

The case of insolvent debtors, and the charity due to them, considered. A sermon preach'd before the right honourable the lord-mayor, the aldermen ... governors of the several hospitals of the City of London ... on ... April 22, 1728 / By Thomas Lord Bishop of Bangor.

Contributors

Sherlock, Thomas, 1678-1761.

Publication/Creation

London : Printed for J. Pemberton, 1728.

Persistent URL

<https://wellcomecollection.org/works/wmu2dj4n>

License and attribution

This work has been identified as being free of known restrictions under copyright law, including all related and neighbouring rights and is being made available under the Creative Commons, Public Domain Mark.

You can copy, modify, distribute and perform the work, even for commercial purposes, without asking permission.



Wellcome Collection
183 Euston Road
London NW1 2BE UK
T +44 (0)20 7611 8722
E library@wellcomecollection.org
<https://wellcomecollection.org>



T H E

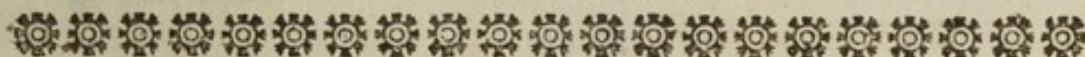
Bishop of *BANGOR*'s

S E R M O N

At St. BRIDGET's-Church,

O N

EASTER-MONDAY, *April 22, 1728.*



Becher, Mayor.

*Martis xiv^o. Die Maii, 1728. Annoq;
Regni Regis GEORGII II. Magnæ
Britanniæ, &c. Primo.*

IT is Ordered, That the Thanks of this Court be given to the Right Reverend Father in GOD, *Thomas* Lord Bishop of *Bangor*, for his Sermon preach'd before this Court, and the Governours of the several Hospitals of this City, at the Parish Church of *St. Bridget*, on *Monday* in *Easter-Week* last, and that he be desired to Print the same.

JACKSON.

4
*The Case of Insolvent Debtors, and the
Charity due to them, considered.*

A
S E R M O N

Preach'd before the
R I G H T H O N O U R A B L E
T H E
L O R D - M A Y O R,
T H E
A L D E R M E N,
A N D
G O V E R N O R S of the several Hof-
pitals of the City of *London*,
A T T H E
P a r i s h - C h u r c h of S t. B R I D G E T,
O N

M O N D A Y in *Easter-Week*, *April 22*, 1728.

By T H O M A S Lord Bishop of *BANGOR*.

L O N D O N,

Printed for J. PEMBERTON, at the *Golden Buck* against
St. Dunstan's-Church in *Fleetstreet*. MDCCXXVIII.

The Case of Inherent Debts, and the
Circumstances to them, considered.

A
SERMON

Preach'd before the
Right Honourable

LORD-MAYOR,



Governors of the
City of London,

Parish-Church of St. Bride's,

ON
Monday in Easter-Week, April 22, 1718.

By Thomas Lord Bishop of BANGOR.

LONDON:
Printed for J. Parnerton, at the Golden Ball against
St. Dunstons Church in Westgate. MDCCLXVIII.



MATTHEW xviii. 29, 30.

And his Fellow Servant fell down at his Feet, and besought him, saying, Have Patience with me, and I will pay thee all.

And he would not; but went and cast him into Prison, till he should pay the Debt.



WHEN we consider the various Calamities and Distresses, under which many Persons and Families labour; and their utter Inability to support themselves under these Evils; it is some Alleviation to observe with what Diligence and Application Christian Charity has been at work to find proper Methods for the Comfort and Support of such as are in Misery and Affliction.

This

This Thought arises naturally from the Business of this Day. And, surely, this great and worthy City never appears more honourable in the Sight of God and Man, than when assembled for the Sake, and on the Behalf of those, who have nothing to plead for them, but their Misery; and nothing to return, but their Prayers.

