting Protestants the justice to say that they have shown themselves upon occasion very ready to assist us in so pious and Christian a work, as bringing heretics to their right mind; being very lately come from experiencing the convincing and enlightening faculty of a dungeon or a fine...'³⁰ In this opinion Hoadly was joined by John Locke, to whom the Emlyn case was well-known.³¹

Locke's *Letter Concerning Toleration*, published in 1691 also influenced Hoadly's thinking in the Emlyn case. Religion, claimed Locke, was the business of each man's conscience, not a matter of State compulsion. Locke claimed that no man could abandon the care of his own salvation by leaving it to the choice of other people to prescribe for him what faith or worship he should embrace. 'For no man can, if he would, conform his faith to the dictates of another. All the life and power of true religion consists in the inward and full persuasion of the mind.'³² It followed for Locke and Hoadly that if faith was a matter of conscience it could not jeopardise a subject's civil rights. Locke believed that no person had the right to prejudice another person in enjoyment of his civil rights, because he was of another Church and

²⁹ For Hoadly's struggle against the strictures of the Church against sincerity of faith and conscience, see William Gibson, *Enlightenment Prelate: Benjamin Hoadly 1676-1761*, Cambridge, 2004, passim.

³⁰ Hoadly's preface to Richard Steele's *Account of the State of the Roman Catholic Religion throughout the world*, London, 1717.

³¹ H. McLachlan, *The Religious Opinions of Milton, Locke and Newton*, Manchester, 1941, p. 104.

³² J. Locke, *A Letter concerning Toleration*, Oxford, 1691, p. 43.

'The Persecution of Thomas Emlyn, 1703-1705' in *The Journal of Church and State*, vol. 48, 2006

religion. 'All the rights and franchises that belong to him as a man, or as a denison, are inviolably to be preserved to him. They are not the business of religion.' Locke held that if a Roman Catholic believed in transubstantiation 'he does no injury thereby to his neighbour.' If a Jew did not believe the New Testament to be the word of God, Locke argued, he did not alter other men's civil rights. And if a Heathen doubted both Old and New Testaments, he should not be punished as 'a pernicious citizen.' Locke argued that the power of the magistrate would be equally secure whether men believed these things or not. Hoadly, following Locke, laid down that 'the business of laws is not to provide for the truth of opinions, but for the safety and security of the commonwealth, and of every particular man's goods and persons.'³³

The author and Whig politician Richard Steele was especially horrified by the collusion between the Dublin Dissenters, the Church and State. 'This' he wrote 'hath been experienced particularly in Ireland by one who could not see exactly what they saw about the nature of Christ before his appearance in this world.'³⁴

There were some in England, however, who shared the view of the Dublin establishment. When in 1705 Emlyn left Ireland and went to London, he began preaching to a small congregation. But this 'gave great offence to divers of the high-flown clergy.' Charles Leslie, the leading Non-Juror and polemical writer, complained of Emlyn's behaviour in his newspaper *The Rehearsal*.³⁵ There was also a complaint to Archbishop Tenison, but he knew of Emlyn's character and sympathised with him over his persecution in Ireland, and chose to ignore his activities. Nevertheless concerns regarding Emlyn's preaching were raised in Convocation on 1711 and in newspaper *The Political State of Great Britain* in 1714.³⁶ In fact Emlyn

³³ John Locke, *A Letter concerning Toleration*, Oxford, 1691, passim.

³⁴ *Memoirs of... Thomas Emlyn, op. cit.*, p. xxxvii.

³⁵ *The Rehearsal*, Vol 2, no 29, 1706, n.p.

³⁶ *Memoirs of... Thomas Emlyn, op. cit.*, p. xlix.

