

# RESISTANCE TO METHODIST STUDENTS AT ST EDMUND HALL, OXFORD

*The Remarkable Case of Stephen Seager*

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## ABSTRACT

The expulsion of six Methodist students from St Edmund Hall, Oxford, in 1768 has been well documented. Much less is known about what John Wesley termed the ‘still more remarkable [case] of Mr. Seager, refused the liberty of entering’ the same Hall a year later—an event that finally convinced Wesley to add an advanced program of study at Kingswood School. This article gathers little-known published materials and previously unpublished manuscript records that cast further light on these developments.

Keywords: Joseph Benson, George Dixon, Methodists at Oxford, Stephen Seager, John Wesley

John Wesley published ‘A Plain Account of the Kingswood School’ in the *Arminian Magazine* in 1781.<sup>1</sup> A careful reading of this account suggests that it was composed as much as a decade earlier. Wesley states in the opening paragraph that he decided it was necessary to provide a more extended account of the school ‘after above twenty-years trial.’<sup>2</sup> Since Kingswood opened in 1748, this would point toward it being composed (at least in a first draft) closer to 1770 than to 1780. This suggestion is reinforced by Wesley’s reference later in the account to ‘the late remarkable occurrence’ of six young students being

1. *Arminian Magazine*, 4 (1781), 381–4, 432–5, 486–93 [hereafter *AM*].

2. *Ibid.* §1, 382.

expelled from Oxford University.<sup>3</sup> Wesley was using 'late' here in the sense of *recent*, referring to an event that took place in early 1768.

This expulsion of six Methodist students from St Edmund Hall, Oxford University has been well documented and analysed.<sup>4</sup> The Hall had gained a reputation in the broader University for openness to the Methodist movement, through the sympathies of its devout principal, George Dixon.<sup>5</sup> John Higson, the vice principal of St Edmund, grew restive with this reputation and began contesting Methodist convictions in his lectures.<sup>6</sup> This drew reaction from several students, whom he then accused formally of inveighing against the doctrine and discipline of the Church of England, and of treating him indecently in the classroom. He also suggested that some of the students lacked appropriate preparation in scholarly languages for study at the University.<sup>7</sup> Less formally Higson charged the students with enthusiasm because they talked of 'regeneration, inspiration, and drawing nigh unto God'.<sup>8</sup> When Dixon declined to take action against the students, Higson related the charges to David Durell, vice chancellor of the University.<sup>9</sup> On 11 March 1768 Durell and four assessors held a formal enquiry of the students, which resulted in six of them being expelled.<sup>10</sup>

While Wesley was surely bothered by this expulsion, he and his close associates understood that the discharged students were all Calvinists, and appear to

3. *Ibid.* §16, 488.

4. See S. L. Ollard, *The Six Students of St. Edmund Hall expelled from the University of Oxford in 1768* (London: Mowbray, 1911); Josiah Henry Barr, *Early Methodists Under Persecution* (New York: Methodist Book Concern, 1916), 169–99; Catharine K. Firman, 'A Footnote on Methodism in Oxford', *Church History*, 29/2 (1960), 161–6; and scattered references in L. S. Sutherland and L. G. Mitchell, eds, *The History of the University of Oxford*, vol. V: *The Eighteenth Century* (Oxford: Clarendon Press, 1986).

5. Revd George Dixon (c. 1710–87), of Wooloakes, Cumberland, matriculated at Queen's College, Oxford, in 1729 and proceeded to BA in 1734, MA in 1737, BD in 1757, and DD in 1758. In addition to serving as vicar of Bramley, Hampshire, he was elected principal of St Edmund Hall, Oxford, in 1760, and served in that role until his death. See the appreciative account of his life in the *Gentleman's Magazine*, 57 (1787), 287–8.

6. John Higson (1720–87) was made vice principal of St Edmund Hall in 1751. From 1754 to 1767 he served also as chaplain at Christ Church. From 1766 to his death, he was vicar of Batheaston, Somerset.

7. Ollard, *The Six Students*, 7–8. Higson charged seven students: Benjamin Kay, James Matthews, Thomas Jones, Thomas Grove, Erasmus Middleton, Benjamin Blatch, and Joseph Shipman. The charges against Blatch were dropped because he did not intend to seek ordination.

8. *Ibid.* 6.

9. David Durell (1728–75), principal of Hertford College (1757–65), was vice chancellor of Oxford University from 1765 until mid-1768.

10. The other four assessors were Dr Thomas Randolph, president of Corpus Christi College; Dr Thomas Nowell, principal of St Mary's Hall; Dr Thomas Fothergill, provost of Queen's College; and Revd Francis Atterbury, MA, senior proctor of the University.

have assumed that this was a key element in the judgement that they ‘inveighed against the doctrine’ of the Church of England.<sup>11</sup> As such, Wesley could hope that Oxford was still open to *Wesleyan* Methodists. This hope would have been reinforced when Joseph Benson, who had been serving as classics tutor at Kingswood School, was allowed to matriculate at St Edmund Hall in the spring of 1769.<sup>12</sup> But it proved short-lived, crushed three months later by what Wesley termed the ‘still more remarkable [case] of Mr. Seager, refused the liberty of entering into [Oxford University] (by what rule of prudence I cannot tell, any more than of law or equity)’.<sup>13</sup> As Wesley elaborated in a letter to Benson at the time, ‘The case of Mr. Seager is extremely odd, but nothing comes by chance. The hand of God is in all this. Perhaps whether we will or no, he will make Kingswood an university as well as a school.’<sup>14</sup> It was this conviction that finally freed Wesley from being held ‘longer in suspense’ and led to ‘A Plain Account of the Kingswood School’.<sup>15</sup>

Given the emphasis that Wesley placed on this ‘still more remarkable’ case of Mr Seager, it is unusual how little attention it has drawn from scholars of early Methodism.<sup>16</sup> A major reason is that the public record of the case is limited to two broadsheets—one announcing a pending enquiry and the other a response from Seager. Moreover, only one copy of each of these is known to survive, in the Bodleian Library at Oxford. These two broadsheets were first drawn to scholarly attention (and summarized briefly) by

11. While the indictments focused mainly on practices like preaching outside of church buildings and offering extempore prayers, at least one student (Benjamin Kay) was condemned for teaching ‘the doctrine of absolute election’ and emphasizing the irresistible work of the Spirit. Ollard, *The Six Students*, 21. See the emphasis on this point in Seager’s response below.