As the Charitable Institutions under your Direction and Government, have no Use of Riches or Possessions but for the Supply of the Needy; the true Way of estimating their Condition, is to consider the Proportion which their Revenues bear to the Necessities of those who stand in need of their Assistance. If the Poor thrive and grow able to support themselves, the Hospitals grow rich in proportion; if the Poor and their Wants increase, the Hospitals themselves grow poor, and become the Object of every Christian's Charity.

From hence 'tis evident, that whoever, by any Methods of Oppression or Cruelty, adds to the Number of the Poor and Miserable, does as truly act in Opposition to these Charitable Foundations, and the End for which they are instituted, as if he took from them their Possessions. For whether you increase their Burden, or lessen their Maintenance, 'tis the same Thing.

There are few who will suspect themselves to be chargeable with any Design against these Charities; and there are, I believe, few indeed who have any formed Design against them. But if you consider the Case in the View now opened to you, it may appear, perhaps, that there are many who act daily in Opposition to this good Work, increasing that Burden, which is already almost insupportable.

There are many Ways which Men practise in oppressing the Poor, which might properly fall under this Consideration; but I shall confine myself to that single Instance, to which the Text relates, the Hard-heartedness and Cruelty which Men use towards their poor insolvent Debtors. And I the rather chuse to speak to this Case, because Men are apt to imagine that Conscience has nothing to do in it, and that they are secure from any Guilt, so long as they follow in a Legal Manner the Method prescribed by the Law. Perhaps too, for a like Reason, this Iniquity has been less reprov'd, than it deserves, by the Preacher; for fear he should be thought to condemn the Law of his Countrey.

I have no such Fear; nor do I mean to condemn the Law of my Countrey, or to charge it
with

with the Cruelty of those who abuse it. If the Law it self is severe, the more Reason there is to be cautious in the Use of it; but if Men will turn the Law, which was given them for the Security of their Property, into an Instrument of Oppression and Revenge, the Law is free, but they are guilty. And, without doubt, there have been many legal Proceedings in Courts of Justice, which, when they come to be re-examined in a higher Court, the Judge and the Jury shall be praised for executing the Law faithfully, and yet the Prosecutor condemned for Violence and Oppression.

There is a plain Difference between the Laws made for the publick Good and Safety, and those introduced in Favour of private Persons only. With respect to the first mention'd Laws, it is often criminal to conceal Offences committed against them, or to compound for them with the Offenders. To conceal Treason is an Offence of a very high Nature; for every Man is concerned in the Life and Welfare of the King, and bound to defend him: To compound with Thieves and Robbers is criminal, for this plain Reason among others, That whoever treats with a Thief for his Impunity, treats for a greater Interest than he has a Right to dispose of; for every Man has an Interest in bringing such Offenders to Justice: And therefore no Man can remit the Penalty, but he who

1

has

has a Right to act for the Publick, that is, the King only.

But as to the Laws introduced for the Sake of private Rights and Properties, the Case is otherwise. For as every Man may dispose of his own Rights and Properties as he thinks fit, so he is at Liberty to use the Methods which the Law has provided for the Recovery of his Rights, or not to use them, as he pleases. In all these Cases therefore the Law provides the Remedy, and leaves the Use of it to the Conscience of the Party concerned.

Since then Men are to be governed by the Rules of Reason and Conscience, in the Legal Prosecution of their own Rights; I desire you to consider with me, what it is that Reason and Conscience and Christian Charity require of us in the Case now under Consideration.

The Words of the Text are part of one of our Saviour's Parables. They do not contain an historical Account of a Fact, supposed to have happened just as it is related: But here is a Case stated by our Blessed Lord, with such Circumstances as he thought proper to support the Inference to be drawn from it; and therefore the Circumstances are to be considered as necessary Ingredients in the Judgment, which he makes upon this Case. Observe then,

First, Here is a Debt supposed to be justly due. The poor Man owed his Fellow Servant an hundred Pence.

Secondly, When the Debt is demanded, he does not deny it, or refuse to pay it, but desires Forbearance only, till he cou'd by his Labour and Industry raise enough to discharge the Debt.