'The Persecution of Thomas Emlyn, 1703-1705' in *The Journal of Church and State*, vol. 48, 2006

sent to Convocation a certificate of his behaviour, denying that he had preached in opposition to the doctrine of the Trinity. The certificate read:

These are to certify that during the time of my residing in London I preach'd no sermon in opposition to the Doctrine of the Trinity, or in defence of the Principles of the Unitarians; but made it my business to persuade men of Practical Religion. Nor was there anything in our worship but any Trinitarian might have join'd in, if he could be satisfied with the ancient Creed, call'd the Apostles, which we constantly repeated among us. October 20, 1711."³⁷

Perhaps aware that he had left a bond for his good behaviour, or exhausted by the complaints, Emlyn eventually gave up his congregation and retired to private life. There were also voices which endorsed the view that the Trinity was too problematic a doctrine to be considered by clergy. Daniel Whitby in his *Dissuasive from enquiring into the doctrine of the Trinity* in 1714 cited Emlyn as on one side of the argument. But he also asked 'why did the clergy of Ireland think it more adviseable to fine and imprison, than to answer Mr Emlyn? ...why did the great Mr Lesley so miserably fail in the attempt?'³⁸

Emlyn's prosecution did not just give rise to concern, in his opposition or support, but hitherto historians have tended to regard the years after his release as an anticlimax. In fact Emlyn's influence lasted well after 1705 and was central to the controversies that affected both the established Church and Dissent after 1705. Emlyn was undoubtedly one of the inspirations for one of the eighteenth century's leading Anglican Arian, Samuel Clarke. Although they only met after Clarke's *Scripture Doctrine of the Trinity* was published in 1713, the similarity of Emlyn's work to Clarke's cannot be overlooked. Both Clarke and Emlyn were careful to work through

³⁷ M. Tindal, *The Nation Vindicated*, London, 1712, p. 12.

³⁸ Daniel Whitby, *A dissuasive from enquiring into the doctrine of the Trinity: or the difficulties and discouragements which attend the study of that doctrine. In a letter to a friend*, London, 1714, p. 8.

‘The Persecution of Thomas Emlyn, 1703–1705’ in *The Journal of Church and State*, vol. 48, 2006

the Bible and find examples of references to Christ’s divinity. The similarity of method makes it probable that Clarke’s *Scripture Doctrine of the Trinity* was inspired by Emlyn.

Emlyn first became acquainted with Clarke when he read his Boyle Lectures in 1705. Emlyn immediately ‘suspected he could not be a right Athanasian.’ Eight years later, when Clarke’s *Scripture Doctrine of the Trinity* was attracting so much attention, Emlyn was invited to meet Clarke at the house of Robert Cannon. They immediately became firm friends and Emlyn was impressed by Clarke’s work. They agreed that it was right to pray by invoking Christ’s name, and Emlyn was convinced of Clarke’s sincerity and faith in what they both believed were the central tenets of Christianity. They also shared the same commemoralist view of the Eucharist. When Clarke was offered Isaac Newton’s office as Master of the Mint, Emlyn advised him against accepting it for fear he would be ‘look’d on as a German bishop, half lay-man and half priest.’ Clarke also confided to Emlyn that his refusal of so many offers of preferment in the Church was due to his scruples over subscribing to the Thirty Nine Articles of the Church.³⁹ It was this that Theophilus Lindsey felt was Emlyn’s legacy, the endeavour ‘to procure the removal of the declarations and subscriptions required in our church to its articles and liturgy.’ Indeed Clarke had shown and consulted Emlyn on his own emendations to the Book of Common Prayer.⁴⁰ Emlyn was also a strong voice with William Whiston and John Jackson —two heterodox Anglican clergy— against subscription to the Thirty Nine Articles.⁴¹

³⁹ Thomas Emlyn, *Memoirs of the Life and Sentiments of the Reverend Dr Samuel Clarke*, London, 1731, p. 73.

⁴⁰ Theophilus Lindsey, *The apology of Theophilus Lindsey, M.A. on resigning the vicarage of Catterick, Yorkshire*. London, 1774, pp. 181, 183.