12. Joseph Benson (1749–1821) had been tutored by a Presbyterian elder in classical languages in preparation for studying for ordination. He aligned with Wesley in late 1766 and taught for a couple of years at Kingswood. He matriculated at St Edmund Hall on 15 March 1769. For Wesley’s endorsement of this move to Oxford, see Wesley to Joseph Benson (27 May 1769), *The Letters of the Rev. John Wesley, A.M.*, ed. John Telford, 8 vols (London: Epworth Press, 1931), V:137.

13. Wesley, ‘Plain Account of the Kingswood School’, §16, *AM*, 4 (1781), 488.

14. Wesley to Joseph Benson (7 August 1769), Methodist Archives and Research Centre [hereafter MARC], John Rylands Library, Manchester: MAM JW 1/37. As yet unpublished, this letter will appear in vol. 28 of the *Bicentennial Edition of the Works of John Wesley*.

15. Wesley, ‘Plain Account of the Kingswood School’, §16, *AM*, 4 (1781), 488.

16. Seager’s case falls outside the scope of Ollard. It is relevant to Firman’s ‘Footnote’, but receives no mention. Barr, *Early Methodists*, 198, quotes Wesley’s comment in ‘Plain Account’, but adds no details. Most recently Linda A. Ryan has discussed the case briefly, quoting from two of the manuscript letters transcribed below, in *John Wesley and the Education of Children: Gender, Class and Piety*, Routledge Methodist Studies Series (New York: Routledge, 2018), 66.

J. S. Reynolds in 1953.<sup>17</sup> The only other scholarly mention I have located of them, with a longer summary, is in 1970 by A. G. Ives.<sup>18</sup> Part of the purpose of this article is to provide the full text of these two rare broadsheets, with appropriate annotation.

But (like Wesley) what finally moved me to prepare this article was a 'more remarkable' find. Among the papers of Joseph Benson at the John Rylands Library in Manchester I stumbled upon a set of manuscripts recording Benson's vigorous attempt to defend Seager, including some formal documents in Latin. The other major purpose of this article is to provide transcriptions (and translations) of these materials, with appropriate annotation.<sup>19</sup>

Before moving to these primary texts, it would be helpful to summarize what we know about the person at the centre of the debate. His full name was Stephen Seager, and he was born c. 1747, likely in Warwickshire. Seager attended Kingswood School 1768–9, where he studied under Joseph Benson. On 26 June 1769 he presented himself for membership in St Edmund Hall (where Benson was a member) and admission to Oxford University. Admission to Oxford was denied in mid-July, but Seager remained at St Edmund Hall while appeals were being considered. As shown below, this included a possible legal appeal to the King's Bench, though there is no evidence that the case was actually submitted. Seager's name last appears on the buttery book of St Edmund Hall on 30 March 1770. What we know for certain after this point is that Seager did not opt to become an itinerant Methodist preacher. He is likely the person of that name who married Elizabeth Nutt in December 1770 and settled back in Birmingham as a grocer, dying in 1806.<sup>20</sup>

Disillusioned by Seager's case, Joseph Benson also soon left St Edmund Hall and Oxford University without receiving a degree. Unlike Seager, Benson did enter itinerant Methodist ministry in 1771, and became one of Wesley's most trusted associates.

17. J. S. Reynolds, *The Evangelicals at Oxford, 1735–1871: A Record of an Unchronicled Movement* (Oxford: Basil Blackwell, 1953), 45.

18. A. G. Ives, *Kingswood School in Wesley's Day and Since* (London: Epworth Press, 1970), 73–4.

19. These materials, owned by The Methodist Church in Britain and deposited in the John Rylands Library, are transcribed and published with the permission of the Trustees for Methodist Church Purposes and The John Rylands Library, University of Manchester.

20. Sources for the details summarized in this paragraph include: A. H. L. Hastling, W. A. Willis, and W. P. Workman, *The History of Kingswood School* (London: Charles Kelly, 1898), register, 101; the 'Buttery Book' in the archives of St Edmund Hall; and parish records for St Martin's Church in Birmingham.

## Documents Related to the Case of Stephen Seager in Chronological Order

### *(1) Initial Published Broadsheet*

University College, Oxon  
Monday, July 10, 1769

The Reverend Dr [George] Dixon, Principal of St. Edmund Hall, having acquainted the Vice-Chancellor<sup>21</sup> that a person admitted a member of his society would offer himself to be matriculated, the Vice-Chancellor saw reason, from what passed in conversation between Dr Dixon and himself upon the occasion, to make some farther enquiry into the character and conduct of the said person, previous to his matriculation. He therefore sent for him, and received from his own mouth, in the presence of Dr Dixon, the following account of himself.

June 26, 1769

Mr. Seager, twenty-two years of age, was originally intended by his father either for the ministry or the law; was bred at two or three different schools till the age of thirteen or fourteen, where he learned nothing but English; was then put apprentice to a silver-plater at Birmingham. When he had been at business about three, four, or five years, he was desirous of buying out his time (but his master would not part with him) in order that he might go to school to improve himself in literature. At the age of near twenty-one he accordingly went to the school at Kingswood near Bristol, where he has been ever since, and has read Sallust, Caesar's *Commentaries*, part of Terence and Virgil, and is now reading the Greek Testament.

The Vice-Chancellor submitted the above account to the Hebdomadal meeting,<sup>22</sup> whose opinion it was that an enquiry should be made into Mr. Seager's character and religious principles during his apprenticeship. To which enquiry the following letter is an answer:

21. Nathan Wetherell (1726–1808) had become vice chancellor of Oxford University in 1768 and would serve in that role until 1772.

22. A meeting of the proctors of the University of Oxford that takes its name from its schedule of convening every seven days.