Thirdly, He asks even this as a Favour, and with great Submission: He fell down at his Fellow-Servant's Feet and besought him. On the contrary,

Fourthly, The Creditor comes with Insolence and Violence to demand his Debt. *He laid Hands on his Fellow-Servant, and took him by the Throat saying, pay me that thou owest.* And when the poor Man besought him to have Patience, he regarded him not, but hurried him away to Prison; and for this Behaviour, he is called at the 32 ver. *Thou wicked Servant.*

Some of these Circumstances seem to be added, to aggravate the Cruelty of this wicked Servant; such are they which describe the Violence used on one Side, and the Submission and Intreaty offered on the other. And the Case commonly falls out to be

be so. Men are apt to demand their Debts, especially from their Equals or Inferiours, with a Haughtiness and Roughness hard to be born; and yet the poor Debtor is forced by Necessity to take it patiently, and to be all Submission.

But the Circumstances upon which the Reason of the Case depends, are principally these two: *First*, That the Debtor was not able to discharge the Debt at the Time of the Demand. *Secondly*, That he was willing to do Justice to his Creditor, and to endeavour by the best Means he cou'd use, to raise a Sum sufficient to answer the Demand. Therefore where either of these Circumstances are wanting, the Reason of the Case ceases, and together with it all Pleas for Forbearance and Compassion. Consequently every Man is at Liberty in Point of Conscience, to use the Method which the Law of his Countrey directs, to compel those to pay their Debts, who are able, but not willing to pay them. And in Truth where this is the Case, the Creditor is so far from being justly chargeable with Cruelty or Oppression in making Use of any Legal Method to recover his own, that the Charge lies strongly against the other Side. To delay poor Traders, or others, in the Payment of what is due to them, is always Injustice, and sometimes very barbarous Injustice. A poor Man may perhaps lose his Credit, which is the Life of his Business, or perhaps

haps his Liberty, which is the Life and Maintenance of himself and Family, for want of that very Money which you detain from him: And when this happens, is it any Compensation to pay the Man at last what is owing to him? So far from it, that such a Debtor, even when his Debt is paid, may stand charged in Conscience with the Ruin of a poor Family.

Another Circumstance, upon which the Judgment of our Saviour in this Case depends, is, That there be a Readiness and Willingness in the Debtor, to do Justice whenever he is able, and to use his best Endeavours to enable himself to do it. Consequently, All such Debtors are out of this Case, who deny their just Debts, or any Part of them; and all such as may be justly suspected to conceal their Effects, in order to defraud their Creditors: And such also, as live idly and profusely, squandering the Estate which ought to be applied to do Justice to those to whom 'tis due. The Reason of these Exceptions may be made plain in few Words. The present Inability of a Debtor, is the Argument for Delay and Forbearance; but this Inability comes not into Question where the Debt it self is denied. And since the Circumstances of Men change so fast as they do, the Man who wants Forbearance this Year, may in a few more be better able to pay the Debt, than the other is
to

to forgive it: And what Reason can be given why he shou'd not? Now he who denies the Debt, declares an Intention never to pay it; which certainly will justify the other, in endeavouring by a Legal Method to maintain and ascertain his Right; and till the Right is cleared, there is no Room for one Side to plead, or the other Side to consider the Arguments for Pity and Compassion.

The second Exception relates to a Case which is so manifestly fraudulent, that nothing can be said in its Excuse. They who conceal their Effects, and plead Poverty deceitfully, are mere Cheats, and deserve no Compassion. To prevent such Frauds, and to arm the Creditor with Power to compel a Discovery, seems to me to be the chief View and Design of the Law, which puts the Body of the Debtor into the Creditor's Power: And so odious is this Deceit, that the Law in some Cases and Circumstances, has annexed to it a far greater Penalty.