⁴¹ John Sutton, *Memoirs of the Life and Writings of the late Reverend Mr John Jackson, master of Wigston’s hospital in Leicestershire...*, London, 1764, p. 75.

'The Persecution of Thomas Emlyn, 1703-1705' in *The Journal of Church and State*, vol. 48, 2006

Emlyn's shadow also fell over the Salter's Hall controversy of 1719, in which the Presbyterians and Independent congregations of England debated the issue of the need to subscribe to the doctrine of the Trinity. Indeed Emlyn's prosecution was one of the factors that stimulated enquiry into the Trinity in the Exeter dissenting academy, which was the origin of the controversy. John Fox, one of the Exeter academy students recalled that he had read Joseph Boyse's response to Emlyn's *Humble Inquiry*.

But the bare quotations which Boyse made from Emlyn, in order to answer him, seemed to strike so strongly that I began to doubt from that moment, notwithstanding my own natural prejudices... we were about five or six of us who understood one another in this affair... And from this small beginning sprang the grand quarrel and dispute at Exeter.⁴²

Whilst Emlyn's writings may have begun the controversy in Exeter which led to the Salter's Hall dispute, he was silent during the turbulent meetings. Emlyn's absence from the scene was due to the fact that Emlyn's name, even fourteen years after his release from gaol, remained too controversial: 'none of the Ministers dared venture on asking [him] to preach for them... except the ministers of the Baptism congregation at the Barbican,' who invited him to preach more than once.⁴³ But the fact that Emlyn was considered too controversial in 1719 does not show his irrelevance to the debate over subscription that the Dissenters engaged with –rather the opposite. It is clear that James Pierce, the Exeter controversialist who sparked the Arian controversy among the Dissenters, had read and digested both Emlyn and Clarke's works and sought to

⁴² John Fox, 'Memoir of Himself' quoted in C. G. Bolam, J. Goring, H. L. Short and R. Thomas, *English Presbyterians, From Elizabethan Puritanism to Modern Unitarianism*, London, 1968, pp. 155-156.

⁴³ *Memoirs of... Thomas Emlyn, op. cit.*, p. xlii.

'The Persecution of Thomas Emlyn, 1703-1705' in *The Journal of Church and State*, vol. 48, 2006

give effect to the anti-subscription principles that underlay Emlyn's work.⁴⁴

Consequently Emlyn was often included in those who were enemies of established religion. In 1722 the newspaper *Mist's Weekly Journal* included Thomas Emlyn, with the radicals James Naylor and John Toland, among those who sought the ruin of orthodox Christianity.⁴⁵

In time, Emlyn took on the role of an heroic figure for many Low Church and Dissenting theologians who supported liberty from the constraints of subscription to religious articles or liberal theological views. Hopton Haynes, the Unitarian and weigher and teller at the Mint in London, in 1747 called Emlyn 'a great champion... for he not only by his learned writings, but by his intrepid conduct under his sufferings from Protestant zealots, defended the cause of God and original Christianity against all its opposers.'⁴⁶ By 1758, when the *Protestant System* was published, which was a compendium of all the leading Protestant dissenting writers, Emlyn was included with John Abernethy, Thomas Amory, Henry Grove, Samuel Chandler and Phillip Doddridge.⁴⁷ Edward Harwood in 1772 included Emlyn with John Tillotson, Samuel Clarke, Benjamin Hoadly, Samuel Chandler and Nathaniel Lardner as those who adhered to the Gospels and the 'cause of truth and liberty.'⁴⁸ When Archdeacon Francis Blackburne accused the Church of England of repressing liberty of conscience, citing William Whiston's expulsion from his professorship Cambridge for heterodoxy, Samuel Clarke's censuring by Convocation, he added

⁴⁴ R. Thomas, 'The Non-Subscription Controversy amongst Dissenters in 1719: The Salters' Hall Debate', in *Journal of Ecclesiastical History*, vol. 4, 1953, p. 162

⁴⁵ *A Collection of Miscellany Letters, selected out of Mist's Weekly Journal*, London, 1722-27, Vol 2, p. 97.