Birmingham

July 2, 1769

Dear Sir,

Immediately on the receipt of yours I waited on Mrs. Lane,<sup>23</sup> and she informs me that Stephen Seager behaved himself very well as an apprentice, with diligence and sobriety. He was for some years, while he continued with her, closely connected with the Methodists and constantly attended their meetings, both public and private. He used to tell his companions in the shop he was born a preacher. And in consequence, I suppose, of that persuasion, on his leaving his mistress, he told her he should go to or near Bristol, to be instructed in an academy there<sup>24</sup> in such a manner as would qualify him to go to Oxford and become a preacher. This account may, I am persuaded, be relied on, and will sufficiently discover the genuine colour of his principles and character.

Your faithful and obliged humble servant,

J. Audley<sup>25</sup>

This letter being communicated to the Board, it was the unanimous opinion of the heads of houses and proctors that the whole affair should be laid before Convocation, and the sentiments of the house be taken, whether it will be expedient for the Vice-Chancellor to matriculate Mr. Seager under these circumstances.

For this purpose a Convocation will be holden on Wednesday next,<sup>26</sup> at twelve o'clock.

N. Wetherell, Vice-Chancellor<sup>27</sup>

23. Original note in document: 'Mrs. Lane was the person under whom Mr. Seager served the latter part of his apprenticeship.'

24. That is, Kingswood School.

25. John Audley (1707–82), a native of Birmingham, took his BA from Magdalen College, Oxford, in 1727, and continued on to the DD degree in 1743. He was currently serving as vicar of Curdworth, Warwickshire.

26. 12 July 1769.

27. Printed broadleaf; held in Oxford University, Bodleian Library, Gough Oxon 62 (9).

(2) *Stephen Seager's Published Response**A Letter from Mr. Seager to the Reverend, the Vice-Chancellor*[11 July 1769]<sup>28</sup>

Reverend Sir,

Though I perceive it is in vain to flatter myself with hopes of being admitted a member of this University, being unfortunately represented as having connexion with the Methodists, a sort of people which I see the University is disposed to reject without distinction; yet that I may have no cause to reproach myself for the neglect of any means likely to undeceive the *venerable Convocation* in their conceptions concerning me, I take the liberty (which I hope you will excuse) to make an observation or two which I think may be conducive thereto.

As I understand my having been at a *trade* will occasion little objection, but that the chief reasons for refusing me will arise from Dr Audley's letter, I must take the freedom to say it is a very unfair representation of my character, and such a one as (will appear) he had not from Mrs. Lane. That this is not a groundless assertion is evident from a letter I have had from her in which, relating what passed between Dr Audley and herself, she *denies* mentioning any such unmeaning and (as she calls them) ridiculous words as that 'I said I was born a preacher.' Indeed I solemnly declare I never said or thought so, or anything tending that way. Nor did she tell him that I said, 'I will go to Oxford in order to be a preacher' (phrases invented, I presume, to make me appear as ridiculous as possible). But in reference to the last, he asking her whether I was inclined to be a minister, she answered that she heard I was.

How far the rest of his account can be depended on may be judged from these instances, and in particular the former. Indeed it partly proceeds upon suppositions of his own, which I think ought not to be taken for matter of fact. I am at a loss to know what he would insinuate by the inference he makes at the conclusion—viz., 'This account will sufficiently discover the genuine colour of his principles and character.' Mrs. Lane says she gave me 'the best of characters'; and you see by his own account I 'behaved with diligence and sobriety'. And what my principles are, I am sure, is unknown to him.

28. While undated, this letter had to be written after the 10 July broadsheet of Weatherell and in time to be published before the meeting on Wednesday, 12 July.

But that you may not proceed upon supposition, I may just mention that I do not adopt the tenets of any *sect* or *party particularly*, but take my religious principles from Holy Scripture, as set forth in the Articles, etc., of our Church. And I cannot suppose they can afford matter for any charge against me, since they are not, I perceive, liable to the same imputation of error with those of the young men expelled. For they were essentially opposite in the most *material* points, and especially in those which the University chiefly objected to—I mean, respecting *absolute predestination*, *final perseverance*, and other Calvinistic notions; all of which I am as far from believing as (perhaps) any in the University, or from having any connexion with their espousers.

Now, reverend sir, I hope I have given no offence by endeavouring to clear my character of the aspersions cast upon it. My not being admitted here may not be the only consequence of such aspersions, if not removed. Indeed, I desired to be admitted here chiefly with a view to perfect myself in academical studies as (I suppose), should I so determine, I could get testimonials from *clergy-men* and *persons of distinction* sufficient to introduce me into *orders* without being at Oxford. And should I ever take *orders*, I flatter myself that my behaviour will be such as shall give no just cause of offence.

I am, reverend sir,

Your humble servant,

Stephen Seager<sup>29</sup>

(3) *Joseph Benson's Formal Statement of Support for Seager*<sup>30</sup>

[12 July 1769]<sup>31</sup>

Insig[nissime] Vice Can[cellario],

Utpote quae hodie praesenti convocacione decernenda erit Questio ad Honorem vel ad opprobrium universitatis pro determinatione

29. Printed broadleaf; held in Oxford University, Bodleian Library, Gough Oxon 62 (10).

30. Two drafts of this statement appear among Benson's papers in MARC: PLP 7/12/5 and PLP 7/12/6. They are both in Latin and broadly duplicate one another. The second draft is longer and more polished; thus most likely that presented publicly by Benson at the convocation. The transcription that follows is of the second draft. The few significant variations in the first draft are annotated to the English translation. I am grateful to Professor Owen Ewald of Seattle Pacific University for major assistance in both transcribing and translating these documents.

31. Presented at the formal convocation on 12 July 1769.

sequenti haud minimum referri poterit, ignoscendum esse mihi ab omnibus arbitror enim de hac re sententiam libentius exponam. Agitur enim nihil aliud in hac causa quam utrum Juvenis Pietate et bonis moribus commendatus, multum cupidus ut ex culto et Literis Scientiisque bene parato animo ad sacri ministerii munus admittatur, utrum, inquam, haec spectans Juvenis, huiusce almae universitatis inscribatur Discipulus. Multi forsitan mirantur, cum nihil esse in huiusce rerum statu intellexerint quod non sibi cum pluribus academicae conscriptis Discipulis commune est, qui enim cessante omni Discrimine admissi fuerant, cur de eo Discrimen fiat et Dubitatis. His non habeo quod respondeam.