The third Exception relates to those, who oftentimes are free enough of their Promises to do Justice, and yet by their Actions declare daily, that they have nothing less at Heart than to do justly by their Creditors. Such are they, who live idly and profusely, and are constantly diminishing what they have, and by so doing are rendring themselves
less

less able every Day to pay their just Debts. Now what Reason can you imagine, that is proper to be laid before an honest industrious Man, to persuade him to be content that his own Family should suffer, and his Substance be wasted by the Folly and Extravagance of a Stranger? Such a Man would certainly punish and restrain a Son of his own, were he idle and extravagant; and what Kind of Goodness or Charity is it, to maintain and support the like Extravagance in another? Some wise Commonwealths have debarred such Persons from the Management of their own Estates; I am sure there is more Reason to debar them from spending the Estates of other Men; and this is what every extravagant Man does, whilst he consumes his Substance and leaves his Debts unpaid.

In these Cases, therefore, and in others of the like Nature, every good Man may, and every wise Man will, make use (in a reasonable Manner) of the Power which the Law gives him for the Security of his Property; and in so doing he stands clear of all Offence against Charity and good Conscience.

But when the Circumstances mentioned in the Text meet together; when the Debtor is chargeable with no Fault, or Fraud, but is disabled by
mere

mere Poverty to satisfy his Debts ; to use the Extremity of the Law against such a Man, is not only cruel and inhumane, but, as far as I can judge, contrary to the true Meaning and Design of the Law itself. For the Law which gives Power over the Body of the Debtor, is not a criminal Law, ordained for the Punishment of Offenders; but is a Law made to secure Men in their Properties, and to guard them against the Arts and Contrivances of such as would injure them in their just Demands. To use the Law, therefore, where it cannot possibly have any Effect towards securing your Property, but can serve only to harass and torment a poor unfortunate Man, is perverting the Law, and making it subservient to Purposes very different from those, for the Sake of which it was ordained. The Law does not entrust private Men with the Execution, or Relaxation of its Penalties for Crimes and Offences ; but in the present Case, every Man may imprison, or release from Prison his Debtor as he pleases : A plain Evidence that this Law was meant as a Defence of private Rights, and not as a Punishment for Criminals.

Is it then a general Rule, that the Law can never with good Conscience be executed against Insolvent Debtors ? There may, possibly, be Exceptions, and more than I can foresee ; but I think

they must all be attended with this Circumstance, That there be a Prospect of recovering the Debt, though the Debtor himself be insolvent. It may so happen, that he who has nothing of his own, may have wealthy Friends and Relations; and though Friends are not often willing, for the Sake of Justice, to pay the Debts of a Relation, yet, for the Honour of the Family, or out of personal Regard to the Relation, they will pay the Money as the Price of his Redemption from a Gaol. Many Cases may be imagined where a rich Relation ought in Reason to pay the Debt, rather than the poor Creditor to lose it. In such Cases, there may be a Reason to justify or excuse the Proceeding.

Some think that no Severity is too great to be used towards such, as have spent their Estates riotously to the Injury of their Creditors. And indeed little is to be said in Behalf of such Persons. Yet still 'tis worth considering, whether you would chuse to be Judge and Executioner in your own Cause. And if the Case be really so desperate, that you can aim at nothing by the Execution of the Law, but the Punishment of the Man who has wronged you; I am sure 'tis the safer Way to leave the Punishment to him, who has said, *Vengeance is mine, and I will repay.*

But

But the Case which I have principally in View, stands clear of these Exceptions. The unfortunate Persons, with whom the Goals are crowded are, for the most part, such as have neither Money nor Friends to assist them; such as have fallen into Poverty by Misfortunes, by a Decay in their Business; or perhaps by the Largeness of a Family, which their utmost Diligence could not support. Were they at Liberty, they might probably be of Use to themselves, and their poor Families, and also to their Creditors, by following their honest Callings and Employments. But now their Strength consumes in vain, they starve in Prison, and their Children out of it, or are thrown upon the Parish for a miserable Maintenance; and no Benefit or Advantage accrues, or can possibly accrue to the Person who confines them.