⁴⁶ Hopton Haynes, *Causa dei contra novatores: or the religion of the Bible and the religion of the pulpit compared...* London, 1747, p. 31.

⁴⁷ *The Protestant System: Containing Discourses of the Principal Doctrines of Natural and Revealed Religion compiled from the works of the following Protestant Dissenters...*, London, 1758, 2 vols.

⁴⁸ Edward Harwood, *Five Dissertations...*, London, 1772, p. 186.

'The Persecution of Thomas Emlyn, 1703-18705' in *The Journal of Church and State*, vol. 48, 2006

'Who prosecuted Mr Emlyn in Ireland...? The dissenting clergy abetted... by some great churchmen of the established church.'⁴⁹

In America also Emlyn's predicament attracted attention; his *Humble Inquiry into the Scripture Account of Jesus Christ*, was published in Boston in 1756. The preface, written by a Boston layman, addressed the ministers of the town, in which he said that he found its teaching "to be the true, plain, unadulterated doctrine of the Gospel." He also intimated that "many of his brethren of the laity in the town and country were in sympathy with him and sincerely desirous of knowing the truth." In 1760 Dr Joseph Bellamy wrote that, "in New Hampshire Province, this party have actually, three years ago, got things so ripe that they have ventured to new model our Shorter Catechism, to alter or entirely leave out the doctrine of the Trinity, of the decrees, of our first parents being created holy, of original sin, Christ satisfying divine justice, effectual calling, justification, etc."⁵⁰ The rapid sale of Emlyn's book was regarded as the cause of this.

The lessons of the persecution of Thomas Emlyn are three-fold. Firstly it demonstrates that, despite the Toleration Act, the instinct of Church and State was to pursue and punish those whose religious views diverged from orthodoxy. When, in England, the High Churchmen bemoaned the toleration of Dissent in the Convocation controversy, it was this spirit that they embraced. The second lesson is that the instinct to oppress and to make uniform was not confined to the Church of England, indeed in the case of Emlyn the Dissenters themselves were those who sought the prosecution of Emlyn. Historians therefore need to redraw our topography of toleration. It was not a fissure that divided Anglicans from Dissenters, it was one which divided

⁴⁹ Francis Blackburne, *The Confessional: or a full and free enquiry into the right, utility, edification and success of establishing a systematic confession of faith and doctrine in Protestant churches...*, London, 1767, p. 357.

⁵⁰ George Willis Cook, *Unitarianism in America, A History of its Origin and Development*, Boston, 1902, pp. 57, 58.

'The Persecution of Thomas Emlyn, 1703-1705' in *The Journal of Church and State*, vol. 48, 2006

Trinitarians from Arians and 'orthodox' from 'heterodox'. Third, perhaps, the persecution of Emlyn drew attention to his views and, in contrast to the way he has often been described, drew his quasi-Unitarian views into the mainstream of liberal theology.

On his death in 1741 the inscription on Emlyn's monument recorded that he was, 'to the shame and reproach of a Christian country, persecuted even to bonds and imprisonment, and the spoiling of his goods, for having maintained the supreme unequalled majesty of the one God and Father of all.' Historians tend to regard persecution in Britain for religious principles as a feature of the sixteenth and seventeenth centuries, but assume that it fell away quickly in the face of the English Enlightenment. Within the Church of England heterodoxy remained subject to censure and punishment, as the Colenso case and the prosecution of the authors of *Essays and Reviews* shows as late as the 1860s. But outside the Church there has been an assumption that there was freedom of conscience. With the exception of Catholicism, the Toleration Act is often assumed to have resolved the issue of liberty of conscience and freedom of religion for religious minorities. In fact, as the case of Thomas Emlyn shows, toleration was not extended to Unitarianism by 'orthodox' Protestants until later in the eighteenth century.