At quoniam aliqui de Schola ubi enutritus fuerat disceptantur, alii, quod artis cuiusdam mechanicae rudimenta addidit, alii Scholasticae Eruditionis Ignorantiam obiciunt, pauca de unoquoque male concepto Impedimento adiciam. Ex eadem schola ex qua prodiit hic noster habemus in academia plures Discipulos quos sine aliquo de admissione eorundum orto Discrimine, in Academicorum numero inscribi aliquando contigit; praesertim nominem honestum illum Iuvenem e Collegio Jesu nuper admissum commensalem, Professoris nostri Rhetorices Consanguineum

In secundi subtractionem Impedimenti haec profiteor: fuisse cognoscimus academicos complures et iam adsunt, qui in eodem rerum statu quo hic noster versati fuerant. Hunc igitur excludi Juvenem, iniqui prorsus et Partium studis abrepti animi signum est, quam nolim profecto Criminationem in venerabilem hanc Domum et Academiam a Populo obici.

Denique si de Scholastica Juvenis Eruditione disceptatur. Experimento et Examinatione decernendum est, qua vi aequalis multis superior pluribus iam longo tempore academicis statuatus, non est inculpandae signum aequitatis eum rejici. Confitendus est Juvenem hunc nostrum, qui nunc propriis Facultatitibus sustentatus studio incumbit, non diu in eo laboravisse: at si adeo brevi tempore eo longe processerit, hoc certe ei in laudem maxime vertitur; testatur hoc quanto animo operi suo incumbit, quam vigili et constanti labore ad propositum Finem tendit.

Hoc loco nequeo omittere observationes meas, scilicet, Juvenes illos qui sponte suâ (cum alio Parentes et amici prius avocaverint) ad iudicium et scholasticum laborem vere dicaverunt, sacrum ministerium suscipiendi cupidi, optimos in eo et maxime laudabiles

fecisse progressus. Hac de causa fateor inter alias, ita censeo, juvenes illos ab Episcopo solemnî Formâ interrogatos, 'Num te credis ad hoc ministerium a Dei sancto Spiritu designatum esse, ad illius gloriam promovendam et ad Populi sui salutem?' paratiores esse ad respondendum cum iustê scilicet et debitâ animi confidentiâ quam qui ita respondent hac solum modo de causâ quod ab amicis ad hoc munus a primis et tenerrimis annis assignati essent nequi mihi soli arbitrator hanc esse sententiam.

Sed hactenus haec precor ubique Deum ut quodcunque hic loci decernitis, ad Honorem huius almae universitatis, ad Ecclesiae Christi Emolumentum et ad altissimi Gloriam referatur.

### [English Translation]

To the most distinguished Vice Chancellor,  
In relation to what will have to be decided today at the present meeting, a question will have to be applied to the honour or dishonour of the University, not least in relation to the following determination: that I must be pardoned by all, for I think I will explain my opinion more freely about this matter. For nothing is at issue in this case other than whether a youth praised for his faith and good morals, very eager to be admitted to the office of holy ministry from study and a mind well prepared by literature and sciences; whether a youth looking to these things should be enrolled as a student of this auspicious University. Many perhaps are wondering, since they understood that nothing was in the state of things of this man that was not shared by him with rather many students enrolled in this University, and since they (the majority of students) had been admitted with every partiality yielding, why partiality of doubt should occur concerning him. I have nothing which I may answer to these people.

But since some are debating about the school where he had been educated (some say that he learned only the basics of a certain mechanical skill, and others adduce his ignorance of university-level learning), I will add a few things about one particular poorly-understood obstacle. We have in the University from the same school from which this youth of ours went forth rather many students whom it befell to be enrolled from time to time in the group of university students without any partiality that arose concerning the admission of the same students; especially that honourable young person, from Jesus College

recently admitted as a fellow, who is a kinsman of our Professor of Rhetoric.<sup>32</sup>

I set forth these things for the removal of the second obstacle: we learn that there have been and still are present very many university students who had been situated in the same state of things in which this youth of ours is now. Therefore, the fact that this youth is denied admission is indeed a sign of an unfair mind, distracted by the games of partisanship, which I would not wish to be levelled as a reproach against this respected Hall and University. Finally, there is a debate about the university-level learning of the youth. It must be settled by testing and examination in which way he is equal to many and superior to more. As someone long-established in university-level studies, it is not a sign of blameless fairness that he is rejected. One must confess that this youth of ours who now, supported by his own faculties,<sup>33</sup> leans on his study has not laboured for a long time at it. But if therefore he has advanced far in such a short time, this certainly counts toward praise for him. This testifies with how great a spirit he leans toward his own task, with how wakeful and constant labour he continues toward his set goal.

In this space I cannot leave out my own observations; namely, that those youths who by their own will (since parents and friends earlier called them away to another place) declared their intention for testing and for university work since they were eager to take up holy ministry, have made the best and most praiseworthy progress in it. Concerning this case I confess, among other things, that I so think that those youths questioned by the bishop with solemn form, 'Do you really believe that you have been set apart for this ministry by the Holy Spirit of God, to promote his glory and the salvation of his people?' are more ready to respond with evidently righteous and earned confidence of soul than those who answer in such a way concerning this case only as they had been coached by friends to this office from their earliest and most tender years. And I judge that this opinion cannot be unique to me.

32. PLP 7/12/5 reads instead (in translation): 'An especially faithful youth, with upright morals, was admitted in the previous year as a scholarship student of Jesus College, with the patronage of the learned Principal of Saint Mary's Hall.' The principal of St Mary's Hall was Revd Thomas Nowell; he was also the public orator at Oxford University (apparently what Benson meant by 'Professor of Rhetoric'). The student was John Glascott (1749–1825), a nephew of Thomas Nowell, who studied at Kingswood 1766–69, and was admitted to Jesus College in June 1769.