Men are often urged to deal thus severely with others, by the Grief and Anguish which attend the Disappointment they meet with in their just Expectation; and being themselves Sufferers, they think no Treatment too bad for those to whom they impute their own Distress. But could Men consider calmly how much Misery they bring into the World, and how many must partake in the sad Effects of their Resentment, I am persuaded that Humanity

and Compassion, Virtues to which this Country never was a Stranger, would in great measure prevent this Evil.

When the Father of a poor Family, who have nothing to depend on for their Subsistence but his Labour and Industry, is torn from them, what can the poor Widow and Orphans do? For a Widow *she is*, and Orphans *they are*, to all the Intents and Purposes of Sorrow and Affliction. 'Tis well if they take to no worse Employment than begging; oftentimes they are tempted to pilfer or steal, or to prostrate themselves for Bread; and happy is it for them, if they meet with no worse Fortune, than to fall into your Hands to be corrected and reformed.

In the mean time the wretched Father sees himself undone, and his Family dispersed and ruined. His Spirits sink under Sorrow, and Despair eats out his Strength and Life; that should you in time relent and release him, 'tis ten to one but the Relief comes too late. He is no longer the same Man; before his Imprisonment he was active and strong, and had Spirit to go through his Labour; he is now broken in Mind and Body, and not able to improve to any Advantage that Liberty, which at last you are willing to allow him.

Would

Would not any one who considers this, be apt to imagine, that no Man lies in Prison but for some great Debt; that 'tis impossible that any one should use another thus cruelly for a Trifle. And yet, in truth, the Case is quite otherwise: There are few, in comparison, who lie for great Sums; the far greater Number are confined for Trifles, for such Sums as must be reckon'd by Pence, and not by Pounds. 'Tis true, they are commonly confined at the Suit of those, who are almost as poor as themselves; and the Poverty on the one Side is often urged as a Justification of the Severity used against the other. But, alas! what Relief is it to one poor Man, to undo another? What Comfort is it to torment a Wretch, whose Misery can yield you no Profit or Advantage?

Whether I have justly represented the Consequences of this Case, or no, you, who have the poor Orphans of this City under your Care; and you, whose charitable Work it is to correct and reform the Vicious and Profligate; are best able to say: For you know all the Distresses of the Poor, and the Causes from whence they spring. And, to your Honour I speak it, you have provided for every Evil of Life a proper Remedy, or a proper Comfort. But I need not be your Orator, your

C 2

own

own Deeds will speak for you, far better than I can. The Report now to be read will shew both the Nature, and the good Management of the several Charities under your Direction.

Here the Report was read.

The Account now laid before you is capable of raising very different Sentiments in the Heart of a Christian. It is a melancholy Thing to hear the poor Orphans in one Place, the profligate Vagrants in another, the lame and impotent in a third, and the distempered in Mind in a fourth, reckoned up by hundreds and by thousands. To what Miseries is humane Life exposed!

But still, in the Midst of these Calamities, there is Reason to bless and adore the Goodness of God, who has put it into the Hearts of his Servants to provide Comfort and Relief for these Sons and Daughters of Affliction.

The richest among us, when he views these Misfortunes, sees nothing but what he is liable to himself. Examine the Condition of these Orphans, many of them perhaps born in the midst of Plenty, tho' now they live on Charity. There was a Time perhaps when *their* Fathers as little thought they should

should be beholden to an Hospital for the Maintenance of their Children, as we may think it at this Day.

Other Calamities make no Distinction between Rich and Poor; we have no Inheritance in the Use of our Limbs and Senses, but enjoy them by the good Pleasure of him who gave them. And whenever these Misfortunes overtake us, our Riches make but little Difference in the Case; a rich distracted Man, and a poor distracted Man, are very near upon an Equality; and as far as the Power of Imagination goes, they often change Conditions; the poor Man fancying himself to be a Prince, whilst the rich one pines and torments himself with the All-fears and Anxieties of Poverty.

