

"for every particular Congregation, voluntarily and freely united together, and entred into an Agreement with their Pastor and Minister upon a certain special mutual Contract, which when either Party failed in Performance of their part of that Contract, the other was at liberty, and freed there-from on the other part, and this no ways regarded by the Civil Government, who took care only, &c.

This is what I absolutely deny, and what they cannot prove. There is not one word said of it in any of the Agreements or Contracts which have been made with me and Mr. *Moulinars*, nor in those of any of our Churches with their Ministers. If, however they pretend that such a Clause ought to be *pre-supposed*, I say, that this can't be, unless with such large Restrictions and Limitations as would be no ways of Service to them in the Affair between us. The *first* of these Limitations is, That if such a Principle ought to be admitted in some sort, it must be supposed likewise, that there is a competent and unsuspected Judge, who may determine between the two Parties, which hath *failed* and neglected to *perform* their part of the Contract; For if it is left to each Party to have a Right to decide who is in the *Wrong*, and so be both *Judge and Party* in their own Cause, this will bring Confusion and Disorder into the Church, and abolish that Justice and Equity which ought to be the Rule of all Agreements.

The *second* Limitation, is That in case of *failure* in either Party, regard should be had to the nature and circumstances of such *Failure*, to judge if they are of sufficient Importance to deserve, that a breach of Contract should follow. For if Pretence is taken from the least *failure*, or any sort of *failure* whatsoever, to break a Bargain made between Persons who are bound to one another forever thereby, at this rate, (taking every thing in the utmost strictness) we should open the Door to all sorts of Breaches: All Marriages will be dissolved, all Engagements between Parents and Children, and between Masters & Servants, would be annulled; and to confine my self to the subject which we are upon, there would not be one Minister who could remain six Months peaceably in his Church. For either the Church might complain that the Minister had failed in his Duty, or the Minister might alledge, that the Church had not furnished him

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see 1 *Epist.* ch. 2

Freedom, they lay a
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