33. PLP 7/12/5 elaborated: 'who is supporting himself of his own money and does not look for outside resources.'

But as far as these things are concerned, I pray to God, that whatever you all decide here, it may contribute to the honour of this auspicious University, to the enrichment of the Church of Christ, and to the glory of the Almighty.

(4) *Joseph Benson's Manuscript Letter to George Dixon*

[27 July 1769]

Reverend Sir,

Since I writ to you the other day,<sup>34</sup> a circumstance hath occurred to my mind which I think it may be well to intimate to you, and I hope will apologize for my freedom in troubling you with this.

I have just writ Mr. John Wesley a circumstantial account of the late affair at Oxford,<sup>35</sup> and withal hinted that if he had leisure from his other important employments to write anything upon the occasion, I thought it might be of use, as it appeared a fair opportunity to give mankind a view of their proceedings and to expose their conduct pretty handsomely, since it certainly is quite indefensible. But I advised him, would he think proper to interest himself in the affair, at least to defer it some months, as I did not know but you intended publishing something relating thereto. Now, reverend sir, should you both write, as I cannot conceive you could have anything in view but the promoting the glory of God, with all submission to your superior judgement I humbly offer it as my opinion that it might be very advantageous to the cause for you to communicate to each other what you may write on the subject before it is published. Your mutual reviewal of each other's performances might certainly obviate the inconvenience of both of you dwelling upon the same arguments and saying the same thing. At the same time, that it might render what you both write more complete and perfect, and so less liable to objection. This might be very easily done without it being known, as I cannot think it would be well they should know that you hold any correspondence with Mr. Wesley, or any other so publicly noted as the author and support of Methodism. However, I don't

34. No copy of Benson's earlier letter to Dixon is known to survive.

35. This letter of Benson to Wesley is not known to survive. While it is undated, Wesley's response is surely the letter in which he said, "Those hot-heads of Oxford will constrain me to be at them. But first let Dr Dixon speak"; holograph at the Wesley Centre Archives, Kingswood School, Bath (the opening portion of this letter, but not this quote, appears in Wesley, *Letters*, ed. Telford, V:123).

know yet whether Mr. Wesley will either find the leisure for a thing of that kind; or if he should,<sup>36</sup> whether he may not think that it will be more advantageous for him to be silent, if you will but undertake it.

But still, if he publishes nothing himself, I conceive it might be of use sir if you were to favour him with the perusal of what you have or may write, before it is made public, since his extensive learning, great abilities, and long and much experience in controversial writing, to say nothing of his piety and the acquaintance he must have with the state of the case, render him a person in my opinion very proper to advise in a thing of that nature. And I dare say he himself would be much obliged to you for such a mark of respect, and would certainly take kindly your correspondence and familiarity, and be glad to cultivate it. However that must be left entirely to your own superior judgement, whether you think it proper so to do. I only desire you would not take amiss the liberty I have assumed, since I assure you my intention is upright, however I may mistake in my sentiments of it. And if I have taken too much upon me, I humbly beg you will pardon the simplicity of one who, with the greatest regard and esteem for you, subscribes himself, reverend sir,

Your most obliged and humble servant,

Joseph Benson<sup>37</sup>

*Address:* 'To / The Revd Dr Dixon / Principal of St. Ed. Hall / Oxford.'

*(5) Joseph Benson's Manuscript Letter to John Wesley*

[Bristol]

[c. 3 August 1769]

Dear Sir,

The contents will, I hope, sufficiently apologize for my troubling you with this. Below you have Dr Dixon's answer to a letter I sent him last week, the purport of which was to desire if he writ anything in relation to Mr. Seager's affair, that he would communicate it to you before its publication.

36. Benson originally wrote, then struck out, at this point: 'whether he will be inclined to meddle in an affair which could embroil him with the whole University, and of consequence get him more enemies, which may be of prejudice to the work wherein he is engaged.'

37. Benson's manuscript draft of letter; MARC, PLP 7/6/2.

Dear Sir,

By your favour of the 27th of this month I find you imagine I intend publishing some account of Mr. Seager's affair; but assure yourself I have no such intention. With what purpose I sent for an exact copy of his letter to the Vice-Chancellor will appear from the case drawn up below to be laid before counsel. By which means I trust, by the blessing of God, I shall be enabled to put a more effectual stop to such violent and unchristian-like proceedings in the University than could possibly be done by writing upon them, at least by myself. But I could wish Mr. Wesley (to whom I beg my kind respects) would be so good as by writing to make these persecutors ashamed of themselves. In about a fortnight or three weeks time I purpose, God willing, to be in town,<sup>38</sup> when I intend to lay what I have sent you before counsel, and should be glad if Mr. Wesley in the meantime would recommend to me a proper person to lay it before, and would at the same time favour me with his observations and advice.

What I intend to lay before counsel is this:

The Statute	Tit. 2, Sec. 3, <i>De tempore conditionibus Matriculationis</i> <sup>39</sup>
The Statute	Tit. 2, Sec. 5, <i>De officio Praefectorum circa Scholares Matriculandos</i> <sup>40</sup>
The Statute	Tit. 17, Sec. 3, & 2, <i>De Autoritate et Officio Vice-Cancellarii</i> <sup>41</sup> [. . .] <i>et ut Haereticos, Schismaticos, et quoscunque alios minus recte de fide Catholica et Doctrina vel Disciplina Ecclesiae Anglicanae sentientes, procul a finibus Universitatis amandandos curet. Quem in finem, quo quisque modo erga Doctrinam vel disciplinam Ecclesiae Anglicanae affectus sit, Subscriptionis Criterio explorandi ipsi ius ac potestas esto. . . . Quod se quis de Schismate suspectus, etc.</i> <sup>42</sup>

38. That is, in London.

39. 'Of the time and conditions of Matriculation.' With the exception of n. 39, this and subsequent English translations come from G. R. M. Ward, tr., *Oxford University Statutes*, vol. I (London: William Pickering, 1845).