Since then you are so nearly related to all the Miseries now placed within your View, need I say much to move Tenderness and Compassion towards a Case already so much your own? This is a Cause which Nature will plead for in every Heart not made of Stone. But there is one still greater Advocate to plead this Cause, even he who died for our Sins, and rose again for our Justification. These Orphans, these diseased in Body or in Mind, nay, even the profligate Wretches who are brought to you for Punishment and Correction, are his Care; and

and whatever Charity you bestow on them, he will reckon it as done to himself, and acknowledge it in the Sight of Men and of Angels, when he shall come again to judge the World in Righteousness.

F I N I S.



*BOOKS printed for J. PEMBERTON at the
Golden-Buck, against St. Dunstan's Church, in
Fleetstreet.*

1. **T**HE Use and Intent of Prophecy, in the several Ages of the World: In Six Discourses, delivered at the *Temple Church*, in *April* and *May* 1724. Published at the Desire of the Masters of the Bench of the Two Honourable Societies. To which are added, Three Dissertations. I. The Authority of the Second Epistle of *St. Peter*. II. The Sense of the Antients before *Christ*, upon the Circumstances and Consequences of the Fall. III. The Blessing of *Judah*, *Gen. xlix.* The Second Edition Corrected.

2. A Sermon preach'd before the Sons of the Clergy, at *St. Paul's*, *Decem. 5.* 1710.

3. A Sermon preach'd before the Right Honourable the Lord Mayor, &c. at *St. Paul's*, *November 5.* 1712.

4. A Sermon preach'd before the Honourable House of Commons, at *St. Margaret's Westminster*, *March 8.* 1714.

5. A Sermon preach'd at the *Temple Church*, *November 20.* 1715.

6. A Sermon preach'd before the Society for the Propagation of the Gospel in Foreign Parts, at *St. Mary-le-Bow*, *February 17.* 1715.

7. A Sermon preach'd before the Honourable House of Commons, at *St. Margaret's Westminster*, *June 7.* 1716.

*All written by the Right Reverend Father in God,
Thomas Lord Bishop of Bangor.*

8. Twenty Eight Sermons and Discourses upon plain and practical Subjects, very useful to be read in Families, under the following Heads, *viz.* 1. Godliness the Design of the Christian Religion. 2. Of the

BOOKS printed for J. Pemberton.

the Wisdom and Goodness of Providence. 3. Of Religious Melancholy. 4. Of the Immortality of the Soul. 5. Of the Necessity of Holiness in order to Happiness. 6. Of the Truth and Excellency of the Gospel. 7. Of good and bad Examples. 8. Of Publick Prayer and Thanksgiving. 9. Of the Future Judgment. 10. Of Faith and Works. 11. Of setting God always before us. 12. Of perfecting Holiness in the Fear of God. 13. Of doing Good to all Men. By the Right Reverend Dr. *John Moore*, late Lord Bishops of *Ely*. Publish'd with a Recommendatory Preface to each Volume. By *Samuel Clark*, D.D. Rector of *St. James's Westminster*.

9. The History of the Pontificate, from its supposed Beginning to the End of the Council of *Trent*, *Anno Dom. 1563*. In which the Corruptions of the Scriptures and Sacred Antiquity, Forgeries in the Councils, and Ineroachment of the Court of *Rome* on the Church and State, to support their Infallibility, Supremacy, and other Modern Doctrines are set in a true Light. By *Laurence Howel*, A. M. The Second Edition. Price 6 s.

10. A compleat History of the Holy Bible, contained in the Old and New Testament: In which are inserted the Occurrences that happened during the Space of about Four Hundred Years, from the Days of the Prophet *Malachi*, to the Birth of our Blessed Saviour, and that have been omitted in all, or most of the former Works of this Nature. The Whole illustrated with Notes; explaining several difficult Texts, and reconciling many seeming Contradictions in the Translations, as well *English* as others, of the sacred Scriptures. Adorned with above 150 Cuts, engraved by *J. Sturt*. In three Volumes. By *Laurence Howel*, A. M. The Fourth Edition corrected.