40. 'Of the duty of the heads of houses with respect to the Matriculation of Scholars.'

41. 'Of the Authority and Office of the Vice-Chancellor.'

42. '... and should take care that heretics, schismatics, and whoever else maintain less than appropriate sentiments concerning the catholic faith or the discipline of the Anglican Church

The paper dated July 10th, 1769; signed by the Vice-Chancellor Wetherell (1st)

Mr. Seager's letter to the Vice-Chancellor Wetherell (2nd)

### The Case

Stephen Seager, aged 22, was admitted a commoner of St. Edmund Hall in the University of Oxford by the Rev. Dr Dixon, Principal of the said Hall, on the 26 day of June. And on the same day the Principal acquainted the Vice-Chancellor that he intended to offer to him the said Stephen Seager, in order to his being matriculated, voluntarily making known to him the particulars of his education, as they are above related by Stephen Seager himself in the paper No. 1. The proceedings of the Vice-Chancellor on this occasion are set forth as above in the same paper, till the holding of the Convocation on Wednesday, July 12th. The Vice-Chancellor then declared that the cause of holding that Convocation was to take the sense of the house, 'whether it would be expedient for the Vice-Chancellor to matriculate the said Stephen Seager under the circumstances alleged'. He then ordered the Registrar to read the above mentioned paper No. 1, dated July 10th and signed by himself. But the reply which Stephen Seager had sent to the Vice-Chancellor on July 11th, as contained in the paper No. 2, was not produced by him, nor ordered to be read. The Convocation having thus heard the case *ex parte* only, judged it not expedient for the Vice-Chancellor to matriculate the said Stephen Seager. His literary qualifications were never called in question, nor was any objection made to them by the Vice-Chancellor or any member of Convocation. And he was all along willing and ready, and is now willing and ready, to subscribe to the 39 Articles of the Church of England, to take the Oaths of Allegiance and Supremacy, and that of fidelity to the University and obedience to the Statutes, in the usual form.

### In this Case it is Apprehended:

First, that the rights and privileges of private Colleges and Halls have been unjustly and unstatutably infringed. Every governor of a College or Hall in the University has always exercised a right to judge of the qualifications as to age, learning, etc. of the persons whom he admits into his society. The statutes of the University require such person, under special penalties, to be presented to the Vice-Chancellor within a time limited, that he may be matriculated. If the person thus presented submits *bonâ fide* to the tests which the statutes require, the

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should be far from the bounds of the University. To which end by which whoever in any way should be influenced contrary to the doctrine or discipline of the Anglican Church let there be a right and power to consider a test of subscription. . . . So that whoever is suspected of schism, etc.'

Vice Chancellor is not warranted by the statutes or usage to repel him; nor can he refuse to matriculate him without manifest injustice to the person himself and the society of which he is an actual member.

Secondly, that it was an unprecedented and irregular step in the Vice-Chancellor to bring this affair before the Convocation; he having proposed it to them for their opinion as a matter of *expediency*, whereas it was a matter of *right*. The Convocation was not called together to make a new statute, or explain the sense of a doubtful one, or to exercise any act of authority where they had proper jurisdiction; but to determine for the Vice-Chancellor whether it was expedient for him to act without the sanction of any statute, against constant usage, and in subversion of the rights and privileges of a particular society in the University.

Third, that supposing the Convocation had *power* to direct the Vice-Chancellor in this matter (which is presumed they had not, because he was not strictly bound by their determination), yet their proceeding was irregular and unjustifiable because the affair was laid before them in a defective and partial manner—the Vice Chancellor having only ordered the accusation contained in Dr Audley's letter to be read in the Convocation, but he did not order the defence to be read which Stephen Seager had sent with an intention and request that it might be communicated in the same manner as the former.

### Quaere?

Are these sufficient grounds for the Principal of St. Edmund's Hall to apply to the Court of King's Bench for a redress of grievances in this case, by moving for a mandamus<sup>43</sup> in order to compel the Vice-Chancellor to matriculate the said Stephen Seager?<sup>44</sup>

### (6) *Joseph Benson's Record of Dr Dixon's Case*<sup>45</sup>

[c. August 1769]

«. . . Dr Dixon<sup>46</sup> desired me to offer this to your consideration and would be pleased to have your opinion concerning it.

43. A judicial order from a superior court, to any public authority, to do (or forbear from doing) some specific act which that body is obliged under law to do (or refrain from doing).

44. Benson's manuscript copy for his records; MARC, PLP 7/12/28.

45. Dr Dixon had intended to present his case to a lawyer, and had asked Wesley for suggested persons. This document appears to be Benson's record of a letter either Wesley or he sent to a lawyer on Dixon's behalf. The identity of the recipient is, unfortunately, missing.

46. The top left corner of the folded manuscript has been torn away, removing any salutation and the first couple of words in the opening line, as well as a brief portion of the

### The Statutes

Tit. 2, §3 §5.

[§3] Omnes et singuli Studentes seu Scholares, cuiuscunque conditionis, intra quindenam postquam ad Universitatem accesserint, coram Cancellario eiusve Commissario matriculandos se sistant; nec, priusquam in Matriculam Universitatis relati fuerint, ullis Universitatis privilegiis aut beneficiis gaud-eant.<sup>47</sup> (if not they are to be fined).

[§5] Decretum est quod omnes et singuli Praefecti sive Magistri Collegiorum aut Aularum, (sive quocunque alio titulo ac nomine cognoscantur aut censeantur,) aut, ipsis absentibus, eorum Deputati, teneantur et obligentur, infra quindenam a tempore quo aliquis Scholarium sive Studentium in suum Collegium sive Aulam fuerit admissus, eundem Scholarem sive Studentem coram Cancellario, vel eius Commissario qui pro tempore fuerit, personaliter sistendum curare, ut in Matriculam Universitatis nomen eius debite referatur. Una cum Matriculando accedat ipsius Tutor, qui, fide sua data Universitati, conditionem Matriculandi, (utrum scilicet Nobilis, Equitis, Doctoris, Armigeri, Generosi, an Plebeii filius sit,) Vice-Cancellario bona fide prodere tenebitur. Quod si Tutor recusaverit, Tutoris munere ipsi interdicatur.<sup>48</sup>

Tit. 3, §2. Quales Tutores Scholaribus proficiendi sint.

Statutum est, quod Scholares in quolibet Collegio vel Aula, statim a primo eorum ad Academiam adventu, singuli suos Tutores habeant, donec ad Gradum aliquem promoti fuerint; . . .

Et quod nullus pro Tutore se gerat, nisi qui sit in aliqua Facultate Graduat; Vir probitate et eruditione perspecta, Religione sincerus, iudicio Praefecti Collegii sive Aulae (in qua degit) comprobatus: vel, si circa hoc controversia oriatur, iudicio Vice-Cancellarii approbandus.

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second line. The missing material is recreated as possible. Since this defect is on the folded edge of the manuscript, it impacts four pages of text.

47. 'All students or scholars of whatever condition shall present themselves for matriculation, before the Chancellor or his commissary within a fortnight after their arrival at the University; nor shall they enjoy any privilege or benefit of the University before their names have been entered in the matriculation book.'

48. 'It is enacted that all the Heads or Masters of Colleges or Halls (or under whatever other title or name they are known or recognized), or in their absence their deputies, shall be bound, within a fortnight from the admission of any scholar or student into their College or Hall, to take care that such scholar or student is personally presented before the Chancellor or his commissary for the time being, for matriculation. His [the scholar's] tutor shall go with him to Matriculation, and shall be bound on his allegiance to the University, to give a faithful account to the Vice-Chancellor of the party's rank (whether he be the son of a Nobleman, Knight, Doctor, Esquire, Gentleman, or Plebeian); and if the tutor refuse to do so he shall be deprived of his office of tutor.'

Proviso insuper quod, si per probationes legitimas innotescat Vice-Cancellario, cuiquam minus idoneo Tutoris munus fuisse demandatum, liceat Vice-Cancellario eidem Tutoris officio omnino interdicere.<sup>49</sup>

Tit. 17, Sec. 1, §2: De [. . .] Autoritate Cancellarii.

. . . munus ejus est [. . .] Controversias omnes circa Causas Civiles, Spirituales, et Criminales, intra Universitatem terminabiles, pertinentes ad Scholares vel Personas [. . .] Privilegiatas, audire, dirimere, ac terminare. . . . contra Statutum Universitatis delinquentes, poena corporali. multa pecuniaria, etc. [. . .] sive expulsionem ab Academia, [. . .] punire. . . . Aularum Regimen, et Administrationem earundem, ut peculiarem sibi curam, in se suscipere, eumque in finem (quoties commodum sibi videbitur) easdem visitare, et de Praefecturis earundem disponere.<sup>50</sup>

Tit. 17, Sec. 3, §2: De [. . .] Officio Vice-Cancellarii.

Statutum est, quod, quicquid de consuetudine vel Statutis Universitatis Cancellario, cum praesens fuerit, permittitur, hoc idem, in eius absentia, a Vice-Cancellario fieri possit; . . . ut Haereticos, . . . procul a finibus Universitatis amandandos curet. Quem in finem, quo quisque modo erga Doctrinam vel Disciplinam Ecclesiae Anglicanae affectus sit, Subscriptionis Criterio explorandi [ipsi ius ac] potestas esto.<sup>51</sup>

49. 'How the Tutors, who are to be set over the Scholars, must be qualified.

It is enacted, that the scholars in every College or Hall shall, immediately upon their first arrival at the University, have their respective tutors until they are advanced to some degree . . .

Also, that no one shall act as tutor, but a graduate in some faculty, a man of tried virtue and learning, sincere in religion, and approved by the judgment of the head of the College or Hall in which he lives; or, should a question arise on the subject, one who is approved of by the judgment of the Vice-Chancellor.

Provided moreover, that if the Vice-Chancellor be satisfied upon lawful evidence, that the office has been intrusted to an incompetent person, the Vice-Chancellor may interdict him peremptorily from the office of tutor.'

50. 'Of the [. . .] Authority of the Chancellor.

*His* role is to hear, end, and determine all controversies regarding causes, civil, spiritual, and criminal, which are determinable within the University, and appertain to scholars, or persons privileged. . . . Also to punish offenders against the statute of the University with corporal chastisement, etc. [. . .] or expulsion from the University. . . . To take upon himself the government of the Halls, and the administration thereof, as a care peculiarly his own, and to that end to visit them (so often as to him seems meet), and to dispose of their headships.'

51. 'Of the Authority and Office of the Vice-Chancellor.

It is enacted, that whatever is competent by the custom or statutes of the University to the Chancellor, when present, may in his absence be done by the Vice-Chancellor. . . . and take care that heretics . . . are exiled to a distance from the University limits. With this intent he shall have the right and power of ascertaining by the test of subscription,

Tit 21, §1 and 19 De Judiciis

§1.[. . .] Statutum est quod nullus Scholaris vel Persona Privilegiata, de quacunque Causa in Universitate terminabili, quempiam in Curia aliqua extra Universitatem (nisi ordine Appellationis servato) conveniat; Nec cuiusquam alterius Curiae Iurisdictioni ultro se submittat; sed, alibi impetitus, Cancellarium vel Vice-Cancellarium, quam primum poterit, de Lite sibi intentata certiore faciat, et, modis quibus<sup>52</sup> potent, Privilegiorum Universitatis hac in parte conservationem solícite curet; sub poena, quod, si quis Scholaris vel Persona Privilegiata secus fecerit, ut Perturbator Pacis incarceretur et mulctetur; et, si in contumacia perstiterit, Privilegiis Universitatis exuatur.<sup>53</sup>

[§19] Ordinatum est, quod in iis Causis in quibus Appellare permittitur Appellatio gradatim [. . .] fiat: id est, primum a Cancellario eiusve Commissario [. . .] ad Congregationem Magistrorum Regentium; tum a Congregatione Regentium ad Convocationem Doctorum Magistrorum Regentium et non Regentium; et deinde, si tres conformes Sententiae non praecesserint, a Convocatione Doctorum Magistrorum Regentium et non Regentium ad Regiam Maiestatem in Cancellaria: sub poena Excommunicationis, Bannitionis, et Degradationis ei qui secus fecerit infligenda.<sup>54</sup>

Statuta Aularia Sec. 1

§4. Quod Principalis [. . .], in Admissione cuiusque Commensalis et Aularis, eiusdem Tutorem (si in eadem Aula degat) assignet; eundemque conveniat, et diligenter commoneat de cura susceptae Tutelae. . . .

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how every individual stands affected towards the doctrine or discipline of the Church of England.' This section is found on the reverse side of page 1, where the left corner was torn away; the missing portions are reconstructed from the published *Statutes*.

52. Benson miscopied as 'quibus modimum'.

53. 'Of the Courts [. . .] It is enacted, that no scholar or privileged person shall, in respect of any cause terminable within the University, convent any person in any court foreign to the University (except in observance of the order of appeal), nor submit himself of free-will to the jurisdiction of any other court, but shall, when impeached elsewhere, make known as early as possible to the Chancellor or Vice-Chancellor the suit wherewith he is threatened; and, in all possible ways be scrupulously careful to preserve the University privileges in this behalf, under penalty, if the party offending be a scholar or privileged person, of being imprisoned and fined as a disturber of the peace; and if he persists in his contumacy, of being ousted of the University privileges.'

54. 'It is ordained that in causes wherein appeals are allowable, the appeals shall be by steps [. . .], that is, in the first instance from the Chancellor, or his commissary [. . .], to the Congregation of masters regent, then from the Congregation of regents to the Convocation of doctors, masters regent and non-regent: and afterwards, if three sentences of a like tenor have not preceded, from the Convocation of doctors, masters regent and non-regent, to the Queen's majesty in Chancery, under the penalty of excommunication, banishment, and degradation to be inflicted on those who run counter.'

§8. Quod in qualibet Aula Tutorum nomina per Principales Vice-Cancellario annuatim exhibeantur; nec quisquam pro Tutore se gerat, nisi quem etiam Vice-Cancellarius idoneum censuerit et approbaverit.<sup>55</sup>

### The Case of Dr Dixon, Principal of St. Edmund Hall

The office of Principal of Edmund Hall is in the nomination of the Provost and Fellows of Queen's College and not, as other Halls are, in the nomination of the Chancellor of the University.

Dr Dixon was admitted Principal of Edmund Hall December 30, 1760, and is now Principal.

The government of Edmund Hall, like that of other Halls, is regulated by the University Statutes, and the *Statuta Aularia*.<sup>56</sup> And the person who is admitted to the government of any of these Halls is undoubtedly invested by such admission with all the authority and privileges belonging thereunto. (This includes?)<sup>57</sup> that the Principal shall appoint to every scholar ( . . . ) a tutor ('*si in eadem Aula degat*'<sup>58</sup>) and this tutor is to be ( . . . ).

In case there is no resident tutor in the Hall (which may happen (if there is) not a sufficient number of scholars to maintain a tutor, or (if the Vice-Chancellor's approbation is withheld with or without a reasonable cause) no further provision is made by the *Statuta Aularia*. And in this case it is apprehended that the case of the pupils must devolve upon the Principal, who is at all times and in all respects the principal tutor of his own Hall ex officio. To deprive him of any of the powers which are essential to his office is virtually to deprive him of his office itself. The Vice-Chancellor's approbation cannot be necessary in this case, as the Principal is not the tutor described in the statute, whose fitness the Vice-Chancellor is to judge of and approve.

Dr Dixon has done all in his power to procure a proper tutor. He desired the Vice-Chancellor to recommend one, which he excused himself from doing. An unexceptionable tutor offered himself to the Vice-Chancellor, but was refused

55. 'Statutes of the Halls

§4. That the principal [ . . . ] or vice-principal, shall, on the admission of every commoner and member of a Hall, assign him a tutor, (if the tutor lives in the Hall,) whom he shall summon and diligently remind of the charge of the tutorship which he is undertaking. . . .

§8. That the names of the tutors at every Hall shall be furnished to the Vice-Chancellor every year by the Principals; and that no person shall hold himself out as tutor without being adjudged competent by the Vice-Chancellor also, and approved.'

56. 'Statutes of the Halls'.

57. This is the third page of the folded manuscript where the missing portion again affects text in the top left corner. Less of the missing text could be reconstructed.

58. 'If the tutor lives in the Hall'.

by him, for not promising to comply with a condition which was unwarrantable and not in his power to perform. The Vice-Chancellor having thus arbitrarily rejected a qualified tutor, refused to matriculate a young gentleman, unexceptionable in point of morals and learning, presented to him by the Principal, alleging that he must be presented to him by a tutor and that he did not allow the Principal to be such, not only without any proof of disqualification, but even without assigning any reason for his refusal of him in that capacity. By this proceeding the Hall is now under an interdict and can receive no member.

Query: Can the Principal of Edmund Hall have any legal redress in this unprecedented case?

If such redress is to be had, to what court must he apply? And what must be the course of his proceedings?

N.B. If the Principal is obliged by Statute, Tit. 21, & 1, to have recourse to the Vice-Chancellor's court and no other, the cause, if it can be brought there, must be tried in a court where the Vice-Chancellor is both party and judge. The Principal is precluded by the same statute & 19 from carrying the appeal to the King's delegates in Chancery if the Vice-Chancellor's sentence should be confirmed by the two preceding appeals to the delegates of Congregation and Convocation.

There is the same improbability of redress in appealing to the Visitor, as the Vice-Chancellor has all along exercised the visitorial power in respect of the Hall, as representative of the Chancellor.

N.B. This case will be better understood by considering it with Mr. Seager's case, though it stands upon a different footing—viz., the Vice-Chancellor's claim of disallowing the Principal to be tutor in his own Hall.

*Endorsement:* 'abt. Mr. Seager'<sup>59</sup>

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59. Benson's manuscript copy for his records; MARC, PLP 7/12/7.